

111TH CONGRESS
1ST SESSION

H. R. 3779

To amend the Internal Revenue Code of 1986 to extend and expand the homebuyer tax credit.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2009

Mr. LANCE introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Internal Revenue Code of 1986 to extend and expand the homebuyer tax credit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homebuyer Tax Credit
5 Fairness Act of 2009”.

6 **SEC. 2. EXTENSION AND EXPANSION OF HOMEBUYER TAX**
7 **CREDIT.**

8 (a) REPEAL OF FIRST-TIME HOMEBUYER REQUIRE-
9 MENT.—

1 (1) IN GENERAL.—Subsection (a) of section 36
2 of the Internal Revenue Code of 1986 is amended by
3 striking “an individual who is a first-time home-
4 buyer of a principal residence” and inserting “an in-
5 dividual who purchases a principal residence”.

6 (2) CONFORMING AMENDMENTS.—

7 (A) Section 36(b)(1)(A) of such Code is
8 amended by inserting “with respect to any tax-
9 payer for any taxable year” after “subsection
10 (a)”.

11 (B) Section 36(c) of such Code is amended
12 by striking paragraph (1) and by redesignating
13 paragraphs (2) through (5) as paragraphs (1)
14 through (4), respectively.

15 (C) The heading of section 36 of such
16 Code (and the item relating to such section in
17 the table of sections for subpart C of part IV
18 of subchapter A of chapter 1 of such Code) are
19 amended by striking “**FIRST-TIME HOME-**
20 **BUYER**” and inserting “**HOMEBUYER**”.

21 (b) INCREASE IN DOLLAR LIMITATION.—

22 (1) IN GENERAL.—Section 36(b) of such Code
23 is amended by striking “\$8,000” each place it ap-
24 pears and inserting “\$15,000”.

1 (2) CONFORMING AMENDMENT.—Section
2 36(b)(1)(B) of such Code is amended by striking
3 “\$4,000” and inserting “\$7,500”.

4 (c) REPEAL OF INCOME PHASEOUT.—Section 36(b)
5 of such Code is amended by striking paragraph (2).

6 (d) WAIVER OF RECAPTURE FOR INDIVIDUALS ON
7 QUALIFIED OFFICIAL EXTENDED DUTY.—Paragraph (4)
8 of section 36(f) of the Internal Revenue Code of 1986 is
9 amended by adding at the end the following new subpara-
10 graph:

11 “(E) SPECIAL RULE FOR MEMBERS OF
12 THE ARMED FORCES, ETC.—

13 “(i) IN GENERAL.—In the case of the
14 disposition of a principal residence by an
15 individual (or a cessation referred to in
16 paragraph (2)) after December 31, 2008,
17 in connection with Government orders re-
18 ceived by such individual, or such individ-
19 ual’s spouse, for qualified official extended
20 duty service—

21 “(I) paragraph (2) and sub-
22 section (d)(2) shall not apply to such
23 disposition (or cessation), and

24 “(II) if such residence was ac-
25 quired before January 1, 2009, para-

1 graph (1) shall not apply to the tax-
2 able year in which such disposition (or
3 cessation) occurs or any subsequent
4 taxable year.

5 “(ii) QUALIFIED OFFICIAL EXTENDED
6 DUTY SERVICE.—For purposes of this sec-
7 tion, the term ‘qualified official extended
8 duty service’ means service on qualified of-
9 ficial extended duty as—

10 “(I) a member of the uniformed
11 services,

12 “(II) a member of the Foreign
13 Service of the United States, or

14 “(III) as an employee of the in-
15 telligence community.

16 “(iii) DEFINITIONS.—Any term used
17 in this subparagraph which is also used in
18 paragraph (9) of section 121(d) shall have
19 the same meaning as when used in such
20 paragraph.”.

21 (e) EXTENSION OF CREDIT.—Subsection (h) of sec-
22 tion 36 of such Code is amended by striking “December
23 1, 2009” and inserting “December 1, 2010”.

24 (f) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection, the amendments made by
3 this section shall apply to taxable years beginning
4 after December 31, 2008.

5 (2) WAIVER OF RECAPTURE FOR INDIVIDUALS
6 ON QUALIFIED OFFICIAL EXTENDED DUTY.—The
7 amendment made by subsection (d) shall apply to
8 dispositions and cessations after December 31,
9 2008.

10 (3) EXTENSION OF CREDIT.—The amendment
11 made by subsection (e) shall apply to purchases
12 after November 30, 2009.

13 **SEC. 3. RESCISSION OF UNOBLIGATED STIMULUS FUNDS.**

14 Effective on the date of the enactment of this Act,
15 there are hereby rescinded all unobligated balances of the
16 discretionary appropriations made available by division A
17 of the American Recovery and Reinvestment Act of 2009.

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