

112TH CONGRESS  
1ST SESSION

# S. 336

To permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent AMT relief, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2011

Mr. DEMINT introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent AMT relief, and for other purposes.

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 “Tax Relief Certainty  
5 Act of 2011”.

1           **TITLE I—PERMANENT TAX**  
 2                           **RELIEF**

3   **SEC. 101. REPEAL OF EGTRRA SUNSET.**

4           Section 901 of the Economic Growth and Tax Relief  
 5 Reconciliation Act of 2001 is repealed.

6   **SEC. 102. REPEAL OF JGTRRA SUNSET.**

7           Section 303 of the Jobs and Growth Tax Relief Rec-  
 8 onciliation Act of 2003 is repealed.

9   **SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS.**

10          The Secretary of the Treasury or the Secretary's del-  
 11 egate shall, not later than 90 days after the date of the  
 12 enactment of this Act, submit to the Committee on Ways  
 13 and Means of the House of Representatives and the Com-  
 14 mittee on Finance of the Senate a draft of any technical  
 15 and conforming changes in the Internal Revenue Code of  
 16 1986 which are necessary to reflect throughout such Code  
 17 the purposes of the provisions of, and amendments made  
 18 by, this Act.

19                           **TITLE II—PERMANENT**  
 20                           **INDIVIDUAL AMT RELIEF**

21   **SEC. 201. PERMANENT INDIVIDUAL AMT RELIEF.**

22           (a) MODIFICATION OF ALTERNATIVE MINIMUM TAX  
 23 EXEMPTION AMOUNT.—

24                   (1) IN GENERAL.—Paragraph (1) of section  
 25           55(d) of the Internal Revenue Code of 1986 (relat-

1       ing to exemption amount) is amended to read as fol-  
2       lows:

3               “(1) EXEMPTION AMOUNT FOR TAXPAYERS  
4       OTHER THAN CORPORATIONS.—In the case of a tax-  
5       payer other than a corporation, the term ‘exemption  
6       amount’ means—

7               “(A) the dollar amount for taxable years  
8       beginning in the calendar year as specified in  
9       the table contained in paragraph (4)(A) in the  
10      case of—

11              “(i) a joint return, or

12              “(ii) a surviving spouse,

13              “(B) the dollar amount for taxable years  
14      beginning in the calendar year as specified in  
15      the table contained in paragraph (4)(B) in the  
16      case of an individual who—

17              “(i) is not a married individual, and

18              “(ii) is not a surviving spouse,

19              “(C) 50 percent of the dollar amount ap-  
20      plicable under paragraph (1)(A) in the case of  
21      a married individual who files a separate re-  
22      turn, and

23              “(D) \$22,500 in the case of an estate or  
24      trust.

1 For purposes of this paragraph, the term ‘surviving  
 2 spouse’ has the meaning given to such term by sec-  
 3 tion 2(a), and marital status shall be determined  
 4 under section 7703.”.

5 (2) SPECIFIED EXEMPTION AMOUNTS.—Section  
 6 55(d) of such Code is amended by adding at the end  
 7 the following new paragraph:

8 “(4) SPECIFIED EXEMPTION AMOUNTS.—

9 “(A) TAXPAYERS DESCRIBED IN PARA-  
 10 GRAPH (1)(A).—For purposes of paragraph  
 11 (1)(A)—

“For taxable years beginning in—	The exemption amount is:
2011 .....	\$74,450
2012 .....	\$78,250
2013 .....	\$81,450
2014 .....	\$85,050
2015 .....	\$88,650
2016 .....	\$92,650
2017 .....	\$96,550
2018 .....	\$100,950
2019 .....	\$105,150
2020 .....	\$109,950
2021 .....	\$112,250.

12 “(B) TAXPAYERS DESCRIBED IN PARA-  
 13 GRAPH (1)(B).—For purposes of paragraph  
 14 (1)(B)—

“For taxable years beginning in—	The exemption amount is:
2011 .....	\$48,450
2012 .....	\$50,350
2013 .....	\$51,950

“For taxable years beginning in—	The exemption amount is:
2014 .....	\$53,750
2015 .....	\$55,550
2016 .....	\$57,550
2017 .....	\$59,500
2018 .....	\$61,700
2019 .....	\$63,800
2020 .....	\$66,200
2021 .....	\$68,200.”.

1           (b) ALTERNATIVE MINIMUM TAX RELIEF FOR NON-  
2 REFUNDABLE CREDITS.—

3           (1) IN GENERAL.—Subsection (a) of section 26  
4 of the Internal Revenue Code of 1986 is amended to  
5 read as follows:

6           “(a) LIMITATION BASED ON AMOUNT OF TAX.—The  
7 aggregate amount of credits allowed by this subpart for  
8 the taxable year shall not exceed the sum of—

9           “(1) the taxpayer’s regular tax liability for the  
10 taxable year reduced by the foreign tax credit allow-  
11 able under section 27(a), and

12           “(2) the tax imposed by section 55(a) for the  
13 taxable year.”.

14           (2) CONFORMING AMENDMENTS.—

15           (A) CHILD TAX CREDIT.—

16           (i) Section 24(b) of such Code is  
17 amended by striking paragraph (3).

18           (ii) Section 24(d)(1) of such Code is  
19 amended—

1 (I) by striking “section 26(a)(2)  
2 or subsection (b)(3), as the case may  
3 be,” each place it appears in subpara-  
4 graphs (A) and (B) and inserting  
5 “section 26(a)”, and

6 (II) by striking “section 26(a)(2)  
7 or subsection (b)(3), as the case may  
8 be” in the second last sentence and  
9 inserting “section 26(a)”.

10 (B) CREDIT FOR INTEREST ON CERTAIN  
11 HOME MORTGAGES.—Section 25(e)(1)(C) of  
12 such Code is amended to read as follows:

13 “(C) APPLICABLE TAX LIMIT.—For pur-  
14 poses of this paragraph, the term ‘applicable  
15 tax limit’ means the limitation imposed by sec-  
16 tion 26(a) for the taxable year reduced by the  
17 sum of the credits allowable under this subpart  
18 (other than this section and sections 23, 25D,  
19 and 1400C).”.

20 (C) SAVERS’ CREDIT.—Section 25B of  
21 such Code is amended by striking subsection  
22 (g).

23 (D) RESIDENTIAL ENERGY EFFICIENT  
24 PROPERTY.—Section 25D(c) of such Code is  
25 amended to read as follows:

1       “(c) CARRYFORWARD OF UNUSED CREDIT.—If the  
2 credit allowable under subsection (a) exceeds the limita-  
3 tion imposed by section 26(a) for such taxable year re-  
4 duced by the sum of the credits allowable under this sub-  
5 part (other than this section), such excess shall be carried  
6 to the succeeding taxable year and added to the credit al-  
7 lowable under subsection (a) for such succeeding taxable  
8 year.”.

9               (E) CERTAIN PLUG-IN ELECTRIC VEHI-  
10              CLES.—Section 30(c)(2) of such Code is  
11              amended to read as follows:

12             “(2) PERSONAL CREDIT.—For purposes of this  
13 title, the credit allowed under subsection (a) for any  
14 taxable year (determined after application of para-  
15 graph (1)) shall be treated as a credit allowable  
16 under subpart A for such taxable year.”.

17             (F) ALTERNATIVE MOTOR VEHICLE CRED-  
18             IT.—Section 30B(g)(2) of such Code is amend-  
19             ed to read as follows:

20             “(2) PERSONAL CREDIT.—For purposes of this  
21 title, the credit allowed under subsection (a) for any  
22 taxable year (determined after application of para-  
23 graph (1)) shall be treated as a credit allowable  
24 under subpart A for such taxable year.”.

1 (G) NEW QUALIFIED PLUG-IN ELECTRIC  
 2 VEHICLE CREDIT.—Section 30D(c)(2) of such  
 3 Code is amended to read as follows:

4 “(2) PERSONAL CREDIT.—For purposes of this  
 5 title, the credit allowed under subsection (a) for any  
 6 taxable year (determined after application of para-  
 7 graph (1)) shall be treated as a credit allowable  
 8 under subpart A for such taxable year.”.

9 (H) CROSS REFERENCES.—Section  
 10 55(c)(3) of such Code is amended by striking  
 11 “26(a), 30C(d)(2),” and inserting “30C(d)(2)”.

12 (I) FOREIGN TAX CREDIT.—Section 904 of  
 13 such Code is amended by striking subsection (i)  
 14 and by redesignating subsections (j), (k), and  
 15 (l) as subsections (i), (j), and (k), respectively.

16 (J) FIRST-TIME HOME BUYER CREDIT FOR  
 17 THE DISTRICT OF COLUMBIA.—Section  
 18 1400C(d) of such Code is amended to read as  
 19 follows:

20 “(d) CARRYFORWARD OF UNUSED CREDIT.—If the  
 21 credit allowable under subsection (a) exceeds the limita-  
 22 tion imposed by section 26(a) for such taxable year re-  
 23 duced by the sum of the credits allowable under subpart  
 24 A of part IV of subchapter A (other than this section and  
 25 section 25D), such excess shall be carried to the suc-



1 ceeding taxable year and added to the credit allowable  
2 under subsection (a) for such taxable year.”.

3 (3) ADOPTION CREDIT.—

4 (A) IN GENERAL.—Section 10909 of the  
5 Patient Protection and Affordable Care Act,  
6 and the amendments made thereby, are re-  
7 pealed; and the Internal Revenue Code of 1986  
8 shall be applied as if such section, and amend-  
9 ments, had never been enacted.

10 (B) CONFORMING AMENDMENTS.—

11 (i) Section 23(b) of the Internal Rev-  
12 enue Code of 1986, as in effect on Decem-  
13 ber 31, 2009, is amended by striking para-  
14 graph (4).

15 (ii) Section 23(c) of such Code, as in  
16 effect on December 31, 2009, is amended  
17 by striking paragraphs (1) and (2) and in-  
18 serting before paragraph (3) the following:

19 “(1) IN GENERAL.—If the credit allowable  
20 under subsection (a) for any taxable year exceeds  
21 the limitation imposed by section 26(a) for such tax-  
22 able year, reduced by the sum of the credits allow-  
23 able under this subpart (other than this section and  
24 sections 25D and 1400C), such excess shall be car-  
25 ried to the succeeding taxable year and added to the

1 credit allowable under subsection (a) for such tax-  
2 able year.”.

3 (iii) Section 23(c) of such Code, as in  
4 effect on December 31, 2009, is amended  
5 by redesignating paragraph (3) as para-  
6 graph (2).

7 (c) EFFECTIVE DATE.—The amendments and the re-  
8 peal made by this section shall apply to taxable years be-  
9 ginning after December 31, 2010.

10 **TITLE III—PERMANENT ESTATE**  
11 **TAX RELIEF**

12 **SEC. 301. PERMANENT ESTATE TAX RELIEF.**

13 (a) IN GENERAL.—Title III of the Tax Relief, Unem-  
14 ployment Insurance Reauthorization, and Job Creation  
15 Act of 2010, and the amendments made thereby, are re-  
16 pealed; and the Internal Revenue Code of 1986 shall be  
17 applied as if such title, and amendments, had never been  
18 enacted.

19 (b) EFFECTIVE DATE.—The repeal made by this sec-  
20 tion shall apply to estates of decedents dying, gifts made,  
21 and generation skipping transfers after December 31,  
22 2009.

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