

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO THE BILL (H.R. 4853) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO EXTEND THE FUNDING AND EXPENDITURE AUTHORITY OF THE AIRPORT AND AIRWAY TRUST FUND, TO AMEND TITLE 49, UNITED STATES CODE, TO EXTEND AUTHORIZATIONS FOR THE AIRPORT IMPROVEMENT PROGRAM, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES.

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December 01, 2010.—Referred to the House Calendar and ordered to be printed.

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Ms. Pingree, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a record vote of 7 to 2, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of the Senate amendment to H.R. 4853. The resolution makes in order a motion offered by the chair of the Committee on Ways and Means that the House concur in the Senate amendment to H.R. 4853 with the amendment printed in this report. The resolution provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The resolution waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The resolution provides that the Senate amendment and the motion shall be considered as read. Finally, the resolution authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of December 3, 2010. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any

matter for consideration pursuant to this resolution.

### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the motion (except those arising under clause 10 of rule XXI), the Committee is not aware of any points of order against the motion. The waiver of all points of order against the motion is prophylactic.

### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

#### *Rules Committee Record Vote No. 504*

Date: December 01, 2010.

Measure: Senate amendment to H.R. 4853.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide the appropriate waivers for an amendment if offered by the Ranking Member of the Ways and Means Committee, or his designee.

Results: Defeated 2–7.

Vote by Members: McGovern—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Foxx—Yea; Slaughter—Nay.

#### *Rules Committee Record Vote No. 505*

Date: December 01, 2010.

Measure: Senate amendment to H.R. 4853.

Motion by: Mr. Dreier.

Summary of motion: To increase time for debate to 3 hours.

Results: Defeated 2–7.

Vote by Members: McGovern—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Foxx—Yea; Slaughter—Nay.

#### *Rules Committee Record Vote No. 506*

Date: December 01, 2010.

Measure: Senate amendment to H.R. 4853.

Motion by: Mr. McGovern.

Summary of motion: To report the rule.

Results: Adopted 7–2.

Vote by Members: McGovern—Yea; Cardoza—Yea; Arcuri—Yea; Perlmutter—Yea; Pingree—Yea; Polis—Yea; Dreier—Nay; Foxx—Nay; Slaughter—Yea.

## Summary of the House Amendment

The amendment includes: Two year extension of alternative minimum tax relief; Permanent extension of marginal individual income tax rate reduction for middle-class taxpayers; Permanent reduced capital gains and dividend tax relief for middle-class taxpayers; Permanent extension of EGTRRA and ARRA improvements to child tax credit; Permanent extension of PEP and Pease relief for middle-class taxpayers; Permanent marriage penalty relief for middle-class taxpayers; Permanent earned income tax credit simplification and increase; Permanent extension of education tax incentives; Permanent extension of tax benefits for families and children; and Permanent extension of enhanced small business expensing.

Text of the House Amendment

**AMENDMENT TO THE SENATE AMENDMENT TO  
H.R. 4853  
OFFERED BY MR. LEVIN OF MICHIGAN**

The House concurs in the Senate Amendment to  
H.R. 4853 with the following amendment:

In lieu of the matter proposed to be inserted by the  
Senate amendment to the text of the bill, insert the fol-  
lowing:

**1 SECTION 1. SHORT TITLE; ETC.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Middle Class Tax Relief Act of 2010”.

4 (b) AMENDMENT OF 1986 CODE.—Except as other-  
5 wise expressly provided, whenever in this Act an amend-  
6 ment or repeal is expressed in terms of an amendment  
7 to, or repeal of, a section or other provision, the reference  
8 shall be considered to be made to a section or other provi-  
9 sion of the Internal Revenue Code of 1986.

10 (c) TABLE OF CONTENTS.—The table of contents for  
11 this Act is as follows:

Sec. 1. Short title; etc.

**TITLE I—MIDDLE CLASS TAX RELIEF MADE PERMANENT**

Sec. 101. Middle class tax relief made permanent.

Sec. 102. Certain provisions not applicable to high income individuals.

Sec. 103. Related amendments.

TITLE II—EXPENSING BY SMALL BUSINESSES OF CERTAIN  
DEPRECIABLE ASSETS

Sec. 201. Increased limitations on expensing by small businesses of certain de-  
preciable assets.

TITLE III—EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF

Sec. 301. Extension of alternative minimum tax relief for nonrefundable per-  
sonal credits.

Sec. 302. Extension of increased alternative minimum tax exemption amount.

TITLE IV—BUDGETARY PROVISION

Sec. 401. Paygo compliance.

1       **TITLE I—MIDDLE CLASS TAX**  
2       **RELIEF MADE PERMANENT**

3       **SEC. 101. MIDDLE CLASS TAX RELIEF MADE PERMANENT.**

4       (a) IN GENERAL.—Section 901 of the Economic  
5 Growth and Tax Relief Reconciliation Act of 2001 shall  
6 not apply to the following provisions of such Act (and to  
7 the amendments made by such provisions):

8           (1) Title I (relating to individual income tax  
9 rate reductions).

10          (2) Title II (relating to tax benefits related to  
11 children).

12          (3) Title III (relating to marriage penalty re-  
13 lief).

14          (4) Title IV (relating to affordable education  
15 provisions).

16       (b) REDUCED RATES ON CAPITAL GAINS AND DIVI-  
17 DENDS.—The Jobs and Growth Tax Relief Reconciliation  
18 Act of 2003 is amended by striking section 303.

1 **SEC. 102. CERTAIN PROVISIONS NOT APPLICABLE TO HIGH**  
2 **INCOME INDIVIDUALS.**

3 (a) **INDIVIDUAL INCOME TAX RATES.**—Subsection (i)  
4 of section 1 is amended by striking paragraph (2), by re-  
5 designating paragraph (3) as paragraph (4), and by in-  
6 serting after paragraph (1) the following new paragraphs:

7 “(2) **25- AND 28-PERCENT RATE BRACKETS.**—

8 The tables under subsections (a), (b), (c), (d), and  
9 (e) shall be applied—

10 “(A) by substituting ‘25%’ for ‘28%’ each  
11 place it appears (before the application of sub-  
12 paragraph (B)), and

13 “(B) by substituting ‘28%’ for ‘31%’ each  
14 place it appears.

15 “(3) **33-PERCENT RATE BRACKET.**—

16 “(A) **IN GENERAL.**—In the case of taxable  
17 years beginning after December 31, 2010—

18 “(i) the rate of tax under subsections  
19 (a), (b), (c), and (d) on a taxpayer’s tax-  
20 able income in the fourth rate bracket shall  
21 be 33 percent to the extent such income  
22 does not exceed an amount equal to the ex-  
23 cess of—

24 “(I) the applicable amount, over

25 “(II) the dollar amount at which  
26 such bracket begins, and

1           “(ii) the 36 percent rate of tax under  
2           such subsections shall apply only to the  
3           taxpayer’s taxable income in such bracket  
4           in excess of the amount to which clause (i)  
5           applies.

6           “(B) APPLICABLE AMOUNT.—For purposes  
7           of this paragraph, the term ‘applicable amount’  
8           means the excess of—

9           “(i) the applicable threshold, over

10           “(ii) the sum of the following amounts  
11           in effect for the taxable year:

12           “(I) the basic standard deduction  
13           (within the meaning of section  
14           63(c)(2)), and

15           “(II) the exemption amount  
16           (within the meaning of section  
17           151(d)(1)) (or, in the case of sub-  
18           section (a), 2 such exemption  
19           amounts).

20           “(C) APPLICABLE THRESHOLD.—For pur-  
21           poses of this paragraph, the term ‘applicable  
22           threshold’ means—

23           “(i) \$250,000 in the case of sub-  
24           section (a),

1                   “(ii) \$200,000 in the case of sub-  
2                   sections (b) and (c), and

3                   “(iii)  $\frac{1}{2}$  the amount applicable under  
4                   clause (i) (after adjustment, if any, under  
5                   subparagraph (E)) in the case of sub-  
6                   section (d).

7                   “(D) FOURTH RATE BRACKET.—For pur-  
8                   poses of this paragraph, the term ‘fourth rate  
9                   bracket’ means the bracket which would (deter-  
10                  mined without regard to this paragraph) be the  
11                  36-percent rate bracket.

12                  “(E) INFLATION ADJUSTMENT.—For pur-  
13                  poses of this paragraph, a rule similar to the  
14                  rule of paragraph (1)(C) shall apply with re-  
15                  spect to taxable years beginning in calendar  
16                  years after 2010, applied by substituting ‘2008’  
17                  for ‘1992’ in subsection (f)(3)(B).”.

18                  (b) PHASEOUT OF PERSONAL EXEMPTIONS AND  
19                  ITEMIZED DEDUCTIONS.—

20                  (1) OVERALL LIMITATION ON ITEMIZED DEDUC-  
21                  TIONS.—Section 68 is amended—

22                  (A) by striking “the applicable amount”  
23                  the first place it appears in subsection (a) and  
24                  inserting “the applicable threshold in effect  
25                  under section 1(i)(3)”,

1 (B) by striking “the applicable amount” in  
2 subsection (a)(1) and inserting “such applicable  
3 threshold”,

4 (C) by striking subsection (b) and redesignating  
5 subsections (c), (d), and (e) as sub-  
6 sections (b), (c), and (d), respectively, and

7 (D) by striking subsections (f) and (g).

8 (2) PHASEOUT OF DEDUCTIONS FOR PERSONAL  
9 EXEMPTIONS.—

10 (A) IN GENERAL.—Paragraph (3) of sec-  
11 tion 151(d) is amended—

12 (i) by striking “the threshold amount”  
13 in subparagraphs (A) and (B) and insert-  
14 ing “the applicable threshold in effect  
15 under section 1(i)(3)”,

16 (ii) by striking subparagraph (C) and  
17 redesignating subparagraph (D) as sub-  
18 paragraph (C), and

19 (iii) by striking subparagraphs (E)  
20 and (F).

21 (B) CONFORMING AMENDMENT.—Para-  
22 graph (4) of section 151(d) is amended—

23 (i) by striking subparagraph (B),

24 (ii) by redesignating clauses (i) and  
25 (ii) of subparagraph (A) as subparagraphs

1 (A) and (B), respectively, and by indenting  
2 such subparagraphs (as so redesignated)  
3 accordingly, and

4 (iii) by striking all that precedes “in  
5 a calendar year after 1989,” and inserting  
6 the following:

7 “(4) INFLATION ADJUSTMENT.—In the case of  
8 any taxable year beginning”.

9 (c) REDUCED RATE ON CAPITAL GAINS AND DIVI-  
10 DENDS.—

11 (1) IN GENERAL.—Paragraph (1) of section  
12 (1)(h) is amended by striking subparagraph (C), by  
13 redesignating subparagraphs (D) and (E) as sub-  
14 subparagraphs (E) and (F) and by inserting after sub-  
15 paragraph (B) the following new subparagraphs:

16 “(C) 15 percent of the lesser of—

17 “(i) so much of the adjusted net cap-  
18 ital gain (or, if less, taxable income) as ex-  
19 ceeds the amount on which a tax is deter-  
20 mined under subparagraph (B), or

21 “(ii) the excess (if any) of—

22 “(I) the amount of taxable in-  
23 come which would (without regard to  
24 this subsection) be taxed at a rate  
25 below 36 percent, over

1                   “(II) the sum of the amounts on  
2                   which tax is determined under sub-  
3                   paragraphs (A) and (B),

4                   “(D) 20 percent of the adjusted net capital  
5                   gain (or, if less, taxable income) in excess of the  
6                   sum of the amounts on which tax is determined  
7                   under subparagraphs (B) and (C),”.

8                   (2) DIVIDENDS.—Subparagraph (A) of section  
9                   1(h)(11) is amended by striking “qualified dividend  
10                  income” and inserting “so much of the qualified div-  
11                  idend income as does not exceed the excess (if any)  
12                  of—

13                   “(i) the amount of taxable income  
14                   which would (without regard to this sub-  
15                   section) be taxed at a rate below 36 per-  
16                   cent, over

17                   “(ii) taxable income reduced by quali-  
18                   fied dividend income.”.

19                   (3) MINIMUM TAX.—Section 55 is amended by  
20                   adding at the end the following new subsection:

21                   “(f) APPLICATION OF MAXIMUM RATE OF TAX ON  
22                   NET CAPITAL GAIN OF NONCORPORATE TAXPAYERS.—In  
23                   the case of taxable years beginning after December 31,  
24                   2010, the amount determined under subparagraph (C) of  
25                   subsection (b)(3) shall be the sum of—

1 “(1) 15 percent of the lesser of—

2 “(A) so much of the adjusted net capital  
3 gain (or, if less, taxable excess) as exceeds the  
4 amount on which tax is determined under sub-  
5 paragraph (B) of subsection (b)(3), or

6 “(B) the excess described in section  
7 1(h)(1)(C)(ii), plus

8 “(2) 20 percent of the adjusted net capital gain  
9 (or, if less, taxable excess) in excess of the sum of  
10 the amounts on which tax is determined under sub-  
11 section (b)(3)(B) and paragraph (1).”

12 (4) CONFORMING AMENDMENTS.—

13 (A) The following provisions are amended  
14 by striking “15 percent” and inserting “20 per-  
15 cent”:

16 (i) Section 1445(e)(1).

17 (ii) The second sentence of section  
18 7518(g)(6)(A).

19 (iii) Section 53511(f)(2) of title 46,  
20 United States Code.

21 (B) Sections 531 and 541 are each amend-  
22 ed by striking “15 percent of” and inserting  
23 “the product of the highest rate of tax under  
24 section 1(e) and”.

1 (C) Section 1445(e)(6) is amended by  
2 striking “15 percent (20 percent in the case of  
3 taxable years beginning after December 31,  
4 2010)” and inserting “20 percent”.

5 (d) EFFECTIVE DATES.—

6 (1) IN GENERAL.—Except as provided in para-  
7 graph (2), the amendments made by this section  
8 shall apply to taxable years beginning after Decem-  
9 ber 31, 2010.

10 (2) WITHHOLDING.—The amendments made by  
11 subparagraphs (A)(i) and (C) of subsection (c)(4)  
12 shall apply to amounts paid on or after January 1,  
13 2011.

14 **SEC. 103. RELATED AMENDMENTS.**

15 (a) APPLICATION OF INCREASE IN REFUNDABLE  
16 PORTION OF CHILD TAX CREDIT.—

17 (1) IN GENERAL.—Subsection (d) of section 24  
18 is amended—

19 (A) by striking “\$10,000” in paragraph  
20 (1)(B)(i) and inserting “\$3,000”, and

21 (B) by striking paragraphs (3) and (4).

22 (2) EFFECTIVE DATE.—The amendments made  
23 by this subsection shall apply to taxable years begin-  
24 ning after December 31, 2010.

1 (b) APPLICATION OF INCREASE IN EARNED INCOME  
2 TAX CREDIT.—

3 (1) IN GENERAL.—Subparagraph (B) of section  
4 32(b)(2) is amended to read as follows:

5 “(B) JOINT RETURNS.—

6 “(i) IN GENERAL.—In the case of a  
7 joint return filed by an eligible individual  
8 and such individual’s spouse, the phaseout  
9 amount determined under subparagraph  
10 (A) shall be increased by \$5,000.

11 “(ii) INFLATION ADJUSTMENT.—In  
12 the case of any taxable year beginning  
13 after 2010, the \$5,000 amount in clause  
14 (i) shall be increased by an amount equal  
15 to—

16 “(I) such dollar amount, multi-  
17 plied by

18 “(II) the cost of living adjust-  
19 ment determined under section 1(f)(3)  
20 for the calendar year in which the tax-  
21 able year begins determined by sub-  
22 stituting ‘calendar year 2008’ for ‘cal-  
23 endar year 1992’ in subparagraph (B)  
24 thereof.



1 (b) THRESHOLD AT WHICH PHASEOUT BEGINS.—  
2 Subparagraph (C) of section 179(b)(2) is amended by  
3 striking “\$200,000” and inserting “\$500,000”.

4 (c) INFLATION ADJUSTMENT.—Subsection (b) of sec-  
5 tion 179 is amended by adding at the end the following  
6 new paragraph:

7 “(6) INFLATION ADJUSTMENTS.—

8 “(A) IN GENERAL.—In the case of any  
9 taxable beginning in a calendar year after 2011,  
10 the \$125,000 and \$500,000 amounts in para-  
11 graphs (1)(C) and (2)(C) shall each be in-  
12 creased by an amount equal to—

13 “(i) such dollar amount, multiplied by

14 “(ii) the cost-of-living adjustment de-  
15 termined under section 1(f)(3) for the cal-  
16 endar year in which the taxable year be-  
17 gins determined by substituting ‘calendar  
18 year 2006’ for ‘calendar year 1992’ in sub-  
19 paragraph (B) thereof.

20 “(B) ROUNDING.—

21 “(i) DOLLAR LIMITATION.—If the  
22 amount in paragraph (1) as increased  
23 under subparagraph (A) is not a multiple  
24 of \$1,000, such amount shall be rounded  
25 to the nearest multiple of \$1,000.



1 “the period beginning with calendar year 2000 and  
2 ending with calendar year 2011”, and

3 (2) by striking “2009” in the heading thereof  
4 and inserting “2011”.

5 (b) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply to taxable years beginning after  
7 December 31, 2009.

8 **SEC. 302. EXTENSION OF INCREASED ALTERNATIVE MIN-**  
9 **IMUM TAX EXEMPTION AMOUNT.**

10 (a) IN GENERAL.—Paragraph (1) of section 55(d) is  
11 amended—

12 (1) by striking “(\$70,950 in the case of taxable  
13 years beginning in 2009)” in subparagraph (A) and  
14 inserting “(\$72,450 in the case of taxable years be-  
15 ginning in 2010 or 2011)”, and

16 (2) by striking “(\$46,700 in the case of taxable  
17 years beginning in 2009)” in subparagraph (B) and  
18 inserting “(\$47,450 in the case of taxable years be-  
19 ginning in 2010 or 2011)”.

20 (b) NONAPPLICATION OF EGTRRA SUNSET.—Sec-  
21 tion 901 of the Economic Growth and Tax Relief Rec-  
22 onciliation Act of 2001 shall not apply to the amendments  
23 made by section 701 of such Act.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2009.

4 **TITLE IV—BUDGETARY**  
5 **PROVISION**

6 **SEC. 401. PAYGO COMPLIANCE.**

7 The budgetary effects of this Act, for the purpose of  
8 complying with the Statutory Pay-As-You-Go-Act of 2010,  
9 shall be determined by reference to the latest statement  
10 titled “Budgetary Effects of PAYGO Legislation” for this  
11 Act, submitted for printing in the Congressional Record  
12 by the Chairman of the House Budget Committee, pro-  
13 vided that such statement has been submitted prior to the  
14 vote on passage.

