

94

AMENDMENT TO H.R. 2454
OFFERED BY MR. PATRICK MURPHY OF
PENNSYLVANIA

At the end of subtitle C of title IV, add the following:

1 **SEC. 434. SPECIAL RULES FOR CHARITABLE CONTRIBU-**
2 **TIONS OF ALTERNATIVE ENERGY PROPERTY**
3 **FOR EDUCATIONAL PURPOSES.**

4 (a) **IN GENERAL.**—Subsection (e) of section 170 of
5 the Internal Revenue Code of 1986 is amended by adding
6 at the end the following new paragraph:

7 “(8) **SPECIAL RULE FOR CONTRIBUTIONS OF**
8 **ALTERNATIVE ENERGY PROPERTY USED FOR EDU-**
9 **CATIONAL PURPOSES.—**

10 “(A) **LIMIT ON REDUCTION.**—In the case
11 of a qualified energy property contribution, the
12 reduction under paragraph (1)(A) shall be no
13 greater than the amount determined under
14 paragraph (3)(B).

15 “(B) **QUALIFIED ENERGY PROPERTY CON-**
16 **TRIBUTIONS.**—For purposes of this paragraph,
17 the term ‘qualified energy property contribu-
18 tion’ means a charitable contribution by a cor-

1 poration of qualified energy inventory property,
2 but only if—

3 “(i) the contribution is to—

4 “(I) an educational organization
5 described in subsection (b)(1)(A)(ii),
6 or

7 “(II) an organization described
8 in section 501(c)(3) and exempt from
9 tax under section 501(a) that is orga-
10 nized primarily for purposes of pro-
11 viding education or training,

12 “(ii) the property is constructed or as-
13 sembled by the taxpayer,

14 “(iii) the contribution is made not
15 later than 3 years after the date the con-
16 struction or assembly of the property is
17 substantially completed,

18 “(iv) the original use of the property
19 is by the donee,

20 “(v) substantially all of the use of the
21 property by the donee is for use within the
22 United States for educational or training
23 purposes that are related to the purpose or
24 function of the donee,

1 “(vi) the property is not transferred
2 by the donee in exchange for money, other
3 property, or services,

4 “(vii) the property will fit productively
5 into the donee’s educational or training
6 plan, and

7 “(viii) the taxpayer receives from the
8 donee a written statement representing
9 that its use and disposition of the property
10 will be in accordance with the provisions of
11 clauses (v), (vi), and (vii).

12 “(C) DEFINITIONS AND SPECIAL RULES.—

13 For purposes of this paragraph—

14 “(i) QUALIFIED ENERGY INVENTORY
15 PROPERTY.—The term ‘qualified energy in-
16 ventory property’ means any tangible per-
17 sonal property described in paragraph (1)
18 of section 1221(a) which is—

19 “(I) property which is used in
20 generating electricity from qualified
21 energy resources (as defined in section
22 45(e)(1)), or

23 “(II) property which is described
24 in subparagraph (A) of section
25 48(a)(3) (determined without regard

1 to any termination provision or other
2 time-based restriction contained in
3 section 48) and which meets the re-
4 quirements of subparagraph (D) of
5 section 48(a)(3).

6 “(ii) CORPORATION.—The term ‘cor-
7 poration’ has the meaning given such term
8 by paragraph (4)(D).

9 “(iii) USE OF PROPERTY AS ENERGY
10 SOURCE.—The use of property by the
11 donee as a source of energy for the donee
12 shall not be taken into account for pur-
13 poses of applying subparagraph (B)(v) if
14 the use described in such paragraph is sig-
15 nificant.

16 “(iv) CONSTRUCTION OF PROP-
17 erty.—Rules similar to the rules of para-
18 graph (4)(C) shall apply.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to contributions made after the
21 date of the enactment of this Act.

22 (c) REVENUE NEUTRALITY.—The amount of the de-
23 posit into the Climate Change Worker Adjustment Assist-
24 ance Fund under section 782(k) of the Clean Air Act shall
25 be reduced by the amount of the reductions in revenue

1 to the Treasury by reason of the amendment made by this
2 section and such amount shall instead be deposited into
3 the general fund of the Treasury.

