CONGRESSIONAL RECORD—HOUSE
July 16, 2001

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

H.R. 2423: Mr. Frost.
H. Con. Res. 17: Mrs. Davis of California.
H. Con. Res. 152: Mr. Kildee and Mr. English.
H. Con. Res. 162: Mrs. Rivers and Mr. Hinchey.
H. Con. Res. 178: Mr. Hoefelf.

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.

(a) In General.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Deduction for Individuals Not Itemizing Deductions.

"(1) In General.—In the case of an individual who does not itemize his deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the lesser of—

"(A) the amount allowable under subsection (a) for the taxable year for cash contributions, or

"(B) the applicable amount.

(2) Applicable Amount.—For purposes of paragraph (1), the applicable amount shall be determined as follows:

For taxable years beginning in:

<table>
<thead>
<tr>
<th>Year</th>
<th>Applicable Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002-2003</td>
<td>$25</td>
</tr>
<tr>
<td>2004-2006</td>
<td>$50</td>
</tr>
<tr>
<td>2007-2009</td>
<td>$75</td>
</tr>
<tr>
<td>2010 and thereafter</td>
<td>$100</td>
</tr>
</tbody>
</table>

In the case of a joint return, the applicable amount is twice the applicable amount determined under the preceding table.

(b) Direct Charitable Deduction.—

(1) In General.—Subsection (b) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting a semicolon and, and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction.

(2) Definition.—Section 63 of such Code is amended by redesigning subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Direct Charitable Deduction.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).

(3) Conforming Amendment.—Subsection (d) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting a semicolon and, and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.
If the person required to file such return knowingly fails to file a return, such person shall be personally liable for the penalty imposed pursuant to this subparagraph.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (B) of section 6104 of such Code (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: "In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c)."

(c) EFFECTIVE DATES.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2001.

SEC. 101. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b)(1)(A) of the Internal Revenue Code of 1986 (relating to corporations) is amended by striking "10 percent" and inserting "the applicable percentage".

(b) APPLICABLE PERCENTAGE.—Subsection (b) of section 170 of such Code is amended by adding at the end the following new paragraph:

"(5) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>For taxable years beginning in calendar year —</th>
<th>2002 through 2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>and thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicable percentage is—</td>
<td>10%</td>
<td>12%</td>
<td>13%</td>
<td>14%</td>
<td>15%</td>
<td>—</td>
</tr>
</tbody>
</table>

(c) CONFORMING AMENDMENTS.—

(1) Sections 512(b)(10) and 805(b)(2)(A) of such Code are each amended by striking "10 percent" each place it occurs and inserting "the applicable percentage" (determined in subsection (b)(5)).

(2) Sections 545(b)(2) and 556(b)(2) of such Code are each amended by striking "10 percent limitation" and inserting "applicable percentage limitation".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.
SEC. 105. REFORM OF EXCISE TAX ON NET INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) In General.—Subsection (a) of section 4940 of the Internal Revenue Code of 1986 (relating to excise tax based on investment income) is amended by striking "2 percent" and inserting "1 percent".

(b) Repeal of Reduction In Tax Where Private Foundation Meets Certain Distribution Tests.—Section 4940 of such Code is amended by striking subsection (b).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE Income OF CHARITABLE REMAINDER TRUSTS.

(a) In General.—Subsection (c) of section 661 of the Internal Revenue Code of 1986 (relating to exemption from income taxes) is amended to read as follows:

"(c) Taxation of Trusts.—

"(1) Income Tax.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, be subject to any tax imposed by this subtitle.

"(2) Excise Tax.—

"(A) In General.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512) that is determined as if part II of subchapter F (applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

"(B) Certain Rules to Apply.—The tax imposed by subparagraph (A) shall be treated as imposed in respect of the proceeds of this title other than subchapter E of chapter 42.

"(3) Character of Distributions and Coordination With Distribution Requirements.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

"(i) subsection (b),

"(ii) determining the value of trust assets under subsection (d)(2), and

"(iii) determining income under subsection (d)(3).

"(D) Tax Court Proceedings.—For purposes of this title other than subchapter E of chapter 42, a determination by the Tax Court may be made in respect of the tax imposed by paragraph (1) upon a charitable remainder trust if the court determines that the determination is in the public interest and that an expedited determination is necessary in order to protect the public interest in the orderly administration of the Code, and the court makes an order providing for the payment of interest at a rate not in excess of the rate prescribed under subchapter F for such year and the payment of any amount determined to be due under section 6663 of such Code as a result of such determination.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTIONS.

(a) In General.—Clause (ii) of section 170(e)(4)(B) of the Internal Revenue Code of 1986 (defining qualified research contributions) is amended by inserting "or assembled" after "constructed".

(b) Computer Technology and Equipment for Environmental Purposes.—Clause (ii) of section 170(e)(6)(B) of such Code is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(c) Conforming Amendment.—Subparagraph (D) of section 170(e)(6) of such Code is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (1) of section 1367(a)(7) of such Code (relating to adjustments to basis of stock of shareholders, etc.) is amended by striking "2 percent" and inserting "1 percent".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 109. RESEARCH EXCISE TAX REPEAL.

(a) In General.—Section 170(h) of such Code is amended by striking subsection (b) and inserting ''1 percent''.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 110. ALLEVIATION OF EXCISE TAx BASE ON INVESTMENT Income OF PRIVATE FOUNDATIONS.

(a) In General.—Subsection (b) of section 512 of such Code is amended by striking subsection (c), paragraph (1), and (2), and inserting a new paragraph (1) which provides in part that the excise tax imposed by paragraph (1) shall not be applied against the income of any charitable organization described in section 501(c)(3) which has engaged in any activities described in paragraphs (1) through (5) of section 170(e)(6) of such Code.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE II—EXPANSION OF CHARITABLE CHOICE

CHAPTER 1—PROVISION OF ASSISTANCE UNDER GOVERNMENT PROGRAMS BY RELIGIOUS AND COMMUNITY ORGANIZATIONS

Title XXIV of the Revised Statutes of the United States is amended by inserting after section 1367(a)(7), section 1367(a)(8), after section 1367(a)(9), and after section 1367(a)(10), and inserting the following:

"SEC. 1991. CHARITABLE CHOICE.

"(a) Short Title.—This section may be cited as the 'Charitable Choice Act of 2001'.

"(b) Purpose.—The purposes of this section are—

"(1) to enable assistance to be provided to individuals and families in need in the most effective and efficient manner;

"(2) to supplement the Nation's social service capacity by facilitating the entry of new, and the expansion of existing, efforts by religious and other community organizations in the administration and distribution of government assistance under the government programs described in subsection (c);

"(3) to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of government assistance under such programs;

"(4) to allow religious organizations to participate in the administration and distribution of such assistance without impairing the religious character and autonomy of such organizations; and

"(5) to protect the religious freedom of individuals and families in need who are eligible for government assistance, including expanding their opportunity to be able to choose to receive services from a religious organization providing such assistance.

"(c) Religious Organizations Included as Providers of Government—

"(1) In General.—

"(A) Inclusion.—For any program described in paragraph (4) that is carried out by the Federal Government, the Federal Government shall consider, on the same basis as other nongovernmental organizations, religious organizations in providing assistance under the program, and the program shall be implemented in a manner that is consistent with the establishment clause and the free exercise clause of the First Amendment to the Constitution.

"(B) Discrimination Prohibited.—Neither the Federal Government, nor a State or local government receiving funds under a program described in paragraph (4), shall discriminate against an organization that provides assistance under, or applies to provide assistance under such program on the basis that the organization is religious or has a religious character.

"(2) Funds Not Aid to Religion.—Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization's religious beliefs or practices. Notwithstanding the provisions of part 4 of title I of Civil Rights Act of 1964 (42 USC 2000 et seq.), shall apply to organizations receiving assistance funded under any program described in subsection (a)(4).

"(3) Funds Not Endorsement of Religion.—The receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not an endorsement by the government of religion or of the organization's religious beliefs or practices.

"(4) Programs.—For purposes of this section, a program is described in this paragraph—

"(A) if it involves activities carried out using Federal funds—

"(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

"(ii) related to the prevention of crime and amenities for crime victims’ families, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.);

"(iii) related to the provision of assistance under federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

"(iv) under subpart B or D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(v) under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(vi) related to the intervention in and prevention of domestic violence, including programs under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.); and

"(vii) related to hunger relief activities; or

"(B) if it involves activities carried out using State or local government funds or other assistance provided under a program described in paragraph (4), shall apply to organizations receiving assistance funded under any program described in subsection (c) of title II of the Workforce Investment Act of 1998 (Public Law 105-220); or

"(C) INCLUSION.—For any program described in paragraph (4) that is carried out by a State or local government with Federal funds, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations in providing assistance under the program, and the program shall be implemented in a manner that is consistent with the establishment clause and the free exercise clause of the First Amendment to the Constitution.

"(D) Discrimination Prohibited.—Neither the Federal Government, nor a State or local government receiving funds under a program described in paragraph (4), shall discriminate against an organization that provides assistance under, or applies to provide assistance under such program on the basis that the organization is religious or has a religious character.

"(E) Funds Not Aid to Religion.—Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization’s religious beliefs or practices.

"(F) Programs.—For purposes of this section, a program is described in this paragraph—

"(A) if it involves activities carried out using Federal funds—

"(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

"(ii) related to the prevention of crime and amenities for crime victims’ families, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.);

"(iii) related to the provision of assistance under federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

"(iv) under subpart B or D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(v) under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(vi) related to the intervention in and prevention of domestic violence, including programs under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.); and

"(vii) related to hunger relief activities; or
“(ii) except as provided in subparagraph (A) and clause (1), does not include activities carried out under Federal programs providing assistance to children eligible to attend elementary schools or secondary schools, as defined in section 1410 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2801).

“(d) Organizational Character and Autonomy.—

“(1) In General.—A religious organization that provides assistance under a program described in subsection (c)(4) shall have the right to retain its autonomy from Federal, State, and local governments, including such organization’s control over the definition, development, practice, and expression of its religious beliefs.

“(2) Additional Safeguards.—Neither the Federal, State, nor local government with Federal funds, shall require a religious organization, in order to be eligible to provide assistance under a program described in subsection (c)(4), to—

“(A) alter its form of internal governance or provisions in its charter documents; or

“(B) remove religious art, icons, scripture, or other symbols or provisions in its bylaws because such symbols or names are of a religious character.

“(e) Employment Practices.—A religious organization’s exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (c)(4), and any provision in such programs that is inconsistent with or would diminish the exercise of an organization’s autonomy recognized in section 702 or in this section shall have no effect.

“Nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e) regarding employment practices.

“(f) Effect on Other Laws.—Nothing in this section shall prevent the duty of a religious organization receiving assistance or providing services under any program described in subsection (c)(4) to comply with the nondiscrimination provisions in title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688) (prohibiting discrimination in education programs or activities on the basis of sex and visual impairment), section 554 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) (prohibiting discrimination on the basis of age).

“(g) Rights of Beneficiaries of Assistance.—

“(1) In General.—If an individual described in paragraph (2) or (3) of a religious organization providing assistance under subsection (c)(4) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c)(4), the appropriate Federal, State, or local governmental entity shall provide to such individual, if otherwise eligible for such assistance, an alternative that is accessible to such individual, in a reasonable period of time after the date of such objection, assistance that—

“(A) is an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds; and

“(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

“(2) Limitations on Use of Funds; Voluntary Participation.—A religious organization to provide assistance under any program described in subsection (c)(4) may direct the disbursement of some or all of the funds. If the State or local government comingle the State or local funds with the Federal funds provided under a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided under such program described in subsection (c)(4). If a State or local government contributes funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided under such program described in subsection (c)(4). If a State or local government contributes funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided under such program described in subsection (c)(4).

“(3) Individual Described.—An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c)(4).

“(h) Nondiscrimination Against Beneficiaries.—

“(1) Grants and Cooperative Agreements.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall not discriminate in carrying out the program against an individual described in subsection (g)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(2) Indirect Forms of Assistance.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) shall not deny an individual described in subsection (g)(3) admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(i) Accountability.—

“(1) In General.—Except as provided in paragraphs (2) and (3), a religious organization providing assistance under any program described in subsection (c)(4) shall be subject to the same regulations as other nongovernmental organizations receiving Federal funds with generally accepted accounting principles for the use of such funds and its performance of such programs.

“(2) Limited Audit.—

“(A) Grants and Cooperative Agreements.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall segregate government funds provided under such program into a separate account or accounts. Only the separate accounts of the government shall be subject to audit by the government.

“(3) Indirect Forms of Assistance.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) may segregate government funds provided under such program into a separate account or accounts. If such funds are so segregated, then only the separate accounts consisting of funds from the government shall be subject to audit by the government.

“(j) Self Audit.—A religious organization receiving services under any program described in subsection (c)(4) shall conduct annually a self audit for compliance with its duties under this section and submit a copy of the self audit to the appropriate Federal, State, or local governmental entity with a plan to timely correct variances, if any, identified in the self audit.

“(k) Limitations on Use of Funds; Voluntary Participation.—A religious organization to provide assistance under any program described in subsection (c)(4) may direct the disbursement of some or all of the funds. If the State or local government comingle the State or local funds with the Federal funds provided under a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided under such program described in subsection (c)(4). If a State or local government contributes funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided under such program described in subsection (c)(4). If a State or local government contributes funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided under such program described in subsection (c)(4).

“(l) Indirect Assistance.—When consistent with the purpose of a program described in subsection (c)(4), the Secretary of the department administering the program shall prescribe that the distribution of all of the funds, if determined by the Secretary to be feasible and efficient, in the form of indirect assistance. For purposes of this section, indirect assistance means assistance in which an organization receiving funds through a voucher, certificate, or other form of disbursement under this section receives such assistance as the result of the private choices of individual beneficiaries and no government endorsement of any particular religion, or of religion generally.

“(m) Treatment of Intermediate Grantors.—If a nongovernmental organization (referred to in this subsection as an ‘intermediate grantor’), acting under a grant or other agreement with the Federal Government, or a State or local government with Federal funds, is given the authority under the agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (c)(4), the intermediate grantor shall have the same duties under this section as the government or other party under this section (other than with subgrantors, but the intermediate grantor, if it is a religious organization, shall retain all other rights of a religious organization under this section).

“(n) Compliance.—A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action for injunctive relief pursuant to section 1979 against the State official or local government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action for injunctive relief pursuant to section 1979 against the State official or local government agency that has allegedly committed such violation.

“(o) Training and Technical Assistance for Small Nongovernmental Organizations.—

“(1) In General.—From amounts made available to carry out the purposes of the Office of Justice Programs (including any component or unit thereof, including the Office of Community Oriented Policing Services), funds are authorized to provide training and technical assistance, directly or through other entities or organizations, relating to potential application and participation in programs identified in subsection
(c)(4) to small nongovernmental organizations, as determined by the Attorney General, including religious organizations, in an amount not to exceed $50 million annually.

"(2) TYPES OF ASSISTANCE.—Such assistance may include—

(A) information and assistance in seeking such funds;

(B) gathering information which may include workshops and reasonable guidance;

(C) information and referrals to other nongovernmental organizations that provide expertise in accounting, legal issues, tax issues, program development, and a variety of other organizational areas; and


"(3) RESERVATION OF FUNDS.—An amount of no less than $5,000,000 shall be reserved under this section. Small nongovernmental organizations may apply for these funds to be used for assistance in providing full and equal integrated access to individuals with disabilities in programs under this title.

"(4) PRIORITY.—In giving out the assistance described in this subsection, priority shall be given to small nongovernmental organizations serving urban and rural communities.

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

SEC. 301. ADDITIONAL QUALIFIED ENTITIES ELIGIBLE TO CONDUCT PROJECTS UNDER THE ASSETS FOR INDEPENDENCE ACT.

Section 404(7)(A)(iii)(I)(aa) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "federally insured credit union; or".

SEC. 302. INCREASE IN LIMITATION ON NET WORTH.

Section 408(a)(2)(A) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "$10,000" and inserting "$20,000".

SEC. 303. CHANGE IN LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.

Section 410(b) of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

"(b) LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.—Not more than $500 from a grant made under section 406(b) shall be provided per year to any one individual during the project.

SEC. 304. ELIMINATION OF LIMITATION ON DEPOSITS FOR A HOUSEHOLD.

Section 410 of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "2002" and inserting "2003".

SEC. 305. EXTENSION OF PROGRAM.


SEC. 306. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TEXT.—The text of each of the following provisions of the Act for Independence Act (42 U.S.C. 604 note) is amended by striking "demonstration" each place it appears:

(1) Section 403.

(2) Section 404(2).

(3) Section 406.

(4) Section 405(b).

(5) Section 405(c).

(6) Section 405(d).

(7) Section 405(e).

(8) Section 405(g).

(9) Section 406(a).

(10) Section 406(b).

(11) Section 406(c)(1)(A).

(12) Section 407(c)(1)(A).

(13) Section 407(c)(1)(B).

(14) Section 407(c)(1)(C).

(15) Section 407(c)(1)(D).

(16) Section 407(d).

(17) Section 408(a).

(18) Section 408(b).

(19) Section 409.

(20) Section 410(e).

(21) Section 411.

(22) Section 412(a).

(23) Section 412(b).

(24) Section 412(c).

(25) Section 413(a).

(26) Section 413(b).

(27) Section 414.

(28) Section 414(b).

(29) Section 414(c).

(30) Section 414(d)(1).

(31) Section 414(d)(2).

(b) AMENDMENTS TO SUBSECTION HEADINGS.—The headings of each of the following sections of the Act for Independence Act (42 U.S.C. 604 note) are amended by striking "DEMONSTRATION":

(1) Section 405(a).

(2) Section 406(a).

(3) Section 408(a).

(c) AMENDMENTS TO SECTION HEADINGS.—The headings of sections 406 and 411 of the Act for Independence Act (42 U.S.C. 604 note) are amended by striking "DEMONSTRATION".

SEC. 307. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this title shall apply to funds provided before, on or after the date of the enactment of this Act.

(b) PRIOR AMENDMENTS.—The amendments made by title VI of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) shall apply to funds provided before, on or after the date of the enactment of such Act.

TITLE IV—CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS

SEC. 401. CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS.

(a) DEFINITIONS.—For purposes of this section:

(1) AIRCRAFT.—The term ‘‘aircraft’’ includes an airplane, glider, hang glider, balloon, kite, or lighter-than-air vehicle.

(2) BUSINESS ENTITY.—The term ‘‘business entity’’ includes a firm, corporation, association, partnership, professional corporation, professional association, trust, estate, or other form of enterprise.

(3) EQUIPMENT.—The term ‘‘equipment’’ includes aircraft, that is a part or component of an aircraft that is an integral part of an aircraft, or a part or component of an aircraft that is a critical component of an aircraft.

(4) FACILITY.—The term ‘‘facility’’ means any real property, including any building, improvement, or appurtenance.

(b) GROSS NEGLIGENCE.—The term ‘‘gross negligence’’ means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(6) INTENTIONAL MISCONDUCT.—The term ‘‘intentional misconduct’’ means conduct by an organization or its agents with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(7) MOTOR VEHICLE.—The term ‘‘motor vehicle’’ means the term as defined in section 30102 of title 49, United States Code.

(8) NONPROFIT ORGANIZATION.—The term ‘‘nonprofit organization’’ means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(9) STATE.—The term ‘‘State’’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIABILITY.—(1) LIABILITY OF BUSINESS ENTITIES THAT DONATE EQUIPMENT TO NONPROFIT ORGANIZATIONS.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by a business entity to a nonprofit organization.

(B) APPLICATION.—This paragraph shall apply with respect to civil liability under Federal and State law.

(2) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF FACILITIES TO NONPROFIT ORGANIZATIONS.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with the use of such facility by a nonprofit organization, if—

(i) the use occurs outside of the scope of business of the business entity;

(ii) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(iii) the business entity authorized the use of such facility by the nonprofit organization.

(B) APPLICATION.—This paragraph shall apply—

(1) with respect to civil liability under Federal and State law; and

(2) regardless of whether a nonprofit organization is a beneficiary of such use.

(c) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of an aircraft, motor vehicle, or the use of such equipment loaded to a nonprofit organization for use outside of the scope of business of the business entity, if—

(i) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(ii) the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.
CONGRESSIONAL RECORD—HOUSE

July 16, 2001

13275

OFFERED BY: Mr. Hinchey

AMENDMENT No. 1: In the item relating to ‘‘Federal Prison System—Buildings and Facilities’’, after the aggregate dollar amount, insert the following: ‘‘reduced by $73,000,000’’.

In title II, in the item relating to ‘‘Economic Development Administration—Economic Initiatives and Assistance Programs’’, after the aggregate dollar amount, insert the following: ‘‘increased by $73,000,000’’.

H.R. 2500

OFFERED BY: Mr. Hinchey

AMENDMENT No. 2: In title I, in the item relating to ‘‘Federal Prison System—Buildings and Facilities’’, after the aggregate dollar amount, insert the following: ‘‘reduced by $73,000,000’’.

In title II, in the item relating to ‘‘Economic Development Administration—Economic Initiatives and Assistance Programs’’, after the aggregate dollar amount, insert the following: ‘‘increased by $73,000,000’’.

H.R. 2500

OFFERED BY: Mr. Hinchey

AMENDMENT No. 3: Page 63, after line 9, insert the following:

TITLE IIA—DEPARTMENT OF JUSTICE

KLAMATH PROJECT WATER RIGHTS COMPENSATION

For just compensation for private property taken for public use, as required by the 5th Amendment to the Constitution of the United States, in accordance with law, by the Attorney General to the water users of the Klamath Project for the Federal taking of water rights pursuant to the Klamath Reclamation Project 2001 Annual Operations Plan, which provides for the delivery of no water to most of the lands served by the Klamath Reclamation Project, and instead implements an alternative plan developed pursuant to the Endangered Species Act of 1973; and the amount otherwise provided in this Act for ‘‘National Oceanic And Atmospheric Administration—Operations, Research, and Facilities’’ (and the amounts specified under such heading for ‘‘Salaries and Expenses’’) may be used to implement or to plan to implement any of the recommenda-

H.R. 2500

OFFERED BY: Ms. Waters

AMENDMENT No. 10: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sect. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

H.R. 2500

OFFERED BY: Mr. Hinchey

AMENDMENT No. 4: At the end of the bill, insert the following (preceding the short title) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sect. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

H.R. 2500

OFFERED BY: Mr. Kerns

AMENDMENT No. 5: Page 96, line 10, strike ‘‘$14,000,000,000’’ and insert the following:

the levels established by section 20(h)(1)(C) of the Small Business Act (15 U.S.C. 631 note)

H.R. 2500

OFFERED BY: Mr. Manzullo

AMENDMENT No. 6: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sect. 801. None of the funds made available in this Act may be used in connection with any system to conduct personal checks on persons purchasing a firearm that does not provide for the immediate destruction of all information submitted under the system by, or on behalf of, such person determined under such system not to be prohibited from receiving a firearm.

H.R. 2500

OFFERED BY: Mr. Paul

AMENDMENT No. 7: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sect. 801. None of the funds made available in this Act may be used for any United States contribution to the United Nations or any affiliated agency of the United Nations.

H.R. 2500

OFFERED BY: Mr. Paul

AMENDMENT No. 8: Page 70, after line 7, insert the following:

Sect. 305. (a) The Federal building located at 10th Street and Constitution Avenue, NW., in Washington, DC, and known as the Department of Justice Building, shall be designated and known as the ‘‘Robert F. Kennedy Department of Justice Building’’.

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the ‘‘Robert F. Kennedy Department of Justice Building’’.

H.R. 2500

OFFERED BY: Mr. Walden of Oregon

AMENDMENT No. 9: Page 108, after line 22, insert the following:

TITLE VIII—ON USE OF FUNDS

Sect. 801. None of the funds made available in this Act may be used to implement or to

H.R. 2500

OFFERED BY: Ms. Waters

AMENDMENT No. 11: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sect. 801. None of the funds appropriated in this Act under the heading ‘‘OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE—SALARIES AND EXPENSES’’ may be used to initiate a proceeding in the World Trade Organization (WTO) challenging any law or policy of a developing country that promotes access to HIV/AIDS pharmaceuticals or medical technologies to the population of the country.

H.R. 2500

OFFERED BY: Ms. Waters

AMENDMENT No. 12: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sect. 801. None of the funds appropriated in this Act under the heading ‘‘OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE—SALARIES AND EXPENSES’’ may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD) relating to HIV/AIDS pharmaceuticals.

H.R. 2500

OFFERED BY: Ms. Waters

AMENDMENT No. 13: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sect. 801. None of the funds appropriated in this Act under the heading ‘‘OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE—SALARIES AND EXPENSES’’ may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD).

H.R. 2500

OFFERED BY: Ms. Waters

AMENDMENT No. 14: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sect. 801. None of the funds appropriated in this Act under the heading ‘‘OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE—SALARIES AND EXPENSES’’ may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of
the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))).