115TH CONGRESS
1ST SESSION

H. R. ____

To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to provide disaster tax relief, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Brady of Texas (for himself, Mr. Shuster, and [see attached list of cosponsors]) introduced the following bill; which was referred to the Committee on ______

A BILL

To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to provide disaster tax 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,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Disaster Tax Relief and Airport and Airway Extension Act of 2017”.

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

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL AVIATION PROGRAMS

Sec. 101. Extension of airport improvement program.
Sec. 102. Extension of expiring authorities.
Sec. 103. Federal Aviation Administration operations.
Sec. 104. Small community air service.
Sec. 105. Air navigation facilities and equipment.
Sec. 106. Research, engineering, and development.
Sec. 107. Funding for aviation programs.

TITLE II—AVIATION REVENUE PROVISIONS

Sec. 201. Expenditure authority from Airport and Airway Trust Fund.
Sec. 202. Extension of taxes funding Airport and Airway Trust Fund.

TITLE III—EXPIRING HEALTH PROVISIONS

Sec. 301. Extension of certain public health programs.
Sec. 302. Extension of Medicare Patient IVIG Access Demonstration Project.
Sec. 303. Funds from the Medicare Improvement Fund.

TITLE IV—DEVELOPMENT OF PRIVATE FLOOD INSURANCE MARKET

Sec. 401. Private flood insurance.

TITLE V—TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA

Sec. 501. Definitions.
Sec. 502. Special disaster-related rules for use of retirement funds.
Sec. 503. Disaster-related employment relief.
Sec. 504. Additional disaster-related tax relief provisions.
Sec. 505. Budgetary effects.
TITLE I—FEDERAL AVIATION PROGRAMS

SEC. 101. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) Authorization of Appropriations.—

(1) In general.—Section 48103(a) of title 49, United States Code, is amended by striking the period at the end and inserting “and $1,670,410,959 for the period beginning on October 1, 2017, and ending on March 31, 2018.”.

(2) Obligation of amounts.—Subject to limitations specified in advance in appropriations Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2018, and shall remain available until expended.

(3) Program implementation.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the period beginning on October 1, 2017, and ending on March 31, 2018, the Administrator of the Federal Aviation Administration shall—

(A) first calculate such funding apportionments on an annualized basis as if the total
amount available under section 48103 of such title for fiscal year 2018 were $3,350,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking “September 30, 2017,” and inserting “March 31, 2018,”.

SEC. 102. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 47107(r)(3) of title 49, United States Code, is amended by striking “October 1, 2017” and inserting “April 1, 2018”.

(b) Section 47114(c)(1)(F) of title 49, United States Code, is amended—

(1) in the subparagraph heading by striking “FOR FISCAL YEAR 2017”; and

(2) in the matter preceding clause (i) by striking “for fiscal year 2017 an amount” and inserting “for each of fiscal years 2017 and 2018 an amount”.

9
(c) Section 47115(j) of title 49, United States Code, is amended by inserting “and for the period beginning on October 1, 2017, and ending on March 31, 2018” after “fiscal years 2012 through 2017”.

(d) Section 47124(b)(3)(E) of title 49, United States Code, is amended by inserting “and not more than $5,160,822 for the period beginning on October 1, 2017, and ending on March 31, 2018,” after “fiscal years 2012 through 2017”.

(e) Section 47141(f) of title 49, United States Code, is amended by striking “September 30, 2017” and inserting “March 31, 2018”.

(f) Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by inserting “and for the period beginning on October 1, 2017, and ending on March 31, 2018,” after “fiscal years 2012 through 2017”.

(g) Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “September 30, 2017” and inserting “March 31, 2018”.

(h) Section 140(c)(1) of the FAA Modernization and Reform Act of 2012 (126 Stat. 28) is amended by striking “2017” and inserting “2018”.


(i) Section 411(h) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note) is amended by striking “September 30, 2017” and inserting “March 31, 2018”.

(j) Section 822(k) of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 47141 note) is amended by striking “September 30, 2017” and inserting “March 31, 2018”.

(k) Section 2306(b) of the FAA Extension, Safety, and Security Act of 2016 (130 Stat. 641) is amended by striking “October 1, 2017” and inserting “April 1, 2018”.

SEC. 103. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D) by striking “and” at the end;

(B) in subparagraph (E) by striking the period at the end and inserting “; and”; and

(C) by inserting after subparagraph (E) the following:

“(F) $4,999,191,956 for the period beginning on October 1, 2017, and ending on March 31, 2018.’;”; and
(2) in paragraph (3) by inserting “and for the period beginning on October 1, 2017, and ending on March 31, 2018” after “fiscal years 2012 through 2017”.

SEC. 104. SMALL COMMUNITY AIR SERVICE.

(a) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742(a)(2) of title 49, United States Code, is amended by striking “and $175,000,000 for each of fiscal years 2016 and 2017” and inserting “$175,000,000 for each of fiscal years 2016 and 2017, and $74,794,521 for the period beginning on October 1, 2017, and ending on March 31, 2018,”.

(b) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743(e)(2) of title 49, United States Code, is amended by inserting “and $4,986,301 for the period beginning on October 1, 2017, and ending on March 31, 2018,” after “fiscal years 2012 through 2017”.

SEC. 105. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended by adding at the end the following:

“(6) $1,423,589,041 for the period beginning on October 1, 2017, and ending on March 31, 2018.”.
SEC. 106. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) in paragraph (8) by striking “and” at the end;

(2) in paragraph (9) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(10) $88,008,219 for the period beginning on October 1, 2017 and ending on March 31, 2018.”.

SEC. 107. FUNDING FOR AVIATION PROGRAMS.

(a) IN GENERAL.—Section 48114 of title 49, United States Code, is amended—

(1) in subsection (a)(2) by striking “2017” and inserting “2018”; and

(2) in subsection (c)(2) by striking “2017” and inserting “2018”.

(b) COMPLIANCE WITH FUNDING REQUIREMENTS.—The budget authority authorized in this title, including the amendments made by this title, shall be deemed to satisfy the requirements of subsections (a)(1)(B) and (a)(2) of section 48114 of title 49, United States Code, for the period beginning on October 1, 2017, and ending on March 31, 2018.
TITLE II—AVIATION REVENUE PROVISIONS

SEC. 201. EXPENDITURE AUTHORITY FROM AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) in the matter preceding subparagraph (A) by striking “October 1, 2017” and inserting “April 1, 2018”; and

(2) in subparagraph (A) by striking the semicolon at the end and inserting “or the Disaster Tax Relief and Airport and Airway Extension Act of 2017;”.

(b) CONFORMING AMENDMENT.—Section 9502(e)(2) of such Code is amended by striking “October 1, 2017” and inserting “April 1, 2018”.

SEC. 202. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Section 4081(d)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2017” and inserting “March 31, 2018”.

(b) TICKET TAXES.—

(1) PERSONS.—Section 4261(k)(1)(A)(ii) of such Code is amended by striking “September 30, 2017” and inserting “March 31, 2018”.

(2) Property.—Section 4271(d)(1)(A)(ii) of such Code is amended by striking “September 30, 2017” and inserting “March 31, 2018”.

(c) Fractional Ownership Programs.—

(1) Treatment as noncommercial aviation.—Section 4083(b) of such Code is amended by striking “October 1, 2017” and inserting “April 1, 2018”.

(2) Exemption from ticket taxes.—Section 4261(j) of such Code is amended by striking “September 30, 2017” and inserting “March 31, 2018”.

TITLE III—EXPIRING HEALTH PROVISIONS

SEC. 301. EXTENSION OF CERTAIN PUBLIC HEALTH PROGRAMS.

(a) Extension of Program of Payments to Teaching Health Centers That Operate Graduate Medical Education Programs.—Section 340H(g) of the Public Health Service Act (42 U.S.C. 256h(g)) is amended—

(1) by striking “and $60,000,000” and inserting “, $60,000,000”; and

(2) by inserting “, and $15,000,000 for the first quarter of fiscal year 2018” before the period at the end.
(b) Extension of Special Diabetes Program for Indians.—Section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254e–3(c)(2)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) $37,500,000 for the first quarter of fiscal year 2018.”.

(c) Technical Corrections.—Part D of the Public Health Service Act is amended by redesignating—

(1) the second subpart XI (42 U.S.C. 256i; relating to a community-based collaborative care network program) as subpart XII; and

(2) the second section 340H (42 U.S.C. 256i) as section 340I.

SEC. 302. EXTENSION OF MEDICARE PATIENT IVIG ACCESS DEMONSTRATION PROJECT.

Section 101(b) of the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012 (42 U.S.C. 1395l note) is amended—
(1) in paragraph (1), by inserting after “for a period of 3 years” the following: “and, subject to the availability of funds under subsection (g)—

“(A) if the date of enactment of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 is on or before September 30, 2017, for the period beginning on October 1, 2017, and ending on December 31, 2020; and

“(B) if the date of enactment of such Act is after September 30, 2017, for the period beginning on the date of enactment of such Act and ending on December 31, 2020’’; and

(2) in paragraph (2), by adding at the end the following new sentences: “Subject to the preceding sentence, a Medicare beneficiary enrolled in the demonstration project on September 30, 2017, shall be automatically enrolled during the period beginning on the date of the enactment of the Disaster Tax Relief and Airport and Airway Extension Act of 2017 and ending on December 31, 2020, without submission of another application. Chapter 35 of title 44, United States Code, shall not apply to any application form used for a Medicare beneficiary who enrolls in the demonstration project on or after such date of enactment.”.
SEC. 303. FUNDS FROM THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “during and after fiscal year 2021, $270,000,000” and inserting “during and after fiscal year 2021, $220,000,000”.

TITLE IV—DEVELOPMENT OF PRIVATE FLOOD INSURANCE MARKET

SEC. 401. PRIVATE FLOOD INSURANCE.

(a) FLOOD INSURANCE MANDATORY PURCHASE REQUIREMENT.—

(1) AMOUNT AND TERM OF COVERAGE.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended by striking “Sec. 102. (a)” and all that follows through the end of subsection (a) and inserting the following:

“Sec. 102. (a) Amount and Term of Coverage.—After the expiration of sixty days following the date of the enactment of this Act, no Federal officer or agency shall approve any financial assistance for acquisition or construction purposes for use in any area that has been identified by the Administrator as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any per-
sonal property to which such financial assistance relates is covered by flood insurance: Provided, That the amount of flood insurance (1) in the case of Federal flood insurance, is at least equal to the development or project cost of the building, mobile home, or personal property (less estimated land cost), the outstanding principal balance of the loan, or the maximum limit of Federal flood insurance coverage made available with respect to the particular type of property, whichever is less; or (2) in the case of private flood insurance, is at least equal to the development or project cost of the building, mobile home, or personal property (less estimated land cost), the outstanding principal balance of the loan, or the maximum limit of Federal flood insurance coverage made available with respect to the particular type of property, whichever is less: Provided further, That if the financial assistance provided is in the form of a loan or an insurance or guaranty of a loan, the amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan. The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property.”.

(2) Requirement for Mortgage Loans.—

Subsection (b) of section 102 of the Flood Disaster
Protection Act of 1973 (42 U.S.C. 4012a(b)) is amended—

(A) by striking paragraph (7);

(B) by redesignating paragraph (6) as paragraph (7);

(C) by striking the subsection designation and all that follows through the end of paragraph (5) and inserting the following:

“(b) REQUIREMENT FOR MORTGAGE LOANS.—

“(1) REGULATED LENDING INSTITUTIONS.—

Each Federal entity for lending regulation (after consultation and coordination with the Financial Institutions Examination Council established under the Federal Financial Institutions Examination Council Act of 1974) shall by regulation direct regulated lending institutions not to make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Administrator as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance: Provided, That the amount
of flood insurance (A) in the case of Federal flood insurance, is at least equal to the outstanding principal balance of the loan or the maximum limit of Federal flood insurance coverage made available with respect to the particular type of property, whichever is less; or (B) in the case of private flood insurance, is at least equal to the outstanding principal balance of the loan or the maximum limit of Federal flood insurance coverage made available with respect to the particular type of property, whichever is less.

“(2) FEDERAL AGENCY LENDERS AND MORTGAGE INSURANCE AND GUARANTEE AGENCIES.—

“(A) FEDERAL AGENCY LENDERS.—A Federal agency lender may not make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Administrator as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in accordance with paragraph (1).
Each Federal agency lender may issue any regulations necessary to carry out this paragraph. Such regulations shall be consistent with and substantially identical to the regulations issued under paragraph (1).

“(B) Other Federal mortgage entities.—

“(i) Coverage requirements.—

Each covered Federal mortgage entity shall implement procedures reasonably designed to ensure that, for any loan that—

“(I) is secured by improved real estate or a mobile home located in an area that has been identified, at the time of the origination of the loan or at any time during the term of the loan, by the Administrator as an area having special flood hazards and in which flood insurance is available under the National Flood Insurance Act of 1968, and

“(II) is made, insured, held, or guaranteed by such entity, or backs or on which is based any trust certificate or other security for which such entity
guarantees the timely payment of principal and interest, the building or mobile home and any personal property securing the loan is covered for the term of the loan by flood insurance in the amount provided in paragraph (1).

“(ii) DEFINITION.—For purposes of this subparagraph, the term ‘covered Federal mortgage entity’ means—

“(I) the Secretary of Housing and Urban Development, with respect to mortgages insured under the National Housing Act;

“(II) the Secretary of Agriculture, with respect to loans made, insured, or guaranteed under title V of the Housing Act of 1949; and


“(C) REQUIREMENT TO ACCEPT FLOOD INSURANCE.—Each Federal agency lender and each covered Federal mortgage entity shall accept flood insurance as satisfaction of the flood insurance coverage requirement under subparagraph (A) or (B), respectively, if the flood ins-
insurance coverage meets the requirements for
coverage under such subparagraph and the re-
quirements relating to financial strength issued
pursuant to paragraph (4).

“(3) GOVERNMENT-SPONSORED ENTERPRISES
FOR HOUSING.—The Federal National Mortgage As-
association and the Federal Home Loan Mortgage
Corporation shall implement procedures reasonably
designed to ensure that, for any loan that is—

“(A) secured by improved real estate or a
mobile home located in an area that has been
identified, at the time of the origination of the
loan or at any time during the term of the loan,
by the Administrator as an area having special
flood hazards and in which flood insurance is
available under the National Flood Insurance
Act of 1968, and

“(B) purchased or guaranteed by such en-
tity,

the building or mobile home and any personal prop-
erty securing the loan is covered for the term of the
loan by flood insurance in the amount provided in
paragraph (1). The Federal National Mortgage As-
association and the Federal Home Loan Mortgage
Corporation shall accept flood insurance as satisfac-
tion of the flood insurance coverage requirement
under paragraph (1) if the flood insurance coverage
provided meets the requirements for coverage under
that paragraph and the requirements relating to fi-
financial strength issued pursuant to paragraph (4).

“(4) REQUIREMENTS REGARDING FINANCIAL
STRENGTH.—The Director of the Federal Housing
Finance Agency, in consultation with the Federal
National Mortgage Association, the Federal Home
Loan Mortgage Corporation, the Secretary of Hous-
ing and Urban Development, the Government Na-
tional Mortgage Association, and the Secretary of
Agriculture shall develop and implement require-
ments relating to the financial strength of private
insurance companies from which such entities and
agencies will accept private flood insurance, provided
that such requirements shall not affect or conflict
with any State law, regulation, or procedure con-
cerning the regulation of the business of insurance.

“(5) APPLICABILITY.—

“(A) EXISTING COVERAGE.—Except as
provided in subparagraph (B), paragraph (1)
shall apply on the date of enactment of the Rie-
gle Community Development and Regulatory
Improvement Act of 1994.
“(B) New Coverage.—Paragraphs (2) and (3) shall apply only with respect to any loan made, increased, extended, or renewed after the expiration of the 1-year period beginning on the date of enactment of the Riegle Community Development and Regulatory Improvement Act of 1994. Paragraph (1) shall apply with respect to any loan made, increased, extended, or renewed by any lender supervised by the Farm Credit Administration only after the expiration of the period under this subparagraph.

“(C) Continued Effect of Regulations.—Notwithstanding any other provision of this subsection, the regulations to carry out paragraph (1), as in effect immediately before the date of enactment of the Riegle Community Development and Regulatory Improvement Act of 1994, shall continue to apply until the regulations issued to carry out paragraph (1) as amended by section 522(a) of such Act take effect.

“(6) Rule of Construction.—Except as otherwise specified, any reference to flood insurance in this section shall be considered to include Federal
flood insurance and private flood insurance. Nothing in this subsection shall be construed to supersede or limit the authority of a Federal entity for lending regulation, the Federal Housing Finance Agency, a Federal agency lender, a covered Federal mortgage entity (as such term is defined in paragraph (2)(B)(ii)), the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation to establish requirements relating to the financial strength of private insurance companies from which the entity or agency will accept private flood insurance, provided that such requirements shall not affect or conflict with any State law, regulation, or procedure concerning the regulation of the business of insurance.”; and

(D) by adding at the end the following new paragraphs:

“(8) DEFINITIONS.—In this section:

“(A) FLOOD INSURANCE.—The term ‘flood insurance’ means—

“(i) Federal flood insurance; and

“(ii) private flood insurance.

“(B) FEDERAL FLOOD INSURANCE.—The term ‘Federal flood insurance’ means an insurance policy made available under the National
Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

“(C) Private flood insurance.—The term ‘private flood insurance’ means an insurance policy that—

“(i) is issued by an insurance company that is—

“(I) licensed, admitted, or otherwise approved to engage in the business of insurance in the State in which the insured building is located, by the insurance regulator of that State; or

“(II) eligible as a nonadmitted insurer to provide insurance in the home State of the insured, in accordance with sections 521 through 527 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8201 through 8206);

“(ii) is issued by an insurance company that is not otherwise disapproved as a surplus lines insurer by the insurance regulator of the State in which the property to be insured is located; and
“(iii) provides flood insurance coverage that complies with the laws and regulations of that State.

“(D) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.”.

(b) Effect of Private Flood Insurance Coverage on Continuous Coverage Requirements.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

“(n) Effect of Private Flood Insurance Coverage on Continuous Coverage Requirements.—For purposes of applying any statutory, regulatory, or administrative continuous coverage requirement, including under section 1307(g)(1), the Administrator shall consider any period during which a property was continuously covered by private flood insurance (as defined in section 102(b)(8) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)(8))) to be a period of continuous coverage.”.
TITLE V—TAX RELIEF FOR HURRICANES HARVEY, IRMA, AND MARIA

SEC. 501. DEFINITIONS.

(a) Hurricane Harvey Disaster Zone and Disaster Area.—For purposes of this title—

(1) Hurricane Harvey disaster zone.—The term “Hurricane Harvey disaster zone” means that portion of the Hurricane Harvey disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Harvey.

(2) Hurricane Harvey disaster area.—The term “Hurricane Harvey disaster area” means an area with respect to which a major disaster has been declared by the President before September 21, 2017, under section 401 of such Act by reason of Hurricane Harvey.

(b) Hurricane Irma Disaster Zone and Disaster Area.—For purposes of this title—

(1) Hurricane Irma disaster zone.—The term “Hurricane Irma disaster zone” means that portion of the Hurricane Irma disaster area deter-
mined by the President to warrant individual or in-
dividual and public assistance from the Federal Gov-
ernment under such Act by reason of Hurricane
Irma.

(2) Hurricane Irma disaster area.—The
term “Hurricane Irma disaster area” means an area
with respect to which a major disaster has been de-
clared by the President before September 21, 2017,
under section 401 of such Act by reason of Hurri-
cane Irma.

(c) Hurricane Maria disaster zone and Dis-
aster area.—For purposes of this title—

(1) Hurricane Maria disaster zone.—The
term “Hurricane Maria disaster zone” means that
portion of the Hurricane Maria disaster area deter-
mined by the President to warrant individual or in-
dividual and public assistance from the Federal Gov-
ernment under such Act by reason of Hurricane
Maria.

(2) Hurricane Maria disaster area.—The
term “Hurricane Maria disaster area” means an
area with respect to which a major disaster has been
declared by the President before September 21,
2017, under section 401 of such Act by reason of
Hurricane Maria.
SEC. 502. SPECIAL DISASTER-RELATED RULES FOR USE OF RETIREMENT FUNDS.

(a) Tax-favored Withdrawals From Retirement Plans.—

(1) In general.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified hurricane distribution.

(2) Aggregate dollar limitation.—

(A) In general.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

(i) $100,000, over

(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

(B) Treatment of plan distributions.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified
hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term “controlled group” means any group treated as a single employer under subsection (b), (e), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

(3) AMOUNT DISTRIBUTED MAY BE REPAYED.—

(A) IN GENERAL.—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), of the Internal Revenue Code of 1986, as the case may be.
(B) Treatment of repayments of distributions from eligible retirement plans other than IRAs.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(C) Treatment of repayments for distributions from IRAs.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified hurricane distribution
shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(4) DEFINITIONS.—For purposes of this subsection—

(A) QUALIFIED HURRICANE DISTRIBUTION.—Except as provided in paragraph (2), the term “qualified hurricane distribution” means—

(i) any distribution from an eligible retirement plan made on or after August 23, 2017, and before January 1, 2019, to an individual whose principal place of abode on August 23, 2017, is located in the Hurricane Harvey disaster area and who has sustained an economic loss by reason of Hurricane Harvey, (ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 4, 2017, and before January 1, 2019, to an individual whose principal place of abode on September 4, 2017, is located in
the Hurricane Irma disaster area and who
has sustained an economic loss by reason
of Hurricane Irma, and

(iii) any distribution (which is not de-
dcribed in clause (i) or (ii)) from an eligi-
ble retirement plan made on or after Sep-
tember 16, 2017, and before January 1,
2019, to an individual whose principal
place of abode on September 16, 2017, is
located in the Hurricane Maria disaster
area and who has sustained an economic
loss by reason of Hurricane Maria.

(B) ELIGIBLE RETIREMENT PLAN.—The
term “eligible retirement plan” shall have the
meaning given such term by section
402(c)(8)(B) of the Internal Revenue Code of
1986.

(5) INCOME INCLUSION SPREAD OVER 3-YEAR
PERIOD.—

(A) IN GENERAL.—In the case of any
qualified hurricane distribution, unless the tax-
payer elects not to have this paragraph apply
for any taxable year, any amount required to be
included in gross income for such taxable year
shall be so included ratably over the 3-taxable
year period beginning with such taxable year.

(B) Special rule.—For purposes of sub-
paragraph (A), rules similar to the rules of sub-
paragraph (E) of section 408A(d)(3) of the In-
ternal Revenue Code of 1986 shall apply.

(6) Special rules.—

(A) Exemption of distributions from
trustee to trustee transfer and with-
holding rules.—For purposes of sections
401(a)(31), 402(f), and 3405 of the Internal
Revenue Code of 1986, qualified hurricane dis-
tributions shall not be treated as eligible roll-
over distributions.

(B) Qualified hurricane distribu-
tions treated as meeting plan distribu-
tion requirements.—For purposes the Inter-
nal Revenue Code of 1986, a qualified hurri-
cane distribution shall be treated as meeting
the requirements of sections 401(k)(2)(B)(i),
403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A)
of such Code.

(b) Recontributions of withdrawals for
home purchases.—

(1) Recontributions.—
(A) IN GENERAL.—Any individual who received a qualified distribution may, during the period beginning on August 23, 2017, and ending on February 28, 2018, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), of such Code, as the case may be.

(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection, the term “qualified distribution” means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F), of the Internal Revenue Code of 1986,
(B) received after February 28, 2017, and before September 21, 2017, and (C) which was to be used to purchase or construct a principal residence in the Hurricane Harvey disaster area, the Hurricane Irma disaster area, or the Hurricane Maria disaster area, but which was not so purchased or constructed on account of Hurricane Harvey, Hurricane Irma, or Hurricane Maria.

(c) LOANS FROM QUALIFIED PLANS.—

(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the period beginning on the date of the enactment of this Act and ending on December 31, 2018—

(A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “$100,000” for “$50,000”, and

(B) clause (ii) of such section shall be applied by substituting “the present value of the nonforfeitable accrued benefit of the employee under the plan” for “one-half of the present
value of the nonforfeitable accrued benefit of
the employee under the plan”.

(2) DELAY OF REPAYMENT.—In the case of a
qualified individual with an outstanding loan on or
after the qualified beginning date from a qualified
employer plan (as defined in section 72(p)(4) of the
Internal Revenue Code of 1986)—

(A) if the due date pursuant to subpara-
graph (B) or (C) of section 72(p)(2) of such
Code for any repayment with respect to such
loan occurs during the period beginning on the
qualified beginning date and ending on December
31, 2018, such due date shall be delayed for
1 year,

(B) any subsequent repayments with re-
spect to any such loan shall be appropriately
adjusted to reflect the delay in the due date
under paragraph (1) and any interest accruing
during such delay, and

(C) in determining the 5-year period and
the term of a loan under subparagraph (B) or
(C) of section 72(p)(2) of such Code, the period
described in subparagraph (A) shall be dis-
regarded.
(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

(A) IN GENERAL.—The term “qualified individual” means any qualified Hurricane Harvey individual, any qualified Hurricane Irma individual, and any qualified Hurricane Maria individual.

(B) QUALIFIED HURRICANE HARVEY INDIVIDUAL.—The term “qualified Hurricane Harvey individual” means an individual whose principal place of abode on August 23, 2017, is located in the Hurricane Harvey disaster area and who has sustained an economic loss by reason of Hurricane Harvey.

(C) QUALIFIED HURRICANE IRMA INDIVIDUAL.—The term “qualified Hurricane Irma individual” means an individual (other than a qualified Hurricane Harvey individual) whose principal place of abode on September 4, 2017, is located in the Hurricane Irma disaster area and who has sustained an economic loss by reason of Hurricane Irma.

(D) QUALIFIED HURRICANE MARIA INDIVIDUAL.—The term “qualified Hurricane Maria individual” means an individual (other than a
qualified Hurricane Harvey individual or a
qualified Hurricane Irma individual) whose
principal place of abode on September 16,
2017, is located in the Hurricane Maria dis-
aster area and who has sustained an economic
loss by reason of Hurricane Maria.

(4) QUALIFIED BEGINNING DATE.—For pur-
poses of this subsection, the qualified beginning date
is—

(A) in the case of any qualified Hurricane
Harvey individual, August 23, 2017,

(B) in the case of any qualified Hurricane
Irma individual, September 4, 2017, and

(C) in the case of any qualified Hurricane
Maria individual, September 16, 2017.

(d) PROVISIONS RELATING TO PLAN AMEND-
MENTS.—

(1) IN GENERAL.—If this subsection applies to
any amendment to any plan or annuity contract,
such plan or contract shall be treated as being oper-
ated in accordance with the terms of the plan during
the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION AP-
PLIES.—
(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2019, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this
section or such regulation, the effective date specified by the plan), and

   (II) ending on the date described
   in subparagraph (A)(ii) (or, if earlier,
   the date the plan or contract amend-
   ment is adopted),

   the plan or contract is operated as if such plan
   or contract amendment were in effect; and

   (ii) such plan or contract amendment
   applies retroactively for such period.

SEC. 503. DISASTER-RELATED EMPLOYMENT RELIEF.

(a) Employee Retention Credit for Employers

   AFFECTED BY HURRICANE HARVEY.—

   (1) IN GENERAL.—For purposes of section 38
   of the Internal Revenue Code of 1986, in the case
   of an eligible employer, the Hurricane Harvey em-
   ployee retention credit shall be treated as a credit
   listed in subsection (b) of such section. For purposes
   of this subsection, the Hurricane Harvey employee
   retention credit for any taxable year is an amount
   equal to 40 percent of the qualified wages with re-
   spect to each eligible employee of such employer for
   such taxable year. For purposes of the preceding
   sentence, the amount of qualified wages which may
be taken into account with respect to any individual
shall not exceed $6,000.

(2) **DEFINITIONS.**—For purposes of this sub-
section—

(A) **ELIGIBLE EMPLOYER.**—The term "eligi-
gible employer" means any employer—

(i) which conducted an active trade or
business on August 23, 2017, in the Hur-
ricane Harvey disaster zone, and

(ii) with respect to whom the trade or
business described in clause (i) is inoper-
able on any day after August 23, 2017,
and before January 1, 2018, as a result of
damage sustained by reason of Hurricane
Harvey.

(B) **ELIGIBLE EMPLOYEE.**—The term "eli-
gible employee" means with respect to an eligi-
ble employer an employee whose principal place
of employment on August 23, 2017, with such
eligible employer was in the Hurricane Harvey
disaster zone.

(C) **QUALIFIED WAGES.**—The term "quali-
fied wages" means wages (as defined in section
51(c)(1) of the Internal Revenue Code of 1986,
but without regard to section 3306(b)(2)(B) of
such Code) paid or incurred by an eligible em-
ployer with respect to an eligible employee on
any day after August 23, 2017, and before Jan-
uary 1, 2018, which occurs during the period—

(i) beginning on the date on which the
trade or business described in subpara-
graph (A) first became inoperable at the
principal place of employment of the em-
ployee immediately before Hurricane Har-
vey, and

(ii) ending on the date on which such
trade or business has resumed significant
operations at such principal place of em-
ployment.

Such term shall include wages paid without re-
gard to whether the employee performs no serv-
ices, performs services at a different place of
employment than such principal place of em-
ployment, or performs services at such principal
place of employment before significant oper-
ations have resumed.

(3) CERTAIN RULES TO APPLY.—For purposes
of this subsection, rules similar to the rules of sec-
ctions 51(i)(1) and 52, of the Internal Revenue Code
of 1986, shall apply.
(4) **Employee Not Taken Into Account More Than Once.**—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 of the Internal Revenue Code of 1986 with respect to such employee for such period.

(b) **Employee Retention Credit for Employers Affected by Hurricane Irma.**—

(1) **In General.**—For purposes of section 38 of the Internal Revenue Code of 1986, in the case of an eligible employer, the Hurricane Irma employee retention credit shall be treated as a credit listed in subsection (b) of such section. For purposes of this subsection, the Hurricane Irma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

(2) **Definitions.**—For purposes of this subsection—
(A) ELIGIBLE EMPLOYER.—The term “eligible employer” means any employer—

(i) which conducted an active trade or business on September 4, 2017, in the Hurricane Irma disaster zone, and

(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 4, 2017, and before January 1, 2018, as a result of damage sustained by reason of Hurricane Irma.

(B) ELIGIBLE EMPLOYEE.—The term “eligible employee” means with respect to an eligible employer an employee whose principal place of employment on September 4, 2017, with such eligible employer was in the Hurricane Irma disaster zone.

(C) QUALIFIED WAGES.—The term “qualified wages” means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 4, 2017, and before
January 1, 2018, which occurs during the period—

(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Irma, and

(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(3) Certain Rules To Apply.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52, of the Internal Revenue Code of 1986, shall apply.

(4) Employee Not Taken Into Account More Than Once.—An employee shall not be treat-
ed as an eligible employee for purposes of this sub-
section for any period with respect to any employer
if such employer is allowed a credit under subsection
(a), or section 51 of the Internal Revenue Code of
1986, with respect to such employee for such period.

(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS

AFFECTED BY HURRICANE MARIA.—

(1) IN GENERAL.—For purposes of section 38
of the Internal Revenue Code of 1986, in the case
of an eligible employer, the Hurricane Maria em-
ployee retention credit shall be treated as a credit
listed in subsection (b) of such section. For purposes
of this subsection, the Hurricane Maria employee re-
tention credit for any taxable year is an amount
equal to 40 percent of the qualified wages with re-
spect to each eligible employee of such employer for
such taxable year. For purposes of the preceding
sentence, the amount of qualified wages which may
be taken into account with respect to any individual
shall not exceed $6,000.

(2) DEFINITIONS.—For purposes of this sub-
section—

(A) ELIGIBLE EMPLOYER.—The term “eli-
gible employer” means any employer—
(i) which conducted an active trade or business on September 16, 2017, in the Hurricane Maria disaster zone, and

(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 16, 2017, and before January 1, 2018, as a result of damage sustained by reason of Hurricane Maria.

(B) ELIGIBLE EMPLOYEE.—The term “eligible employee” means with respect to an eligible employer an employee whose principal place of employment on September 16, 2017, with such eligible employer was in the Hurricane Maria disaster zone.

(C) QUALIFIED WAGES.—The term “qualified wages” means wages (as defined in section 51(c)(1) of the Internal Revenue Code of 1986, but without regard to section 3306(b)(2)(B) of such Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 16, 2017, and before January 1, 2018, which occurs during the period—
(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Maria, and

(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52, of the Internal Revenue Code of 1986, shall apply.

(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer
if such employer is allowed a credit under subsection (a) or (b), or section 51 of the Internal Revenue Code of 1986, with respect to such employee for such period.

SEC. 504. ADDITIONAL DISASTER-RELATED TAX RELIEF PROVISIONS.

(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), subsection (b) of section 170 of the Internal Revenue Code of 1986 shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of such section to other contributions.

(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of the Internal Revenue Code of 1986—

(A) INDIVIDUALS.—In the case of an individual—

(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer’s contribution base (as defined in
subparagraph (G) of section 170(b)(1) of such Code) over the amount of all other charitable contributions allowed under section 170(b)(1) of such Code.

(ii) Carryover.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(B) Corporations.—In the case of a corporation—

(i) Limitation.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer’s taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.
(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

(3) Exception to Overall Limitation on Itemized Deductions.—So much of any deduction allowed under section 170 of the Internal Revenue Code of 1986 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(4) Qualified Contributions.—

(A) In General.—For purposes of this subsection, the term “qualified contribution” means any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) if—

(i) such contribution—

(I) is paid during the period beginning on August 23, 2017, and ending on December 31, 2017, in cash to an organization described in section 170(b)(1)(A) of such Code, and

(II) is made for relief efforts in the Hurricane Harvey disaster area,
the Hurricane Irma disaster area, or
the Hurricane Maria disaster area,
(ii) the taxpayer obtains from such or-
ganization contemporaneous written ac-
knowledgment (within the meaning of sec-
tion 170(f)(8) of such Code) that such con-
tribution was used (or is to be used) for
relief efforts described in clause (i)(II),
and
(iii) the taxpayer has elected the ap-
plication of this subsection with respect to
such contribution.

(B) EXCEPTION.—Such term shall not in-
clude a contribution by a donor if the contribu-
tion is—

(i) to an organization described in sec-
section 509(a)(3) of the Internal Revenue
Code of 1986, or

(ii) for the establishment of a new, or
maintenance of an existing, donor advised
fund (as defined in section 4966(d)(2) of
such Code).

(C) APPLICATION OF ELECTION TO PART-
NERSHIPS AND S CORPORATIONS.—In the case
of a partnership or S corporation, the election
under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

(b) **Special Rules for Qualified Disaster-related Personal Casualty Losses.**—

(1) **In General.**—If an individual has a net disaster loss for any taxable year—

(A) the amount determined under section 165(h)(2)(A)(ii) of the Internal Revenue Code of 1986 shall be equal to the sum of—

(i) such net disaster loss, and

(ii) so much of the excess referred to in the matter preceding clause (i) of section 165(h)(2)(A) of such Code (reduced by the amount in clause (i) of this subparagraph) as exceeds 10 percent of the adjusted gross income of the individual,

(B) section 165(h)(1) of such Code shall be applied by substituting “$500” for “$500 ($100 for taxable years beginning after December 31, 2009)”,

(C) the standard deduction determined under section 63(c) of such Code shall be increased by the net disaster loss, and

(D) section 56(b)(1)(E) of such Code shall not apply to so much of the standard deduction
as is attributable to the increase under sub-
paragraph (C) of this paragraph.

(2) NET DISASTER LOSS.—For purposes of this
subsection, the term “net disaster loss” means the
excess of qualified disaster-related personal casualty
losses over personal casualty gains (as defined in
section 165(h)(3)(A) of the Internal Revenue Code
of 1986).

(3) QUALIFIED DISASTER-RELATED PERSONAL
CASUALTY LOSSES.—For purposes of this sub-
section, the term “qualified disaster-related personal
casualty losses” means losses described in section
165(c)(3) of the Internal Revenue Code of 1986—
(A) which arise in the Hurricane Harvey
disaster area on or after August 23, 2017, and
which are attributable to Hurricane Harvey,
(B) which arise in the Hurricane Irma dis-
aster area on or after September 4, 2017, and
which are attributable to Hurricane Irma, or
(C) which arise in the Hurricane Maria
disaster area on or after September 16, 2017,
and which are attributable to Hurricane Maria.

(e) SPECIAL RULE FOR DETERMINING EARNED IN-
COME.—
(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(A) such earned income for the preceding taxable year, for

(B) such earned income for the taxable year which includes the applicable date.

(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

(A) IN GENERAL.—The term “qualified individual” means any qualified Hurricane Harvey individual, any qualified Hurricane Irma individual, and any qualified Hurricane Maria individual.

(B) QUALIFIED HURRICANE HARVEY INDIVIDUAL.—The term “qualified Hurricane Harvey individual” means any individual whose principal place of abode on August 23, 2017, was located—
(i) in the Hurricane Harvey disaster zone, or

(ii) in the Hurricane Harvey disaster area (but outside the Hurricane Harvey disaster zone) and such individual was displaced from such principal place of abode by reason of Hurricane Harvey.

(C) Qualified Hurricane Irma Individual.—The term “qualified Hurricane Irma individual” means any individual (other than a qualified Hurricane Harvey individual) whose principal place of abode on September 4, 2017, was located—

(i) in the Hurricane Irma disaster zone, or

(ii) in the Hurricane Irma disaster area (but outside the Hurricane Irma disaster zone) and such individual was displaced from such principal place of abode by reason of Hurricane Irma.

(D) Qualified Hurricane Maria Individual.—The term “qualified Hurricane Maria individual” means any individual (other than a qualified Hurricane Harvey individual or a qualified Hurricane Irma individual) whose
principal place of abode on September 16, 2017, was located—

(i) in the Hurricane Maria disaster zone, or

(ii) in the Hurricane Maria disaster area (but outside the Hurricane Maria disaster zone) and such individual was displaced from such principal place of abode by reason of Hurricane Maria.

(3) APPLICABLE DATE.—For purposes of this subsection, the term “applicable date” means—

(A) in the case of a qualified Hurricane Harvey individual, August 23, 2017,

(B) in the case of a qualified Hurricane Irma individual, September 4, 2017, and

(C) in the case of a qualified Hurricane Maria individual, September 16, 2017.

(4) EARNED INCOME.—For purposes of this subsection, the term “earned income” has the meaning given such term under section 32(c) of the Internal Revenue Code of 1986.

(5) SPECIAL RULES.—

(A) APPLICATION TO JOINT RETURNS.—
For purposes of paragraph (1), in the case of
a joint return for a taxable year which includes
the applicable date—

(i) such paragraph shall apply if ei-
ther spouse is a qualified individual, and

(ii) the earned income of the taxpayer
for the preceding taxable year shall be the
sum of the earned income of each spouse
for such preceding taxable year.

(B) Uniform Application of Election.—Any election made under paragraph (1)
shall apply with respect to both sections 24(d)
and section 32, of the Internal Revenue Code of
1986.

(C) Errors Treated as Mathematical
Error.—For purposes of section 6213 of the
Internal Revenue Code of 1986, an incorrect
use on a return of earned income pursuant to
paragraph (1) shall be treated as a mathe-
matical or clerical error.

(D) No Effect on Determination of
Gross Income, etc.—Except as otherwise pro-
vided in this subsection, the Internal Revenue
Code of 1986 shall be applied without regard to
any substitution under paragraph (1).
SEC. 505. BUDGETARY EFFECTS.

(a) EMERGENCY DESIGNATION.—This title is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this title is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.