

118TH CONGRESS
1ST SESSION

S. 2653

To amend the Internal Revenue Code of 1986 to modify certain rules applicable to qualified small issue manufacturing bonds, to expand certain exceptions to the private activity bond rules for first-time farmers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

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

A BILL

To amend the Internal Revenue Code of 1986 to modify certain rules applicable to qualified small issue manufacturing bonds, to expand certain exceptions to the private activity bond rules for first-time farmers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Modernizing Agricul-
5 tural and Manufacturing Bonds Act”.

1 **SEC. 2. MODIFICATIONS TO QUALIFIED SMALL ISSUE**
 2 **BONDS.**

3 (a) MANUFACTURING FACILITIES TO INCLUDE PRO-
 4 Duction OF INTANGIBLE PROPERTY AND FUNCTIONALLY
 5 RELATED FACILITIES.—Subparagraph (C) of section
 6 144(a)(12) of the Internal Revenue Code of 1986 is
 7 amended to read as follows:

8 “(C) MANUFACTURING FACILITY.—For
 9 purposes of this paragraph—

10 “(i) IN GENERAL.—The term ‘manu-
 11 facturing facility’ means any facility
 12 which—

13 “(I) is used in the manufacturing
 14 or production of tangible personal
 15 property (including the processing re-
 16 sulting in a change in the condition of
 17 such property),

18 “(II) is used in the creation or
 19 production of intangible property
 20 which is described in section
 21 197(d)(1)(C)(iii), or

22 “(III) is functionally related and
 23 subordinate to a facility described in
 24 subclause (I) or (II) if such facility is
 25 located on the same site as the facility
 26 described in subclause (I) or (II).

“(ii) CERTAIN FACILITIES INCLUDED.—The term ‘manufacturing facility’ includes facilities that are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

“(I) those facilities are located on the same site as the manufacturing facility, and

“(II) not more than 25 percent of the net proceeds of the issue are used to provide those facilities.

“(iii) LIMITATION ON OFFICE SPACE.—A rule similar to the rule of section 142(b)(2) shall apply for purposes of clause (i).

“(iv) LIMITATION ON REFUNDINGS FOR CERTAIN PROPERTY.—Subclauses (II) and (III) of clause (i) shall not apply to any bond issued on or before the date of the enactment of the Modernizing Agricultural and Manufacturing Bonds Act, or to any bond issued to refund a bond issued on or before such date (other than a bond to which clause (iii) of this subparagraph

1 (as in effect before the date of the enact-
 2 ment of the Modernizing Agricultural and
 3 Manufacturing Bonds Act applies)), either
 4 directly or in a series of refundings.”.

5 (b) INCREASE IN LIMITATIONS.—

6 (1) IN GENERAL.—Section 144(a)(4) of such
 7 Code is amended—

8 (A) in subparagraph (A)(i), by striking
 9 “\$10,000,000” and inserting “\$30,000,000”,
 10 and

11 (B) in the heading, by striking
 12 “\$10,000,000” and inserting “\$30,000,000”.

13 (2) INCREASE IN ADDITIONAL CAPITAL EX-
 14 PENDITURES NOT TAKEN INTO ACCOUNT.—Section
 15 144(a)(4)(G) of such Code is amended by inserting
 16 “\$30,000,000, in the case of bonds issued after the
 17 date of the enactment of the Modernizing Agricul-
 18 tural and Manufacturing Bonds Act”.

19 (3) INCREASE IN AGGREGATE LIMIT PER TAX-
 20 PAYER.—Section 144(a)(10)(A) of such Code is
 21 amended by striking “\$40,000,000” and inserting
 22 “\$120,000,000”.

23 (4) ADJUSTMENT FOR INFLATION.—Section
 24 144(a) of the Internal Revenue Code of 1986 is

1 amended by adding at the end the following new
 2 paragraph:

3 “(13) ADJUSTMENT FOR INFLATION.—In the
 4 case of any calendar year after 2023, the
 5 \$30,000,000 amounts in paragraph (4)(A), the
 6 \$30,000,000 amount in paragraph (4)(G), and the
 7 \$120,000,000 amount in paragraph (10)(A) shall
 8 each be increased by an amount equal to—

9 “(A) such dollar amount, multiplied by

10 “(B) the cost-of-living adjustment deter-
 11 mined under section 1(f)(3) for the calendar
 12 year, determined by substituting ‘calendar year
 13 2022’ for ‘calendar year 2016’ in subparagraph
 14 (A)(ii) thereof.

15 If any amount as increased under the preceding sen-
 16 tence is not a multiple of \$100,000, such amount
 17 shall be rounded to the nearest multiple of
 18 \$100,000.”.

19 (c) EFFECTIVE DATE.—The amendments made by
 20 this section shall apply to obligations issued after the date
 21 of the enactment of this Act.

22 **SEC. 3. EXPANSION OF CERTAIN EXCEPTIONS TO THE PRI-**
 23 **VATE ACTIVITY BOND RULES FOR FIRST-**
 24 **TIME FARMERS.**

25 (a) INCREASE IN DOLLAR LIMITATION.—

1 (1) IN GENERAL.—Section 147(c)(2)(A) of the
 2 Internal Revenue Code of 1986 is amended by strik-
 3 ing “\$450,000” and inserting “\$1,000,000”.

4 (2) REPEAL OF SEPARATE LOWER DOLLAR LIM-
 5 ITATION ON USED FARM EQUIPMENT.—Section
 6 147(c)(2) of such Code is amended by striking sub-
 7 paragraph (F) and by redesignating subparagraphs
 8 (G) and (H) as subparagraphs (F) and (G), respec-
 9 tively.

10 (3) QUALIFIED SMALL ISSUE BOND LIMITATION
 11 CONFORMED TO INCREASED DOLLAR LIMITATION.—
 12 Section 144(a)(11)(A) of such Code is amended by
 13 striking “\$250,000” and inserting “\$1,000,000”.

14 (4) INFLATION ADJUSTMENT.—

15 (A) IN GENERAL.—Section 147(c)(2)(G) of
 16 such Code, as redesignated by paragraph (2), is
 17 amended—

18 (i) by striking “after 2008, the dollar
 19 amount in subparagraph (A) shall be in-
 20 creased” and inserting “after 2023, the
 21 dollar amounts in subparagraph (A) and
 22 section 144(a)(11)(A) shall each be in-
 23 creased”,

24 (ii) in clause (ii), by striking “2007”
 25 and inserting “2022”, and

1 (iii) in the last sentence, by striking
 2 “\$100” each place it appears and inserting
 3 “\$10,000”.

4 (B) CROSS-REFERENCE.—Section
 5 144(a)(11) of such Code is amended by adding
 6 at the end the following new subparagraph:

7 “(D) INFLATION ADJUSTMENT.—For infla-
 8 tion adjustment of dollar amount contained in
 9 subparagraph (A), see section 147(c)(2)(G).”.

10 (b) SUBSTANTIAL FARMLAND DETERMINED ON
 11 BASIS OF AVERAGE RATHER THAN MEDIAN FARM
 12 SIZE.—Section 147(c)(2)(E) of such Code is amended by
 13 striking “median” and inserting “average”.

14 (c) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply to bonds issued after the date of
 16 the enactment of this Act.

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