

115TH CONGRESS
1ST SESSION

S. 144

To amend the Internal Revenue Code of 1986 to provide for the establishment
of Promise Zones.

IN THE SENATE OF THE UNITED STATES

JANUARY 12, 2017

Mr. CASEY (for himself and Mrs. MURRAY) 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 provide
for the establishment of Promise Zones.

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 “Promise Zone Job Cre-
5 ation Act of 2017”.

6 **SEC. 2. PROMISE ZONES.**

7 (a) IN GENERAL.—Subchapter Y of chapter 1 of the
8 Internal Revenue Code of 1986 is amended by adding at
9 the end the following new part:

1 **“PART IV—PROMISE ZONES**

“Sec. 1400V-1. Designation of Promise Zones.

“Sec. 1400V-2. Promise Zone employment credit.

“Sec. 1400V-3. Expensing of Promise Zone property.

2 **“SEC. 1400V-1. DESIGNATION OF PROMISE ZONES.**

3 “(a) IN GENERAL.—For purposes of this part, the
4 term ‘Promise Zone’ means any area—

5 “(1) which is nominated by one or more local
6 governments or Indian Tribes (as defined in section
7 4(13) of the Native American Housing Assistance
8 and Self-Determination Act of 1996 (25 U.S.C.
9 4103(13)) for designation as a Promise Zone (here-
10 after in this section referred to as a ‘nominated
11 area’),

12 “(2) which has a continuous boundary,

13 “(3) the population of which does not exceed
14 200,000, and

15 “(4) which the Secretary of Housing and Urban
16 Development and the Secretary of Agriculture, act-
17 ing jointly, designate as a Promise Zone, after con-
18 sultation with the Secretary of Commerce, the Sec-
19 retary of Education, the Attorney General, the Sec-
20 retary of Health and Human Services, the Secretary
21 of Labor, the Secretary of the Treasury, the Sec-
22 retary of Transportation, and other agencies as ap-
23 propriate.

24 “(b) NUMBER OF DESIGNATIONS.—

1 “(1) IN GENERAL.—Not more than 40 nomi-
 2 nated areas may be designated as Promise Zones.

3 “(2) NUMBER OF DESIGNATIONS IN RURAL
 4 AREAS.—Of the areas designated under paragraph
 5 (1), 12 of such areas shall be areas—

6 “(A) which are outside of a metropolitan
 7 statistical area (within the meaning of section
 8 143(k)(2)(B)), or

9 “(B) which are determined by the Sec-
 10 retary of Agriculture to be rural areas.

11 “(c) PERIOD OF DESIGNATIONS.—

12 “(1) IN GENERAL.—The Secretary of Housing
 13 and Urban Development and the Secretary of the
 14 Agriculture shall, acting jointly, designate 40 areas
 15 as Promise Zones before January 1, 2019.

16 “(2) EFFECTIVE DATES OF DESIGNATIONS.—
 17 The designation of any Promise Zone shall take ef-
 18 fect—

19 “(A) for purposes of priority consideration
 20 in Federal grant programs and initiatives
 21 (other than this part), upon execution of the
 22 Promise Zone agreement, and

23 “(B) for purposes of this part, on January
 24 1 of the first calendar year beginning after the

1 date of the execution of the Promise Zone
2 agreement.

3 “(3) TERMINATION OF DESIGNATIONS.—The
4 designation of any Promise Zone shall end on the
5 earlier of—

6 “(A) the end of the 10-year period begin-
7 ning on the date that such designation takes ef-
8 fect, or

9 “(B) the date of the revocation of such
10 designation.

11 “(4) APPLICATION TO CERTAIN ZONES AL-
12 READY DESIGNATED.—In the case of any area des-
13 ignated as a Promise Zone by the Secretary of
14 Housing and Urban Development and the Secretary
15 of Agriculture before the date of the enactment of
16 this Act, such area shall be taken into account as a
17 Promise Zone designated under this section (not-
18 withstanding whether any such designation has been
19 revoked before the date of the enactment of this
20 Act) and shall reduce the number of Promise Zones
21 remaining to be designated under paragraph (1).

22 “(d) LIMITATIONS ON DESIGNATIONS.—No area may
23 be designated under this section unless—

1 “(1) the entities nominating the area have the
2 authority to nominate the area of designation under
3 this section,

4 “(2) such entities provide written assurances
5 satisfactory to the Secretary of Housing and Urban
6 Development and the Secretary of Agriculture that
7 the competitiveness plan described in the application
8 under subsection (e) for such area will be imple-
9 mented and that such entities will provide the Sec-
10 retary of Housing and Urban Development and the
11 Secretary of Agriculture with such data regarding
12 the economic conditions of the area (before, during,
13 and after the area’s period of designation as a
14 Promise Zone) as such Secretary may require, and

15 “(3) the Secretary of Housing and Urban De-
16 velopment and the Secretary of Agriculture deter-
17 mine that any information furnished is reasonably
18 accurate.

19 “(e) APPLICATION.—No area may be designated
20 under this section unless the application for such designa-
21 tion—

22 “(1) demonstrates that the nominated area sat-
23 isfies the eligibility criteria described in subsection
24 (a),

25 “(2) includes a competitiveness plan which—

1 “(A) addresses the need of the nominated
2 area to attract investment and jobs and im-
3 prove educational opportunities,

4 “(B) leverages the nominated area’s eco-
5 nomic strengths and outlines targeted invest-
6 ments to develop competitive advantages,

7 “(C) demonstrates collaboration across a
8 wide range of stakeholders,

9 “(D) outlines a strategy which connects
10 the nominated area to drivers of regional eco-
11 nomic growth, and

12 “(E) proposes a strategy for focusing on
13 increased access to high quality affordable
14 housing and improved public safety.

15 “(f) SELECTION CRITERIA.—From among the nomi-
16 nated areas eligible for designation under this section, the
17 Secretary of Housing and Urban Development and the
18 Secretary of Agriculture shall designate Promise Zones on
19 the basis of—

20 “(1) the effectiveness of the competitiveness
21 plan submitted under subsection (e) and the assur-
22 ances made under subsection (d), and

23 “(2) unemployment rates, poverty rates, va-
24 cancy rates, crime rates, and such other factors as
25 the Secretary of Housing and Urban Development

1 and the Secretary of Agriculture may identify, in-
 2 cluding household income, home-ownership, labor
 3 force participation, and educational attainment, and
 4 “(3) other criteria as determined by the Sec-
 5 retary of Housing and Urban Development and the
 6 Secretary of Agriculture.

7 The Secretary of Housing and Urban Development and
 8 the Secretary of Agriculture may set minimal standards
 9 for the levels of unemployment and poverty that must be
 10 satisfied for designation as a Promise Zone.

11 **“SEC. 1400V-2. PROMISE ZONE EMPLOYMENT CREDIT.**

12 “(a) AMOUNT OF CREDIT.—For purposes of section
 13 38, the amount of the Promise Zone employment credit
 14 determined under this section with respect to any em-
 15 ployer for any taxable year is the applicable percentage
 16 of the qualified wages paid or incurred during the calendar
 17 year which ends with or within such taxable year.

18 “(b) APPLICABLE PERCENTAGE.—For purposes of
 19 this section, the term ‘applicable percentage’ means—

20 “(1) in the case of qualified wages described in
 21 subsection (c)(1)(A), 20 percent, and

22 “(2) in the case of qualified wages described in
 23 subsection (c)(1)(B), 10 percent.

24 “(c) QUALIFIED WAGES.—For purposes of this sec-
 25 tion—

1 “(1) IN GENERAL.—The term ‘qualified wages’
 2 means any wages paid or incurred by an employer
 3 for services performed by an employee while such
 4 employee is—

5 “(A) a qualified zone employee, or

6 “(B) a qualified resident employee.

7 “(2) ONLY FIRST \$15,000 OF WAGES PER YEAR
 8 TAKEN INTO ACCOUNT.—With respect to each quali-
 9 fied employee, the amount of qualified wages taken
 10 into account for a calendar year shall not exceed
 11 \$15,000.

12 “(3) COORDINATION WITH WORK OPPORTUNITY
 13 CREDIT.—

14 “(A) IN GENERAL.—The term ‘qualified
 15 wages’ shall not include wages taken into ac-
 16 count in determining the credit under section
 17 51.

18 “(B) COORDINATION WITH DOLLAR LIM-
 19 TATION.—The \$15,000 amount in paragraph
 20 (2) shall be reduced for any calendar year by
 21 the amount of wages paid or incurred during
 22 such year which are taken into account in de-
 23 termining the credit under section 51.

24 “(4) WAGES.—The term ‘wages’ has the mean-
 25 ing given such term by section 1397(a).

1 “(d) QUALIFIED EMPLOYEE.—For purposes of this
2 section—

3 “(1) QUALIFIED EMPLOYEE.—The term ‘quali-
4 fied employee’ means any employee who is a quali-
5 fied zone employee or a qualified resident employee.

6 “(2) QUALIFIED ZONE EMPLOYEE.—Except as
7 otherwise provided in this subsection, the term
8 ‘qualified zone employee’ means, with respect to any
9 period, any employee of an employer if—

10 “(A) substantially all of the services per-
11 formed during such period by such employee for
12 such employer are performed within a Promise
13 Zone in a trade or business of the employer,
14 and

15 “(B) the principal place of abode of such
16 employee while performing such services is
17 within a Promise Zone.

18 “(3) QUALIFIED RESIDENT EMPLOYEE.—Ex-
19 cept as otherwise provided in this subsection, the
20 term ‘qualified resident employee’ means, with re-
21 spect to any period, an employee of an employer if
22 the principal place of abode of such employee during
23 such period is within a Promise Zone, but substan-
24 tially all of the services performed during such pe-
25 riod by such employee for such employer are not

1 performed within a Promise Zone in a trade or busi-
 2 ness of the employer.

3 “(4) CERTAIN INDIVIDUALS NOT ELIGIBLE.—
 4 The terms ‘qualified zone employee’ and ‘qualified
 5 resident employee’ shall not include any individual
 6 described in paragraph (2) of section 1396(d)(2)
 7 (determined after application of paragraph (3)
 8 thereof).

9 “(e) SPECIAL RULES.—Rules similar to the rules of
 10 section 1397 shall apply for purposes of this section.

11 “(f) TAXPAYER REPORTING.—No credit shall be de-
 12 termined under this section with respect to any taxpayer
 13 for any taxable year unless such taxpayer provides the
 14 Secretary with such information as the Secretary may re-
 15 quire to allow the Secretary to evaluate the effectiveness
 16 of the program established under this part.

17 **“SEC. 1400V-3. EXPENSING OF PROMISE ZONE PROPERTY.**

18 “(a) IN GENERAL.—A taxpayer may elect to treat the
 19 cost of any Promise Zone property as an expense which
 20 is not chargeable to capital account. Any cost so treated
 21 shall be allowed as a deduction for the taxable year in
 22 which the Promise Zone property is placed in service.

23 “(b) PROMISE ZONE PROPERTY.—For purposes of
 24 this section—

1 “(1) IN GENERAL.—Except as otherwise pro-
 2 vided in this subsection, the term ‘Promise Zone
 3 property’ means property—

4 “(A) which is—

5 “(i) tangible property (to which sec-
 6 tion 168 applies) with an applicable recov-
 7 ery period (within the meaning of section
 8 168) of 20 years or less,

9 “(ii) water utility property described
 10 in section 168(e)(5),

11 “(iii) computer software described in
 12 section 179(d)(1)(A)(ii), or

13 “(iv) qualified leasehold improvement
 14 property (as defined in section 168(e)),

15 “(B) which is acquired by purchase (as de-
 16 fined in section 179(d)(2)) for use in the active
 17 conduct of a trade or business, and

18 “(C) which is originally placed in service
 19 by the taxpayer in a Promise Zone.

20 “(2) EXCEPTION FOR CERTAIN PROPERTY.—

21 Such term shall not include any property to which
 22 section 168(g) applies.

23 “(c) ELECTION.—An election under this section shall
 24 be made under rules similar to the rules of section 179(c).

1 “(d) COORDINATION WITH SECTION 179.—For pur-
 2 poses of section 179, Promise Zone property shall not be
 3 treated as section 179 property.

4 “(e) APPLICATION OF OTHER RULES.—Rules similar
 5 to the rules of paragraphs (3), (4), (5), (7), (9) and (10)
 6 of section 179(d) shall apply for purposes of this section.

7 “(f) TAXPAYER REPORTING.—This section shall not
 8 apply with respect to any taxpayer for any taxable year
 9 unless such taxpayer provides the Secretary with such in-
 10 formation as the Secretary may require to allow the Sec-
 11 retary to evaluate the effectiveness of the program estab-
 12 lished under this part.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 38(b) of such Code is amended by
 15 striking “plus” at the end of paragraph (35), by
 16 striking the period at the end of paragraph (36) and
 17 inserting “, plus”, and by adding at the end the fol-
 18 lowing new paragraph:

19 “(37) the Promise Zone employment credit de-
 20 termined under section 1400V-2.”.

21 (2) The table of parts for subchapter Y of chap-
 22 ter 1 of such Code is amended by adding at the end
 23 the following new item:

“PART IV—PROMISE ZONES”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years ending after De-
3 cember 31, 2016.

○