

111TH CONGRESS
1ST SESSION

H. R. 1301

To amend the Internal Revenue Code of 1986 to suspend the 180-day period for completion of a like-kind exchange in the case of the bankruptcy of a qualified intermediary or an exchange accommodation titleholder.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2009

Mr. FORBES introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to suspend the 180-day period for completion of a like-kind exchange in the case of the bankruptcy of a qualified intermediary or an exchange accommodation titleholder.

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

1 **SECTION 1. SUSPENSION OF 180-DAY PERIOD FOR CERTAIN**
2 **LIKE-KIND EXCHANGES INVOLVING BANK-**
3 **RUPTCY OF APPLICABLE EXCHANGE**
4 **FACILITATOR.**

5 (a) IN GENERAL.—Subsection (a) of section 1031 of
6 the Internal Revenue Code of 1986 is amended by adding
7 at the end the following new paragraph:

8 “(4) SPECIAL RULE FOR LIKE-KIND EX-
9 CHANGES INVOLVING BANKRUPTCY OF APPLICABLE
10 EXCHANGE FACILITATORS.—

11 “(A) IN GENERAL.—In the case of any
12 property—

13 “(i) which is identified to be received
14 in the exchange, and

15 “(ii) which may not be received on
16 any day solely by reason of an applicable
17 exchange facilitator being a debtor in a
18 title 11 or similar case (as defined in sec-
19 tion 368(a)(3)(A)),

20 such day shall not be taken into account for
21 purposes of paragraph (3)(B), and clause (ii)
22 thereof shall not apply with respect to such
23 property.

24 “(B) APPLICABLE EXCHANGE
25 FACILITATOR.—For purposes of this paragraph,
26 the term ‘applicable exchange facilitator’ means

1 any person who holds property, or proceeds
2 from the transfer of property, for the benefit of
3 the taxpayer to facilitate an exchange which is
4 intended to be within the provisions of this sub-
5 section.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to transfers in taxable years ending
8 after the date of the enactment of this Act.

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