(c) Inclusion of Certain Counties in Gulf Opportunity Zone for Purposes of Tax-Exempt Bond Financing.—

(1) In General.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

“(8) Inclusion of certain counties.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.”.

(2) Effective Date.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

TITLE IV—REVENUE PROVISIONS

SEC. 401. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) In General.—Subpart B of part II of subchapter E of chapter 1 is amended by inserting after section 457 the following new section:

“SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

“(a) In General.—Any compensation which is deferred under a nonqualified deferred compensation plan of
a nonqualified entity shall be includible in gross income when there is no substantial risk of forfeiture of the rights to such compensation.

“(b) NONQUALIFIED ENTITY.—For purposes of this section, the term ‘nonqualified entity’ means—

“(1) any foreign corporation unless substantially all of its income is—

“(A) effectively connected with the conduct of a trade or business in the United States, or

“(B) subject to a comprehensive foreign income tax, and

“(2) any partnership unless substantially all of its income is allocated to persons other than—

“(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

“(B) organizations which are exempt from tax under this title.

“(c) DETERMINABILITY OF AMOUNTS OF COMPENSATION.—

“(1) IN GENERAL.—If the amount of any compensation is not determinable at the time that such compensation is otherwise includible in gross income under subsection (a)—
“(A) such amount shall be so includible in gross income when determinable, and

“(B) the tax imposed under this chapter for the taxable year in which such compensation is includible in gross income shall be increased by the sum of—

“(i) the amount of interest determined under paragraph (2), and

“(ii) an amount equal to 20 percent of the amount of such compensation.

“(2) INTEREST.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

“(d) OTHER DEFINITIONS AND SPECIAL RULES.—

For purposes of this section—

“(1) SUBSTANTIAL RISK OF FORFEITURE.—

“(A) IN GENERAL.—The rights of a person to compensation shall be treated as subject to
a substantial risk of forfeiture only if such per-
son’s rights to such compensation are condi-
tioned upon the future performance of substan-
tial services by any individual.

“(B) Exception for compensation
based on gain recognized on an invest-
ment asset.—

“(i) In general.—To the extent pro-
vided in regulations prescribed by the Sec-
retary, if compensation is determined solely
by reference to the amount of gain recog-
ized on the disposition of an investment
asset, such compensation shall be treated
as subject to a substantial risk of for-
feiture until the date of such disposition.

“(ii) Investment asset.—For pur-
poses of clause (i), the term ‘investment
asset’ means any single asset (other than
an investment fund or similar entity)—

“(I) acquired directly by an in-
vestment fund or similar entity,

“(II) with respect to which such
entity does not (nor does any person
related to such entity) participate in
the active management of such asset
(or if such asset is an interest in an entity, in the active management of the activities of such entity), and

“(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

“(iii) COORDINATION WITH SPECIAL RULE.—Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

“(2) COMPREHENSIVE FOREIGN INCOME TAX.—

The term ‘comprehensive foreign income tax’ means, with respect to any foreign person, the income tax of a foreign country if—

“(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

“(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

“(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

“(A) IN GENERAL.—The term ‘non-qualified deferred compensation plan’ has the
meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

“(B) Exception.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

“(4) Exception for certain compensation with respect to effectively connected income.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

“(5) Application of rules.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.
“(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.”.

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking “and” at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting “, and”, and by adding at the end the following new subparagraph:

“(W) section 457A(c)(1)(B) (relating to determinability of amounts of compensation).”.

(e) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

“Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2008.
(2) Application to existing deferrals.—

In the case of any amount deferred to which the
amendments made by this section do not apply solely
by reason of the fact that the amount is attributable
to services performed before January 1, 2009, to the
extent such amount is not includible in gross income
in a taxable year beginning before 2018, such
amounts shall be includible in gross income in the
later of—

(A) the last taxable year beginning before
2018, or

(B) the taxable year in which there is no
substantial risk of forfeiture of the rights to
such compensation (determined in the same
manner as determined for purposes of section
457A of the Internal Revenue Code of 1986, as
added by this section).

(3) Charitable contributions of existing
deferrals permitted.—

(A) In general.—Subsection (b) of sec-
tion 170 of the Internal Revenue Code of 1986
shall not apply to (and subsections (b) and (d)
of such section shall be applied without regard
to) so much of the taxpayer’s qualified con-
tributions made during the taxpayer’s last tax-
able year beginning before 2018 as does not exceed the taxpayer’s qualified inclusion amount.

For purposes of subsection (b) of section 170 of such Code, the taxpayer’s contribution base for such last taxable year shall be reduced by the amount of the taxpayer’s qualified contributions to which such subsection does not apply by reason the preceding sentence.

(B) Qualified Contributions.—For purposes of this paragraph, the term “qualified contributions” means the aggregate charitable contributions (as defined in section 170(c) of such Code) paid in cash by the taxpayer to organizations described in section 170(b)(1)(A) of such Code (other than any organization described in section 509(a)(3) of such Code or any fund or account described in section 4966(d)(2) of such Code).

(C) Qualified Inclusion Amount.—For purposes of this paragraph, the term “qualified inclusion amount” means the amount includible in the taxpayer’s gross income for the last taxable year beginning before 2018 by reason of paragraph (2).
(4) Accelerated Payments.—No later than 120 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2008, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(5) Certain Back-to-Back Arrangements.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2008, the guidance issued under paragraph (4) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(6) Accelerated Payment Not Treated as Material Modification.—Any amendment to a nonqualified deferred compensation arrangement
made pursuant to paragraph (4) or (5) shall not be
treated as a material modification of the arrange-
ment for purposes of section 409A of the Internal

SEC. 402. DELAY IN APPLICATION OF WORLDWIDE ALLOCA-
TION OF INTEREST.

(a) In General.—Paragraphs (5)(D) and (6) of sec-
tion 864(f) are each amended by striking “December 31,
2008” and inserting “December 31, 2018”.

(b) Effective Date.—The amendments made by
this section shall apply to taxable years beginning after
December 31, 2008.

SEC. 403. TIME FOR PAYMENT OF CORPORATE ESTIMATED
TAXES.

(a) Repeal of Adjustment for 2012.—Subpara-
graph (B) of section 401(1) of the Tax Increase Preven-
tion and Reconciliation Act of 2005 is amended by striking
the percentage contained therein and inserting “100 per-
cent”.

(b) Modification of Adjustment for 2013.—
The percentage under subparagraph (C) of section 401(1)
of the Tax Increase Prevention and Reconciliation Act of