

108TH CONGRESS  
1ST SESSION

**S. 973**

To amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2003

Mr. NICKLES (for himself and Mr. BREAUX) 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 a shorter recovery period for the depreciation of certain restaurant buildings.

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. RECOVERY PERIOD FOR DEPRECIATION OF  
4 RESTAURANT BUILDINGS.

5        (a) 15-YEAR RECOVERY PERIOD.—Subparagraph  
6 (E) of section 168(e)(3) of the Internal Revenue Code of  
7 1986 (relating to 15-year property) is amended by striking  
8 “and” at the end of clause (ii), by striking the period at  
9 the end of clause (iii) and inserting “, and”, and by adding  
10 at the end the following new clause:

1                             “(iv) any section 1250 property which  
2                             is a retail restaurant facility.”

3                             (b) RETAIL RESTAURANT FACILITY.—Subsection (e)  
4                             of section 168 of such Code is amended by adding at the  
5                             end the following new paragraph:

6                             “(6) RETAIL RESTAURANT FACILITY.—The  
7                             term ‘retail restaurant facility’ means any building  
8                             if more than 50 percent of the building’s square  
9                             footage is devoted to preparation of, and seating for  
10                             on-premises consumption of, prepared meals.”

11                             (c) ALTERNATIVE SYSTEM.—The table contained in  
12                             section 168(g)(3)(B) of such Code is amended by inserting  
13                             after the item relating to subparagraph (E)(iii) the fol-  
14                             lowing new item:

“(E)(iv) ..... 20”.

15                             (d) EFFECTIVE DATE.—The amendments made by  
16                             this section shall apply to retail restaurant buildings  
17                             placed in service after the date of the enactment of this  
18                             Act and to all improvements made after the date of enact-  
19                             ment.

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