

(Added Pub. L. 109-432, div. A, title IV, § 405(a), Dec. 20, 2006, 120 Stat. 2957; amended Pub. L. 110-343, div. C, title III, § 310, Oct. 3, 2008, 122 Stat. 3869; Pub. L. 111-312, title VII, § 735(a), Dec. 17, 2010, 124 Stat. 3318; Pub. L. 112-240, title III, § 307(a), Jan. 2, 2013, 126 Stat. 2329; Pub. L. 113-295, div. A, title I, § 117(a), Dec. 19, 2014, 128 Stat. 4015; Pub. L. 114-113, div. Q, title I, § 163(a), Dec. 18, 2015, 129 Stat. 3066.)

#### AMENDMENTS

2015—Subsec. (e). Pub. L. 114-113 substituted “December 31, 2016” for “December 31, 2014”.

2014—Subsec. (e). Pub. L. 113-295 substituted “December 31, 2014” for “December 31, 2013”.

2013—Subsec. (e). Pub. L. 112-240 substituted “December 31, 2013” for “December 31, 2011”.

2010—Subsec. (e). Pub. L. 111-312 substituted “December 31, 2011” for “December 31, 2009”.

2008—Subsec. (e). Pub. L. 110-343 substituted “December 31, 2009” for “December 31, 2008”.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-113, div. Q, title I, § 163(b), Dec. 18, 2015, 129 Stat. 3066, provided that: “The amendment made by this section [amending this section] shall apply to taxable years beginning after December 31, 2014.”

#### EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-295, div. A, title I, § 117(b), Dec. 19, 2014, 128 Stat. 4015, provided that: “The amendment made by this section [amending this section] shall apply to taxable years beginning after December 31, 2013.”

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-240, title III, § 307(b), Jan. 2, 2013, 126 Stat. 2329, provided that: “The amendment made by this section [amending this section] shall apply to taxable years beginning after December 31, 2011.”

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-312, title VII, § 735(b), Dec. 17, 2010, 124 Stat. 3318, provided that: “The amendment made by this section [amending this section] shall apply to taxable years beginning after December 31, 2009.”

#### EFFECTIVE DATE

Section applicable to taxable years beginning after Dec. 31, 2005, see section 405(e) of Pub. L. 109-432, set out as an Effective Date of 2006 Amendment note under section 38 of this title.

### § 450. Agricultural chemicals security credit

#### (a) In general

For purposes of section 38, in the case of an eligible agricultural business, the agricultural chemicals security credit determined under this section for the taxable year is 30 percent of the qualified security expenditures for the taxable year.

#### (b) Facility limitation

The amount of the credit determined under subsection (a) with respect to any facility for any taxable year shall not exceed—

- (1) \$100,000, reduced by
- (2) the aggregate amount of credits determined under subsection (a) with respect to such facility for the 5 prior taxable years.

#### (c) Annual limitation

The amount of the credit determined under subsection (a) with respect to any taxpayer for any taxable year shall not exceed \$2,000,000.

#### (d) Qualified chemical security expenditure

For purposes of this section, the term “qualified chemical security expenditure” means, with respect to any eligible agricultural business for any taxable year, any amount paid or incurred by such business during such taxable year for—

- (1) employee security training and background checks,
- (2) limitation and prevention of access to controls of specified agricultural chemicals stored at the facility,
- (3) tagging, locking tank valves, and chemical additives to prevent the theft of specified agricultural chemicals or to render such chemicals unfit for illegal use,
- (4) protection of the perimeter of specified agricultural chemicals,
- (5) installation of security lighting, cameras, recording equipment, and intrusion detection sensors,
- (6) implementation of measures to increase computer or computer network security,
- (7) conducting a security vulnerability assessment,
- (8) implementing a site security plan, and
- (9) such other measures for the protection of specified agricultural chemicals as the Secretary may identify in regulation.

Amounts described in the preceding sentence shall be taken into account only to the extent that such amounts are paid or incurred for the purpose of protecting specified agricultural chemicals.

#### (e) Eligible agricultural business

For purposes of this section, the term “eligible agricultural business” means any person in the trade or business of—

- (1) selling agricultural products, including specified agricultural chemicals, at retail predominantly to farmers and ranchers, or
- (2) manufacturing, formulating, distributing, or aerially applying specified agricultural chemicals.

#### (f) Specified agricultural chemical

For purposes of this section, the term “specified agricultural chemical” means—

- (1) any fertilizer commonly used in agricultural operations which is listed under—
  - (A) section 302(a)(2) of the Emergency Planning and Community Right-to-Know Act of 1986,
  - (B) section 101 of part 172 of title 49, Code of Federal Regulations, or
  - (C) part 126, 127, or 154 of title 33, Code of Federal Regulations, and

- (2) any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act), including all active and inert ingredients thereof, which is customarily used on crops grown for food, feed, or fiber.

#### (g) Controlled groups

Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

#### (h) Regulations

The Secretary may prescribe such regulations as may be necessary or appropriate to carry out

the purposes of this section, including regulations which—

(1) provide for the proper treatment of amounts which are paid or incurred for purpose of protecting any specified agricultural chemical and for other purposes, and

(2) provide for the treatment of related properties as one facility for purposes of subsection (b).

**(i) Termination**

This section shall not apply to any amount paid or incurred after December 31, 2012.

(Added Pub. L. 110-234, title XV, §15343(a), May 22, 2008, 122 Stat. 1518, and Pub. L. 110-246, §4(a), title XV, §15343(a), June 18, 2008, 122 Stat. 1664, 2280.)

REFERENCES IN TEXT

Section 302(a)(2) of the Emergency Planning and Community Right-to-Know Act of 1986, referred to in subsec. (f)(1)(A), is classified to section 11002(a)(2) of Title 42, The Public Health and Welfare.

Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (f)(2), is classified to section 136(u) of Title 7, Agriculture.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

Section applicable to amounts paid or incurred after June 18, 2008, see section 15343(e) of Pub. L. 110-246, set out as an Effective Date of 2008 Amendment note under section 38 of this title.

**§ 45P. Employer wage credit for employees who are active duty members of the uniformed services**

**(a) General rule**

For purposes of section 38, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

**(b) Definitions**

For purposes of this section—

**(1) Eligible differential wage payments**

The term “eligible differential wage payments” means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed \$20,000.

**(2) Qualified employee**

The term “qualified employee” means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

**(3) Controlled groups**

All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

**(c) Coordination with other credits**

The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

**(d) Disallowance for failure to comply with employment or reemployment rights of members of the reserve components of the Armed Forces of the United States**

No credit shall be allowed under subsection (a) to a taxpayer for—

(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

(2) the 2 succeeding taxable years.

**(e) Certain rules to apply**

For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

(Added Pub. L. 110-245, title I, §111(a), June 17, 2008, 122 Stat. 1634; amended Pub. L. 111-312, title VII, §736(a), Dec. 17, 2010, 124 Stat. 3318; Pub. L. 112-240, title III, §308(a), Jan. 2, 2013, 126 Stat. 2329; Pub. L. 113-295, div. A, title I, §118(a), Dec. 19, 2014, 128 Stat. 4015; Pub. L. 114-113, div. Q, title I, §122(a), (b), Dec. 18, 2015, 129 Stat. 3052.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (d)(1), is the date of the enactment of Pub. L. 110-245, which was approved June 17, 2008.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-113, §122(b)(1), struck out “, in the case of an eligible small business employer” after “section 38”.

Subsec. (b)(3). Pub. L. 114-113, §122(b)(2), amended par. (3) generally. Prior to amendment, par. (3) defined “eligible small business employer”.

Subsec. (f). Pub. L. 114-113, §122(a), struck out subsec. (f). Text read as follows: “This section shall not apply to any payments made after December 31, 2014.”

2014—Subsec. (f). Pub. L. 113-295 substituted “December 31, 2014” for “December 31, 2013”.

2013—Subsec. (f). Pub. L. 112-240 substituted “December 31, 2013” for “December 31, 2011”.

2010—Subsec. (f). Pub. L. 111-312 substituted “December 31, 2011” for “December 31, 2009”.

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-113, div. Q, title I, §122(c), Dec. 18, 2015, 129 Stat. 3052, provided that:

“(1) EXTENSION.—The amendment made by subsection (a) [amending this section] shall apply to payments made after December 31, 2014.

“(2) MODIFICATION.—The amendments made by subsection (b) [amending this section] shall apply to taxable years beginning after December 31, 2015.”

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-295, div. A, title I, §118(b), Dec. 19, 2014, 128 Stat. 4015, provided that: “The amendment made by this section [amending this section] shall apply to payments made after December 31, 2013.”

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-240, title III, §308(b), Jan. 2, 2013, 126 Stat. 2329, provided that: “The amendment made by this sec-