

119TH CONGRESS
2D SESSION

S. _____

To amend the Internal Revenue Code of 1986 to deny interest and depreciation deductions for certain taxpayers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 to deny interest and depreciation deductions for certain taxpayers, and for other purposes.

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 “American Homeowner-
5 ship Act”.

6 **SEC. 2. DISALLOWANCE OF DEDUCTION FOR INTEREST**
7 **PAID ON REAL PROPERTY OWNED BY CER-**
8 **TAIN REAL PROPERTY OWNERS.**

9 (a) IN GENERAL.—Section 163 of the Internal Rev-
10 enue Code of 1986 is amended by redesignating subsection

1 (n) as subsection (o) and by inserting after subsection (m)
2 the following new subsection:

3 “(n) INTEREST PAID ON RESIDENTIAL RENTAL
4 PROPERTY OWNED BY CERTAIN REAL PROPERTY OWN-
5 ERS.—

6 “(1) IN GENERAL.—No deduction shall be al-
7 lowed under this chapter for any interest paid or ac-
8 crued in connection with—

9 “(A) any applicable residential property in
10 which an institutional investment entity (di-
11 rectly or indirectly) holds a majority interest, or

12 “(B) single-family residential property in
13 which a large owner (directly or indirectly)
14 holds a majority interest.

15 “(2) EXCEPTION FOR SALES TO INDIVIDUALS
16 OR QUALIFIED NONPROFIT ORGANIZATIONS.—

17 “(A) IN GENERAL.—Paragraph (1) shall
18 not apply with respect to interest paid or ac-
19 crued in the taxable year in which applicable
20 residential property is sold.

21 “(B) EXCEPTION.—Subparagraph (A)
22 shall not apply unless the sale described in such
23 subparagraph is—

1 Appropriations Act, 1997 (12 U.S.C.
2 1715z-11a(b)),

3 “(II) any community housing de-
4 velopment organization (as defined in
5 section 104 of the Cranston-Gonzalez
6 National Affordable Housing Act (42
7 U.S.C. 12704),

8 “(III) any community-based de-
9 velopment organization qualified
10 under section 570.204 of title 24,
11 Code of Federal Regulations, as in ef-
12 fect on the date of the enactment of
13 this subsection,

14 “(IV) any land bank,

15 “(V) any resident-owned coopera-
16 tive or community land trust, and

17 “(VI) any subsidiary of a public
18 housing agency (as defined in section
19 3(b)(6) of the United States Housing
20 Act of 1937 (42 U.S.C. 1437a(b)(6)).

21 “(iii) LAND BANK.—For purposes of
22 this subparagraph, the term ‘land bank’
23 means a government entity, agency, or pro-
24 gram, or a special purpose nonprofit entity
25 formed by one or more units of govern-

1 ment in accordance with State or local
2 land bank enabling law, that has been des-
3 ignated by one or more State or local gov-
4 ernments to acquire, steward, and dispose
5 of vacant, abandoned, or other problem
6 properties in accordance with locally-deter-
7 mined priorities and goals.

8 “(iv) COMMUNITY LAND TRUST.—For
9 purposes of this subparagraph, the term
10 ‘community land trust’ means a nonprofit
11 entity, a State, a unit of local government,
12 or an instrumentality of a State or unit of
13 local government that—

14 “(I) is not managed by, or an af-
15 filiate of, a for-profit organization,

16 “(II) has as a primary purpose of
17 acquiring, developing, or holding land
18 to provide housing that is perma-
19 nently affordable to low- and mod-
20 erate-income persons,

21 “(III) monitors properties to en-
22 sure affordability is preserved,

23 “(IV) provides housing that is
24 permanently affordable to low- and
25 moderate-income persons using a

1 ground lease, deed covenant, or other
2 similar legally enforceable measure,
3 determined acceptable by the Sec-
4 retary, that—

5 “(aa) keeps housing afford-
6 able to low- and moderate-income
7 persons for not less than 30
8 years, and

9 “(bb) enables low- and mod-
10 erate-income persons to rent or
11 purchase the housing for home-
12 ownership; and

13 “(V) maintains preemptive pur-
14 chase options to purchase the prop-
15 erty if such purchase would allow the
16 housing to remain affordable to low-
17 and moderate-income persons.

18 “(3) EXCEPTION FOR NEW SINGLE-FAMILY
19 HOUSING.—

20 “(A) IN GENERAL.—In the case of a sin-
21 gle-family residential property the original use
22 of which begins with an eligible taxpayer after
23 December 31, 2023, paragraph (1) shall not
24 apply to interest paid or accrued by such eligi-
25 ble taxpayer with respect to such property in

1 any taxable year during the 5-taxable year pe-
2 riod beginning with the taxable year in which
3 property is placed in service.

4 “(B) ELIGIBLE TAXPAYER.—For purposes
5 of this paragraph, the term ‘eligible taxpayer’
6 means the person who constructed the single-
7 family residential property.

8 “(4) EXCEPTION FOR NEW MULTI-FAMILY
9 HOUSING.—

10 “(A) IN GENERAL.—Paragraph (1) shall
11 not apply to any multi-family residential prop-
12 erty the original use of which begins with an el-
13 igible taxpayer after December 31, 2023.

14 “(B) ELIGIBLE TAXPAYER.—For purposes
15 of this paragraph, the term ‘eligible taxpayer’
16 means the person who constructed the multi-
17 family residential property.

18 “(C) MULTI-FAMILY RESIDENTIAL PROP-
19 erty.—For purposes of this paragraph, the
20 term ‘multi-family residential property’ means
21 any applicable residential property which has 5
22 or more dwelling units (as defined in section
23 168(e)(2)(A)(ii)(I)).

24 “(5) EXCEPTION TO PRESERVE UNINHABIT-
25 ABLE HOUSING.—

1 “(A) IN GENERAL.—In the case of any in-
2 terest paid or accrued with respect to debt
3 which is incurred for the primary purpose of
4 substantially rehabilitating previously uninhab-
5 itable applicable residential property, paragraph
6 (1) shall not apply to interest paid or accrued
7 in any taxable year during the 5-taxable year
8 period beginning with taxable year in which
9 such debt is originally paid or accrued.

10 “(B) UNINHABITABLE.—For purposes of
11 this paragraph, the term ‘uninhabitable’ means,
12 with respect to applicable residential property,
13 property that is not fit for human occupancy,
14 contains serious defects posing risks to health
15 or safety, or does not meet structural or core
16 system elements of local building codes.

17 “(C) SUBSTANTIAL REHABILITATION.—
18 For purposes of this paragraph, the term ‘sub-
19 stantial rehabilitation’ means, with respect to
20 applicable residential property, structural re-
21 pairs or rebuilding, with the cost of rehabilita-
22 tion generally being a significant portion of the
23 property’s value after the work is completed.

1 “(ii) any other investment vehicle that
2 pools funds exclusively from accredited in-
3 vestors as defined in section 230.501 of
4 title 17, Code of Federal Regulations (or
5 any successor regulation).

6 “(B) LARGE OWNER.—

7 “(i) IN GENERAL.—For purposes of
8 this subsection, the term ‘large owner’
9 means any person who (directly or indi-
10 rectly) holds a majority interest in single-
11 family residential rental properties which
12 in the aggregate contain 50 or more dwell-
13 ing units.

14 “(ii) AGGREGATION RULES.—For pur-
15 poses of this subparagraph, all persons
16 treated as a single employer under sub-
17 section (a) or (b) of section 52, or sub-
18 section (m) or (o) of section 414, shall be
19 treated as one taxpayer for purposes of
20 this section.

21 “(iii) MODIFICATIONS.—

22 “(I) IN GENERAL.—For purposes
23 of applying clause (ii)—

24 “(aa) section 52(a) shall be
25 applied by substituting ‘compo-

1 nent members’ for ‘members’,
2 and

3 “(bb) for purposes of apply-
4 ing section 52(b), the term ‘trade
5 or business’ shall include any ac-
6 tivity treated as a trade or busi-
7 ness under paragraph (5) or (6)
8 of section 469(c) (determined
9 without regard to the phrase ‘To
10 the extent provided in regula-
11 tions’ in such paragraph (6)).

12 “(II) COMPONENT MEMBER.—
13 For purposes of this subparagraph,
14 the term ‘component member’ has the
15 meaning given such term by section
16 1563(b), except that the determina-
17 tion shall be made without regard to
18 subparagraphs (B), (C), (D) or (E) of
19 paragraph (2) thereof.

20 “(III) NO INFERENCE.—The
21 modifications made by subclause (I)
22 shall not be construed to create any
23 inference with respect to the proper
24 application of section 52 with respect
25 to any other provision of this title.

1 “(C) APPLICABLE RESIDENTIAL PROP-
2 ERTY.—

3 “(i) IN GENERAL.—The term ‘applica-
4 ble residential property’ means any prop-
5 erty which is—

6 “(I) residential rental property
7 (as defined in section 168(e)(2)(A)(i),

8 “(II) a manufactured housing
9 community, or

10 “(III) a manufactured home (as
11 defined in section 603 of the National
12 Manufactured Housing Construction
13 and Safety Standards Act of 1974 (42
14 U.S.C. 5402)) which is not residential
15 rental property (as so defined).

16 “(ii) MANUFACTURED HOUSING COM-
17 MUNITY.—The term ‘manufactured hous-
18 ing community’ means a residential real
19 estate development with lots on which fac-
20 tory-built homes, including manufactured
21 homes, are located, together with sup-
22 porting infrastructure.

23 “(D) SINGLE-FAMILY RESIDENTIAL PROP-
24 ERTY.—The term ‘single-family residential
25 property’ means any applicable residential prop-

1 erty which contains 4 or fewer dwelling units
2 (as defined in section 168(e)(2)(A)(ii)(I)).

3 “(8) REGULATIONS.—The Secretary shall pre-
4 scribe such regulations as may be necessary or ap-
5 propriate to carry out the purposes of this sub-
6 section, including—

7 “(A) regulations for identifying the
8 amount of interest paid or accrued in connec-
9 tion with applicable residential property and
10 single-family residential property, including any
11 interest paid or accrued through indirect fi-
12 nancing arrangements,

13 “(B) regulations, in consultation with the
14 Secretary of Housing and Urban Development,
15 for identifying and, to the extent provided by
16 the Secretary, substantiating the amount of in-
17 terest paid or accrued with respect to debt
18 which is incurred for the primary purpose of
19 substantially rehabilitating previously uninhab-
20 itable applicable residential property under
21 paragraph (5), and

22 “(C) regulations to prevent the avoidance
23 of the purposes of this subsection.”.

24 (b) APPLICATION TO CAPITALIZED AMOUNTS.—

14

1 (1) IN GENERAL.—Section 263A(f)(2) of the
2 Internal Revenue Code of 1986 is amended by add-
3 ing at the end the following new subparagraph:

4 “(D) EXCEPTION FOR CERTAIN INTEREST
5 OF CERTAIN REAL PROPERTY OWNERS.—Sub-
6 paragraph (A) shall not apply to any interest
7 for which a deduction would be disallowed
8 under section 163(n).”.

9 (2) CARRYING CHARGES.—Section 266 of such
10 Code is amended—

11 (A) by striking “No deduction” and insert-
12 ing the following:

13 “(a) IN GENERAL.—No deduction”, and

14 (B) by adding at the end the following new
15 subsection:

16 “(b) SPECIAL RULE FOR CERTAIN INTEREST OF
17 CERTAIN REAL PROPERTY OWNERS.—No election may be
18 made under this section to treat as chargeable to capital
19 account any interest for which a deduction would be dis-
20 allowed under section 163(n).”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to taxable years beginning after
23 the date of the enactment of this Act.

1 **SEC. 3. DISALLOWANCE OF DEPRECIATION IN CONNEC-**
2 **TION WITH PROPERTY OF CERTAIN REAL**
3 **PROPERTY OWNERS.**

4 (a) IN GENERAL.—Section 167 of the Internal Rev-
5 enue Code of 1986 is amended by redesignating subsection
6 (i) as subsection (j) and by inserting after subsection (h)
7 the following new subsection:

8 “(i) DEDUCTION DISALLOWED FOR CERTAIN REAL
9 PROPERTY OWNERS.—

10 “(1) IN GENERAL.—No deduction shall be al-
11 lowed under this section for—

12 “(A) any applicable residential property
13 owned by an institutional investment entity, or

14 “(B) any single-family residential property
15 owned by a large owner.

16 “(2) EXCEPTIONS.—Rules similar to the rules
17 of paragraphs (2), (3), (4), (5), and (6) of section
18 163(n) shall apply for purposes of this subsection.

19 “(3) DEFINITIONS.—For purposes of this sub-
20 section—

21 “(A) APPLICABLE RESIDENTIAL PROP-
22 erty.—The term ‘applicable residential prop-
23 erty’ means—

24 “(i) any property described in section
25 163(n)(7)(C), and

1 “(ii) any improvements to real prop-
2 erty which—

3 “(I) are directly related to dwell-
4 ing units contained on property de-
5 scribed in clause (i), and

6 “(II) are located on the site of
7 such dwelling units.

8 “(B) SINGLE-FAMILY RESIDENTIAL PROP-
9 ERTY.—The term ‘single-family residential
10 property’ means—

11 “(i) any property described in section
12 163(n)(7)(D), and

13 “(ii) any improvements to real prop-
14 erty which—

15 “(I) are directly related to dwell-
16 ing units contained on property de-
17 scribed in clause (i), and

18 “(II) are located on the site of
19 such dwelling units.

20 “(C) INSTITUTIONAL INVESTMENT ENTITY;
21 LARGE OWNER.—The terms ‘institutional in-
22 vestment entity’ and ‘large owner’ have the re-
23 spective meanings given such terms under sec-
24 tion 163(n).

1 “(4) REGULATIONS.—The Secretary shall pre-
2 scribe such regulations as may be necessary or ap-
3 propriate to carry out the purposes of this sub-
4 section, including regulations to prevent the avoid-
5 ance of the purposes of this subsection.”.

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

9 **SEC. 4. PROHIBITION ON SALE OR PROVISION OF FEDER-**
10 **ALLY BACKED MORTGAGE LOANS TO CER-**
11 **TAIN INVESTORS.**

12 (a) DEFINITIONS.—In this section:

13 (1) COVERED ENTITY.—The term “covered en-
14 tity” means—

15 (A) the Department of Housing and Urban
16 Development, including the Federal Housing
17 Administration and the Government National
18 Mortgage Association;

19 (B) the Department of Veterans Affairs;

20 (C) the Department of Agriculture;

21 (D) the Federal National Mortgage Asso-
22 ciation;

23 (E) the Federal National Mortgage Cor-
24 poration; and

1 (F) any other Federal agency that is sell-
2 ing or otherwise disposing of covered residential
3 property.

4 (2) COVERED RESIDENTIAL PROPERTY.—The
5 term “covered residential property”—

6 (A) means residential real property or a
7 manufactured housing community; and

8 (B) does not include—

9 (i) Federally assisted housing, as de-
10 fined in section 579 of the Quality Hous-
11 ing and Work Responsibility Act of 1998
12 (42 U.S.C. 13664); or

13 (ii) any residential property that uses
14 tax credits under section 42 of the Internal
15 Revenue Code of 1986.

16 (3) FEDERALLY BACKED MORTGAGE LOAN.—
17 The term “Federally backed mortgage loan” has the
18 meaning given the term in section 4022(a) of the
19 CARES Act (15 U.S.C. 9056(a)).

20 (4) INSTITUTIONAL INVESTMENT ENTITY;
21 LARGE OWNER.—The terms “institutional invest-
22 ment entity” and “large owner” have the meanings
23 given those terms in subparagraphs (A) and (B)(i)
24 of section 163(n)(7) of the Internal Revenue Code of
25 1986, as added by this Act.

1 (5) MANUFACTURED HOUSING COMMUNITY.—

2 The term “manufactured housing community”
3 means a residential real estate development with lots
4 on which factory-built homes, including manufac-
5 tured homes (as defined in section 603 of the Na-
6 tional Manufactured Housing Construction and
7 Safety Standards Act of 1974 (42 U.S.C. 5402)),
8 are located, together with amenities, utility services,
9 roads, and other infrastructure.

10 (6) RESIDENTIAL REAL PROPERTY.—The term
11 “residential real property” has the meaning given
12 the term in section 1004 of the Residential Lead-
13 Based Paint Hazard Reduction Act of 1992 (42
14 U.S.C. 4851b).

15 (b) PROHIBITION ON SALE.—A covered entity may
16 not sell or otherwise dispose of Federally backed mortgage
17 loans or covered residential properties to a large owner
18 or a institutional investment entity, including a loan or
19 property that is—

20 (1) a nonperforming or re-performing loan;

21 (2) a foreclosed home;

22 (3) a real estate-owned property; or

23 (4) any other real estate-related asset held by
24 the covered entity.

25 (c) PROHIBITION ON FINANCING.—

1 of Housing and Urban Development) with-
2 in which—

3 (I) the home to be acquired using
4 assistance under this section is lo-
5 cated; or

6 (II) the place of residence of the
7 homebuyer is located; or

8 (ii) in the case of a homebuyer acquir-
9 ing a home that is located in a high-cost
10 area, as determined by the Secretary of
11 Housing and Urban Development, 140 per-
12 cent of the median income for the area
13 within which the home to be acquired
14 using assistance under this section is lo-
15 cated.

16 (B) FIRST-TIME HOMEBUYER.—The home-
17 buyer, as self-attested by the homebuyer, is a
18 first-time homebuyer, as defined in section 104
19 of the Cranston Gonzalez National Affordable
20 Housing Act (42 U.S.C. 12704), except that—

21 (i) for the purposes of this section, the
22 reference in such section 104 to title II
23 shall be considered to refer to this section;
24 and

1 (ii) ownership of heir property shall
2 not be treated as owning a home for pur-
3 poses of determining whether a borrower
4 qualifies as a first-time homebuyer.

5 (C) FIRST-GENERATION HOMEBUYER.—

6 The homebuyer, as self-attested by the home-
7 buyer, is—

8 (i) an individual—

9 (I) whose parents or legal guard-
10 ians do not, or did not at the time of
11 their death, to the best of the individ-
12 ual's knowledge, have any present
13 ownership interest in a residence in
14 any State, excluding ownership of heir
15 property or ownership of chattel; and

16 (II) whose spouse or domestic
17 partner has not, during the 3-year pe-
18 riod ending upon acquisition of the el-
19 igible home to be acquired using such
20 assistance, had any present ownership
21 interest in a residence in any State,
22 excluding ownership of heir property
23 or ownership of chattel, whether the
24 individual is a co-borrower on the loan
25 or not; or

1 (ii) an individual who has at any time
2 been placed in foster care or institutional
3 care whose spouse or domestic partner has
4 not, during the 3-year period ending upon
5 acquisition of the home to be acquired
6 using assistance under this section, had
7 any ownership interest in a residence in
8 any State, excluding ownership of heir
9 property or ownership of chattel, whether
10 such individuals are co-borrowers on the
11 loan or not.

12 (b) TRANSFERS.—For fiscal year 2026 and each fis-
13 cal year thereafter, there are hereby appropriated amounts
14 equal to the following percentages of savings (as estimated
15 by the Secretary of the Treasury) resulting from the limits
16 on deductions established under sections 163(n) and
17 167(i) of the Internal Revenue Code of 1986, as added
18 by this Act:

19 (1) 80 percent of such amounts to the Sec-
20 retary of Housing and Urban Development to pro-
21 vide additional funding for the HOME Investment
22 Partnerships program under subtitle A of title II of
23 the Cranston-Gonzalez National Affordable Housing
24 Act (42 U.S.C. 12741 et seq.), to be allocated in ac-
25 cordance with the formula under that program, ex-

1 cept that such amounts shall not be subject to the
2 requirements under section 231 of such Act (42
3 U.S.C. 12771), for the following purposes:

4 (A) Acquisition of affordable housing, and
5 associated rehabilitation or preservation of such
6 acquired housing.

7 (B) 60 percent of the 80 percent under
8 this paragraph to be used for new construction
9 of affordable housing, with at least half of such
10 funds to be used for new construction of afford-
11 able housing for the benefit of extremely low-in-
12 come households.

13 (2) 20 percent of such amounts to the Sec-
14 retary of Housing and Urban Development to estab-
15 lish a fund to provide grants of assistance on behalf
16 of qualified homebuyers, the amount of which shall
17 not exceed the greater of \$20,000 or 10 percent of
18 the purchase price for each qualified homebuyer, for
19 down payments, closing costs, and interest rate
20 buydowns associated with acquiring owner-occupied
21 primary residences

22 **SEC. 6. INCREASE ANTITRUST MONITORING FOR REAL**
23 **PROPERTY OWNERS.**

24 (a) HOUSING ACQUISITIONS REVIEW AND TRANS-
25 PARENCY.—

1 (1) DEFINITIONS.—In this section:

2 (A) RESIDENTIAL PROPERTY.—The term
3 “residential property”—

4 (i) means property that is zoned or in-
5 tended to be used as a dwelling for individ-
6 uals or households, including multifamily
7 housing, condominiums, manufactured
8 homes, or single-family homes; and

9 (ii) does not include any place of
10 short-term lodging.

11 (B) INVESTMENT RENTAL PROPERTY.—
12 The term “investment rental property” means
13 real property that—

14 (i) will not be rented to an entity, in-
15 cluding any entity of the acquiring person,
16 except for the sole purpose of maintaining,
17 managing, or supervising the operation of
18 the real property; and

19 (ii) will be held solely for rental or in-
20 vestment purposes.

21 (C) PLACE OF SHORT-TERM LODGING.—
22 The term “place of short-term lodging” means
23 a hotel, motel, inn, short-term rental, or other
24 place of lodging that advertises at a price that
25 is a nightly, hourly, or weekly rate.

1 (2) AMENDMENTS MAKING HOUSING TRANS-
2 ACTIONS REPORTABLE.—

3 (A) SINGLE ACQUISITION.—Section 7A(a)
4 of the Clayton Act (15 U.S.C. 18a(a)) is
5 amended by adding at the end the following:
6 “For purposes of this subsection, all acquisi-
7 tions of residential property (as defined in sec-
8 tion 6(a) of the American Homeownership Act
9 by any person within a single calendar year
10 shall be deemed to be a single acquisition and
11 notification pursuant to this subsection shall be
12 filed by the acquiring person upon acquiring the
13 property that brings such single acquisition
14 within any requirement described in paragraph
15 (2) when aggregated with all other prior acqui-
16 sitions of residential property by the person in
17 that calendar year.”

18 (B) EXEMPTION.—Section 7A(e)(1) of the
19 Clayton Act (15 U.S.C. 18a(e)(1)) is amended
20 by inserting “, unless the transaction includes
21 residential property or investment rental prop-
22 erty (as defined in section 6(a) of the American
23 Homeownership Act), including in the form of
24 a real estate investment trust, that is not solely
25 intended for the personal use of an individual.”

1 (C) CODE OF FEDERAL REGULATIONS.—
2 The Federal Trade Commission, with the con-
3 currence of the Assistant Attorney General in
4 charge of the Antitrust Division of the Depart-
5 ment of Justice, shall, by rule, in accordance
6 with section 553 of title 5, United States
7 Code—

8 (i) amend part 802 of title 16, Code
9 of Federal Regulations to conform with the
10 amendments to section 7A(a) of the Clay-
11 ton Act (15 U.S.C. 18(a)) made by this
12 paragraph; and

13 (ii) rescind any rules exempting resi-
14 dential property or investment rental prop-
15 erty pursuant to section 7A(d)(2)(B) of
16 that Act.

17 (3) RULEMAKING.—The Federal Trade Com-
18 mission, with the concurrence of the Assistant Attor-
19 ney General in charge of the Antitrust Division of
20 the Department of Justice and by rule, in accord-
21 ance with section 553 of title 5, United States Code,
22 shall issue rules relating to the form and documen-
23 tary material and information relevant to any acqui-
24 sition or aggregated acquisitions of residential prop-
25 erty is necessary and appropriate under section

1 7A(a) of the Clayton Act (15 U.S.C. 18a(a)), as
2 amended by paragraph (2), to enable the Federal
3 Trade Commission and the Assistant Attorney Gen-
4 eral to determine whether such acquisition or aggre-
5 gated acquisitions may violate the antitrust laws, as
6 defined in subsection (a) of the first section of the
7 Clayton Act (15 U.S.C. 12).

8 (b) PRESUMPTION OF UNLAWFUL MERGER OR AC-
9 QUISITION.—

10 (1) SENSE OF CONGRESS.—It is the sense of
11 Congress that—

12 (A) market concentration and the change
13 in market concentration due to a merger or ac-
14 quisition can be an important indicator of the
15 merger or acquisition’s risk of substantially
16 lessening competition; and

17 (B) in a landmark case, the Supreme
18 Court correctly explained that the “intense con-
19 gressional concern with the trend toward con-
20 centration warrants dispensing, in certain cases,
21 with elaborate proof of market structure, mar-
22 ket behavior, or probable anticompetitive ef-
23 fects.” *United States v. Philadelphia National*
24 *Bank*, 374 U.S. 321 (1963).

25 (2) PRESUMPTION.—

1 (A) IN GENERAL.—For the avoidance of
2 doubt, the Department of Justice and the Fed-
3 eral Trade Commission shall apply the pre-
4 sumption that an acquisition involving residen-
5 tial property increasing the relevant market
6 share of the acquiring person to more than 30
7 percent violates the antitrust laws, as defined in
8 subsection (a) of the first section of the Clayton
9 Act (15 U.S.C. 12) and, and that such acquisi-
10 tion constitutes an unfair method of competi-
11 tion under section 5 of the Federal Trade Com-
12 mission Act (15 U.S.C. 45).

13 (B) RULE OF CONSTRUCTION.—The clari-
14 fication described in subparagraph (A) shall not
15 be read to limit the use of the presumption
16 under that subparagraph in other markets, cast
17 doubt on other presumptions in antitrust en-
18 forcement, or suggest that a market share that
19 is less than 30 percent is presumptively lawful.