

114TH CONGRESS  
1ST SESSION

# H. R. 2768

To amend the Internal Revenue Code of 1986 to provide for the use of funds in the Hazardous Substance Superfund for the purposes for which they were collected, to ensure adequate resources for the cleanup of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2015

Mr. BLUMENAUER (for himself, Mr. KEATING, Ms. NORTON, Mr. GRIJALVA, Mr. GUTIÉRREZ, Mr. BEYER, Mr. HONDA, Ms. SLAUGHTER, Mr. PALLONE, Mr. PASCRELL, Mr. CONNOLLY, Ms. JUDY CHU of California, Mr. CONYERS, Mr. SCHIFF, Mr. CARTWRIGHT, Mr. HUFFMAN, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Internal Revenue Code of 1986 to provide for the use of funds in the Hazardous Substance Superfund for the purposes for which they were collected, to ensure adequate resources for the cleanup of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 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 “Superfund Reinvest-  
5 ment Act”.

6 **SEC. 2. USE OF HAZARDOUS SUBSTANCE SUPERFUND FOR**  
7 **CLEANUP.**

8       (a) AVAILABILITY OF AMOUNTS.—Section 111 of the  
9 Comprehensive Environmental Response, Compensation,  
10 and Liability Act of 1980 (42 U.S.C. 9611) is amended—

11           (1) in subsection (a) by striking “For the pur-  
12 poses specified” and all that follows through “for  
13 the following purposes:” and inserting the following:  
14 “The amount in the Hazardous Substance Super-  
15 fund established under section 9507 of the Internal  
16 Revenue Code of 1986 shall be available, without  
17 further appropriation, to be used for the purposes  
18 specified in this section. The President shall use  
19 such amount for the following purposes:”; and

20           (2) in subsection (c)—

21           (A) by striking “Subject to such amounts  
22 as are provided in appropriations Acts, the”  
23 each place it appears and inserting “The”; and

1 (B) in paragraph (12) by striking “to the  
2 extent that such costs” and all that follows  
3 through “and 1994”.

4 (b) AMENDMENT TO THE INTERNAL REVENUE  
5 CODE.—Section 9507 of the Internal Revenue Code of  
6 1986 is amended—

7 (1) by striking “appropriated to” in subsection  
8 (a)(1) and inserting “made available for”;

9 (2) by striking “appropriated” in subsection (b)  
10 and inserting “transferred”;

11 (3) by striking “, as provided in appropriations  
12 Acts,” in subsection (c)(1); and

13 (4) by striking “December 31, 1995” in sub-  
14 section (d)(3)(B) and inserting “December 31,  
15 2024”.

16 **SEC. 3. BUDGETARY TREATMENT OF HAZARDOUS SUB-**  
17 **STANCE SUPERFUND.**

18 Notwithstanding any other provision of law, the re-  
19 ceipts and disbursements of the Hazardous Substance  
20 Superfund established in section 9507 of the Internal Rev-  
21 enue Code of 1986—

22 (1) shall not be counted as new budget author-  
23 ity, outlays, receipts, or deficit or surplus for pur-  
24 poses of—

1 (A) the budget of the United States Gov-  
2 ernment as submitted by the President;

3 (B) the congressional budget (including al-  
4 locations of budget authority and outlays pro-  
5 vided therein);

6 (C) the Balanced Budget and Emergency  
7 Deficit Control Act of 1985; or

8 (D) the Statutory Pay-As-You-Go Act of  
9 2010;

10 (2) shall be exempt from any general budget  
11 limitation imposed by statute on expenditures and  
12 net lending (budget outlays) of the United States  
13 Government; and

14 (3) shall be available only for the purposes  
15 specified in section 111 of the Comprehensive Envi-  
16 ronmental Response, Compensation, and Liability  
17 Act of 1980 (42 U.S.C. 9611).

18 **SEC. 4. MODIFICATION OF SUPERFUND TAXES.**

19 (a) HAZARDOUS SUBSTANCE SUPERFUND FINANC-  
20 ING RATE.—

21 (1) EXTENSION.—Subsection (e) of section  
22 4611 of the Internal Revenue Code of 1986 is  
23 amended to read as follows:

24 “(e) APPLICATION OF HAZARDOUS SUBSTANCE  
25 SUPERFUND FINANCING RATE.—The Hazardous Sub-

1 stance Superfund financing rate under this section shall  
2 apply after December 31, 1986, and before January 1,  
3 1996, and after the date of the enactment of the Super-  
4 fund Reinvestment Act and before January 1, 2025.”.

5 (2) ADJUSTMENT FOR INFLATION.—

6 (A) Section 4611(c)(2)(A) of such Code is  
7 amended by striking “9.7 cents” and inserting  
8 “16.3 cents”.

9 (B) Section 4611(c) of such Code is  
10 amended by adding at the end the following:

11 “(3) ADJUSTMENT FOR INFLATION.—

12 “(A) IN GENERAL.—In the case of a year  
13 beginning after 2016, the amount in paragraph  
14 (2)(A) shall be increased by an amount equal  
15 to—

16 “(i) such amount, multiplied by

17 “(ii) the cost-of-living adjustment de-  
18 termined under section 1(f)(3) for the cal-  
19 endar year, determined by substituting  
20 ‘calendar year 2015’ for ‘calendar year  
21 1992’ in subparagraph (B) thereof.

22 “(B) ROUNDING.—If any amount as ad-  
23 justed under subparagraph (A) is not a multiple  
24 of \$0.01, such amount shall be rounded to the  
25 next lowest multiple of \$0.01.”.

1 (b) ADJUSTMENT OF EXCISE TAX ON CERTAIN  
 2 CHEMICALS FOR INFLATION.—Section 4661(b) of such  
 3 Code is amended to read as follows:

4 “(b) AMOUNT OF TAX.—

5 “(1) IN GENERAL.—The amount of the tax im-  
 6 posed by subsection (a) shall be determined in ac-  
 7 cordance with the following table:

“In the case of:	The tax is the following amount per ton:
Acetylene	\$11.35
Benzene	11.35
Butane	11.35
Butylene	11.35
Butadiene	11.35
Ethylene	11.35
Methane	8.02
Naphthalene	11.35
Propylene	11.35
Toluene	11.35
Xylene	11.35
Ammonia	6.15
Antimony	10.37
Antimony trioxide	8.74
Arsenic	10.37
Arsenic trioxide	7.95
Barium sulfide	5.36
Bromine	10.37
Cadmium	10.37
Chlorine	6.29
Chromium	10.37
Chromite	3.54
Potassium dichromate	3.94
Sodium dichromate	4.36
Cobalt	10.37
Cupric sulfate	4.36
Cupric oxide	8.37
Cuprous oxide	9.25
Hydrochloric acid	0.68
Hydrogen fluoride	9.86
Lead oxide	9.65
Mercury	10.37
Nickel	10.37
Phosphorus	10.37
Stannous chloride	6.64
Stannic chloride	4.94
Zinc chloride	5.17

“In the case of:	The tax is the following amount per ton:
Zinc sulfate	4.43
Potassium hydroxide	0.51
Sodium hydroxide	0.65
Sulfuric acid	0.61
Nitric acid	0.56.

1           “(2) ADJUSTMENT FOR INFLATION.—

2                   “(A) IN GENERAL.—In the case of a cal-  
3           endar year beginning after 2016, each of the  
4           amounts in the table in paragraph (1) shall be  
5           increased by an amount equal to—

6                           “(i) such amount, multiplied by

7                                   “(ii) the cost-of-living adjustment de-  
8                           termined under section 1(f)(3) for the cal-  
9                           endar year, determined by substituting  
10                           ‘calendar year 2015’ for ‘calendar year  
11                           1992’ in subparagraph (B) thereof.

12                           “(B) ROUNDING.—If any amount as ad-  
13                           justed under subparagraph (A) is not a multiple  
14                           of \$0.01, such amount shall be rounded to the  
15                           next lowest multiple of \$0.01.”.

16           (c) CORPORATE ENVIRONMENTAL INCOME TAX RE-  
17   INSTATED.—

18                   (1) IN GENERAL.—Subchapter A of chapter 1  
19           of the such Code is amended by inserting after part  
20           VI the following:

1                   **“PART VII—ENVIRONMENTAL TAX**

2   **“SEC. 59A. ENVIRONMENTAL TAX.**

3           “(a) IMPOSITION OF TAX.—In the case of a corpora-  
4 tion, there is hereby imposed (in addition to any other tax  
5 imposed by this subtitle) a tax equal to 0.12 percent of  
6 the excess of—

7                   “(1) the modified alternative minimum taxable  
8 income of such corporation for the taxable year, over

9                   “(2) \$3,735,000.

10          “(b) MODIFIED ALTERNATIVE MINIMUM TAXABLE  
11 INCOME.—For purposes of this section, the term ‘modified  
12 alternative minimum taxable income’ means alternative  
13 minimum taxable income (as defined in section 55(b)(2))  
14 but determined without regard to—

15                   “(1) the alternative tax net operating loss de-  
16 duction (as defined in section 56(d)), and

17                   “(2) the deduction allowed under section  
18 164(a)(5).

19          “(c) EXCEPTION FOR RICS AND REITS.—The tax  
20 imposed by subsection (a) shall not apply to—

21                   “(1) a regulated investment company to which  
22 part I of subchapter M applies, and

23                   “(2) a real estate investment trust to which  
24 part II of subchapter M applies.

25          “(d) SPECIAL RULES.—



1           “(1) SHORT TAXABLE YEARS.—The application  
2 of this section to taxable years of less than 12  
3 months shall be in accordance with regulations pre-  
4 scribed by the Secretary.

5           “(2) SECTION 15 NOT TO APPLY.—Section 15  
6 shall not apply to the tax imposed by this section.

7           “(e) ADJUSTMENT FOR INFLATION.—

8           “(1) IN GENERAL.—In the case of a taxable  
9 year beginning after 2016, the dollar amount in sub-  
10 section (a)(2) shall be increased by an amount equal  
11 to—

12                   “(A) such amount, multiplied by

13                   “(B) the cost-of-living adjustment deter-  
14 mined under section 1(f)(3) for the calendar  
15 year in which the taxable year begins, deter-  
16 mined by substituting ‘calendar year 2015’ for  
17 ‘calendar year 1992’ in subparagraph (B)  
18 thereof.

19           “(2) ROUNDING.—If any amount as adjusted  
20 under subparagraph (A) is not a multiple of \$1,000,  
21 such amount shall be rounded to the next lowest  
22 multiple of \$1,000.

23           “(f) APPLICATION OF TAX.—The tax imposed by this  
24 section shall apply to taxable years ending after the date

1 of the enactment of the Superfund Reinvestment Act and  
2 beginning before January 1, 2025.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Paragraph (2) of section 26(b) of such  
5 Code is amended by inserting after subpara-  
6 graph (A) the following:

7 “(B) section 59A (relating to environ-  
8 mental tax),”.

9 (B) Section 30A(c) of such Code is amend-  
10 ed by redesignating paragraphs (1), (2), and  
11 (3) as paragraphs (2), (3), and (4), respec-  
12 tively, and by inserting before paragraph (2)  
13 (as so redesignated) the following:

14 “(1) section 59A (relating to environmental  
15 tax),”.

16 (C) Subsection (a) of section 164 of such  
17 Code is amended by inserting after paragraph  
18 (4) the following:

19 “(5) The environmental tax imposed by section  
20 59A.”.

21 (D) Section 275(a) of such Code is amend-  
22 ed by inserting at the end the following flush  
23 sentence: “Paragraph (1) shall not apply to the  
24 tax imposed by section 59A.”.

1           (E) Section 882(a)(1) of such Code is  
2 amended by inserting “59A,” after “55,”.

3           (F) Section 1561(a) of such Code is  
4 amended—

5                 (i) by striking “and” at the end of  
6 paragraph (2),

7                 (ii) by striking the period at the end  
8 of paragraph (3) and inserting “, and”,

9                 (iii) by inserting after paragraph (3)  
10 the following:

11                 “(4) one dollar amount in effect under section  
12 59A(a)(2) for the taxable year for purposes of com-  
13 puting the tax imposed by section 59A.”, and

14                 (iv) by striking “and the amount spec-  
15 ified in paragraph (3)” and inserting “,  
16 the amount specified in paragraph (3), and  
17 the amount specified in paragraph (4)”.

18           (G) Section 6425(c)(1)(A) of such Code is  
19 amended by striking “plus” at end of clause (i),  
20 by inserting “plus” at the end of clause (ii),  
21 and by inserting after clause (ii) the following:

22                 “(iii) the tax imposed by section 59A,  
23 over”.

24           (H) Section 6655 of such Code is amend-  
25 ed—

1 (i) in subsections (e)(2)(A)(i) and  
 2 (e)(2)(B)(i), by striking “taxable income  
 3 and alternative minimum taxable income”  
 4 and inserting “taxable income, alternative  
 5 minimum taxable income, and modified al-  
 6 ternative minimum taxable income”,

7 (ii) in subsection (e)(2)(B), by insert-  
 8 ing after clause (ii) the following:

9 “(iii) MODIFIED ALTERNATIVE MIN-  
 10 IMUM TAXABLE INCOME.—The term ‘modi-  
 11 fied alternative minimum taxable income’  
 12 has the meaning given to such term by sec-  
 13 tion 59A(b).”, and

14 (iii) in subsection (g)(1)(A), by strik-  
 15 ing “plus” at the end of clause (ii), by re-  
 16 designating clause (iii) as clause (iv) and  
 17 by inserting after clause (ii) the following:

18 “(iii) the tax imposed by section 59A,  
 19 plus”.

20 (I) Section 9507(b)(1) of such Code is  
 21 amended by inserting “59A,” before “4611”.

22 (3) CLERICAL AMENDMENT.—The table of  
 23 parts for subchapter A of chapter 1 of such Code is  
 24 amended by inserting after the item relating to part  
 25 VI the following new item:

“PART VII. ENVIRONMENTAL TAX”.

1 (d) CLARIFICATION OF TAR SANDS AS CRUDE OIL  
2 FOR EXCISE TAX PURPOSES.—

3 (1) IN GENERAL.—Section 4612(a)(1) of such  
4 Code is amended to read as follows:

5 “(1) CRUDE OIL.—The term ‘crude oil’ includes  
6 crude oil condensates, natural gasoline, any bitumen  
7 or bituminous mixture, any oil derived from a bitu-  
8 men or bituminous mixture (including oil derived  
9 from tar sands), and any oil derived from kerogen-  
10 bearing sources (including oil derived from oil  
11 shale).”.

12 (2) TECHNICAL AMENDMENT.—Section  
13 4612(a)(2) of such Code is amended by striking  
14 “from a well located”.

15 (e) TECHNICAL AMENDMENTS.—

16 (1) Subsection (b) of section 4611 of such Code  
17 is amended—

18 (A) by striking “or exported from” in  
19 paragraph (1)(A);

20 (B) by striking “or exportation” in para-  
21 graph (1)(B); and

22 (C) by striking “AND EXPORTATION” in  
23 the heading thereof.

24 (2) Paragraph (3) of section 4611(d) of such  
25 Code is amended—

1 (A) by striking “or exporting the crude oil,  
2 as the case may be” and inserting “the crude  
3 oil”; and

4 (B) by striking “OR EXPORTS” in the  
5 heading thereof.

6 (f) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), the amendments made by this section  
9 shall apply to oil and petroleum products received or  
10 entered during calendar quarters beginning after  
11 December 31, 2015.

12 (2) CORPORATE ENVIRONMENTAL INCOME  
13 TAX.—The amendment made by section 4(c) shall  
14 apply to taxable years beginning after December 31,  
15 2015.

16 **SEC. 5. APPLICABILITY.**

17 (a) IN GENERAL.—Except as provided in section 4(f),  
18 this Act (including the amendments made by this Act)  
19 shall apply to fiscal years beginning after September 30,  
20 2015.

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