

106TH CONGRESS
2^D SESSION

H. R. 5278

To express the sense of Congress that the President should take action to develop a comprehensive energy policy and to amend the Internal Revenue Code of 1986 to repeal the 1993 4.3-cent increases in highway motor fuel taxes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2000

Mr. HYDE introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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

A BILL

To express the sense of Congress that the President should take action to develop a comprehensive energy policy and to amend the Internal Revenue Code of 1986 to repeal the 1993 4.3-cent increases in highway motor fuel taxes.

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 “Energy Independence
5 Through Presidential Leadership Act”.

1 **SEC. 2. PRESIDENTIAL LEADERSHIP TO ENACT COM-**
2 **PREHENSIVE ENERGY POLICY.**

3 (a) CONGRESSIONAL FINDINGS.—The Congress finds
4 that:

5 (1) The United States increasingly depends on
6 foreign nations to supply its energy needs.

7 (2) That dependence leaves the United States
8 increasingly vulnerable to the whims of foreign na-
9 tions and constitutes a grave and worsening threat
10 to our national security and our economy.

11 (3) Lessening this dependence is not easy, and
12 it cannot be done in a short period of time.

13 (4) The United States can lessen its depend-
14 ence over a longer period of time by enacting a com-
15 prehensive energy policy designed to address the nu-
16 merous elements of the problem. Those elements in-
17 clude: increased domestic energy production con-
18 sistent with reasonable environmental guidelines, in-
19 creased domestic refining and transportation capac-
20 ity consistent with reasonable environmental guide-
21 lines, increased diplomatic pressure on foreign na-
22 tions that produce oil, increased energy efficiency of
23 engines and generation facilities, increased use of re-
24 newable energy sources throughout our economy,
25 and a reformed excise tax structure.

1 (5) Because the elements of a comprehensive
2 energy policy are so varied—involving many groups
3 within society and the jurisdiction of many govern-
4 ment agencies and congressional committees—Con-
5 gress can only enact such a policy with committed
6 leadership from the President.

7 (6) In the meantime, Congress and the Presi-
8 dent should provide some minimal relief for con-
9 sumers hit by high gasoline prices.

10 (b) SENSE OF CONGRESS RESOLUTION.—It is the
11 sense of Congress that the President should take imme-
12 diate and appropriate action to lead the United States in
13 developing and enacting a comprehensive energy policy to
14 lessen our dependence on foreign nations to supply our
15 energy needs.

16 **SEC. 3. IMMEDIATE CONSUMER RELIEF THROUGH REPEAL**
17 **OF DEFICIT REDUCTION TAX.**

18 (a) HIGHWAY GASOLINE.—Clause (i) of section
19 4081(a)(2)(A) of the Internal Revenue Code of 1986 is
20 amended by striking “18.3 cents” and inserting “14
21 cents”.

22 (b) DIESEL FUEL AND KEROSENE.—Clause (iii) of
23 section 4081(a)(2)(A) of such Code is amended by striking
24 “24.3 cents” and inserting “20 cents”.

25 (c) TECHNICAL AMENDMENTS.—

1 (1) Subparagraph (B) of section 40(e)(1) of
2 such Code is amended by striking “during which the
3 rates of tax under section 4081(a)(2)(A) are 4.3
4 cents per gallon” and inserting “during which the
5 rate of tax under section 4081(a)(2)(A)(i) does not
6 apply”.

7 (2) Clauses (i) and (ii) of section
8 4041(m)(1)(A) of such Code are amended to read as
9 follows:

10 “(i) 7 cents per gallon on and after
11 the date of the enactment of this clause
12 and before October 1, 2005, and

13 “(ii) zero after September 30, 2005,
14 and”.

15 (3) Subsection (c) of section 4081 of such Code
16 is amended by striking paragraph (6) and by redesi-
17 gnating paragraphs (7) and (8) as paragraphs (6)
18 and (7), respectively.

19 (4) Paragraph (1) of section 4081(d) of such
20 Code is amended by striking “4.3 cents per gallon”
21 and inserting “zero”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date of the enactment
24 of this Act.

25 (e) FLOOR STOCK REFUNDS.—

1 (1) IN GENERAL.—If—

2 (A) before the date of the enactment of
3 this Act, tax has been imposed under section
4 4081 of the Internal Revenue Code of 1986 on
5 any liquid, and

6 (B) on such date such liquid is held by a
7 dealer and has not been used and is intended
8 for sale,

9 there shall be credited or refunded (without interest)
10 to the person who paid such tax (hereafter in this
11 subsection referred to as the “taxpayer”) an amount
12 equal to the excess of the tax paid by the taxpayer
13 over the amount of such tax which would be imposed
14 on such liquid had the taxable event occurred on
15 such date.

16 (2) TIME FOR FILING CLAIMS.—No credit or re-
17 fund shall be allowed or made under this subsection
18 unless—

19 (A) claim therefor is filed with the Sec-
20 retary of the Treasury before the date which is
21 6 months after the date of the enactment of
22 this Act, based on a request submitted to the
23 taxpayer before the date which is 3 months
24 after such date of enactment, by the dealer who
25 held the liquid on such date of enactment, and

1 (B) the taxpayer has repaid or agreed to
2 repay the amount so claimed to such dealer or
3 has obtained the written consent of such dealer
4 to the allowance of the credit or the making of
5 the refund.

6 (3) EXCEPTION FOR FUEL HELD IN RETAIL
7 STOCKS.—No credit or refund shall be allowed under
8 this subsection with respect to any liquid in retail
9 stocks held at the place where intended to be sold
10 at retail.

11 (4) DEFINITIONS.—For purposes of this sub-
12 section, the terms “dealer” and “held by a dealer”
13 have the respective meanings given to such terms by
14 section 6412 of such Code.

15 (5) CERTAIN RULES TO APPLY.—Rules similar
16 to the rules of subsections (b) and (c) of section
17 6412 of such Code shall apply for purposes of this
18 subsection.

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