

106TH CONGRESS
2D SESSION

S. 2161

To amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2000

Mr. CAMPBELL (for himself, Mr. DASCHLE, Mr. CRAIG, Mr. BIDEN, Mr. BUNNING, Mr. CONRAD, Ms. LANDRIEU, Mr. KERREY, Mr. GREGG, Ms. COLLINS, Mr. HUTCHINSON, and Mrs. HUTCHISON) 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 impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall.

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 Transpor-
5 tation Recovery and Highway Trust Fund Protection Act
6 of 2000”.

1 **SEC. 2. 1 YEAR MORATORIUM ON CERTAIN DIESEL FUEL**
 2 **EXCISE TAXES.**

3 (a) IN GENERAL.—Section 4081(d) of the Internal
 4 Revenue Code of 1986 (relating to termination) is
 5 amended—

6 (1) by redesignating paragraphs (2) and (3) as
 7 paragraphs (3) and (4), respectively,

8 (2) by inserting after paragraph (1) the fol-
 9 lowing new paragraph:

10 “(2) DIESEL FUEL.—The rate of tax specified
 11 in subsection (a)(2)(A)(iii) with respect to diesel fuel
 12 shall be—

13 “(A) zero during the 1 year period begin-
 14 ning on the date of the enactment of this para-
 15 graph, and

16 “(B) 4.3 cents per gallon after September
 17 30, 2005.”, and

18 (3) by striking “clauses (i) and (iii) of sub-
 19 section (a)(2)(A)” in paragraph (1) and inserting
 20 “subsections (a)(2)(A)(i) and (a)(2)(A)(iii) with re-
 21 spect to kerosene”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Subclause (I) of section 4041(a)(1)(C)(iii)
 24 of the Internal Revenue Code of 1986 (relating to
 25 rate of tax on certain buses) is amended by striking
 26 “shall be 7.3 cents per gallon (4.3 cents per gallon

1 after September 30, 2005).” and inserting “shall
2 be—

3 “(aa) zero during the 1 year
4 period beginning on the date of
5 the enactment of the American
6 Transportation Recovery and
7 Highway Trust Fund Protection
8 Act of 2000,

9 “(bb) 7.3 cents per gallon
10 after the end of the 1 year period
11 under item (aa), and before Octo-
12 ber 1, 2005, and

13 “(cc) 4.3 cents per gallon
14 after September 30, 2005.”.

15 (2) Section 4081(c)(6) of such Code is amended
16 by inserting “(other than paragraph (5))” after
17 “subsection”.

18 (3) Section 6412(a)(1) of such Code is
19 amended—

20 (A) by inserting “(the date of the enact-
21 ment of the American Transportation Recovery
22 and Highway Trust Fund Protection Act of
23 2000, in the case of diesel fuel)” after “October
24 1, 2005” both places it appears,

1 (B) by inserting “(the date which is 6
2 months after the date of the enactment of such
3 Act, in the case of diesel fuel) after “March 31,
4 2006” both places it appears, and

5 (C) by inserting “(the date which is 3
6 months after the date of the enactment of such
7 Act, in the case of diesel fuel) after “January
8 1, 2006”.

9 (4) Section 6427(f)(4) of such Code is amended
10 by inserting “(during the 1 year period beginning on
11 the date of the enactment of the American Trans-
12 portation Recovery and Highway Trust Fund Pro-
13 tection Act of 2000, in the case of diesel fuel)” after
14 “September 30, 2007”.

15 (c) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), the amendments made by this section
18 shall take effect on the date of the enactment of this
19 section.

20 (2) DECREASE IN CRUDE OIL PRICES.—If the
21 Secretary of Treasury determines that the average
22 refiner acquisition costs for crude oil are equal to or
23 less than such costs were on December 31, 1999, the
24 amendments made by this section shall cease to take
25 effect and the Internal Revenue Code shall be ad-

1 ministered as if such amendments did not take ef-
2 fect.

3 **SEC. 3. TRANSFER OF AMOUNTS TO HIGHWAY TRUST FUND**
4 **TO COVER SHORTFALL DUE TO MORATO-**
5 **RIUM.**

6 The Secretary of the Treasury shall from time to time
7 transfer from the general fund, out of amounts not other-
8 wise appropriated, to the Highway Trust Fund (estab-
9 lished under section 9503 of the Internal Revenue Code
10 of 1986) amounts equal to the amounts which the Sec-
11 retary determines are not appropriated to such Fund as
12 a result of the amendments made by section 2 of this Act.

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