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.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2019

Mr. BLUMENAUER (for himself, Mr. CONNOLLY, Mr. McNERNEY, Ms. SEWELL of Alabama, Ms. NORTON, Mr. Grijalva, and Mr. CARTWRIGHT) 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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Superfund Reinvestment Act”.

SEC. 2. USE OF HAZARDOUS SUBSTANCE SUPERFUND FOR CLEANUP.

(a) AVAILABILITY OF AMOUNTS.—Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611) is amended—(1) in subsection (a) by striking “For the purposes specified” and all that follows through “for the following purposes:” and inserting the following: “The amount in the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 shall be available, without further appropriation, to be used for the purposes specified in this section. The President shall use such amount for the following purposes:”; and (2) in subsection (c)— (A) by striking “Subject to such amounts as are provided in appropriations Acts, the” each place it appears and inserting “The”; and (B) in paragraph (12) by striking “to the extent that such costs” and all that follows through “and 1994”.

•HR 4088 IH
(b) **AMENDMENT TO THE INTERNAL REVENUE CODE.**—Section 9507 of the Internal Revenue Code of 1986 is amended—

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

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

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

(4) by striking “December 31, 1995” in subsection (d)(3)(B) and inserting “December 31, 2028”.

**SEC. 3. BUDGETARY TREATMENT OF HAZARDOUS SUBSTANCE SUPERFUND.**

Notwithstanding any other provision of law, the receipts and disbursements of the Hazardous Substance Superfund established in section 9507 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;
(B) the congressional budget (including allocations of budget authority and outlays provided therein);

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

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

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

(3) shall be available only for the purposes specified in section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611).

SEC. 4. MODIFICATION OF SUPERFUND TAXES.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

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

“(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1,
1996, and after the date of the enactment of the Super-
fund Reinvestment Act and before January 1, 2029.”.

(2) ADJUSTMENT FOR INFLATION.—

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

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

“(3) ADJUSTMENT FOR INFLATION.—

“(A) IN GENERAL.—In the case of a year beginning after 2020, the amount in paragraph (2)(A) shall be increased by an amount equal to—

“(i) such amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2019’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.”.
(b) **Adjustment of Excise Tax on Certain Chemicals for Inflation.**—Section 4661(b) of such Code is amended to read as follows:

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(b) **Amount of Tax.**—

(1) **In General.**—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:
```

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

<table>
<thead>
<tr>
<th>Substance</th>
<th>Amount per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zinc sulfate</td>
<td>4.43</td>
</tr>
<tr>
<td>Potassium hydroxide</td>
<td>0.51</td>
</tr>
<tr>
<td>Sodium hydroxide</td>
<td>0.65</td>
</tr>
<tr>
<td>Sulfuric acid</td>
<td>0.61</td>
</tr>
<tr>
<td>Nitric acid</td>
<td>0.56</td>
</tr>
</tbody>
</table>

“(2) ADJUSTMENT FOR INFLATION.—

“(A) In general.—In the case of a calendar year beginning after 2020, each of the amounts in the table in paragraph (1) shall be increased by an amount equal to—

“(i) such amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2019’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(B) Rounding.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.”.

(c) CORPORATE ENVIRONMENTAL INCOME TAX RESTATED.—

(1) In general.—Subchapter A of chapter 1 of such Code is amended by inserting after part VII the following:
"PART VIII—ENVIRONMENTAL TAX"

"Sec. 59B. Environmental tax.

"SEC. 59B. ENVIRONMENTAL TAX.

(a) IMPOSITION OF TAX.—In the case of a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 0.12 percent of the excess of—

"(1) the modified environmental tax taxable income of such corporation for the taxable year, over

"(2) $3,735,000.

"(b) MODIFIED ENVIRONMENTAL TAX TAXABLE INCOME.—For purposes of this section, the term ‘modified environmental tax taxable income’ means taxable income determined without regard to—

"(1) the net operating loss deduction allowable under section 172, and

"(2) the deduction allowed under section 164(a)(5).

"(c) EXCEPTION FOR RICs AND REITs.—The tax imposed by subsection (a) shall not apply to—

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

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

"(d) SPECIAL RULES.—
“(1) **Short Taxable Years.**—The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary.

“(2) **Section 15 Not to Apply.**—Section 15 shall not apply to the tax imposed by this section.

“(e) **Adjustment for Inflation.**—

“(1) **In General.**—In the case of a taxable year beginning after 2020, the dollar amount in subsection (a)(2) shall be increased by an amount equal to—

“(A) such amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2019’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(2) **Rounding.**—If any amount as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.

“(f) **Application of Tax.**—The tax imposed by this section shall apply to taxable years ending after the date
of the enactment of the Superfund Reinvestment Act and
beginning before January 1, 2029.”.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 26(b) of such
Code is amended by striking “and” at the end
of subparagraph (X), by striking the period at
the end of subparagraph (Y) and inserting “,
and”, and by adding at the end the following
new subparagraph:

“(Z) section 59B (relating to environ-
mental tax).”.

(B) Subsection (a) of section 164 of such
Code is amended by inserting after paragraph
(4) the following:

“(5) The environmental tax imposed by section
59B.”.

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

(D) Section 882(a)(1) of such Code is
amended by striking “or 59A” and inserting “,
59A, or 59B”.

(E) Section 1561(a) of such Code is
amended by inserting “and one dollar amount
in effect under section 59B(a)(2) for the taxable year for purposes of computing the tax imposed by section 59B” after “under section 535(c)(2) and (3)”.

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

“(iii) the tax imposed by section 59B, over”.

(G) Section 6655 of such Code is amended—

(i) in subsections (e)(2)(A)(i) and (e)(2)(B)(i), by striking “taxable income and modified taxable income” and inserting “taxable income, modified taxable income, and modified environmental tax taxable income”;

(ii) in subsection (e)(2)(B), by inserting after clause (ii) the following:

“(iii) MODIFIED ENVIRONMENTAL TAX TAXABLE INCOME.—The term ‘modified environmental tax taxable income’ has
the meaning given to such term by section 59B(b).”; and

(iii) in subsection (g)(1)(A), by strik-
ing “plus” at the end of clause (ii), by re-
designating clause (iii) as clause (iv) and
by inserting after clause (ii) the following:
“(iii) the tax imposed by section 59B,
plus”.

(H) Section 9507(b)(1) of such Code is
amended by inserting “59B,” before “4611”.

(3) Clerical Amendment.—The table of
parts for subchapter A of chapter 1 of such Code is
amended by inserting after the item relating to part
VII the following new item:

“Part VIII. Environmental Tax”.

(d) Clarification of Tar Sands as Crude Oil
for Excise Tax Purposes.—

(1) In General.—Section 4612(a)(1) of such
Code is amended to read as follows:

“(1) Crude Oil.—The term ‘crude oil’ includes
crude oil condensates, natural gasoline, any bitumen
or bituminous mixture, any oil derived from a bitu-
men or bituminous mixture (including oil derived
from tar sands), and any oil derived from kerogen-
bearing sources (including oil derived from oil
shale).”.
(2) Technical Amendment.—Section 4612(a)(2) of such Code is amended by striking “from a well located”.

(e) Technical Amendments.—

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

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

(B) by striking “or exportation” in paragraph (1)(B); and

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

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

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

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

(f) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to oil and petroleum products received or entered during calendar quarters beginning after December 31, 2019.
(2) Corporate environmental income tax.—The amendment made by section 4(e) shall apply to taxable years beginning after December 31, 2019.

SEC. 5. APPLICABILITY.

Except as provided in section 4(f), this Act (including the amendments made by this Act) shall apply to fiscal years beginning after September 30, 2019.