

117TH CONGRESS
1ST SESSION

H. R. 2674

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

APRIL 20, 2021

Mr. BLUMENAUER (for himself, Ms. BARRAGÁN, Mr. CARTWRIGHT, Mr. CLEAVER, Mr. COHEN, Mr. GARCÍA of Illinois, Mr. GRJALVA, Mr. HUFFMAN, Ms. JAYAPAL, Mr. JONES, Mr. KILDEE, Ms. NEWMAN, Ms. NORTON, Mr. PALLONE, and Mr. SIRES) 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.

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 2029”.

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.”.

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 “16.4 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 2021, 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 2020’ for ‘calendar year
21 2016’ in subparagraph (A)(ii) 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	\$14.30
Benzene	14.30
Butane	14.30
Butylene	14.30
Butadiene	14.30
Ethylene	14.30
Methane	10.10
Naphthalene	14.30
Propylene	14.30
Toluene	14.30
Xylene	14.30
Ammonia	7.75
Antimony	13.06
Antimony trioxide	11.01
Arsenic	13.06
Arsenic trioxide	10.01
Barium sulfide	6.75
Bromine	13.06
Cadmium	13.06
Chlorine	7.93
Chromium	13.06
Chromite	4.46
Potassium dichromate	4.96
Sodium dichromate	5.49
Cobalt	13.06
Cupric sulfate	5.49
Cupric oxide	10.54
Cuprous oxide	11.66
Hydrochloric acid	0.85
Hydrogen fluoride	12.42
Lead oxide	12.15
Mereury	13.06
Nickel	13.06
Phosphorus	13.06
Stannous chloride	8.37
Stannic chloride	6.22
Zinc chloride	6.52

“In the case of:	The tax is the following amount per ton:
Zinc sulfate	5.58
Potassium hydroxide	0.65
Sodium hydroxide	0.82
Sulfuric acid	0.76
Nitric acid	0.70.

1 “(2) ADJUSTMENT FOR INFLATION.—

2 “(A) IN GENERAL.—In the case of a cal-
3 endar year beginning after 2021, 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 2020’ for ‘calendar year
11 2016’ in subparagraph (A)(ii) 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 such Code is amended by inserting after part VII
20 the following:

1 **“PART VIII—ENVIRONMENTAL TAX**

“Sec. 59B. Environmental tax.

2 **“SEC. 59B. 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 environmental tax taxable in-
8 come of such corporation for the taxable year, over

9 “(2) \$4,700,000.

10 “(b) MODIFIED ENVIRONMENTAL TAX TAXABLE IN-
11 COME.—For purposes of this section, the term ‘modified
12 environmental tax taxable income’ means taxable income
13 determined without regard to—

14 “(1) the net operating loss deduction allowable
15 under section 172, and

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

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

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

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

24 “(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 2021, 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 2020’ for
17 ‘calendar year 2016’ in subparagraph (A)(ii)
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
25 of the enactment of the Superfund Reinvestment Act.”.

1 (2) CONFORMING AMENDMENTS.—

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

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

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

13 “(5) The environmental tax imposed by section
14 59B.”.

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

19 (D) Section 882(a)(1) of such Code is
20 amended by striking “or 59A” and inserting “,
21 59A, or 59B”.

22 (E) Section 1561(a) of such Code is
23 amended by inserting “and one dollar amount
24 in effect under section 59B(a)(2) for the tax-
25 able year for purposes of computing the tax im-

1 posed by section 59B” after “under section
2 535(c)(2) and (3)”.

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

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

10 (G) Section 6655 of such Code is amend-
11 ed—

12 (i) in subsections (e)(2)(A)(i) and
13 (e)(2)(B)(i), by striking “taxable income
14 and modified taxable income” and insert-
15 ing “taxable income, modified taxable in-
16 come, and modified environmental tax tax-
17 able income”;

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

20 “(iii) MODIFIED ENVIRONMENTAL
21 TAX TAXABLE INCOME.—The term ‘modi-
22 fied environmental tax taxable income’ has
23 the meaning given to such term by section
24 59B(b).”; and

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

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

9 (3) CLERICAL AMENDMENT.—The table of
10 parts for subchapter A of chapter 1 of such Code is
11 amended by inserting after the item relating to part
12 VII the following new item:

“PART VIII. ENVIRONMENTAL TAX”.

13 (d) TECHNICAL AMENDMENTS.—

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

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

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

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

22 (2) Paragraph (3) of section 4611(d) of such
23 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 (e) 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, 2021.

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 2021.

16 **SEC. 5. APPLICABILITY.**

17 Except as provided in section 4(f), this Act (including
18 the amendments made by this Act) shall apply to fiscal
19 years beginning after September 30, 2021.

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