

AMENDMENT NO. _____ Calendar No. _____

Purpose: To adjust certain fuel taxes for inflation.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 1813

To reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ENZI

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . INFLATION ADJUSTMENT FOR TAX ON GASOLINE**

3 **AND DIESEL FUEL.**

4 (a) ADJUSTMENT FOR MANUFACTURER LEVEL

5 TAX.—

6 (1) IN GENERAL.—Subpart A of part III of

7 subchapter A of chapter 32 of the Internal Revenue

8 Code of 1986 is amended by redesignating section

9 4084 as section 4085 and inserting after section

10 4083 the following new section:

1 **“SEC. 4084. INFLATION ADJUSTMENT FOR GASOLINE, KER-**
2 **OSENE, AND DIESEL FUEL.**

3 “(a) IN GENERAL.—In the case of any calendar year
4 beginning after 2012, each of the specified amounts shall
5 be adjusted by an amount equal to—

6 “(1) such dollar amount, multiplied by

7 “(2) the cost-of-living adjustment determined
8 under section 1(f)(3) for the calendar year, deter-
9 mined by substituting ‘calendar year 2011’ for ‘cal-
10 endar year 1992’ in subparagraph (B) thereof.

11 “(b) SPECIFIED AMOUNTS.—For purposes of sub-
12 section (a), the specified amounts are—

13 “(1) the 18.3 cent amount under section
14 4081(a)(2)(A)(i),

15 “(2) the 24.3 cent amount under section
16 4081(a)(2)(A)(iii), and

17 “(3) the 19.7 cent amount under section
18 4081(a)(2)(D).

19 “(c) ROUNDING.—If any amount as adjusted under
20 subsection (a) is not a multiple of 0.1 cents, such amount
21 shall be rounded to the next highest multiple of 0.1 cents.

22 “(d) FLOOR STOCKS TAX.—

23 “(1) IN GENERAL.—There is hereby imposed on
24 any applicable fuel held on an inflation adjustment
25 date, by any person a tax equal to—

1 “(A) the tax which would have been im-
2 posed under section 4081 on the day before
3 such inflation adjustment date on such applica-
4 ble fuel had the most recent inflation adjust-
5 ment under subsection (a) been in effect at all
6 times before such inflation adjustment date, re-
7 duced by

8 “(B) the tax imposed under section 4081
9 on such applicable fuel before such inflation ad-
10 justment date.

11 “(2) LIABILITY FOR TAX AND METHOD OF PAY-
12 MENT.—

13 “(A) LIABILITY FOR TAX.—A person hold-
14 ing an applicable fuel on an inflation adjust-
15 ment date to which the tax imposed by para-
16 graph (1) applies shall be liable for such tax.

17 “(B) METHOD OF PAYMENT.—The tax im-
18 posed by paragraph (1) shall be paid in such
19 manner as the Secretary shall prescribe.

20 “(C) TIME FOR PAYMENT.—The tax im-
21 posed by paragraph (1) shall be paid on or be-
22 fore the date which is 3 months after the infla-
23 tion adjustment date.

24 “(3) DEFINITIONS.—For purposes of this sub-
25 section—

1 “(A) HELD BY A PERSON.—An applicable
2 fuel shall be considered as ‘held by a person’ if
3 title thereto has passed to such person (whether
4 or not delivery to the person has been made).

5 “(B) APPLICABLE FUEL.—The term ‘ap-
6 plicable fuel’ means gasoline (other than avia-
7 tion gasoline), diesel fuel, and kerosene.

8 “(C) INFLATION ADJUSTMENT DATE.—
9 The term ‘inflation adjustment date’ means any
10 date on which there is an increase in tax by
11 reason of an adjustment under subsection (a).

12 “(4) EXCEPTION FOR EXEMPT USES.—The tax
13 imposed by paragraph (1) shall not apply to applica-
14 ble fuel held by any person exclusively for any use
15 to the extent a credit or refund of the tax imposed
16 by section 4081 is allowable for such use.

17 “(5) EXCEPTION FOR FUEL HELD IN VEHICLE
18 TANK.—No tax shall be imposed by paragraph (1)
19 on applicable fuel held in the tank of a vehicle.”.

20 (2) CONFORMING AMENDMENTS.—

21 (A) Section 4081(a)(2)(D) of the Internal
22 Revenue Code of 1986 is amended by striking
23 “for ‘24.3 cents’” and inserting “for the dollar
24 applicable thereunder.”

1 (B) The table of sections for subpart A of
2 part III of subchapter A of chapter 32 of the
3 Internal Revenue Code of 1986 is amended by
4 redesignating the item relating to section 4084
5 as relating to section 4085 and by inserting
6 after the item relating to section 4083 the fol-
7 lowing new item:

“Sec. 4084. Inflation adjustment for gasoline, kerosene, and diesel fuel.”.

8 (b) **ADJUSTMENT FOR RETAIL TAX.**—Section 4041
9 of the Internal Revenue Code of 1986 is amended by add-
10 ing at the end the following new subsection:

11 “(c) **INFLATION ADJUSTMENT FOR CERTAIN TAX**
12 **RATES.**—

13 “(1) **IN GENERAL.**—In the case of any calendar
14 year beginning after 2012, each of the specified
15 amounts shall be adjusted by an amount equal to—

16 “(A) such amount, multiplied by

17 “(B) the cost-of-living adjustment deter-
18 mined under section 1(f)(3) for the calendar
19 year, determined by substituting ‘calendar year
20 2011’ for ‘calendar year 1992’ in subparagraph
21 (B) thereof.

22 “(2) **SPECIFIED AMOUNT.**—For purposes of
23 paragraph (1), the specified amounts are—

24 “(A) the 24.3 cent amount under sub-
25 section (a)(2)(B)(ii),

1 “(B) the 18.3 cent amount under sub-
2 section (a)(3),

3 “(C) the 9.15 cent amount under sub-
4 section (m)(1)(A)(i), and

5 “(D) the 11.3 cent amount under sub-
6 section (m)(1)(A)(ii).

7 “(3) ROUNDING.—If any amount as adjusted
8 under paragraph (1) is not a multiple of 0.1 cents,
9 such amount shall be rounded to the next highest
10 multiple of 0.1 cents.”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to fuel removed, entered, sold, or
13 used after December 31, 2012.