

AMENDMENT TO H.R. 3746

OFFERED BY MR. PERRY OF PENNSYLVANIA

At the end of division B, add the following new title:

1 **TITLE V—RESTORING FUEL**
2 **MARKET FREEDOM**

3 **SEC. 281. AMENDMENT OF 1986 CODE.**

4 Except as otherwise expressly provided, whenever in
5 this title an amendment or repeal is expressed in terms
6 of an amendment to, or repeal of, a section or other provi-
7 sion, the reference shall be considered to be made to a
8 section or other provision of the Internal Revenue Code
9 of 1986.

10 **SEC. 282. REPEAL OF ALCOHOL FUELS CREDIT.**

11 (a) IN GENERAL.—Section 40 is repealed.

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 25C(d)(3)(B) is amended by insert-
14 ing “, as in effect on the day before the date of the
15 enactment of the Fiscal Responsibility Act of 2023”
16 after “section 40”.

17 (2) Section 38(b) is amended by striking para-
18 graph (3).

19 (3) Section 168(l)(2)(A) is amended by insert-
20 ing “as in effect on the day before the date of the

1 enactment of the Fiscal Responsibility Act of 2023”
2 after “section 40(b)(6)(E)”.

3 (4) Section 196(c) is amended by striking para-
4 graph (3).

5 (5) Section 4101(a)(1) is amended by striking
6 “, and every person producing second generation
7 biofuel (as defined in section 40(b)(6)(E))”.

8 (6) Section 4014(a)(1) is amended by striking
9 “, 40,”.

10 (c) CLERICAL AMENDMENT.—The table of sections
11 for subpart D of part IV of subchapter A of chapter 1
12 of subtitle A is amended by striking the item relating to
13 section 40.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to fuels produced after the date
16 of the enactment of this section.

17 **SEC. 283. REPEAL OF BIODIESELS FUEL CREDIT.**

18 (a) IN GENERAL.—Section 40A is repealed.

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 25C(d)(3)(A) is further amended by
21 inserting “, as in effect on the day before the date
22 of the enactment of the Fiscal Responsibility Act of
23 2023” after “section 40A”.

24 (2) Section 30C(C)(1)(B)(ii)(I) is amended by
25 inserting “(as in effect on the day before the date

1 of the enactment of the Fiscal Responsibility Act of
2 2023” after “section 40A(d)(1)”.

3 (3) Section 38(b) is further amended by strik-
4 ing paragraph (17).

5 (4) Section 196(c) is further amended by strik-
6 ing paragraph (11).

7 (5) Section 4101(a)(1) is further amended by
8 striking “, every person producing or importing bio-
9 diesel (as defined in section 40A(d)(1))”.

10 (6) Section 4104(a)(1) is further amended—

11 (A) by striking “sections” and inserting
12 “section”, and

13 (B) by striking “and 40A,”.

14 (7) Section 7704(d)(1)(E) is amended by in-
15 sserting “, as in effect on the day before the date of
16 the enactment of the Fiscal Responsibility Act of
17 2023” after “40A(d)(1)”.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 for subpart D of part IV of subchapter A of chapter 1
20 of subtitle A is amended by striking the item relating to
21 section 40A.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to fuels sold or used after the date
24 of the enactment of this section.

1 **SEC. 284. REPEAL OF SUSTAINABLE AVIATION FUEL CRED-**
2 **IT.**

3 (a) IN GENERAL.—Section 40B is repealed.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 38(b) is further amended by strik-
6 ing paragraph (35).

7 (2) Section 4101(a)(1) is further amended by
8 striking “, every person producing or importing sus-
9 tainable aviation fuel (as defined in section 40B)”.

10 (c) CLERICAL AMENDMENT.—The table of sections
11 for subpart D of part IV of subchapter A of chapter 1
12 of subtitle A is amended by striking the item relating to
13 section 40.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to fuel sold or used after the date
16 of the enactment of this section.

17 **SEC. 285. REPEAL OF SPECIFIC INCLUSION OF ALCOHOL**
18 **AND BIODIESEL FUEL CREDITS IN GROSS IN-**
19 **COME.**

20 (a) IN GENERAL.—Section 87 is repealed.

21 (b) CONFORMING AMENDMENTS.—Section 56(a) is
22 amended by striking paragraph (7).

23 (c) CLERICAL AMENDMENT.—The table of sections
24 for part II of subchapter B of chapter 1 of subtitle A is
25 amended by striking the item relating to section 87.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to fuel sold or used after the date
3 of the enactment of this section.

4 **SEC. 286. REPEAL OF CLEAN FUEL PRODUCTION CREDIT.**

5 (a) IN GENERAL.—Section 45Z is repealed.

6 (b) CONFORMING AMENDMENTS.—Section 13704 of
7 Public Law 117–169 is amended by striking subsection
8 (b).

9 (c) CLERICAL AMENDMENT.—The table of sections
10 for subpart D of part IV of subchapter A of chapter 1
11 is amended by striking the item relating to section 45Z.

12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to transportation fuels produced
14 after the date of the enactment of this section.

15 **SEC. 287. REPEAL OF ALCOHOL FUEL, BIODIESEL, AND AL-**
16 **TERNATIVE FUEL MIXTURES CREDIT.**

17 (a) IN GENERAL.—Section 6426 is repealed.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 4101(a)(1) is further amended by
20 striking “or alcohol (as defined in section
21 6426(b)(4)(A))”.

22 (2) Section 4104(a)(2) is further amended by
23 striking “, 6426,”.

1 (3) Section 7704(d)(1)(E), as amended by sec-
2 tion 4(b)(7), is further amended by inserting “such
3 sections were” after “, as”.

4 (4) Section 9503(b)(1) is amended by striking
5 “credits under section 6426”.

6 (c) CLERICAL AMENDMENT.—The table of sections
7 for subchapter B of chapter 65 of subtitle F is amended
8 by striking the item relating to section 6426.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to fuel used or sold after the date
11 of the enactment of this section.

12 **SEC. 288. REPEAL OF PAYMENTS FOR CERTAIN FUELS NOT**
13 **USED FOR TAXABLE PURPOSES.**

14 (a) IN GENERAL.—Section 6427 is amended by strik-
15 ing subsection (e).

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 34 is amended—

18 (A) in subsection (a), by inserting “and”
19 after the comma at the end of paragraph (1),
20 by striking “, and”, and inserting a period at
21 the end of paragraph (2), and by striking para-
22 graph (3), and

23 (B) in subsection (b)—

24 (i) by striking “or 6427,”, and

25 (ii) by striking “or 6427(k)”.

1 (2) Section 4007(b) of the CARES Act (15
2 U.S.C. 9046(b)) is amended to read as follows:

3 “(b) USE OF KEROSENE IN COMMERCIAL AVIA-
4 TION.—In the case of kerosene used in commercial avia-
5 tion (as defined in section 4083 of the Internal Revenue
6 Code of 1986) during the excise tax holiday period no tax
7 shall be imposed on such kerosene under—

8 “(1) section 4041(c) of the Internal Revenue
9 Code of 1986, or

10 “(2) section 4081 of such Code (other than at
11 the rate provided in subsection (a)(2)(B) thereof).”.

12 (3) Section 4041 is further amended by adding
13 at the end the following new subsection:

14 “(n) REFERENCES TO SECTION 6427.—Each ref-
15 erence to section 6427 in this section shall be applied as
16 such section was in effect on the date of the enactment
17 of the Fiscal Responsibility Act of 2023.”.

18 (4) Section 4081(c) is amended by striking “(or
19 with respect to which a credit or payment was al-
20 lowed or made by reason of section 6427)”.

21 (5) Section 4082(d)(2) is amended to read as
22 follows:

23 “(2) WHOLESALE DISTRIBUTORS.—To the ex-
24 tent provided in regulations, subsection (a)(2) shall
25 not apply to kerosene received by a wholesale dis-

1 tributor of kerosene if such distributor is registered
2 under section 4101 with respect to the tax imposed
3 by section 4081 on kerosene.”.

4 (6) Section 4084 is amended by striking para-
5 graph (3).

6 (7) Section 4041(a)(2) is further amended by
7 striking “or 6427(e)”.

8 (8) Section 6206 is amended—

9 (A) by striking “section 6420, 6421, or
10 6427” and inserting “section 6420 or 6421”,

11 (B) by striking “or 4081 (with respect to
12 payments under section 6427)”,

13 (C) by striking “section 6416(a)(4), 6420,
14 6421, or 6427,” and inserting “section
15 6416(a)(4), 6420, or 6421,”.

16 (9) Section 6416(a)(4)(C) is amended by insert-
17 ing “(as such section was in effect on the date of the
18 enactment of the Fiscal Responsibility Act of 2023)”
19 after “section 6427(i)(4)”.

20 (10) Section 6421(d) is amended by striking
21 paragraph (2).

22 (11) Section 6504(8) is amended by striking
23 “section 6420, 6421, or 6427” and inserting “sec-
24 tion 6420 or 6421”.

1 (12) Section 6675(b)(1) is amended by striking
2 “section 6416(a)(4), 6420, 6421, or 6427,” and in-
3 serting “section 6416(a)(4), 6420, or 6421,”.

4 (13) Section 7210 is amended by striking
5 “6427(j)(2),”.

6 (14) Section 7603 is amended by striking
7 “6427(j)(2),”.

8 (15) Section 7604 is amended by striking
9 “6427(j)(2),” each place such term appears.

10 (16) Section 7605 is amended—

11 (A) by striking “, 6427(j)(2)”, and

12 (B) by striking “section 6420(e)(2),
13 6421(g)(2), or 6427(j)(2)” and inserting “sec-
14 tion 6420(e)(2) or 6421(g)(2)”.

15 (17) Section 7609 is amended by striking
16 “6427(j)(2),”.

17 (18) Section 7610 is amended by striking
18 “6427(j)(2),”.

19 (19) Section 9502(d) is amended—

20 (A) in paragraph (2), by striking “, 6421
21 (relating to amounts paid in respect of gasoline
22 used for certain nonhighway purposes), or 6427
23 (relating to fuels not used for taxable purposes)
24 (other than subsection (l)(4) thereof)” and in-
25 serting “or 6421 (relating to amounts paid in

1 respect of gasoline used for certain nonhighway
2 purposes)”, and

3 (B) in paragraph (3), by striking “(other
4 than payments made by reason of paragraph
5 (4) of section 6427(l))”.

6 (20) Section 9503(c) is amended by striking
7 paragraph (5).

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to fuel sold or used after the date
10 of the enactment of this section.

