S. 911

To establish an emergency transportation safety fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2013

Mr. PAUL, introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish an emergency transportation safety fund, 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 “Emergency Transpor-
5 tation Safety Fund Act”.

TITLE I—ESTABLISHMENT AND FUNDING

SEC. 101. MODIFICATION AND PERMANENT EXTENSION OF THE INCENTIVES TO REINVEST FOREIGN EARNINGS IN THE UNITED STATES.

(a) Repatriation Subject to 5 Percent Tax Rate.—Subsection (a)(1) of section 965 of the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “85.7 percent”.

(b) Permanent Extension To Elect Repatriation.—Subsection (f) of section 965 of the Internal Revenue Code of 1986 is amended to read as follows:

“(f) Election.—The taxpayer may elect to apply this section to any taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.”.

(c) Repatriation Includes Current and Accumulated Foreign Earnings.—

(1) In general.—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) In general.—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for
the year a deduction is claimed under subsection (a),
without diminution by reason of any distributions
made during the election year, for all controlled for-

gn corporations of the United States shareholder.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 965(b) of such Code is amend-
ed by striking paragraphs (2) and (4) and by
redesignating paragraph (3) as paragraph (2).

(B) Section 965(c) of such Code is amend-
ed by striking paragraphs (1) and (2) and by
redesignating paragraphs (3), (4), and (5) as
paragraphs (1), (2), and (3), respectively.

(C) Paragraph (3) of section 965(c) of
such Code, as redesignated by subparagraph
(B), is amended to read as follows:

“(3) CONTROLLED GROUPS.—All United States
shareholders which are members of an affiliated
group filing a consolidated return under section
1501 shall be treated as one United States share-
holder.”.

(d) CLERICAL AMENDMENTS.—

(1) The heading for section 965 of the Internal
Revenue Code of 1986 is amended by striking
“TEMPORARY”.

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(2) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking “Temporary dividends” and inserting “Dividends”.

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 102. ESTABLISHMENT OF EMERGENCY TRANSPORTATION SAFETY FUND.

(a) In General.—There is established in the Treasury of the United States a trust fund to be known as the “Emergency Transportation Safety Fund”.

(b) Transfers to Emergency Transportation Safety Fund.—

(1) In General.—There are hereby appropriated to the Emergency Transportation Safety Fund amounts equivalent to 50 percent of the excess of—

(A) the taxes received in the United States Treasury which are attributable to eligible 965 dividends received by corporations which are United States shareholders, over

(B) the amount of the foreign tax credit allowed under section 901 of the Internal Revenue Code of 1986 which is attributable to the
non-deductible portion of such eligible 965 dividends.

(2) DEFINITIONS.—For purposes of this subsection—

(A) ELIGIBLE 965 DIVIDEND.—The term “eligible 965 dividend” means any amount received from a controlled foreign corporation for which a deduction is allowed under section 965 of the Internal Revenue Code of 1986, as determined based on estimates made by the Secretary of the Treasury, or the Secretary’s delegate.

(B) NON-DEDUCTIBLE PORTION.—The term “non-deductible portion” means the excess of the amount of any eligible 965 dividend over the deductible portion (as defined in section 965(d)(3) of the Internal Revenue Code of 1986) of such amount.

(c) EMERGENCY RELIEF EXPENDITURES.—Section 125(c) of title 23, United States Code, is amended by adding at the end the following:

“(3) EMERGENCY TRANSPORTATION SAFETY FUND.—Amounts deposited into the Emergency Transportation Safety Fund established under section 102(a) of the Emergency Transportation Safety
Fund Act are authorized to be obligated to carry out, in priority order, the projects on the current list compiled by the Secretary under section 201(b)(1) of such Act that meet the eligibility requirements set forth in subsection (a).”.

TITLE II—EMERGENCY TRANSPORTATION SAFETY PRIORITY LIST

SEC. 201. EMERGENCY TRANSPORTATION PRIORITIES.

(a) List.—The Secretary of Transportation, in consultation with a representative sample of State and local government transportation officials, shall compile a prioritized list of emergency transportation projects, which will guide the allocation of funding to the States from the Emergency Transportation Safety Fund.

(b) Criteria.—In compiling the list under subsection (a), the Secretary of Transportation, in addition to other criteria established by the Secretary, shall rank priorities in descending order, beginning with—

(1) whether the project is part of the interstate highway system;

(2) whether the project is a road or bridge that is closed for safety reasons;

(3) the impact of the project on interstate commerce;
(4) the volume of traffic affected by the project;

and

(5) the overall value of the project or entity.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress that includes—

(1) a prioritized list of emergency transportation projects to be funded through the Emergency Transportation Safety Fund; and

(2) a description of the criteria used to establish the list referred to in paragraph (1).

(d) QUARTERLY UPDATES.—Not less frequently than 4 times per year, the Secretary of Transportation shall—

(1) update the report submitted pursuant to subsection (c);

(2) send a copy of the report to Congress; and

(3) make a copy of the report available to the public through the Department of Transportation’s website.