

109TH CONGRESS
2D SESSION

H. R. 5218

To amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2006

Mr. McDERMOTT (for himself and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide that oil and gas companies will not be eligible for the effective rate reductions enacted in 2004 for domestic manufacturers.

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 “Restore a Rational
5 Tax Rate on Petroleum Production Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) like many other countries, the United States
2 has long provided export-related benefits under its
3 tax law,

4 (2) producers and refiners of oil and natural
5 gas were specifically denied the benefits of those ex-
6 port-related tax provisions,

7 (3) those export-related tax provisions were suc-
8 cessfully challenged by the European Union as being
9 inconsistent with our trade agreements,

10 (4) the Congress responded by repealing the ex-
11 port-related benefits and enacting a substitute ben-
12 efit that was an effective rate reduction for United
13 States manufacturers,

14 (5) producers and refiners of oil and natural
15 gas were made eligible for the rate reduction even
16 though they suffered no detriment from repeal of the
17 export-related benefits, and

18 (6) the decision to provide the effective rate re-
19 duction to producers and refiners of oil and natural
20 gas has operated as a reverse windfall profits tax,
21 lowering the tax rate on the windfall profits they are
22 currently enjoying.

1 **SEC. 3. DENIAL OF DEDUCTION FOR INCOME ATTRIB-**
 2 **UTABLE TO DOMESTIC PRODUCTION OF OIL,**
 3 **NATURAL GAS, OR PRIMARY PRODUCTS**
 4 **THEREOF.**

5 (a) IN GENERAL.—Subparagraph (B) of section
 6 199(c)(4) of the Internal Revenue Code of 1986 (relating
 7 to exceptions) is amended by striking “or” at the end of
 8 clause (ii), by striking the period at the end of clause (iii)
 9 and inserting “, or”, and by inserting after clause (iii) the
 10 following new clause:

11 “(iv) the production, refining, proc-
 12 essing, transportation, or distribution of
 13 oil, natural gas, or any primary product
 14 thereof.”.

15 (b) CONFORMING AMENDMENTS.—Section 199(c)(4)
 16 of such Code is amended—

17 (1) in subparagraph (A)(i)(III) by striking
 18 “electricity, natural gas,” and inserting “electricity”,
 19 and

20 (2) in subparagraph (B)(ii) by striking “elec-
 21 tricity, natural gas,” and inserting “electricity”.

22 (c) EFFECTIVE DATE.—The amendments made by
 23 this section shall apply to taxable years beginning after
 24 December 31, 2005.

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