

110TH CONGRESS  
1ST SESSION

# H. R. 2448

To amend the Internal Revenue Code of 1986 to reduce the Federal excise tax on highway motor fuels when the weekly United States retail gasoline price, regular grade, is greater than \$3.00 per gallon.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2007

Mr. KUHLMAN of New York (for himself and Mr. SALI) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to reduce the Federal excise tax on highway motor fuels when the weekly United States retail gasoline price, regular grade, is greater than \$3.00 per gallon.

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 Gas Price  
5 Relief Act of 2007”.

1 **SEC. 2. REDUCTION OF FUEL TAXES ON HIGHWAY MOTOR**  
2 **FUELS WHEN WEEKLY UNITED STATES RE-**  
3 **TAIL GASOLINE PRICES EXCEED BENCH-**  
4 **MARK.**

5 (a) IN GENERAL.—Section 4081 of the Internal Rev-  
6 enue Code of 1986 (relating to imposition of tax on motor  
7 and aviation fuels) is amended by adding at the end the  
8 following new subsection:

9 “(f) REDUCTION OF HIGHWAY MOTOR FUEL TAXES  
10 WHEN RETAIL GASOLINE EXCEEDS BENCHMARK.—

11 “(1) IN GENERAL.—During any reduction pe-  
12 riod, the rate of tax imposed by section 4041 or  
13 4081 on highway motor fuel shall be reduced by 10  
14 cents per gallon.

15 “(2) DEFINITIONS AND SPECIAL RULE.—For  
16 purposes of this subsection—

17 “(A) REDUCTION PERIOD.—The term ‘re-  
18 duction period’ means the period—

19 “(i) beginning on the date on which  
20 the weekly United States retail gasoline  
21 price, regular grade (as published by the  
22 Energy Information Administration, De-  
23 partment of Energy), is greater than \$3.00  
24 per gallon, and

1                   “(ii) ending on the date on which such  
2                   price (as so published) is less than \$2.50  
3                   per gallon.

4                   “(B) HIGHWAY MOTOR FUEL.—The term  
5                   ‘highway motor fuel’ means any fuel subject to  
6                   tax under section 4041 or 4081 other than  
7                   aviation gasoline and aviation-grade kerosene.”.

8                   (b) EFFECTIVE DATE.—The amendment made by  
9                   this section shall take effect on the date of the enactment  
10                  of this Act.

11 **SEC. 3. FLOOR STOCK REFUNDS.**

12                  (a) IN GENERAL.—If—

13                   (1) before the tax rate reduction date, tax has  
14                   been imposed under section 4081 of the Internal  
15                   Revenue Code of 1986 on any highway motor fuel,  
16                   and

17                   (2) on such date such fuel is held by a dealer  
18                   and has not been used and is intended for sale,

19                  there shall be credited or refunded (without interest) to  
20                  the person who paid such tax (hereafter in this section  
21                  referred to as the “taxpayer”) an amount equal to the ex-  
22                  cess of the tax paid by the taxpayer over the tax which  
23                  would be imposed on such fuel had the taxable event oc-  
24                  curred on such date.

1 (b) TIME FOR FILING CLAIMS.—No credit or refund  
2 shall be allowed or made under this section unless—

3 (1) claim therefor is filed with the Secretary of  
4 the Treasury before the date which is 6 months  
5 after the tax rate reduction date based on a request  
6 submitted to the taxpayer before the date which is  
7 3 months after the tax rate reduction date by the  
8 dealer who held the highway motor fuel on such  
9 date, and

10 (2) the taxpayer has repaid or agreed to repay  
11 the amount so claimed to such dealer or has ob-  
12 tained the written consent of such dealer to the al-  
13 lowance of the credit or the making of the refund.

14 (c) EXCEPTION FOR FUEL HELD IN RETAIL  
15 STOCKS.—No credit or refund shall be allowed under this  
16 section with respect to any highway motor fuel in retail  
17 stocks held at the place where intended to be sold at retail.

18 (d) DEFINITIONS.—For purposes of this section—

19 (1) TAX RATE REDUCTION DATE.—The term  
20 “tax rate reduction date” means the first day of any  
21 reduction period in effect under section 4081(f) of  
22 the Internal Revenue Code of 1986 (as added by  
23 section 2 of this Act).

1           (2) OTHER TERMS.—The terms “dealer” and  
2           “held by a dealer” have the respective meanings  
3           given to such terms by section 6412 of such Code.

4           (e) CERTAIN RULES TO APPLY.—Rules similar to the  
5           rules of subsections (b) and (c) of section 6412 of such  
6           Code shall apply for purposes of this section.

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