

112TH CONGRESS
2D SESSION

H. R. 3804

To permanently extend tax relief and repeal certain tax increases.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2012

Mr. HUELSKAMP introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To permanently extend tax relief and repeal certain tax increases.

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; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the
5 “American Opportunity and Freedom Act of 2012”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PERMANENT EXTENSION OF INCOME TAX RELIEF

Sec. 101. Repeal of EGTRRA sunset.
 Sec. 102. Repeal of JGTRRA sunset.
 Sec. 103. Technical and conforming amendments.

TITLE II—PERMANENT REPEAL OF ESTATE AND GENERATION- SKIPPING TRANSFER TAXES

Sec. 201. Repeal of estate and generation-skipping transfer taxes.

TITLE III—REPEAL OF ALTERNATIVE MINIMUM TAX

Sec. 301. Repeal of individual alternative minimum tax.

TITLE IV—REPEAL OF TOBACCO PRODUCT EXCISE TAX INCREASE

Sec. 401. Repeal of tobacco product excise tax increase.

TITLE V—REPEAL OF TAX INCREASES RELATING TO PATIENT PROTECTION AND AFFORDABLE CARE ACT

Sec. 501. Repeal of revenue provisions relating to PPACA.
 Sec. 502. Repeal of tax provisions relating to individual mandate.
 Sec. 503. Repeal of tax provisions relating to employer mandate.

1 **TITLE I—PERMANENT EXTEN-** 2 **SION OF INCOME TAX RELIEF**

3 **SEC. 101. REPEAL OF EGTRRA SUNSET.**

4 Section 901 of the Economic Growth and Tax Relief
 5 Reconciliation Act of 2001 is repealed.

6 **SEC. 102. REPEAL OF JGTRRA SUNSET.**

7 Section 303 of the Jobs and Growth Tax Relief Rec-
 8 onciliation Act of 2003 is repealed.

9 **SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS.**

10 The Secretary of the Treasury or the Secretary's del-
 11 egate shall, not later than 90 days after the date of the
 12 enactment of this Act, submit to the Committee on Ways
 13 and Means of the House of Representatives and the Com-
 14 mittee on Finance of the Senate a draft of any technical
 15 and conforming changes in the Internal Revenue Code of

1 1986 which are necessary to reflect throughout such Code
 2 the purposes of the provisions of, and amendments made
 3 by, this Act.

4 **TITLE II—PERMANENT REPEAL**
 5 **OF ESTATE AND GENERA-**
 6 **TION-SKIPPING TRANSFER**
 7 **TAXES**

8 **SEC. 201. REPEAL OF ESTATE AND GENERATION-SKIPPING**
 9 **TRANSFER TAXES.**

10 (a) ESTATE TAX REPEAL.—Subchapter C of chapter
 11 11 of subtitle B (relating to miscellaneous) is amended
 12 by adding at the end the following new section:

13 **“SEC. 2210. TERMINATION.**

14 “(a) IN GENERAL.—Except as provided in subsection
 15 (b), this chapter shall not apply to the estates of decedents
 16 dying after December 31, 2010.

17 “(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED
 18 DOMESTIC TRUSTS.—In applying section 2056A with re-
 19 spect to the surviving spouse of a decedent dying on or
 20 before December 31, 2010—

21 “(1) section 2056A(b)(1)(A) shall not apply to
 22 distributions made more than 10 years after such
 23 date, and

24 “(2) section 2056A(b)(1)(B) shall not apply on
 25 or after such date.”.

1 (b) GENERATION-SKIPPING TRANSFER TAX RE-
 2 PEAL.—Subchapter G of chapter 13 of subtitle B (relating
 3 to administration) is amended by adding at the end the
 4 following new section:

5 **“SEC. 2664. TERMINATION.**

6 “This chapter shall not apply to generation-skipping
 7 transfers after December 31, 2010.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) The table of sections for subchapter C of
 10 chapter 11 is amended by adding at the end the fol-
 11 lowing new item:

“Sec. 2210. Termination.”.

12 (2) The table of sections for subchapter G of
 13 chapter 13 is amended by adding at the end the fol-
 14 lowing new item:

“Sec. 2664. Termination.”.

15 (d) CARRYOVER BASIS AT DEATH AND OTHER
 16 CHANGES TAKING EFFECT WITH REPEAL.—So much of
 17 section 301 of the Tax Relief, Unemployment Insurance
 18 Reauthorization, and Job Creation Act of 2010 (relating
 19 to reinstatement of estate tax; repeal of carryover basis)
 20 as relates to the provisions of law amended by subtitle E
 21 of title V of the Economic Growth and Tax Relief Rec-
 22 onciliation Act of 2001 shall not apply to estates of dece-
 23 dents dying, and transfers made, on or after the date of
 24 the enactment of this Act.

1 (e) SUNSET NOT APPLICABLE.—Section 304 of the
2 Tax Relief, Unemployment Insurance Reauthorization,
3 and Job Creation Act of 2010 is hereby repealed.

4 (f) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to the estates of decedents dying,
6 and generation-skipping transfers, after December 31,
7 2010.

8 **TITLE III—REPEAL OF**
9 **ALTERNATIVE MINIMUM TAX**

10 **SEC. 301. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM**
11 **TAX.**

12 (a) IN GENERAL.—Subsection (a) of section 55 of the
13 Internal Revenue Code of 1986 is amended by adding at
14 the end the following new flush sentence:

15 “Except in the case of a corporation, no tax shall be im-
16 posed by this section for any taxable year beginning after
17 December 31, 2010, and the tentative minimum tax of any
18 taxpayer other than a corporation for any such taxable
19 year shall be zero for purposes of this title.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to taxable years beginning after
22 December 31, 2010.

1 **TITLE IV—REPEAL OF TOBACCO**
2 **PRODUCT EXCISE TAX IN-**
3 **CREASE**

4 **SEC. 401. REPEAL OF TOBACCO PRODUCT EXCISE TAX IN-**
5 **CREASE.**

6 (a) IN GENERAL.—Each provision of the Internal
7 Revenue Code of 1986 amended by section 701 of the
8 Children’s Health Insurance Program Reauthorization
9 Act of 2009 is amended as such provision would read if
10 such section had never been enacted.

11 (b) FLOOR STOCKS REFUND.—

12 (1) IN GENERAL.—On tobacco products and
13 cigarette papers and tubes manufactured in or im-
14 ported into the United States which are removed on
15 or before the date of the enactment of this Act, and
16 held on such date for sale by any person, there shall
17 be credited or refunded (without interest) to the per-
18 son who paid such tax (hereafter in this subsection
19 referred to as the “taxpayer”) an amount equal to
20 the excess of the tax paid by the taxpayer on the ar-
21 ticle over the amount of such tax which would be im-
22 posed on such article had the article been removed
23 on the day after the date of the enactment of this
24 Act.

1 (2) TIME FOR FILING CLAIMS.—No credit or re-
 2 fund shall be allowed or made under this subsection
 3 unless claim therefor is filed with the Secretary of
 4 the Treasury before the date which is 6 months
 5 after the date of the enactment of this Act.

6 (3) DEFINITIONS.—Any term used in this sub-
 7 section which is also used in section 5702 of the In-
 8 ternal Revenue Code of 1986 shall have the same
 9 meaning as such term has in such section.

10 (4) CONTROLLED GROUPS.—Rules similar to
 11 the rules of section 5061(e)(3) of such Code shall
 12 apply for purposes of this subsection.

13 (c) EFFECTIVE DATE.—The amendments made by
 14 this section shall apply to articles removed (as defined in
 15 section 5702(j) of the Internal Revenue Code of 1986)
 16 after the date of the enactment of this Act.

17 **TITLE V—REPEAL OF TAX IN-**
 18 **CREASES RELATING TO PA-**
 19 **TIENT PROTECTION AND AF-**
 20 **FORDABLE CARE ACT**

21 **SEC. 501. REPEAL OF REVENUE PROVISIONS RELATING TO**
 22 **PPACA.**

23 Effective on the date of the enactment of this Act,
 24 subtitle F of title I and title IX of the Patient Protection
 25 and Affordable Care Act, as each is amended by title X

1 of such Act, are repealed, and the Internal Revenue Code
2 of 1986 shall be applied as if such subtitle F and such
3 title IX had never been enacted.

4 **SEC. 502. REPEAL OF TAX PROVISIONS RELATING TO INDIVIDUAL MANDATE.**
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6 Effective on the date of the enactment of this Act,
7 section 5000A of the Internal Revenue Code of 1986, section 6055 of such Code, section 1502(c) of the Patient
8 Protection and Affordable Care Act, and any amendments
9 made by section 1502(b) of such Act are repealed, and
10 the Internal Revenue Code of 1986 shall be applied as if
11 such provisions had never been enacted.

13 **SEC. 503. REPEAL OF TAX PROVISIONS RELATING TO EMPLOYER MANDATE.**
14

15 Effective on the date of the enactment of this Act,
16 section 4980H of the Internal Revenue Code of 1986, section 6056 of such Code, section 1513(c) of the Patient
17 Protection and Affordable Care Act, and any amendments
18 made by section 1514(b) of such Act are repealed, and
19 the Internal Revenue Code of 1986 shall be applied as if
20 such provisions had never been enacted.

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