

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To strike the provisions relating to Affordable Care Act subsidies and certain energy tax incentives, to provide for permanent bonus depreciation, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**H. R. 5376**

To provide for reconciliation pursuant to title II of S. Con. Res. 14.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. TOOMEY to the amendment (No. \_\_\_\_\_) proposed by \_\_\_\_\_

Viz:

1 Title I is amended by striking subtitles C and D and  
2 inserting the following:

3 **Subtitle C—Other Provisions**

4 **PART 1—PERMANENT EXPENSING**

5 **SEC. 12101. PERMANENT FULL EXPENSING FOR QUALIFIED**  
6 **PROPERTY.**

7 (a) IN GENERAL.—Paragraph (6) of section 168(k)  
8 is amended to read as follows:

9 “(6) APPLICABLE PERCENTAGE.—For purposes  
10 of this subsection, the term ‘applicable percentage’

1 means, in the case of property placed in service (or,  
2 in the case of a specified plant described in para-  
3 graph (5), a plant which is planted or grafted) after  
4 September 27, 2017, 100 percent.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 168(k) is amended—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) in clause (i)(V), by inserting  
10 “and” at the end,

11 (II) in clause (ii), by striking  
12 “clause (ii) of subparagraph (E),  
13 and” and inserting “clause (i) of sub-  
14 paragraph (E).”, and

15 (III) by striking clause (iii),

16 (ii) in subparagraph (B)—

17 (I) in clause (i)—

18 (aa) by striking subclauses

19 (II) and (III), and

20 (bb) by redesignating sub-  
21 clauses (IV) through (VI) as sub-  
22 clauses (II) through (IV), respec-  
23 tively,

24 (II) by striking clause (ii), and

1 (III) by redesignating clauses  
2 (iii) and (iv) as clauses (ii) and (iii),  
3 respectively,

4 (iii) in subparagraph (C)—

5 (I) in clause (i), by striking “and  
6 subclauses (II) and (III) of subpara-  
7 graph (B)(i)”, and

8 (II) in clause (ii), by striking  
9 “subparagraph (B)(iii)” and inserting  
10 “subparagraph (B)(ii)”, and

11 (iv) in subparagraph (E)—

12 (I) by striking clause (i), and

13 (II) by redesignating clauses (ii)  
14 and (iii) as clauses (i) and (ii), respec-  
15 tively, and

16 (B) in paragraph (5)(A), by striking  
17 “planted before January 1, 2027, or is grafted  
18 before such date to a plant that has already  
19 been planted,” and inserting “planted or graft-  
20 ed”.

21 (2) Section 460(c)(6)(B) of such Code is  
22 amended by striking “which” and all that follows  
23 through the period and inserting “which has a recov-  
24 ery period of 7 years or less.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect as if included in section  
3 13201 of Public Law 115–97.

4 **PART 2—SUPERFUND**

5 **SEC. 12201. REINSTATEMENT OF SUPERFUND.**

6 (a) HAZARDOUS SUBSTANCE SUPERFUND FINANC-  
7 ING RATE.—

8 (1) EXTENSION.—Section 4611 is amended by  
9 striking subsection (e).

10 (2) ADJUSTMENT FOR INFLATION.—

11 (A) Section 4611(c)(2)(A) is amended by  
12 striking “9.7 cents” and inserting “16.4 cents”.

13 (B) Section 4611(c) is amended by adding  
14 at the end the following:

15 “(3) ADJUSTMENT FOR INFLATION.—

16 “(A) IN GENERAL.—In the case of a year  
17 beginning after 2023, the amount in paragraph  
18 (2)(A) shall be increased by an amount equal  
19 to—

20 “(i) such amount, multiplied by

21 “(ii) the cost-of-living adjustment de-  
22 termined under section 1(f)(3) for the cal-  
23 endar year, determined by substituting  
24 ‘calendar year 2022’ for ‘calendar year  
25 2016’ in subparagraph (A)(ii) thereof.



1           (2) by adding at the end the following new sub-  
2           clause:

3                               “(II) INCREASE.—In the case of  
4                               taxable years beginning after Decem-  
5                               ber 31, 2022, the amount in subclause  
6                               (I) shall be increased by \$250,000.”.

7           (b) ALLOWANCE OF CREDIT.—

8                       (1) IN GENERAL.—Paragraph (1) of section  
9                       3111(f) is amended—

10                       (A) by striking “for a taxable year, there  
11                       shall be allowed” and inserting “for a taxable  
12                       year—

13                               “(A) there shall be allowed”,

14                               (B) by striking “equal to the” and insert-  
15                               ing “equal to so much of the”,

16                               (C) by striking the period at the end and  
17                               inserting “as does not exceed the limitation of  
18                               subclause (I) of section 41(h)(4)(B)(i) (applied  
19                               without regard to subclause (II) thereof), and”,  
20                               and

21                               (D) by adding at the end the following new  
22                               subparagraph:

23                               “(B) there shall be allowed as a credit  
24                               against the tax imposed by subsection (b) for  
25                               the first calendar quarter which begins after the

1 date on which the taxpayer files the return  
2 specified in section 41(h)(4)(A)(ii) an amount  
3 equal to so much of the payroll tax credit por-  
4 tion determined under section 41(h)(2) as is  
5 not allowed as a credit under subparagraph  
6 (A).”.

7 (2) LIMITATION.—Paragraph (2) of section  
8 3111(f) is amended—

9 (A) by striking “paragraph (1)” and in-  
10 sserting “paragraph (1)(A)”, and

11 (B) by inserting “, and the credit allowed  
12 by paragraph (1)(B) shall not exceed the tax  
13 imposed by subsection (b) for any calendar  
14 quarter,” after “calendar quarter”.

15 (3) CARRYOVER.—Paragraph (3) of section  
16 3111(f) is amended by striking “the credit” and in-  
17 sserting “any credit”.

18 (4) DEDUCTION ALLOWED.—Paragraph (4) of  
19 section 3111(f) is amended—

20 (A) by striking “credit” and inserting  
21 “credits”, and

22 (B) by striking “subsection (a)” and in-  
23 sserting “subsection (a) or (b)”.

1           (c) AGGREGATION RULES.—Clause (ii) of section  
2 41(h)(5)(B) is amended by striking “the \$250,000  
3 amount” and inserting “each of the \$250,000 amounts”.

4           (d) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to taxable years beginning after  
6 December 31, 2022.