

1 the Oil Spill Liability Trust Fund is less than  
2 \$2,000,000,000.

3 “(2) FUND BALANCE.—The Oil Spill Liability  
4 Trust Fund financing rate shall not apply during a  
5 calendar quarter if the Secretary estimates that, as  
6 of the close of the preceding calendar quarter, the  
7 unobligated balance in the Oil Spill Liability Trust  
8 Fund exceeds \$2,700,000,000.

9 “(3) TERMINATION.—The Oil Spill Liability  
10 Trust Fund financing rate shall not apply after De-  
11 cember 31, 2014.”.

12 **SEC. 1362. EXTENSION OF LEAKING UNDERGROUND STOR-**  
13 **AGE TANK TRUST FUND FINANCING RATE.**

14 (a) IN GENERAL.—Paragraph (3) of section 4081(d)  
15 (relating to Leaking Underground Storage Tank Trust  
16 Fund financing rate) is amended by striking “2005” and  
17 inserting “2011”.

18 (b) NO EXEMPTIONS FROM TAX EXCEPT FOR EX-  
19 PORTS.—

20 (1) IN GENERAL.—Section 4082(a) (relating to  
21 exemptions for diesel fuel and kerosene) is amended

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1 by inserting “(other than such tax at the Leaking  
2 Underground Storage Tank Trust Fund financing  
3 rate imposed in all cases other than for export)” ✓  
4 after “section 4081”.

5 (2) AMENDMENTS RELATING TO SECTION  
6 4041.—

7 (A) Subsections (a)(1)(B), (a)(2)(A), and  
8 (e)(2) of section 4041 are each amended by in-  
9 serting “(other than such tax at the Leaking  
10 Underground Storage Tank Trust Fund financ-  
11 ing rate)” after “section 4081”.

12 (B) Section 4041(b)(1)(A) is amended by  
13 striking “or (d)(1)”.

14 (C) Section 4041(d) is amended by adding  
15 at the end the following new paragraph:

16 “(5) NONAPPLICATION OF EXEMPTIONS OTHER  
17 THAN FOR EXPORTS.—For purposes of this section,  
18 the tax imposed under this subsection shall be deter-  
19 mined without regard to subsections (f), (g) (other  
20 than with respect to any sale for export under para-  
21 graph (3) thereof), (h), and (l).”.

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1 (3) NO REFUND.—

2 (A) IN GENERAL.—Subchapter B of chap-  
3 ter 65 is amended by adding at the end the fol-  
4 lowing new section:

5 **“SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UN-**  
6 **DERGROUND STORAGE TANK TRUST FUND**  
7 **FINANCING RATE.**

8 “No refunds, credits, or payments shall be made ✓  
9 under this subchapter for any tax imposed at the Leaking  
10 Underground Storage Tank Trust Fund financing rate,  
11 except in the case of fuels destined for export.” ✓

12 (B) CLERICAL AMENDMENT.—The table of  
13 sections for subchapter B of chapter 65 is  
14 amended by adding at the end the following  
15 new item:

“Sec. 6430. Treatment of tax imposed at Leaking Underground Storage Tank  
Trust Fund financing rate.”.

16 (c) CERTAIN REFUNDS AND CREDITS NOT CHARGED  
17 TO LUST TRUST FUND.—Subsection (c) of section 9508  
18 (relating to Leaking Underground Storage Tank Trust  
19 Fund) is amended to read as follows:

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1       “(c) **EXPENDITURES.**—Amounts in the Leaking Un-  
2 derground Storage Tank Trust Fund shall be available,  
3 as provided in appropriation Acts, only for purposes of  
4 making expenditures to carry out section 9003(h) of the  
5 Solid Waste Disposal Act as in effect on the date of the  
6 enactment of the Superfund Amendments and Reauthor-  
7 ization Act of 1986.”.

8       (d) **EFFECTIVE DATES.**—

9           (1) **IN GENERAL.**—Except as provided in para-  
10 graph (2), the amendments made by this section  
11 shall take effect on October 1, 2005.

12           (2) **NO EXEMPTION.**—The amendments made ✓  
13 by subsection (b) shall apply to fuel entered, re-  
14 moved, or sold after September 30, 2005.

15 **SEC. 1363. MODIFICATION OF RECAPTURE RULES FOR AM-**  
16 **ORTIZABLE SECTION 197 INTANGIBLES.**

17       (a) **IN GENERAL.**—Subsection (b) of section 1245  
18 (relating to gain from dispositions of certain depreciable  
19 property) is amended by adding at the end the following  
20 new paragraph: