

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

Purpose: To amend the Internal Revenue Code of 1986 to provide for a repatriation holiday, to increase funding to the Highway Trust Fund, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.**

**H. R. 22**

To amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

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. PAUL to the  
amendment (No. \_\_\_\_\_) proposed by  
\_\_\_\_\_

Viz:

1 At the appropriate place, insert the following:

2 **TITLE \_\_—INVEST IN**  
3 **TRANSPORTATION**

4 **SEC. \_\_ 101. SHORT TITLE.**

5 This title may be cited as the “Invest In Transpor-  
6 tation Act”.

1 **SEC. \_\_\_\_102. INCENTIVES TO REINVEST FOREIGN EARN-**  
2 **INGS IN UNITED STATES.**

3 (a) **APPLICABILITY OF TEMPORARY DIVIDENDS RE-**  
4 **CEIVED DEDUCTION.—**

5 (1) **IN GENERAL.—**Subsection (f) of section 965  
6 of the Internal Revenue Code of 1986 is amended to  
7 read as follows:

8 “(f) **ELECTION.—**

9 “(1) **IN GENERAL.—**The taxpayer may elect to  
10 apply this section to the 5-taxable-year period begin-  
11 ning with—

12 “(A) the taxpayer’s last taxable year which  
13 begins before the date of the enactment of the  
14 Invest In Transportation Act, or

15 “(B) the taxpayer’s first taxable year  
16 which begins during the 1-year period beginning  
17 on such date of enactment.

18 “(2) **TIME FOR MAKING ELECTION.—**Any elec-  
19 tion made under this section shall be made on or be-  
20 fore the due date (including extensions) for filing the  
21 return of tax for the first taxable year in the 5-tax-  
22 able-year period described in paragraph (1).

23 “(3) **DECLARATION OF AMOUNT REPATRI-**  
24 **ATED.—**An election under this section shall des-  
25 ignate a limitation of the aggregate amount of divi-

1           dends to be taken into account under subsection (a)  
2           during the 5-taxable-year period.”.

3           (2) CONFORMING AMENDMENTS.—

4                   (A) DETERMINATIONS RELATING TO BASE  
5           PERIOD FOR DETERMINING EXTRAORDINARY  
6           DIVIDENDS.—Section 965 of such Code is  
7           amended by striking “June 30, 2003” each  
8           place it appears in subsections (b)(2) and (c)(2)  
9           and inserting “December 31, 2014”.

10                   (B) DETERMINATIONS RELATING TO RE-  
11           LATED PARTY INDEBTEDNESS.—Section  
12           965(b)(3)(B) of such Code is amended by strik-  
13           ing “October 3, 2004” and inserting “Decem-  
14           ber 31, 2014”.

15           (b) DEDUCTION EQUIVALENT TO 6.5-PERCENT RATE  
16   OF TAX.—Paragraph (1) of section 965(a) of the Internal  
17   Revenue Code of 1986 is amended by striking “85 per-  
18   cent” and inserting “81.4 percent”.

19           (c) LIMITATIONS.—

20                   (1) IN GENERAL.—

21                           (A) IN GENERAL.—Paragraph (1) of sec-  
22           tion 965(b) of the Internal Revenue Code of  
23           1986 is amended to read as follows:

24                           “(1) IN GENERAL.—The amount of dividends  
25           taken into account under subsection (a) shall not ex-

1       ceed the United States shareholder’s pro rata share  
2       of the accumulated earnings and profits described in  
3       section 959(c)(3) as of the end of the last taxable  
4       year ending on or before December 31, 2014, for all  
5       controlled foreign corporations of the United States  
6       shareholder.”.

7                   (B) CONFORMING AMENDMENTS.—

8                   (i) Subsection (c) of section 965 of  
9                   such Code is amended by striking para-  
10                  graph (1).

11                  (ii) Paragraph (5) of section 965(c) of  
12                  such Code is amended to read as follows:

13                  “(5) CONTROLLED GROUPS.—All United States  
14                  shareholders which are members of an affiliated  
15                  group filing a consolidated return under section  
16                  1501 shall be treated as one United States share-  
17                  holder.”.

18                  (2) ADDITIONAL LIMITATION.—Subsection (b)  
19                  of section 965 of such Code is amended by redesignig-  
20                  nating paragraph (4) as paragraph (5) and by in-  
21                  serting after paragraph (3) the following new para-  
22                  graph:

23                  “(4) ADDITIONAL LIMITATION.—

24                  “(A) IN GENERAL.—The amount of divi-  
25                  dends taken into account under subsection (a)

1 for each taxable year during the 5-taxable-year  
2 period described in subsection (f)(1) shall not  
3 exceed the amount designated in the election  
4 under subsection (f)(3) reduced by the sum  
5 of—

6 “(i) the aggregate amount of divi-  
7 dends taken into account under subsection  
8 (a) in prior taxable years in such 5-tax-  
9 able-year period, and

10 “(ii) the sum of the dividend short-  
11 falls for each such prior taxable year.

12 “(B) DIVIDEND SHORTFALL.—For pur-  
13 poses of subparagraph (A), the dividend short-  
14 fall for any taxable year is an amount equal to  
15 the excess (if any) of—

16 “(i) 20 percent of the amount des-  
17 ignated under subsection (f)(3), over

18 “(ii) the amount of dividends taken  
19 into account under subsection (a) for such  
20 taxable year.”.

21 (d) DIVIDEND REINVESTMENT PLAN REQUIRE-  
22 MENTS.—Paragraph (5) of section 965(b) of the Internal  
23 Revenue Code of 1986, as redesignated by subsection (c),  
24 is amended to read as follows:

1           “(5) REQUIREMENT TO INVEST IN UNITED  
2 STATES.—

3           “(A) IN GENERAL.—Subsection (a) shall  
4 not apply to any dividends received by a United  
5 States shareholder unless the amount of the  
6 dividends is invested in the United States pur-  
7 suant to a domestic reinvestment plan which—

8           “(i) is approved by the taxpayer’s  
9 president, chief executive officer, or com-  
10 parable official before the payment of such  
11 dividend and subsequently approved by the  
12 taxpayer’s board of directors, management  
13 committee, executive committee, or similar  
14 body,

15           “(ii) provides that not less than 25  
16 percent of such dividends will be used—

17           “(I) to increase workforce, to  
18 raise wages and benefits, or to in-  
19 crease pension contributions,

20           “(II) to provide for energy effi-  
21 ciency improvements either through  
22 investment in new property or the ret-  
23 rofitting of existing property,

24           “(III) to provide for environ-  
25 mental improvements, such as carbon

1 offsets, water efficiency, or environ-  
2 mental remediation,

3 “(IV) to invest in public-private  
4 partnerships and the improvement of  
5 public infrastructure,

6 “(V) to make capital improve-  
7 ments,

8 “(VI) for the acquisition of other  
9 businesses, or

10 “(VII) for research and develop-  
11 ment, and

12 “(iii) provides that none of such divi-  
13 dends will be used during the period cov-  
14 ered by the domestic reinvestment plan to  
15 compensate any employee who is the chief  
16 executive officer (or is an individual acting  
17 in such a capacity), or who is among the  
18 4 highest compensated employees, in ex-  
19 cess of the level of compensation paid to  
20 individuals in such capacity during the tax-  
21 able year immediately preceding the tax-  
22 able year to which an election under this  
23 section applies.

24 For purposes of clause (iii), compensation shall  
25 be determined under rules similar to the rules

1 for reporting executive officer compensation to  
2 shareholders under the Securities Exchange Act  
3 of 1934.

4 “(B) USE OF CERTAIN FUNDS.—

5 “(i) IN GENERAL.—Except as pro-  
6 vided in clause (ii), dividends shall be  
7 treated as meeting the requirements of  
8 subclauses (I), (V), and (VII) of subpara-  
9 graph (A)(ii) only if such amounts supple-  
10 ment but do not supplant otherwise  
11 planned funding for such purposes. Such  
12 planned funding shall be certified by the  
13 individual and entity approving the domes-  
14 tic reinvestment plan.

15 “(ii) EXCEPTION.—Clause (i) shall  
16 not apply if the aggregate funding for the  
17 purposes described in subclauses (I), (V),  
18 and (VII) of subparagraph (A)(ii) for the  
19 5-taxable-year period described in sub-  
20 section (f)(1) exceeds 125 percent of the  
21 amount spent for such purposes during the  
22 5-year period ending with the last day of  
23 the most recent taxable year ending before  
24 January 1, 2015. Rules similar to the rules  
25 of subparagraphs (B) and (C) of sub-

1 section (c)(2) shall apply for purposes of  
2 determining the 5-year period under the  
3 preceding sentence.

4 “(C) COMPLIANCE.—Under regulations es-  
5 tablished by the Secretary, any taxpayer mak-  
6 ing an election under this section shall submit  
7 to the Secretary—

8 “(i) the domestic reinvestment plan  
9 required under this paragraph, and

10 “(ii) annually thereafter, such infor-  
11 mation as required by the Secretary for  
12 purposes of determining such taxpayer’s  
13 compliance with the plan, including con-  
14 temporaneous documentation of compliance  
15 and retention requirements for a period of  
16 time as determined by the Secretary as ap-  
17 propriate.”.

18 (e) SPECIAL RULES FOR INVERTED CORPORA-  
19 TIONS.—

20 (1) IN GENERAL.—Subsection (b) of section  
21 965 is amended by adding at the end the following  
22 new paragraph:

23 “(6) DENIAL OF DEDUCTION FOR CERTAIN  
24 COMPANIES.—No deduction shall be allowed under

1 subsection (a) with respect to any expatriated entity  
2 (as defined in section 7874(a)(2)).”.

3 (2) RECAPTURE.—Section 965 of the Internal  
4 Revenue Code of 1986 is amended by adding at the  
5 end the following new subsection:

6 “(g) RECAPTURE.—

7 “(1) IN GENERAL.—In the case of a taxpayer  
8 who makes an election under subsection (f) and who  
9 is an expatriated entity—

10 “(A) the tax imposed by this chapter shall  
11 be increased for the first taxable year in which  
12 such taxpayer becomes an expatriated entity by  
13 an amount equal to 20 percent of the amount  
14 designated under subsection (f)(3), and

15 “(B) no credits shall be allowed against  
16 the increase in tax under subparagraph (A).

17 “(2) EXPATRIATED ENTITY.—For purposes of  
18 this subsection, the term ‘expatriated entity’ has the  
19 same meaning given such term under section  
20 7874(a)(2), except that—

21 “(A) ‘during the 10-year period beginning  
22 with the first taxable year after 2013 to which  
23 section 965 applies’ shall be substituted for  
24 ‘after March 4, 2003’ in subparagraph (B)(i),  
25 and

1           “(B) ‘the first taxable year after 2013 to  
2           which section 965 applies’ shall be substituted  
3           for ‘March 4, 2003’ in the matter following  
4           subparagraph (B)(iii).”.

5           (f) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply to taxable years ending after the  
7 date of the enactment of this Act.

8 **SEC. \_\_\_ 103. TRANSFERS TO HIGHWAY TRUST FUND.**

9           (a) IN GENERAL.—Subsection (f) of section 9503 of  
10 the Internal Revenue Code of 1986, as amended by this  
11 Act is amended by redesignating paragraph (8) as para-  
12 graph (9) and by inserting after paragraph (7) the fol-  
13 lowing new paragraph:

14           “(8) TRANSFER OF REVENUES FROM REPATRI-  
15 ATION HOLIDAY.—

16           “(A) INITIAL TRANSFER.—

17           “(i) IN GENERAL.—Not later than 60  
18 days after the date of the enactment of  
19 this paragraph, the Secretary shall esti-  
20 mate the amount of revenues to be received  
21 in the Treasury after the date of the enact-  
22 ment of this paragraph and before October  
23 1, 2019, from income taxes imposed on  
24 dividends which are taken into account  
25 under section 965.

1           “(ii) TRANSFER.—Out of money in  
2 the Treasury not otherwise appropriated,  
3 there is hereby appropriated—

4           “(I) to the Highway Account (as  
5 defined in subsection (e)(5)(B)) in the  
6 Highway Trust Fund an amount  
7 equal to 80 percent of the amount es-  
8 timated under subparagraph (A), and

9           “(II) to the Mass Transit Ac-  
10 count in the Highway Trust Fund an  
11 amount equal to 20 percent of the  
12 amount so estimated.

13           “(B) ADDITIONAL TRANSFER.—

14           “(i) IN GENERAL.—Not later than Oc-  
15 tober 1, 2023, the Secretary shall deter-  
16 mine the amount of revenues received in  
17 the Treasury from income taxes imposed  
18 on dividends which were taken into ac-  
19 count under section 965 during the period  
20 described in subparagraph (A)(i).

21           “(ii) TRANSFER.—If the amount de-  
22 termined under clause (i) exceeds the  
23 amount transferred under subparagraph  
24 (A)(ii), out of money in the Treasury not

1 otherwise appropriated, there is hereby ap-  
2 propriated—

3 “(I) to the Highway Account (as  
4 defined in subsection (e)(5)(B)) in the  
5 Highway Trust Fund an amount  
6 equal to the applicable percentage of  
7 such excess, and

8 “(II) to the Mass Transit Ac-  
9 count in the Highway Trust Fund an  
10 amount equal to 20 percent of so  
11 much of such excess as does not ex-  
12 ceed the applicable amount.

13 “(iii) APPLICABLE PERCENTAGES.—  
14 For purposes of clause (ii), the applicable  
15 percentage is—

16 “(I) 80 percent with respect to so  
17 much of excess under subparagraph  
18 (B)(ii) as does not exceed the applica-  
19 ble amount, and

20 “(II) 100 percent with respect  
21 the amount of such excess to which  
22 subclause (I) does not apply.

23 “(iv) APPLICABLE AMOUNT.—For  
24 purposes of this subparagraph, the applica-



1 **SEC. \_\_\_\_104. REPAIR, REPLACEMENT, AND REHABILITA-**  
2 **TION OF DEFICIENT BRIDGES.**

3 (a) DEFICIENT BRIDGE AMOUNT.—For purposes of  
4 this section, the deficient bridge amount is so much of the  
5 amount transferred to the Highway Account (as defined  
6 in section 9503(e)(5)(B) of the Internal Revenue Code of  
7 1986) in the Highway Trust Fund under section  
8 9503(f)(8)(B) of such Code as exceeds the applicable  
9 amount (as defined in section 9503(f)(8)(B)(iv) of such  
10 Code).

11 (b) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be  
13 appropriated out of the Highway Trust Fund (other  
14 than the Mass Transit Account) an amount equal to  
15 the deficient bridge amount to be used for the re-  
16 pair, replacement, or rehabilitation of deficient  
17 bridges eligible for assistance under chapter 1 of  
18 title 23, United States Code.

19 (2) CALCULATION OF STATE AMOUNTS.—

20 (A) STATE APPORTIONMENTS.—The Sec-  
21 retary of Transportation shall apportion the  
22 amount authorized to be appropriated under  
23 this subsection among the States in accordance  
24 with subparagraph (B).

25 (B) STATE SHARES.—The amount for each  
26 State shall be determined by multiplying the

1 total amount available under this subsection by  
2 the share for each State, which shall be equal  
3 to the proportion that—

4 (i) the amount of apportionments that  
5 the State received under title 23, United  
6 States Code, for fiscal year 2019; bears to

7 (ii) the amount of those apportion-  
8 ments received by all States for that fiscal  
9 year.

10 (3) CONTRACT AUTHORITY.—Funds authorized  
11 to be appropriated by this subsection shall—

12 (A) be available for obligation in the same  
13 manner as if the funds were apportioned under  
14 chapter 1 of title 23, United States Code; and

15 (B) remain available until expended and  
16 not be transferrable.