

117TH CONGRESS
1ST SESSION

H. R. 2189

To eliminate the prohibition on States and territories receiving Coronavirus State Fiscal Recovery funds from lowering taxes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2021

Mr. BRADY (for himself, Mr. COMER, Mr. SMITH of Missouri, Mrs. WALORSKI, Mr. ARRINGTON, Mr. JORDAN, Mr. C. SCOTT FRANKLIN of Florida, Mr. ESTES, Mr. NUNES, Mr. SCHWEIKERT, Mr. WENSTRUP, Mr. HERN, Ms. HERRELL, Mr. BIGGS, Mr. GOSAR, Mr. KELLER, Ms. FOXX, Mr. HIGGINS of Louisiana, Mr. HICE of Georgia, Mr. CLOUD, Mr. SESSIONS, Mr. GROTHMAN, Mr. LATURNER, and Mr. GIBBS) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Oversight and Reform, 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 eliminate the prohibition on States and territories receiving Coronavirus State Fiscal Recovery funds from lowering taxes.

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 “State Tax Freedom
5 Act”.

1 **SEC. 2. REFUNDS TO OFFSET CORONAVIRUS STATE FISCAL**
 2 **RECOVERY FUNDS ALREADY REPAID BY REA-**
 3 **SON LOWERING TAXES.**

4 (a) IN GENERAL.—Subchapter B of chapter 65 of the
 5 Internal Revenue Code of 1986 is amended by inserting
 6 after section 6423 the following new section:

7 **“SEC. 6424. REFUNDS TO STATES TO OFFSET CERTAIN RE-**
 8 **QUIRED REPAYMENTS OF CORONAVIRUS**
 9 **STATE FISCAL RECOVERY FUNDS.**

10 “(a) IN GENERAL.—As soon as practicable after any
 11 specified State pays any specified repayment, the Sec-
 12 retary shall make a payment to such specified State in
 13 an amount equal to such specified repayment.

14 “(b) SPECIFIED REPAYMENT.—For purposes of this
 15 section, the term ‘specified repayment’ means any repay-
 16 ment required to be made under subsection (e) of section
 17 602 of the Social Security Act by reason of subsection
 18 (c)(2)(A) thereof.

19 “(c) SPECIFIED STATE.—The term ‘specified State’
 20 means any State, territory, or Tribal government which
 21 is required to make to any specified repayment.

22 “(d) OTHER TERMS.—The terms ‘State’, ‘territory’,
 23 and ‘Tribal government’ shall have the same respective
 24 meanings as when used in section 602 of the Social Secu-
 25 rity Act.

1 “(e) TREATMENT OF PAYMENTS.—For purposes of
 2 section 1324 of title 31, United States Code, the payments
 3 under this subsection shall be treated in the same manner
 4 as a refund due from a credit provision referred to in sub-
 5 section (b)(2) of such section.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 for subchapter B of chapter 65 of such Code is amended
 8 by inserting after the item relating to section 6423 the
 9 following new item:

“Sec. 6424. Refunds to States to offset certain required repayments of
 coronavirus State and local fiscal recovery funds.”.

10 (c) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply to repayments paid after the date
 12 of the enactment of the American Rescue Plan Act of
 13 2021.

14 **SEC. 3. ELIMINATION OF PROHIBITION ON STATES RECEIV-**
 15 **ING CORONAVIRUS STATE FISCAL RECOVERY**
 16 **FUNDS FROM LOWERING TAXES.**

17 (a) IN GENERAL.—Paragraph (2) of section 602(c)
 18 of the Social Security Act, as added by section 9901 of
 19 the American Rescue Plan Act of 2021, is amended to
 20 read as follows:

21 “(2) FURTHER RESTRICTION ON USE OF
 22 FUNDS.—No State or territory may use funds made
 23 available under this section for deposit into any pen-
 24 sion fund.”.

1 (b) CONFORMING AMENDMENTS.—Section 602 of
2 such Act is further amended—

3 (1) in subsection (d)(2)(A), by striking “, in-
4 cluding, in the case of a State or a territory, all
5 modifications to the State’s or territory’s tax rev-
6 enue sources during the covered period”;

7 (2) in subsection (e), by striking “such sub-
8 section,” and all that follows through the period and
9 inserting “such subsection.”; and

10 (3) in subsection (g)—

11 (A) by striking paragraph (1); and

12 (B) by redesignating paragraphs (2)
13 through (7) as paragraphs (1) through (6), re-
14 spectively.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to repayments which
17 would (but for such amendments) be required to be paid
18 after the date of the enactment of this Act.

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