117TH CONGRESS 2D SESSION

H.R. 7143

To provide for energy rebates to individual taxpayers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 17, 2022

Mr. Thompson of California (for himself, Ms. Underwood, and Mr. Larson of Connecticut) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide for energy rebates to individual taxpayers, and for other purposes.

- 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. SENSE OF CONGRESS.
- 4 It is the sense of Congress that energy rebates are
- 5 necessitated by the global disruptions caused by both
- 6 COVID-19 and the illegal Russian invasion of Ukraine.
- 7 SEC. 2. ENERGY REBATES TO INDIVIDUALS.
- 8 (a) In General.—Subchapter B of chapter 65 of the
- 9 Internal Revenue Code of 1986 is amended by inserting
- 10 after section 6428B the following new section:

1 "SEC. 6428C. ENERGY REBATES TO INDIVIDUALS.

2	"(a) In General.—In the case of an eligible indi-
3	vidual, there shall be allowed as a credit against the tax
4	imposed by subtitle A for the first taxable year beginning
5	in 2022 the sum of the monthly specified energy rebates
6	determined with respect to the taxpayer under subsection
7	(b) for qualifying calendar months during such taxable
8	year.
9	"(b) Monthly Specified Energy Rebates.—
10	"(1) In general.—For purposes of this sec-
11	tion, the term 'monthly specified energy rebate'
12	means, with respect to any taxpayer for any quali-
13	fying calendar month, the sum of—
14	"(A) \$100 (\$200 in the case of a joint re-
15	turn), plus
16	"(B) \$100 multiplied by the number of de-
17	pendents of the taxpayer during taxable year
18	2022.
19	"(2) Limitation based on adjusted gross
20	INCOME.—
21	"(A) In General.—The amount of the
22	credit allowed by subsection (a) (determined
23	without regard to this subsection and sub-
24	section (f)) shall be reduced (but not below
25	zero) by ½12 of the amount which bears the

1	same ratio to such credit (as so determined)
2	as—
3	"(i) the excess of—
4	"(I) the taxpayer's modified ad-
5	justed gross income for such taxable
6	year, over
7	"(II) \$75,000, bears to
8	"(ii) \$5,000.
9	"(B) Special rules.—
10	"(i) Joint return or surviving
11	SPOUSE.—In the case of a joint return or
12	a surviving spouse (as defined in section
13	2(a)), subparagraph (A) shall be applied
14	by substituting '\$150,000' for '\$75,000'
15	and '\$10,000' for '\$5,000'.
16	"(ii) Head of Household.—In the
17	case of a head of household (as defined in
18	section 2(b)), subparagraph (A) shall be
19	applied by substituting '\$112,500' for
20	'\$75,000' and '\$7,500' for '\$5,000'.
21	"(c) Qualifying Calendar Month.—For purposes
22	of this section, the term 'qualifying calendar month'
23	means any month in 2022 during which the average price
24	of gasoline in the United States is equal to or greater than
25	\$4 per gallon.

1	"(d) Eligible Individual.—For purposes of this
2	section, the term 'eligible individual' means any individual
3	other than—
4	"(1) any nonresident alien individual,
5	"(2) any individual with respect to whom a de-
6	duction under section 151 is allowable to another
7	taxpayer for a taxable year beginning in the cal-
8	endar year in which the individual's taxable year be-
9	gins, and
10	"(3) an estate or trust.
11	"(e) Definitions and Special Rules.—
12	"(1) Dependent defined.—For purposes of
13	this section, the term 'dependent' has the meaning
14	given such term by section 152.
15	"(2) Identification number require-
16	MENT.—
17	"(A) IN GENERAL.—In the case of a re-
18	turn other than a joint return, the \$100
19	amount in subsection (b)(1)(A) shall be treated
20	as being zero unless the taxpayer includes the
21	valid identification number of the taxpayer on
22	the return of tax for the taxable year.
23	"(B) Joint returns.—In the case of a
24	joint return, the \$200 amount in subsection
25	(b)(1)(B) shall be treated as being—

1	"(i) \$100 if the valid identification
2	number of only 1 spouse is included on the
3	return of tax for the taxable year, and
4	"(ii) zero if the valid identification
5	number of neither spouse is so included.
6	"(C) Dependents.—A dependent shall
7	not be taken into account under subsection
8	(b)(1)(B) unless the valid identification number
9	of such dependent is included on the return of
10	tax for the taxable year.
11	"(D) Valid identification number.—
12	"(i) In general.—For purposes of
13	this paragraph, the term 'valid identifica-
14	tion number' means a social security num-
15	ber issued to an individual by the Social
16	Security Administration on or before the
17	due date for filing the return for the tax-
18	able year.
19	"(ii) Adoption taxpayer identi-
20	FICATION NUMBER.—For purposes of sub-
21	paragraph (C), in the case of a dependent
22	who is adopted or placed for adoption, the
23	term 'valid identification number' shall in-
24	clude the adoption taxpayer identification
25	number of such dependent.

- 1 "(E) SPECIAL RULE FOR MEMBERS OF
 2 THE ARMED FORCES.—Subparagraph (B) shall
 3 not apply in the case where at least 1 spouse
 4 was a member of the Armed Forces of the
 5 United States at any time during the taxable
 6 year and the valid identification number of at
 7 least 1 spouse is included on the return of tax
 8 for the taxable year.
 - "(F) COORDINATION WITH CERTAIN AD-VANCE PAYMENTS.—In the case of any payment made pursuant to subsection (g)(6), a valid identification number shall be treated for purposes of this paragraph as included on the taxpayer's return of tax if such valid identification number is provided pursuant to such subsection.
 - "(G) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this paragraph shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.
 - "(3) CREDIT TREATED AS REFUNDABLE.—The credit allowed by subsection (a) shall be treated as

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- allowed by subpart C of part IV of subchapter A of chapter 1.
- 3 "(f) Coordination With Advance Refunds of 4 Credit.—
- 5 "(1) Reduction of refundable credit.— 6 The amount of the credit which would (but for this 7 paragraph) be allowable under subsection (a) shall 8 be reduced (but not below zero) by the aggregate re-9 funds and credits made or allowed to the taxpayer 10 (or any dependent of the taxpayer) under subsection 11 (g). Any failure to so reduce the credit shall be 12 treated as arising out of a mathematical or clerical 13 error and assessed according to section 6213(b)(1).
 - "(2) Joint Returns.—Except as otherwise provided by the Secretary, in the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

20 "(g) Advance Refunds and Credits.—

"(1) IN GENERAL.—Subject to paragraphs (5) and (6), each individual who was an eligible individual for such individual's first taxable year beginning in 2020 shall be treated as having made a payment against the tax imposed by chapter 1 for such

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taxable year in an amount equal to the advance refund amount for such taxable year.

"(2) ADVANCE REFUND AMOUNT.—

"(A) IN GENERAL.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

"(B) Treatment of determining the advance refund amount with respect to such taxable year, any individual who was deceased before January 1, 2022, shall be treated for purposes of applying subsection (e)(3) in the same manner as if the valid identification number of such person was not included on the return of tax for such taxable year and no amount shall be determined under subsection (e)(3) with respect to any dependent of the taxpayer if the taxpayer (both spouses in the case of a joint return) was deceased before January 1, 2022.

"(3) Timing and manner of payments.—

"(A) TIMING.—The Secretary shall, subject to the provisions of this title and consistent

1	with rules similar to the rules of subparagraphs
2	(B) and (C) of section 6428A(f)(3), refund or
3	credit any overpayment attributable to this sub-
4	section as rapidly as possible, consistent with a
5	rapid effort to make payments attributable to
6	such overpayments electronically if appropriate.
7	No refund or credit shall be made or allowed
8	under this subsection after December 31, 2022.
9	"(4) No interest shall be al-
10	lowed on any overpayment attributable to this sub-
11	section.
12	"(5) Application to individuals who have
13	FILED A RETURN OF TAX FOR 2021.—
14	"(A) APPLICATION TO 2021 RETURNS
15	FILED AT TIME OF INITIAL DETERMINATION.—
16	If, at the time of any determination made pur-
17	suant to paragraph (3), the individual referred
18	to in paragraph (1) has filed a return of tax for
19	the individual's first taxable year beginning in
20	2021, paragraph (1) shall be applied with re-
21	spect to such individual by substituting '2021'
22	for '2020'.
23	"(B) Additional payment.—
24	"(i) IN GENERAL.—In the case of any
25	individual who files, before the additional

1	payment determination date, a return of
2	tax for such individual's first taxable year
3	beginning in 2021, the Secretary shall
4	make a payment (in addition to any pay-
5	ment made under paragraph (1)) to such
6	individual equal to the excess (if any) of—
7	"(I) the amount which would be
8	determined under paragraph (1)
9	(after the application of subparagraph
10	(A)) by applying paragraph (1) as of
11	the additional payment determination
12	date, over
13	"(II) the amount of any payment
14	made with respect to such individual
15	under paragraph (1).
16	"(ii) Additional payment deter-
17	MINATION DATE.—The term 'additional
18	payment determination date' means the
19	earlier of—
20	"(I) the date which is 90 days
21	after the 2021 calendar year filing
22	deadline, or
23	"(II) September 1, 2022.
24	"(iii) 2021 calendar year filing
25	DEADLINE.—The term '2020 calendar year

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filing deadline' means the date specified in section 6072(a) with respect to returns for calendar year 2021. Such date shall be determined after taking into account any period disregarded under section 7508A if such disregard applies to substantially all returns for calendar year 2021 to which section 6072(a) applies.

"(6) APPLICATION TO CERTAIN INDIVIDUALS WHO HAVE NOT FILED A RETURN OF TAX FOR 2020 OR 2021 AT TIME OF DETERMINATION.—In the case of any individual who, at the time of any determination made pursuant to paragraph (3), has filed a tax return for neither the year described in paragraph (1) nor for the year described in paragraph (5)(A), the Secretary shall, consistent with rules similar to the rules of section 6428A(f)(5)(H)(i), apply paragraph (1) on the basis of information available to the Secretary and shall, on the basis of such information, determine the advance refund amount with respect to such individual without regard to subsection (d) unless the Secretary has reason to know that such amount would otherwise be reduced by reason of such subsection.

1 "(7) Special rule related to time of fil-

2 ING RETURN.—Solely for purposes of this sub-

3 section, a return of tax shall not be treated as filed

4 until such return has been processed by the Internal

5 Revenue Service.

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- 6 "(h) Regulations.—The Secretary shall prescribe 7 such regulations or other guidance as may be necessary 8 or appropriate to carry out the purposes of this section,
- "(1) regulations or other guidance providing taxpayers the opportunity to provide the Secretary information sufficient to allow the Secretary to make
- payments to such taxpayers under subsection (g)

14 (including the determination of the amount of such

payment) if such information is not otherwise avail-

able to the Secretary, and

"(2) regulations or other guidance to ensure to the maximum extent administratively practicable that, in determining the amount of any credit under subsection (a) and any credit or refund under subsection (g), an individual is not taken into account more than once, including by different taxpayers and including by reason of a change in joint return status or dependent status between the taxable year for which an advance refund amount is determined and

- 1 the taxable year for which a credit under subsection
- 2 (a) is determined.
- 3 "(i) Outreach.—The Secretary shall carry out a ro-
- 4 bust and comprehensive outreach program to ensure that
- 5 all taxpayers described in subsection (h)(1) learn of their
- 6 eligibility for the advance refunds and credits under sub-
- 7 section (g), are advised of the opportunity to receive such
- 8 advance refunds and credits as provided under subsection
- 9 (h)(1), and are provided assistance in applying for such
- 10 advance refunds and credits.".

- (b) Treatment of Certain Possessions.—
- 12 (1) Payments to possessions with mirror
- 13 CODE TAX SYSTEMS.—The Secretary of the Treas-
- ury shall pay to each possession of the United States
- which has a mirror code tax system amounts equal
- to the loss (if any) to that possession by reason of
- the amendments made by this section. Such
- amounts shall be determined by the Secretary of the
- 19 Treasury based on information provided by the gov-
- 20 ernment of the respective possession.
- 21 (2) Payments to other possessions.—The
- Secretary of the Treasury shall pay to each posses-
- sion of the United States which does not have a mir-
- 24 ror code tax system amounts estimated by the Sec-
- retary of the Treasury as being equal to the aggre-

- gate benefits (if any) that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.
 - (3) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428C of the Internal Revenue Code of 1986 (as added by this section), nor shall any credit or refund be made or allowed under subsection (g) of such section, to any person—
 - (A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or
 - (B) who is eligible for a payment under a plan described in paragraph (2).
 - (4) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession.

1	sion if the income tax liability of the residents of
2	such possession under such system is determined by
3	reference to the income tax laws of the United
4	States as if such possession were the United States.
5	(5) Treatment of payments.—For purposes
6	of section 1324 of title 31, United States Code, the
7	payments under this subsection shall be treated in
8	the same manner as a refund due from a credit pro-
9	vision referred to in subsection (b)(2) of such section
10	(c) Administrative Provisions.—
11	(1) Definition of Deficiency.—Section
12	6211(b)(4)(A) of the Internal Revenue Code of 1986
13	is amended by striking "6428, 6428A, and 6428B"
14	and inserting "6428, 6428A, 6428B, and 6428C".
15	(2) Mathematical or clerical error au-
16	THORITY.—Section 6213(g)(2) of such Code is
17	amended—
18	(A) by striking "or section 6428A or
19	6428B (relating to additional recovery rebates

- (A) by striking "or section 6428A or 6428B (relating to additional recovery rebates to individuals)" and inserting "or section 6428A, 6428B, or 6428C", and
- (B) by striking "6428, 6428A, or 6428B" and inserting "6428, 6428A, 6428B, or 6428C" in subparagraph (L).

1	(3) Exception from reduction or off-
2	SET.—Any credit or refund allowed or made to any
3	individual by reason of section 6428C of the Internal
4	Revenue Code of 1986 (as added by this section) or
5	by reason of subsection (b) of this section shall not
6	be—
7	(A) subject to reduction or offset pursuant
8	to section 3716 or 3720A of title 31, United
9	States Code,
10	(B) subject to reduction or offset pursuant
11	to subsection (e), (d), (e), or (f) of section 6402
12	of the Internal Revenue Code of 1986, or
13	(C) reduced or offset by other assessed
14	Federal taxes that would otherwise be subject
15	to levy or collection.
16	(4) Assignment of Benefits.—
17	(A) In general.—The right of any per-
18	son to any applicable payment shall not be
19	transferable or assignable, at law or in equity,
20	and no applicable payment shall be subject to,
21	execution, levy, attachment, garnishment, or
22	other legal process, or the operation of any
23	bankruptcy or insolvency law.
24	(B) ENCODING OF PAYMENTS.—In the
25	case of an applicable payment described in sub-

1	paragraph (E)(iii)(I) that is paid electronically
2	by direct deposit through the Automated Clear-
3	ing House (ACH) network, the Secretary of the
4	Treasury (or the Secretary's delegate) shall—
5	(i) issue the payment using a unique
6	identifier that is reasonably sufficient to
7	allow a financial institution to identify the
8	payment as an applicable payment, and
9	(ii) further encode the payment pursu-
10	ant to the same specifications as required
11	for a benefit payment defined in section
12	212.3 of title 31, Code of Federal Regula-
13	tions.
14	(C) Garnishment.—
15	(i) ENCODED PAYMENTS.—In the case
16	of a garnishment order that applies to an
17	account that has received an applicable
18	payment that is encoded as provided in
19	subparagraph (B), a financial institution
20	shall follow the requirements and proce-
21	dures set forth in part 212 of title 31,
22	Code of Federal Regulations, except—
23	(I) notwithstanding section 212.4
24	of title 31, Code of Federal Regula-
25	tions (and except as provided in sub-

clause (II)), a financial institution shall not fail to follow the procedures of sections 212.5 and 212.6 of such title with respect to a garnishment order merely because such order has attached, or includes, a notice of right to garnish federal benefits issued by a State child support enforcement agency, and

(II) a financial institution shall not, with regard to any applicable payment, be required to provide the notice referenced in sections 212.6 and 212.7 of title 31, Code of Federal Regulations.

(ii) OTHER PAYMENTS.—If a financial institution receives a garnishment order (other than an order that has been served by the United States), that has been received by a financial institution and that applies to an account into which an applicable payment that has not been encoded as provided in subparagraph (B) has been deposited electronically or by an applicable payment that has been deposited by check

on any date in the lookback period, the financial institution, upon the request of the account holder, shall treat the amount of the funds in the account at the time of the request, up to the amount of the applicable payment (in addition to any amounts otherwise protected under part 212 of title 31, Code of Federal Regulations), as exempt from a garnishment order without requiring the consent of the party serving the garnishment order or the judgment creditor.

- (iii) Liability.—A financial institution that acts in good faith in reliance on clause (i) or (ii) shall not be subject to liability or regulatory action under any Federal or State law, regulation, court or other order, or regulatory interpretation for actions concerning any applicable payments.
- (D) Preservation of Reclamation RIGHTS.—This paragraph shall not alter the status of applicable payments as tax refunds or other nonbenefit payments for purpose of any reclamation rights of the Department of the Treasury or the Internal Revenue Service as

1	per part 210 of title 31, Code of Federal Regu-
2	lations.
3	(E) Definitions.—For purposes of this
4	paragraph—
5	(i) ACCOUNT HOLDER.—The term
6	"account holder" means a natural person
7	whose name appears in a financial institu-
8	tion's records as the direct or beneficial
9	owner of an account.
10	(ii) ACCOUNT REVIEW.—The term
11	"account review" means the process of ex-
12	amining deposits in an account to deter-
13	mine if an applicable payment has been de-
14	posited into the account during the
15	lookback period. The financial institution
16	shall perform the account review following
17	the procedures outlined in section 212.5 of
18	title 31, Code of Federal Regulations and
19	in accordance with the requirements of sec-
20	tion 212.6 of title 31, Code of Federal
21	Regulations.
22	(iii) Applicable payment.—The
23	term "applicable payment" means—
24	(I) any advance refund amount
25	paid pursuant to section 6428C(g) of

1	Internal Revenue Code of 1986 (as
2	added by this section),
3	(II) any payment made by a pos-
4	session of the United States with a
5	mirror code tax system (as defined in
6	subsection (b) of this section) pursu-
7	ant to such subsection which cor-
8	responds to a payment described in
9	subclause (I), and
10	(III) any payment made by a
11	possession of the United States with-
12	out a mirror code tax system (as so
13	defined) pursuant to subsection (b) of
14	this section.
15	(iv) Garnishment.—The term "gar-
16	nishment" means execution, levy, attach-
17	ment, garnishment, or other legal process.
18	(v) Garnishment order.—The term
19	"garnishment order" means a writ, order,
20	notice, summons, judgment, levy, or simi-
21	lar written instruction issued by a court, a
22	State or State agency, a municipality or
23	municipal corporation, or a State child
24	support enforcement agency, including a
25	lien arising by operation of law for overdue

1	child support or an order to freeze the as-
2	sets in an account, to effect a garnishment
3	against a debtor.
4	(vi) LOOKBACK PERIOD.—The term
5	"lookback period" means the two month
6	period that begins on the date preceding
7	the date of account review and ends on the
8	corresponding date of the month two
9	months earlier, or on the last date of the
10	month two months earlier if the cor-
11	responding date does not exist.
12	(5) Agency information sharing and as-
13	SISTANCE.—
14	(A) IN GENERAL.—The Commissioner of
15	Social Security, the Railroad Retirement Board,
16	and the Secretary of Veterans Affairs shall each
17	provide the Secretary of the Treasury (or the
18	Secretary's delegate) such information and as-
19	sistance as the Secretary of the Treasury (or
20	the Secretary's delegate) may require for pur-
21	poses of—
22	(i) making payments under section
23	6428C(g) of the Internal Revenue Code of
24	1986 to individuals described in paragraph
25	(6)(A) thereof, or

	ΔO
1	(ii) providing administrative assist-
2	ance to a possession of the United States
3	(as defined in subsection $(c)(3)(A)$) to
4	allow such possession to promptly dis-
5	tribute payments under subsection (c) to
6	its residents.
7	(B) Exchange of information with
8	Possessions.—Any information provided to the
9	Secretary of the Treasury (or the Secretary's
10	delegate) pursuant to subparagraph (A)(ii) may
11	be exchanged with a possession of the United
12	States in accordance with the applicable tax co-
13	ordination agreement for information exchange
14	and administrative assistance that the Internal
15	Revenue Service has agreed to with such pos-
16	session.
17	(6) Conforming amendments.—
18	(A) Paragraph (2) of section 1324(b) of
19	title 31, United States Code, is amended by in-
20	serting "6428C," after "6428B,".
21	(B) The table of sections for subchapter B
22	of chapter 65 of the Internal Revenue Code of
23	1986 is amended by inserting after the item re-

lating to section 6428B the following new item:

"Sec. 6428C. Energy rebates to individuals.".

1	(d) Reports to Congress.—Each week beginning
2	after the date of the enactment of this Act and beginning
3	before December 31, 2022, on Friday of such week, not
4	later than 3 p.m. eastern time, the Secretary of the Treas-
5	ury shall provide a written report to the Committee or
6	Ways and Means of the House of Representatives and the
7	Committee on Finance of the Senate. Such report shall
8	include the following information with respect to payments
9	made pursuant to section 6428B of the Internal Revenue
10	Code of 1986:
11	(1) The number of scheduled payments sent to
12	the Bureau of Fiscal Service for payment by direct
13	deposit or paper check for the following week (stated
14	separately for direct deposit and paper check).
15	(2) The total dollar amount of the scheduled
16	payments described in paragraph (1).
17	(3) The number of direct deposit payments re-
18	turned to the Department of the Treasury and the
19	total dollar value of such payments, for the week
20	ending on the day prior to the day on which the re-
21	port is provided.
22	(4) The total number of letters related to pay-

ments under section 6428C of such Code mailed to

- 1 taxpayers during the week ending on the day prior
- 2 to the day on which the report is provided.

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