

**AMENDMENT TO SENATE AMENDMENT TO HOUSE  
AMENDMENT TO SENATE AMENDMENT TO  
H.R. 4853  
OFFERED BY MR. SHERMAN OF CALIFORNIA**

Amend title VI to read as follows:

1       **TITLE VI—2010 RECOVERY**  
2       **REBATES FOR INDIVIDUALS**

3       **SEC. 601. 2010 RECOVERY REBATES FOR INDIVIDUALS.**

4       (a) IN GENERAL.—Subchapter B of chapter 65 is  
5 amended by adding at the end the following new section:

6       **“SEC. 6433. 2010 RECOVERY REBATES FOR INDIVIDUALS.**

7       “(a) IN GENERAL.—In the case of an eligible indi-  
8 vidual, there shall be allowed as a credit against the tax  
9 imposed by chapter 1 for the first taxable year beginning  
10 in 2010 an amount equal to the sum of—

11           “(1) 32.25 percent of the amount imposed on  
12 such individual under section 3101(a) in calendar  
13 year 2010, and

14           “(2) 16.13 percent of the amount imposed on  
15 such individual under section 1401(a) in taxable  
16 year 2010.

1       “(b) TREATMENT AS REFUNDABLE CREDIT.—The  
2 credit allowed by subsection (a) shall be treated as allowed  
3 by subpart C of part IV of subchapter A of chapter 1.

4       “(c) ELIGIBLE INDIVIDUAL DEFINED.—For pur-  
5 poses of this section—

6           “(1) IN GENERAL.—The term ‘eligible indi-  
7 vidual’ means any individual with tax liability under  
8 section 3101(a) or 1401(a) in 2010.

9           “(2) EXCEPTION.—Such term does not in-  
10 clude—

11               “(A) any nonresident alien individual, and

12               “(B) an estate or trust.

13       “(d) IDENTIFICATION NUMBER REQUIREMENT.—

14           “(1) IN GENERAL.—No credit shall be allowed  
15 under subsection (a) to an eligible individual who  
16 does not include on the return of tax for the taxable  
17 year—

18               “(A) such individual’s valid identification  
19 number, and

20               “(B) in the case of a joint return, the valid  
21 identification number of such individual’s  
22 spouse.

23           “(2) VALID IDENTIFICATION NUMBER.—For  
24 purposes of paragraph (1), the term ‘valid identifica-  
25 tion number’ means a social security number issued

1 to an individual by the Social Security Administra-  
2 tion. Such term shall not include a TIN issued by  
3 the Internal Revenue Service.

4 “(3) SPECIAL RULE FOR MEMBERS OF THE  
5 ARMED FORCES.—Paragraph (1) shall not apply to  
6 a joint return where at least 1 spouse was a member  
7 of the Armed Forces of the United States at any  
8 time during the taxable year.

9 “(e) COORDINATION WITH ADVANCE REFUNDS OF  
10 CREDIT.—

11 “(1) IN GENERAL.—The amount of credit  
12 which would (but for this paragraph) be allowable  
13 under this section shall be reduced (but not below  
14 zero) by the aggregate refunds and credits made or  
15 allowed to the taxpayer under subsection (f). Any  
16 failure to so reduce the credit shall be treated as  
17 arising out of a mathematical or clerical error and  
18 assessed according to section 6213(b)(1).

19 “(2) JOINT RETURNS.—In the case of a refund  
20 or credit made or allowed under subsection (f) with  
21 respect to a joint return, half of such refund or cred-  
22 it shall be treated as having been made or allowed  
23 to each individual filing such return.

24 “(f) ADVANCE REFUNDS AND CREDITS.—

1           “(1) IN GENERAL.—Each individual who was  
2           an eligible individual for such individual’s first tax-  
3           able year beginning in 2010 shall be treated as hav-  
4           ing made a payment against the tax imposed by  
5           chapter 1 for such first taxable year in an amount  
6           equal to the advance refund amount for such taxable  
7           year.

8           “(2) ADVANCE REFUND AMOUNT.—For pur-  
9           poses of paragraph (1), the advance refund amount  
10          is the amount that is allowed as a credit under this  
11          section (other than subsection (e)) for such first tax-  
12          able year.

13          “(3) TIMING OF PAYMENTS.—The Secretary  
14          shall, subject to the provisions of this title, refund  
15          or credit any overpayment attributable to this sec-  
16          tion as rapidly as possible. No refund or credit shall  
17          be made or allowed under this subsection after De-  
18          cember 31, 2011.

19          “(4) SEPARATE PAYMENT.—Such overpayment  
20          shall be treated separately from any return of tax  
21          under this title (other than this section) for any tax-  
22          able year beginning in 2010.

23          “(5) NO INTEREST.—No interest shall be al-  
24          lowed on any overpayment attributable to this sec-  
25          tion.”.

1 (b) ADMINISTRATIVE AMENDMENTS.—

2 (1) DEFINITION OF DEFICIENCY.—Section  
3 6211(b)(4)(A) of the Internal Revenue Code of 1986  
4 is amended by striking “and 6428” and inserting  
5 “6428, and 6433”.

6 (2) MATHEMATICAL OR CLERICAL ERROR AU-  
7 THORITY.—Section 6213(g)(2)(L) of such Code is  
8 amended by striking “or 6428” and inserting “6428,  
9 or 6433”.

10 (c) TREATMENT OF POSSESSIONS.—

11 (1) PAYMENTS TO POSSESSIONS.—

12 (A) MIRROR CODE POSSESSION.—The Sec-  
13 retary of the Treasury shall make a payment to  
14 each possession of the United States with a  
15 mirror code tax system in an amount equal to  
16 the loss to that possession by reason of the  
17 amendments made by this section. Such amount  
18 shall be determined by the Secretary of the  
19 Treasury based on information provided by the  
20 government of the respective possession.

21 (B) OTHER POSSESSIONS.—The Secretary  
22 of the Treasury shall make a payment to each  
23 possession of the United States which does not  
24 have a mirror code tax system in an amount es-  
25 timated by the Secretary of the Treasury as

1 being equal to the aggregate benefits that would  
2 have been provided to residents of such posses-  
3 sion by reason of the amendments made by this  
4 section if a mirror code tax system had been in  
5 effect in such possession. The preceding sen-  
6 tence shall not apply with respect to any posses-  
7 sion of the United States unless such possession  
8 has a plan, which has been approved by the  
9 Secretary of the Treasury, under which such  
10 possession will promptly distribute such pay-  
11 ment to the residents of such possession.

12 (2) COORDINATION WITH CREDIT ALLOWED  
13 AGAINST UNITED STATES INCOME TAXES.—No cred-  
14 it shall be allowed against United States income  
15 taxes under section 6433 of the Internal Revenue  
16 Code of 1986 (as amended by this section) to any  
17 person—

18 (A) to whom a credit is allowed against  
19 taxes imposed by the possession by reason of  
20 the amendments made by this section, or

21 (B) who is eligible for a payment under a  
22 plan described in paragraph (1)(B).

23 (3) DEFINITIONS AND SPECIAL RULES.—

24 (A) POSSESSION OF THE UNITED  
25 STATES.—For purposes of this subsection, the

1 term “possession of the United States” includes  
2 the Commonwealth of Puerto Rico and the  
3 Commonwealth of the Northern Mariana Is-  
4 lands.

5 (B) MIRROR CODE TAX SYSTEM.—For pur-  
6 poses of this subsection, the term “mirror code  
7 tax system” means, with respect to any posses-  
8 sion of the United States, the income tax sys-  
9 tem of such possession if the income tax liabil-  
10 ity of the residents of such possession under  
11 such system is determined by reference to the  
12 income tax laws of the United States as if such  
13 possession were the United States.

14 (C) TREATMENT OF PAYMENTS.—For pur-  
15 poses of section 1324(b)(2) of title 31, United  
16 States Code, the payments under this sub-  
17 section shall be treated in the same manner as  
18 a refund due from the credit allowed under sec-  
19 tion 6433 of the Internal Revenue Code of 1986  
20 (as amended by this section) and for purposes  
21 of section 6409 of the Internal Revenue Code of  
22 1986 (as added by section 728 of this Act) shall  
23 be treated as made under such Code.

24 (d) APPROPRIATIONS TO CARRY OUT REBATES.—

1           (1) IN GENERAL.—Immediately upon the enact-  
2           ment of this Act, the same sums are appropriated,  
3           out of any money in the Treasury not otherwise ap-  
4           propriated, for the fiscal year ending September 30,  
5           2010, as were appropriated by section 101 of the  
6           Economic Stimulus Act of 2008.

7           (2) REPORTS.—No later than 15 days after en-  
8           actment of this Act, the Secretary of the Treasury  
9           shall submit a plan to the Committees on Appropria-  
10          tions of the House of Representatives and the Sen-  
11          ate detailing the expected use of the funds provided  
12          by paragraph (1). Beginning 90 days after enact-  
13          ment of this Act, the Secretary of the Treasury shall  
14          submit a quarterly report to the Committees on Ap-  
15          propriations of the House of Representatives and the  
16          Senate detailing the actual expenditure of funds pro-  
17          vided by paragraph (1) and the expected expenditure  
18          of such funds in the subsequent quarter.

19          (e) CONFORMING AMENDMENTS.—

20                 (1) Paragraph (2) of section 1324(b) of title  
21                 31, United States Code, is amended by inserting “or  
22                 6433” after “6428”.

23                 (2) The table of sections for subchapter B of  
24                 chapter 65 of such Code is amended by inserting

- 1 after the item relating to section 6432 the following
- 2 new item:

“Sec. 6433. 2010 recovery rebates for individuals.”.



