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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To rebuild the Nation's infrastructure, provide a consumer rebate to the American people, assist coal country, reduce harmful pollution, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To rebuild the Nation's infrastructure, provide a consumer rebate to the American people, assist coal country, reduce harmful pollution, 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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “America Wins Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Tax on carbon dioxide content of certain substances.  
Sec. 3. Energy Refund Program.  
Sec. 4. Consumer tax rebate.

1 **SEC. 2. TAX ON CARBON DIOXIDE CONTENT OF CERTAIN**  
2 **SUBSTANCES.**

3 (a) IN GENERAL.—Chapter 38 of the Internal Rev-  
4 enue Code of 1986 (relating to environmental taxes) is  
5 amended by adding at the end thereof the following new  
6 subchapter:

7 **“Subchapter E—Tax on Carbon Dioxide**  
8 **Content of Certain Substances**

“Sec. 4691. Imposition of tax.  
“Sec. 4692. Refunds or credits.  
“Sec. 4693. Border adjustments.  
“Sec. 4694. Definitions and special rules.

9 **“SEC. 4691. IMPOSITION OF TAX.**

10 “(a) IN GENERAL.—There is hereby imposed a tax  
11 on any taxable carbon substance sold by the manufacturer,  
12 producer, or importer thereof.

13 “(b) AMOUNT OF TAX.—

14 “(1) IN GENERAL.—The amount of tax imposed  
15 by subsection (a) on any taxable carbon substance  
16 shall be the applicable amount per ton of carbon di-  
17 oxide content of such substance, as determined by  
18 the Secretary in consultation with the Secretary of  
19 Energy.

20 “(2) FRACTIONAL PART OF TON.—In the case  
21 of a fraction of a ton, the tax imposed by subsection

1 (a) shall be the same fraction of the amount of such  
2 tax imposed on a whole ton.

3 “(3) APPLICABLE AMOUNT.—For purposes of  
4 paragraph (1)—

5 “(A) IN GENERAL.—For calendar year  
6 2019, the term ‘applicable amount’ means \$49.

7 “(B) ANNUAL ADJUSTMENTS GEN-  
8 ERALLY.—In the case of any taxable year be-  
9 ginning in a calendar year after 2019, the dol-  
10 lar amount in subparagraph (A) shall be in-  
11 creased by an amount equal to—

12 “(i) such dollar amount, multiplied by

13 “(ii) the cost-of-living adjustment de-  
14 termined under section 1(f)(3) for the cal-  
15 endar year in which the taxable year be-  
16 gins, determined—

17 “(I) by substituting ‘calendar  
18 year 2018’ for ‘calendar year 1992’ in  
19 subparagraph (B) thereof, and

20 “(II) by substituting for the CPI  
21 referred to section 1(f)(3)(A) the  
22 amount that such CPI would have  
23 been if the annual percentage increase  
24 in CPI with respect to each year after

1                   2019 had been 2 percentage points  
2                   greater.

3           “(c) SUBSTANCE TAXED ONLY ONCE.—No tax shall  
4 be imposed by subsection (a) with respect to a taxable car-  
5 bon substance if the person who would be liable for such  
6 tax establishes that a prior tax imposed by such section  
7 has been imposed with respect to such product.

8           “(d) EXEMPTION FOR EXPORTS.—

9                 “(1) TAX-FREE SALES.—

10                         “(A) IN GENERAL.—No tax shall be im-  
11 posed under subsection (a) on the sale by the  
12 manufacturer or producer of any taxable carbon  
13 substance for export or for resale by the pur-  
14 chaser to a second purchaser for export.

15                         “(B) PROOF OF EXPORT REQUIRED.—  
16 Rules similar to the rules of section 4221(b)  
17 shall apply for purposes of subparagraph (A).

18                 “(2) CREDIT OR REFUND WHERE TAX PAID.—

19                         “(A) IN GENERAL.—Except as provided in  
20 subparagraph (B), if—

21                                 “(i) tax under subsection (a) was paid  
22 with respect to any taxable carbon sub-  
23 stance, and

24                                 “(ii)(I) such substance was exported  
25 by any person, or

1           “(II) such substance was used as a  
2           material in the manufacture or production  
3           of a taxable carbon substance which was  
4           exported by any person and which, at the  
5           time of export, was a taxable carbon sub-  
6           stance,

7           credit or refund (without interest) of such tax  
8           shall be allowed or made to the person who paid  
9           such tax.

10           “(B) CONDITION TO ALLOWANCE.—No  
11           credit or refund shall be allowed or made under  
12           subparagraph (A) unless the person who paid  
13           the tax establishes that he—

14                   “(i) has repaid or agreed to repay the  
15                   amount of the tax to the person who ex-  
16                   ported the taxable carbon substance, or

17                   “(ii) has obtained the written consent  
18                   of such exporter to the allowance of the  
19                   credit or the making of the refund.

20           “(C) REFUNDS DIRECTLY TO EX-  
21           PORTER.—The Secretary shall provide, in regu-  
22           lations, the circumstances under which a credit  
23           or refund (without interest) of the tax under  
24           subsection (a) shall be allowed or made to the

1 person who exported the taxable carbon sub-  
2 stance, where—

3 “(i) the person who paid the tax  
4 waives his claim to the amount of such  
5 credit or refund, and

6 “(ii) the person exporting the taxable  
7 carbon substance provides such informa-  
8 tion as the Secretary may require in such  
9 regulations.

10 **“SEC. 4692. REFUNDS OR CREDITS.**

11 “(a) SEQUESTERED CARBON.—Under regulations  
12 prescribed by the Secretary, if—

13 “(1) a person uses a taxable carbon substance  
14 as a feedstock so that the carbon associated with  
15 such substance will not be emitted, or

16 “(2) a person captures and sequesters the car-  
17 bon in a taxable carbon substance,

18 then an amount equal to the amount of tax in effect under  
19 section 4691(b) with respect to such substance for the cal-  
20 endar year in which such use begins shall be allowed as  
21 a credit or refund (without interest) to such person in the  
22 same manner as if it were an overpayment of tax imposed  
23 by section 4691.

24 “(b) PREVIOUSLY TAXED CARBON SUBSTANCES  
25 USED TO MAKE ANOTHER TAXABLE CARBON SUB-

1 STANCE.—Under regulations prescribed by the Secretary,  
2 if—

3 “(1) a tax under section 4691 was paid with re-  
4 spect to any taxable carbon substance, and

5 “(2) such substance was used by any person in  
6 the manufacture or production of any other sub-  
7 stance which is a taxable carbon substance,  
8 then an amount equal to the tax so paid shall be allowed  
9 as a credit or refund (without interest) to such person in  
10 the same manner as if it were an overpayment of tax im-  
11 posed by section 4691(a). In any case to which this para-  
12 graph applies, the amount of any such credit or refund  
13 shall not exceed the amount of tax imposed by section  
14 4691(a) on the other taxable fuel manufactured or pro-  
15 duced (or which would have been imposed by such sub-  
16 section on such other fuel but for section 4691(c)).

17 **“SEC. 4693. BORDER ADJUSTMENTS.**

18 “(a) IMPORTS.—The Secretary shall impose a carbon  
19 equivalency fee on imports of carbon-intensive goods that  
20 shall be equivalent to the cost that domestic producers of  
21 comparable carbon-intensive goods incur as a result of—

22 “(1) taxes paid by manufacturers, producers,  
23 and importers of taxable carbon substances under  
24 this section, and

1           “(2) carbon equivalency fees paid by importers  
2           of carbon intensive goods used in the production of  
3           the comparable carbon intensive goods in question.

4           “(b) EXPORTS.—Notwithstanding the limitations of  
5           section 4692, the Secretary shall allow as a credit or re-  
6           fund (without interest) to the exporter of a carbon-inten-  
7           sive good produced in the United States in the same man-  
8           ner as if it were an overpayment of tax imposed by section  
9           4691 an amount equivalent to the cost that domestic pro-  
10          ducers of such carbon intensive goods incur as a result  
11          of—

12           “(1) taxes paid by manufacturers, producers,  
13           and importers of taxable carbon substances under  
14           this section, and

15           “(2) carbon equivalency fees paid by importers  
16           of carbon intensive goods used in the production of  
17           the comparable carbon intensive goods in question.

18           “(c) EXPIRATION.—This section shall cease to have  
19           effect at such time as and to the extent that—

20           “(1)(A) an international agreement requiring  
21           countries that emit greenhouse gases and produce  
22           carbon intensive goods for international markets to  
23           adopt equivalent measures comes into effect, or

24           “(B) the country of export has implemented  
25           equivalent measures, and



1           “(2) the actions provided for by subsections (a)  
2           and (b) are no longer appropriate.

3   **“SEC. 4694. DEFINITIONS AND SPECIAL RULES.**

4           “(a) DEFINITIONS.—For purposes of this sub-  
5 chapter—

6           “(1) TAXABLE CARBON SUBSTANCE.—The term  
7           ‘taxable carbon substance’ means—

8                   “(A) coal (including lignite and peat),

9                   “(B) petroleum and any petroleum product  
10                  (as defined in section 4612(a)(3)), and

11                  “(C) natural gas,

12                  which is extracted, manufactured, or produced in the  
13                  United States or entered into the United States for  
14                  consumption, use, or warehousing.

15           “(2) UNITED STATES.—The term ‘United  
16           States’ has the meaning given such term by section  
17           4612(a)(4).

18           “(3) IMPORTER.—The term ‘importer’ means  
19           the person entering the taxable carbon substance for  
20           consumption, use, or warehousing.

21           “(4) TON.—The term ‘ton’ means metric tons.  
22           In the case of any taxable carbon substance which  
23           is a gas, the term ‘ton’ means the amount of such  
24           gas in cubic feet which is the equivalent of a metric  
25           ton on a molecular weight basis.

1           “(5) CARBON-INTENSIVE GOOD.—The term  
2           ‘carbon-intensive good’ means a good that (as identi-  
3           fied by the Secretary by rule)—

4                   “(A) is a primary product, or

5                   “(B) is a manufactured item in which one  
6           or more primary products are inputs and the  
7           cost of production of which in the United States  
8           is significantly increased by this subchapter.

9           “(6) PRIMARY PRODUCT.—The term ‘primary  
10          product’ means—

11                   “(A) iron, steel, steel mill products (includ-  
12          ing pipe and tube), aluminum, cement, glass  
13          (including flat, container, and specialty glass  
14          and fiberglass), pulp, paper, chemicals, or in-  
15          dustrial ceramics, and

16                   “(B) any other manufactured product that  
17          the Secretary determines—

18                           “(i) is sold for purposes of further  
19          manufacture, and

20                           “(ii) generates, in the course of the  
21          manufacture of the product, direct and in-  
22          direct carbon-dioxide emissions that are  
23          comparable (on an emissions-per-dollar of  
24          output basis) to emissions generated in the

1 manufacture or production of primary  
2 products identified in subparagraph (A).

3 “(7) EQUIVALENT MEASURE.—The term ‘equiv-  
4 alent measure’ means a tax or other regulatory re-  
5 quirement that imposes a cost on manufacturers of  
6 carbon intensive goods located outside the United  
7 States approximately equal to the cost imposed by  
8 section 4691 on manufacturers of comparable car-  
9 bon intensive goods located in the United States.

10 “(b) USE TREATED AS SALE.—If any person manu-  
11 factures, produces, or imports any taxable carbon sub-  
12 stance and uses such substance, then such person shall  
13 be liable for tax under section 4691 in the same manner  
14 as if such substance were sold by such person.

15 “(c) SPECIAL RULES FOR INVENTORY EX-  
16 CHANGES.—

17 “(1) IN GENERAL.—Except as provided in this  
18 paragraph, in any case in which a manufacturer,  
19 producer, or importer of a taxable carbon substance  
20 exchanges such substance as part of an inventory ex-  
21 change with another person—

22 “(A) such exchange shall not be treated as  
23 a sale, and

1           “(B) such other person shall, for purposes  
2           of section 4691, be treated as the manufac-  
3           turer, producer, or importer of such substance.

4           “(2) REGISTRATION REQUIREMENT.—Para-  
5           graph (1) shall not apply to any inventory exchange  
6           unless—

7           “(A) both parties are registered with the  
8           Secretary as manufacturers, producers, or im-  
9           porters of taxable carbon substances, and

10           “(B) the person receiving the taxable car-  
11           bon substance has, at such time as the Sec-  
12           retary may prescribe, notified the manufac-  
13           turer, producer, or importer of such person’s  
14           registration number and the internal revenue  
15           district in which such person is registered.

16           “(3) INVENTORY EXCHANGE.—For purposes of  
17           this subsection, the term ‘inventory exchange’ means  
18           any exchange in which 2 persons exchange property  
19           which is, in the hands of each person, property de-  
20           scribed in section 1221(a)(1).

21           “(d) REGULATIONS.—The Secretary shall prescribe  
22           such regulations as may be necessary to carry out the pur-  
23           poses of this subchapter.”.

24           (b) ESTABLISHMENT OF BUILD AMERICA TRUST  
25           FUND.—Subchapter A of chapter 98 of such Code (relat-

1 ing to trust fund code) is amended by adding at the end  
2 the following:

3 **“SEC. 9512. BUILD AMERICA TRUST FUND.**

4 “(a) CREATION OF TRUST FUND.—There is estab-  
5 lished in the Treasury of the United States a trust fund  
6 to be known as the ‘Build America Trust Fund’ (referred  
7 to in this section as the ‘Trust Fund’), consisting of such  
8 amounts as may be appropriated or credited to the Trust  
9 Fund as provided in this section or section 9602(b).

10 “(b) TRANSFERS TO TRUST FUND.—There is hereby  
11 appropriated to the Trust Fund an amount equivalent to  
12 the increase in revenues received in the Treasury as the  
13 result of the tax imposed under section 4691.

14 “(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—  
15 Amounts in the Trust Fund equivalent to the taxes re-  
16 ceived in the Treasury under section 4691 for a calendar  
17 year shall be available without further appropriation, as  
18 follows:

19 “(1) First, the following amounts for each of  
20 fiscal years 2019 through 2028, to be allocated as  
21 follows:

22 “(A) HIGHWAYS AND TRANSIT.—

23 “(i) the sum of \$50,000,000,000 plus  
24 the highway and transit shortfall amount,  
25 which shall be transferred to the Highway

1 Trust Fund with 80 percent allocated to  
2 the Highway Account (as defined in sec-  
3 tion 9503(e)(5)(B)) and 20 percent allo-  
4 cated to the Mass Transit Account.

5 “(ii) \$5,000,000,000 shall be available  
6 to the Secretary of Transportation for pro-  
7 viding assistance under the National Infra-  
8 structure Investment program, as de-  
9 scribed under the heading ‘Department of  
10 Transportation—Office of the Secretary—  
11 National Infrastructure Investments’ in  
12 title I of division L of Public Law 114–113  
13 (129 Stat. 2835).

14 “(B) AVIATION.—\$3,000,000,000 shall be  
15 available to be transferred to the Airport and  
16 Airway Trust Fund, of which—

17 “(i) \$1,620,000,000 shall be available  
18 to the Secretary of Transportation for  
19 making grants for airport planning and  
20 airport development under section 47104  
21 of title 49, United States Code, and

22 “(ii) \$1,380,000,000 shall be available  
23 to the Administrator of the Federal Avia-  
24 tion Administration for acquiring, estab-  
25 lishing, and improving air navigation facili-

1 ties under section 44502(a)(1)(A) of title  
2 49, United States Code.

3 “(C) PASSENGER RAIL.—

4 “(i) \$2,000,000,000 shall be available  
5 to the Secretary of Transportation for de-  
6 posit in the Northeast Corridor account de-  
7 scribed in section 24317 of title 49, United  
8 States Code, for the uses described in sub-  
9 section (d)(1)(B), (C), (E), and (F) of  
10 such section.

11 “(ii) \$1,500,000,000 shall be available  
12 to the Secretary of Transportation for  
13 making grants for rail infrastructure and  
14 safety improvements under section 24407  
15 of title 49, United States Code.

16 “(iii) \$500,000,000 shall be available  
17 to the Secretary of Transportation for  
18 making grants for state of good repair  
19 under section 24911 of title 49, United  
20 States Code.

21 “(iv) \$1,000,000,000 shall be avail-  
22 able to the Secretary of Transportation for  
23 deposit in the National Network account  
24 described in section 24317 of title 49,

1 United States Code, for the uses described  
2 in subsection (d)(2)(B).

3 “(D) HARBORS, WATERWAYS, FLOOD PRO-  
4 TECTION, DAMS.—

5 “(i) \$3,000,000,000 shall be available  
6 to the Secretary of the Army for expenses  
7 necessary for the construction of river and  
8 harbor, flood and storm damage reduction,  
9 shore protection, aquatic ecosystem res-  
10 toration, and related projects authorized by  
11 law or for conducting detailed studies, and  
12 plans and specifications, of such projects  
13 (including those involving participation by  
14 States, local governments, or private  
15 groups) authorized or made eligible for se-  
16 lection by law (but such detailed studies,  
17 and plans and specifications, shall not con-  
18 stitute a commitment of the Federal Gov-  
19 ernment to construction) to remain avail-  
20 able until expended.

21 “(ii) 3,000,000,000 shall be available  
22 to the Secretary of the Army for expenses  
23 necessary for the operation, maintenance,  
24 and care of existing river and harbor, flood  
25 and storm damage reduction, aquatic eco-



1 system restoration, and related projects  
2 authorized by law; providing security for  
3 infrastructure owned or operated by the  
4 Corps, including administrative buildings  
5 and laboratories; maintaining harbor chan-  
6 nels provided by a State, municipality, or  
7 other public agency that serve essential  
8 navigation needs of general commerce,  
9 where authorized by law; surveying and  
10 charting northern and northwestern lakes  
11 and connecting waters; clearing and  
12 straightening channels; and removing ob-  
13 structions to navigation, to remain avail-  
14 able until expended.

15 “(E) CLEAN WATER.—

16 “(i) \$2,000,000,000 shall be available  
17 to the Administrator of the Environmental  
18 Protection Agency for making capitaliza-  
19 tion grants for the Clean Water State Re-  
20 volving Funds under title VI of the Fed-  
21 eral Water Pollution Control Act (33  
22 U.S.C. 1381 et seq.).

23 “(ii) \$2,350,000,000 shall be available  
24 to the Administrator of the Environmental  
25 Protection Agency for making capitaliza-

1                   tion grants for the Drinking Water State  
2                   Revolving Funds under section 1452 of the  
3                   Safe Drinking Water Act (42 U.S.C. 300j–  
4                   12).

5                   “(iii) \$80,000,000 shall be available  
6                   to the Secretary of the Army and the Ad-  
7                   ministrator of the Environmental Protec-  
8                   tion Agency for providing assistance under  
9                   section 5023 of the Water Infrastructure  
10                  Finance and Innovation Act of 2014 (33  
11                  U.S.C. 3902).

12                  “(F) USDA WATER AND WASTE DISPOSAL  
13                  PROGRAMS.—

14                  “(i) \$104,200,000 shall be available  
15                  to the Secretary of Agriculture for direct  
16                  loans for water or waste disposal facilities  
17                  under section 306(a)(1) of the Consoli-  
18                  dated Farm and Rural Development Act.

19                  “(ii) \$490,000 shall be available to  
20                  the Secretary of Agriculture for guaran-  
21                  teed loans for water or waste disposal fa-  
22                  cilities under section 306(a)(24) of the  
23                  Consolidated Farm and Rural Develop-  
24                  ment Act.

1                   “(iii) \$885,000,000 shall be available  
2                   to the Secretary of Agriculture to carry out  
3                   section 306(a)(2) of the Consolidated  
4                   Farm and Rural Development Act.

5                   “(G)     BROADBAND     DEPLOYMENT.—  
6                   \$3,000,000,000 shall be available to the Assist-  
7                   ant Secretary of Commerce for Communications  
8                   and Information to carry out a program to ex-  
9                   pand access to broadband to communities  
10                  throughout the United States, with an emphasis  
11                  on communities unserved by broadband.

12                  “(2) Second, \$5,000,000,000 for each fiscal  
13                  year 2019 through 2028 shall be available for assist-  
14                  ance to workers and communities reliant on indus-  
15                  tries that primarily produce taxable carbon sub-  
16                  stances or carbon-intensive goods, as determined by  
17                  the Secretary in consultation with the Secretary of  
18                  Labor, including for—

19                         “(A) worker retraining, pension benefits,  
20                         and health benefits,

21                         “(B) abandoned mine reclamation,

22                         “(C) development of carbon capture, utili-  
23                         zation, and storage technologies, and

24                         “(D) other assistance the Secretary deter-  
25                         mines appropriate.

1           “(3) Third, for calendar year 2019 and each  
2           calendar year thereafter, 12.5 percent of the amount  
3           in the Trust Fund equivalent to the taxes received  
4           in the Treasury under section 4691 shall be avail-  
5           able for the Energy Refund Program.

6           “(4) Fourth, the amount remaining after the  
7           application of paragraphs (1), (2), and (3) shall be  
8           available for paying the consumer tax rebate.

9           “(d) DEFINITIONS.—For purposes of this section—

10           “(1) The term ‘highway and transit shortfall  
11           amount’ means the amount determined by the Sec-  
12           retary to be equal to the excess of—

13           “(A) the sum of the obligations of the  
14           United States specified in section 9503(e)(1)  
15           plus the amounts to be expended under section  
16           9503(e)(3), over

17           “(B) the amounts available in the Highway  
18           Trust Fund to meet those obligations and ex-  
19           penditures (determined without regard to this  
20           paragraph or section 9503(f)(5)).

21           “(2) The terms ‘taxable carbon substance’ and  
22           ‘carbon-intensive goods’ have the meanings given  
23           such terms by section 4694.

24           “(e) QUALIFICATIONS BASED SELECTION FOR AR-  
25           CHITECTURAL AND ENGINEERING CONTRACTS.—

1           “(1) IN GENERAL.—Subject to paragraph (2),  
2           as a condition on the receipt of funds pursuant to  
3           this section of an amount greater than \$1,000,000,  
4           a non-Federal sponsor that receives the funds shall  
5           require that each contract and subcontract for pro-  
6           gram management, construction management, plan-  
7           ning studies, feasibility studies, architectural serv-  
8           ices, preliminary engineering, design, engineering,  
9           surveying, mapping, and related services entered  
10          into using any of such funds be awarded in the same  
11          manner as a contract for architectural and engineer-  
12          ing services is awarded under—

13                 “(A) chapter 11 of title 40, United States  
14                 Code, or

15                 “(B) an equivalent qualifications-based re-  
16                 quirement prescribed by the relevant State.

17          “(2) NO PROPRIETARY INTEREST.—A contract  
18          awarded in accordance with paragraph (1) shall not  
19          be considered to confer a proprietary interest upon  
20          the United States.

21          “(f) ADMINISTRATIVE PROVISIONS.—Amounts dis-  
22          tributed from the Trust Fund for a program or activity  
23          under subsection (c) shall—

24                 “(1) be in addition to other amounts appro-  
25                 priated for the program or activity, and

1 “(2) remain available until expended.”.

2 (c) CLERICAL AMENDMENTS.—

3 (1) The table of subchapters for chapter 38 of  
4 such Code is amended by adding at the end thereof  
5 the following new item:

“SUBCHAPTER E. TAX ON CARBON DIOXIDE CONTENT OF CERTAIN  
SUBSTANCES.”.

6 (2) The table of sections for subchapter A of  
7 chapter 98 of such Code is amended by adding at  
8 the end the following:

“Sec. 9512. Build America Trust Fund.”.

9 (d) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to taxable years beginning after  
11 December 31, 2018.

12 **SEC. 3. ENERGY REFUND PROGRAM.**

13 (a) IN GENERAL.—The Secretary of the Treasury, in  
14 consultation with the Secretary of Health and Human  
15 Services, the Commissioner of Social Security, and the  
16 Secretary of Agriculture, shall formulate and administer  
17 the program provided for in this section, which shall be  
18 known as the “Energy Refund Program”, and under  
19 which eligible households are provided an energy refund.

20 (b) ELIGIBILITY OF HOUSEHOLDS TO RECEIVE EN-  
21 ERGY REFUND.—Each eligible household shall be entitled  
22 to receive monthly cash payments under this section in

1 an amount equal to the monthly energy refund amount  
2 determined under subsection (d).

3 (c) ELIGIBILITY.—

4 (1) ELIGIBLE HOUSEHOLDS.—A household  
5 shall be considered to be an eligible household for  
6 purposes of this section if—

7 (A) the aggregate gross income of all tax-  
8 payers in the household does not exceed 150  
9 percent of the poverty line;

10 (B) the State agency for the State in  
11 which the household is located determines that  
12 the household is participating in—

13 (i) the supplemental nutrition assist-  
14 ance program;

15 (ii) the Food Distribution Program on  
16 Indian Reservations authorized by section  
17 4(b) of the Food and Nutrition Act of  
18 2008 (7 U.S.C. 2013(b)); or

19 (iii) the program for nutrition assist-  
20 ance in Puerto Rico or American Samoa  
21 under section 19 of such Act (7 U.S.C.  
22 2028);

23 (C) the household consists of a single indi-  
24 vidual or a married couple, and—

1 (i) receives the subsidy described in  
2 section 1860D–14 of the Social Security  
3 Act (42 U.S.C. 1395w–114); or

4 (ii)(I) participates in the program  
5 under title XVIII of the Social Security  
6 Act; and

7 (II) meets the income requirements  
8 described in section 1860D–14(a)(1) or  
9 (a)(2) of the Social Security Act (42  
10 U.S.C. 1395w–114(a)(1) or (a)(2)); or

11 (D) the household consists of a single indi-  
12 vidual or a married couple, and receives benefits  
13 under the Supplemental Security Income Pro-  
14 gram under title XVI of the Social Security Act  
15 (42 U.S.C. 1381–1383f).

16 (2) INELIGIBLE INDIVIDUALS.—The Secretary  
17 of the Treasury may only provide energy refunds in  
18 accordance with this section to United States citi-  
19 zens, United States nationals, and individuals law-  
20 fully residing in the United States. The Secretary  
21 shall establish procedures to ensure that other indi-  
22 viduals do not receive such refunds and are not  
23 taken into account in determining the amount of  
24 such refunds.



1           (3) NATIONAL STANDARDS.—The Secretary of  
2           the Treasury, in consultation with the Secretary of  
3           Agriculture, shall establish uniform national stand-  
4           ards of eligibility ensuring that States may co-ad-  
5           minister the Energy Refund Program with the sup-  
6           plemental nutrition assistance program in accord-  
7           ance with the provisions of this section. No State  
8           agency shall impose any other standard or require-  
9           ment as a condition of eligibility or refund receipt  
10          under the program. Assistance in the Energy Re-  
11          fund Program shall be furnished promptly to all eli-  
12          gible households who make application for such par-  
13          ticipation or are already enrolled in any program re-  
14          ferred to in paragraph (1).

15          (d) MONTHLY ENERGY REFUND AMOUNT.—

16                (1) ESTIMATED ANNUAL REFUND.—Not later  
17                than August 31 of each relevant fiscal year, the Sec-  
18                retary of the Treasury, in consultation with the En-  
19                ergy Information Administration, shall estimate,  
20                pursuant to a method that is appropriate for such  
21                purposes, the annual total loss in purchasing power  
22                that will result from the America Wins Act in the  
23                next fiscal year for households of each size with  
24                gross income equal to 150 percent of the poverty  
25                line, based on the tax imposed under section 4691

1 of the Internal Revenue Code of 1986, excluding the  
2 amount of the increase in households' energy con-  
3 sumption that is financed by higher cost of living ad-  
4 justments to Federal benefits that result from in-  
5 creased carbon costs by reason of such tax.

6 (2) MONTHLY ENERGY REFUND.—Subject to  
7 paragraph (3) and subsection (c)(2), the amount of  
8 the monthly energy refund for an eligible household  
9 under this section shall be—

10 (A) if the household has 1, 2, 3, or 4 mem-  
11 bers,  $\frac{1}{12}$  of the amount estimated under para-  
12 graph (1) for such fiscal year for a household  
13 of the same size, rounded to the nearest whole  
14 dollar amount; or

15 (B) if the household has 5 or more mem-  
16 bers,  $\frac{1}{12}$  of the arithmetic mean value of the  
17 amounts estimated under paragraph (1) for  
18 such fiscal year for households with 5 or more  
19 members, rounded to the nearest whole dollar  
20 amount.

21 (3) ENSURING DEFICIT NEUTRALITY.—For any  
22 fiscal year after calendar year 2018 in which the  
23 amounts that are available under section 9512(c) of  
24 the Internal Revenue Code of 1986 are not sufficient  
25 for purposes of funding the monthly energy refund

1 described in paragraph (2), the Secretary of the  
2 Treasury shall direct State agencies to reduce, on a  
3 pro rata basis, the amount of such refunds that are  
4 provided to eligible households.

5 (e) DELIVERY MECHANISM.—

6 (1) MONTHLY INSTALLMENTS.—Subject to  
7 standards and an implementation schedule set by  
8 the Secretary of the Treasury, the energy refund  
9 shall be provided in monthly installments via—

10 (A) direct deposit into the eligible house-  
11 hold's designated bank account;

12 (B) the State's electronic benefit transfer  
13 system; or

14 (C) another Federal or State mechanism,  
15 if such a mechanism is approved by the Sec-  
16 retary of the Treasury.

17 (2) STANDARDS.—The standards described  
18 under paragraph (1) shall—

19 (A) protect the privacy of energy refund  
20 applicants and recipients;

21 (B) provide energy refund recipients with  
22 choices, as appropriate, for delivery and receipt  
23 of refunds;

24 (C) ensure ease of use and access to re-  
25 funds, including a prohibition on any fees

1 charged for withdrawals or other related serv-  
2 ices;

3 (D) protect, in a cost-effective manner,  
4 against improper access to energy refunds;

5 (E) ensure interoperability of the Energy  
6 Refund Program between States and permit  
7 monitoring and investigations by authorized law  
8 enforcement agencies; and

9 (F) include such standards, as determined  
10 appropriate by the Secretary of the Treasury,  
11 to protect applicant and recipient households  
12 from fraud and abuse and promote effective  
13 and efficient administration of Energy Refund  
14 Program.

15 (f) ADMINISTRATION.—

16 (1) IN GENERAL.—The State agency of each  
17 participating State shall assume responsibility for  
18 the certification of applicant households and for the  
19 issuance of refunds and the control and account  
20 ability thereof.

21 (2) ADMINISTRATIVE COSTS.—Subject to such  
22 standards as determined appropriate by the Sec-  
23 retary of the Treasury, the Secretary shall reimburse  
24 each State agency for 100 percent of administrative  
25 costs.

1           (3) PROCEDURES.—Under standards estab-  
2           lished by the Secretary of the Treasury, the State  
3           agency shall establish procedures governing the ad-  
4           ministration of the Energy Refund Program that the  
5           State agency determines best serve households in the  
6           State, including households with special needs, such  
7           as households with elderly or disabled members,  
8           households in rural areas, homeless individuals, and  
9           households residing on reservations (as defined in  
10          section 4 of the Indian Child Welfare Act of 1978  
11          (25 U.S.C. 1903) and section 3 of the Indian Fi-  
12          nancing Act of 1974 (25 U.S.C. 1452). In carrying  
13          out this paragraph, a State agency shall—

14                 (A) provide timely, accurate, and fair serv-  
15                 ice to applicants for, and participants in, the  
16                 Energy Refund Program;

17                 (B) permit an applicant household to apply  
18                 to participate in the program at the time that  
19                 the household first contacts the State agency  
20                 and consider an application that contains the  
21                 name, address, and signature of the applicant  
22                 to be sufficient to constitute an application for  
23                 participation;

24                 (C) screen any applicant household for the  
25                 supplemental nutrition assistance program, the

1 State's medical assistance program under sec-  
2 tion XIX of the Social Security Act, the Chil-  
3 dren's Health Insurance Program under section  
4 XXI of such Act, and a State program that  
5 provides basic assistance under a State pro-  
6 gram funded under title IV of such Act or with  
7 qualified State expenditures as defined in sec-  
8 tion 409(a)(7) of such Act for eligibility for the  
9 Energy Refund Program and, if eligible, enroll  
10 such applicant household in the Energy Refund  
11 Program;

12 (D) complete certification of and provide a  
13 refund to any eligible household not later than  
14 30 days following its filing of an application;

15 (E) use appropriate bilingual personnel  
16 and materials in the administration of the pro-  
17 gram in those portions of the State in which a  
18 substantial number of members of low income  
19 households speak a language other than  
20 English; and

21 (F) utilize State agency personnel who are  
22 employed in accordance with the current stand-  
23 ards for a merit system of personnel adminis-  
24 tration or any standards later prescribed by the  
25 Office of Personnel Management pursuant to

1 section 208 of the Intergovernmental Personnel  
2 Act of 1970 (42 U.S.C. 4728) modifying or su-  
3 perseding such standards relating to the estab-  
4 lishment and maintenance of personnel stand-  
5 ards on a merit basis to make all tentative and  
6 final determinations of eligibility and ineligi-  
7 bility.

8 (4) STREAMLINED ELIGIBILITY FOR CERTAIN  
9 BENEFICIARIES OF FEDERAL PROGRAMS.—

10 (A) IN GENERAL.—The Secretary of the  
11 Treasury, the Commissioner of Social Security,  
12 the Railroad Retirement Board, or the Sec-  
13 retary of Veterans Affairs, as appropriate, shall  
14 develop procedures to directly provide energy  
15 refunds to individuals that are beneficiaries  
16 under the benefit programs administered by  
17 such entities and are eligible to receive such re-  
18 funds under the Energy Refund Program, if the  
19 Secretary of the Treasury determines, in con-  
20 sultation with the Commissioner of Social Secu-  
21 rity, the Railroad Retirement Board, and the  
22 Secretary of Veterans Affairs, that—

23 (i) one or more of such entities are  
24 able to determine the gross income of such

1 beneficiaries for purposes of determining  
2 eligibility for the energy refund;

3 (ii) such entities are able to coordi-  
4 nate to ensure that such beneficiaries do  
5 not receive multiple energy refunds; and

6 (iii) Federal provision of energy re-  
7 funds would be more efficient and result in  
8 receipt of energy refunds by a greater  
9 number of eligible beneficiaries than deliv-  
10 ery of such refunds by the States.

11 (B) RECEIPT OF REFUNDS.—Any low-in-  
12 come beneficiary who receives an energy refund  
13 pursuant to the procedures developed under this  
14 paragraph shall not be eligible for an energy re-  
15 fund otherwise provided by a State agency  
16 under this section.

17 (5) REGULATIONS.—

18 (A) IN GENERAL.—Except as provided in  
19 subparagraph (B), the Secretary of the Treas-  
20 ury shall issue such regulations consistent with  
21 this section as the Secretary deems necessary or  
22 appropriate for the effective and efficient ad-  
23 ministration of the Energy Refund Program,  
24 and shall promulgate all such regulations in ac-



1 cordance with the procedures set forth in sec-  
2 tion 553 of title 5, United States Code.

3 (B) CERTAIN PROCEDURES.—Without re-  
4 gard to section 553 of title 5 of such Code, the  
5 Secretary of the Treasury may by rule promul-  
6 gate as final, to be effective until not later than  
7 2 years after the date of the enactment of the  
8 America Wins Act, any procedures that are  
9 substantially the same as the procedures gov-  
10 erning the supplemental nutrition assistance  
11 program in section 273.2, 273.12, or 273.15 of  
12 title 7, Code of Federal Regulations.

13 (C) Notwithstanding paragraphs (2) and  
14 (3) of subsection (i), the Secretary of the  
15 Treasury shall promulgate regulations requiring  
16 streamlined eligibility determinations for some  
17 or all households which include individuals re-  
18 ceiving medical assistance under a State plan  
19 approved under title XIX or XXI of the Social  
20 Security Act or individuals receiving premium  
21 credits for the purchase of qualified health in-  
22 surance coverage pursuant to section 36B of  
23 the Internal Revenue Code of 1986. The regula-  
24 tions shall institute procedures whereby the  
25 gross income and family size information used

1           for determining eligibility under such provisions  
2           serve as the basis for determining eligibility for  
3           the Energy Refund Program.

4           (D) EXCEPTION FOR QUARTERLY PROVI-  
5           SION OF BENEFITS.—Notwithstanding any  
6           other provision of this section, the Secretary of  
7           the Treasury may authorize States to provide  
8           benefits under this section on a quarterly basis  
9           if the Secretary determines that the amount of  
10          the benefits that would be provided on a month-  
11          ly basis to households is insufficient to be effi-  
12          ciently paid on a monthly basis in light of the  
13          administrative expenses of the Energy Refund  
14          Program.

15          (g) TREATMENT.—The value of the refund provided  
16          under this section shall not be considered income or re-  
17          sources for any purpose under any Federal, State, or local  
18          laws, including, but not limited to, laws relating to an in-  
19          come tax, or public assistance programs (including, but  
20          not limited to, health care, cash aid, child care, nutrition  
21          programs, and housing assistance) and no participating  
22          State or political subdivision thereof shall decrease any as-  
23          sistance otherwise provided an individual or individuals be-  
24          cause of the receipt of a refund under this section.

1 (h) PROGRAM INTEGRITY.—For purposes of ensuring  
2 program integrity and complying with the requirements of  
3 the Improper Payment Information Act of 2002, the Sec-  
4 retary of the Treasury shall, to the maximum extent pos-  
5 sible, rely on and coordinate with the quality control sam-  
6 ple and review procedures of paragraphs (2), (3), (4), and  
7 (5) of section 16(c) of the Food and Nutrition Act of 2008  
8 (7 U.S.C. 2025(e)).

9 (i) DEFINITIONS AND SPECIAL RULES.—

10 (1) ELECTRONIC BENEFIT TRANSFER SYS-  
11 TEM.—The term “electronic benefit transfer system”  
12 means a system by which household benefits or re-  
13 funds defined under subsection (e) are issued from  
14 and stored in a central databank via electronic ben-  
15 efit transfer cards.

16 (2) GROSS INCOME.—The term “gross income”  
17 means the gross income of a household that is deter-  
18 mined in accordance with standards and procedures  
19 established under section 5 of the Food and Nutri-  
20 tion Act of 2008 (7 U.S.C. 2014) and its imple-  
21 menting regulations.

22 (3) HOUSEHOLD.—

23 (A) RULES FOR EQUITABLE ADMINISTRA-  
24 TION OF REFUND IN CERTAIN CASES.—The  
25 Secretary of the Treasury shall establish rules

1 for providing the energy refund in an equitable  
2 and administratively simple manner to house-  
3 holds where the group of individuals who live  
4 together includes members not all of whom are  
5 described in a single subparagraph of sub-  
6 section (c)(1), or includes additional members  
7 not described in any such subparagraph.

8 (B) CERTAIN GROUPS.—The Secretary of  
9 the Treasury shall establish rules regarding the  
10 eligibility and delivery of the energy refund to  
11 groups of individuals described in section  
12 3(m)(4) or (5) of the Food and Nutrition Act  
13 of 2008 (7 U.S.C. 2012(n)(4) or (5)).

14 (4) POVERTY LINE.—The term “poverty line”  
15 has the meaning given the term in section 673(2) of  
16 the Community Services Block Grant Act (42 U.S.C.  
17 9902(2)), including any revision required by that  
18 section.

19 (5) STATE.—The term “State” means the 50  
20 States, the District of Columbia, the Commonwealth  
21 of Puerto Rico, American Samoa, the United States  
22 Virgin Islands, Guam, and the Commonwealth of the  
23 Northern Mariana Islands.

24 (6) STATE AGENCY.—The term “State agency”  
25 means an agency of State government, including the

1 local offices thereof, that has responsibility for ad-  
2 ministration of the 1 or more federally aided public  
3 assistance programs within the State, and in those  
4 States where such assistance programs are operated  
5 on a decentralized basis, the term shall include the  
6 counterpart local agencies administering such pro-  
7 grams.

8 (7) SUPPLEMENTAL NUTRITION ASSISTANCE  
9 PROGRAM.—The term “supplemental nutrition as-  
10 sistance program” means the supplemental nutrition  
11 assistance program as defined in section 3 of the  
12 Food and Nutrition Act of 2008 (7 U.S.C. 2012.).

13 (8) OTHER TERMS.—Other terms not defined in  
14 this section shall have the same meaning as such  
15 terms have in the Supplemental Nutrition Assistance  
16 Program unless the Secretary of the Treasury finds  
17 for good cause that application of a particular defi-  
18 nition would be detrimental to the purposes of the  
19 Energy Refund Program.

20 **SEC. 4. CONSUMER TAX REBATE.**

21 (a) IN GENERAL.—Subpart C of part IV of sub-  
22 chapter A of chapter 1 of the Internal Revenue Code of  
23 1986 is amended by inserting after section 36B the fol-  
24 lowing new section:

1 **“SEC. 36C. WORKING FAMILIES RELIEF.**

2 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-  
3 gible taxpayer, there shall be allowed as a credit against  
4 the tax imposed by this subtitle for the taxable year an  
5 amount equal to the working families relief amount.

6 “(b) LIMITATION BASED ON HOUSEHOLD INCOME.—

7 “(1) IN GENERAL.—The amount allowable as a  
8 credit under subsection (a) (determined without re-  
9 gard to this subsection) for the taxable year shall be  
10 reduced (but not below zero) by 0.05 percent for  
11 every \$10 by which the taxpayer’s household income  
12 for the taxable year exceeds the credit cap amount  
13 for the calendar year in which such taxable year be-  
14 gins.

15 “(2) CREDIT CAP AMOUNT.—The credit cap  
16 amount for any calendar year is the amount which is  
17 equal to 350 percent of the poverty line (within the  
18 meaning of section 2110(c)(5) of the Social Security  
19 Act) for the size of the family involved for such cal-  
20 endar year.

21 “(3) ROUNDING.—Solely for purposes of para-  
22 graph (1), if the eligible taxpayer’s adjusted gross  
23 income or the credit cap amount is not a multiple  
24 of \$10, such amount shall be rounded to the next  
25 highest multiple of \$10.

1       “(c) COORDINATION WITH ENERGY REFUND RE-  
2 CEIVED THROUGH STATE HUMAN SERVICE AGENCIES.—

3           “(1) IN GENERAL.—In any taxable year in  
4 which a taxpayer or the taxpayer’s spouse receives  
5 an energy refund under section 3 of the America  
6 Wins Act, the amount described in subsection (a)  
7 shall be reduced by the energy refund amount re-  
8 ceived in that taxable year.

9           “(2) INFORMATION.—The Secretary shall pro-  
10 mulgate regulations that instruct States on how to  
11 inform adult individuals who receive an energy re-  
12 fund under section 3 of the America Wins Act the  
13 refund amount the individuals received and how  
14 such information shall be provided to the Internal  
15 Revenue Service.

16           “(3) SYSTEM TO HANDLE INQUIRIES.—The  
17 Secretary shall establish a telephone and online sys-  
18 tem that allows an individual to inquire about the  
19 refund amount the individual received.

20           “(4) ADJUSTMENT OF ENERGY REFUND  
21 AMOUNT.—In the case of an individual who does not  
22 report the refund amount that was provided under  
23 section 3 of the America Wins Act or recorded an  
24 incorrect number of refund amount, the Secretary  
25 shall adjust the energy refund under such section

1 based on the information received from States. Such  
2 reduction shall only be made if the Secretary has  
3 made a determination that the information meets a  
4 sufficient standard for accuracy.

5 “(d) WORKING FAMILIES RELIEF AMOUNT.—For  
6 purposes of this section—

7 “(1) IN GENERAL.—The working families relief  
8 amount with respect to any eligible taxpayer for any  
9 taxable year is an amount equal to—

10 “(A) the relief amount for the calendar  
11 year in which such taxable year begins, multi-  
12 plied by

13 “(B) the scale factor applicable to the eli-  
14 gible taxpayer’s family size.

15 “(2) RELIEF AMOUNT.—

16 “(A) IN GENERAL.—The relief amount  
17 with respect to any calendar year is the amount  
18 which will provide that the aggregate credits al-  
19 lowed under this section with respect to all eli-  
20 gible taxpayers for taxable years beginning in  
21 such calendar year equal the amount which is  
22 provided in section 9512(c)(4) for such calendar  
23 year.

24 “(B) SECRETARIAL DETERMINATION.—

25 The relief amount for each calendar year shall



1 be determined by the Secretary based on the ex-  
 2 pected revenues from section 9512(c)(4) for  
 3 each such calendar year.

4 “(C) ADJUSTMENT OF RELIEF  
 5 AMOUNTS.—If, after the close of any calendar  
 6 year, the Secretary determines that the amount  
 7 of the aggregate credits allowed under this sec-  
 8 tion with respect to all eligible taxpayers for  
 9 taxable years beginning in such calendar year  
 10 differed significantly from the amount equal to  
 11 the funding provided by section 9512(c)(4) for  
 12 such calendar year, the Secretary may adjust  
 13 the relief amount for the immediately suc-  
 14 ceeding calendar year either up or down in  
 15 order to account for such difference.

16 “(3) SCALE FACTOR.—The scale factor with re-  
 17 spect to any eligible taxpayer for any taxable year  
 18 shall be determined in accordance with the following  
 19 table:

<b>“If the taxpayer’s family size for the tax- able year is:</b>	<b>The scale factor is:</b>
1 .....	1.0
2 .....	1.35
3 .....	1.69
4 .....	2.04
5 or more .....	2.38

20 “(e) ELIGIBLE TAXPAYER.—For purposes of this sec-  
 21 tion—

1           “(1) IN GENERAL.—The term ‘eligible taxpayer’  
2 means any individual other than—

3           “(A) any individual with respect to whom  
4 a deduction under section 151 is allowable to  
5 another taxpayer for a taxable year beginning  
6 in the calendar year in which the individual’s  
7 taxable year begins,

8           “(B) any nonresident alien individual, or

9           “(C) an estate or trust.

10           “(2) IDENTIFICATION NUMBER REQUIRE-  
11 MENT.—Such term shall not include any individual  
12 who—

13           “(A) in the case of a return that is not a  
14 joint return, does not include the social security  
15 number of the individual, and

16           “(B) in the case of joint return, does not  
17 include the social security number of at least  
18 one of the taxpayers on such return.

19 For purposes of the preceding sentence, the social  
20 security number shall not include a TIN issued by  
21 the Internal Revenue Service.

22           “(f) HOUSEHOLD INCOME.—The term ‘household in-  
23 come’ means, with respect to any eligible taxpayer, an  
24 amount equal to the sum of—

1           “(1) the adjusted gross income of the taxpayer,  
2       plus

3           “(2) the aggregate adjusted gross incomes of all  
4       other individuals who are taken into account in de-  
5       termining the taxpayer’s family size under sub-  
6       section (g) and who were required to file a return  
7       of the tax imposed by section 1 for the taxable year.

8       “(g) FAMILY SIZE.—

9           “(1) IN GENERAL.—The family size with re-  
10      spect to any taxpayer shall be equal to the number  
11      of individuals for whom the taxpayer is allowed a de-  
12      duction under section 151 for the taxable year.

13          “(2) IDENTIFICATION NUMBER REQUIRE-  
14      MENT.—The family size determined under para-  
15      graph (1) shall not include any individual (including  
16      the taxpayer) whose social security account number  
17      is not included on the return of tax for the taxable  
18      year.

19          “(h) TREATMENT.—The value of the credit provided  
20      under this section shall not be considered income or re-  
21      sources for any purpose under any Federal, State, or local  
22      law (including a law relating to an income tax or public  
23      assistance program (including health care, cash aid, child  
24      care, nutrition programs, and housing assistance)) and no  
25      participating State or political subdivision of a State shall

1 decrease any assistance otherwise provided one or more  
2 individuals because of the receipt of a credit under this  
3 section.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 6211 of the Internal Revenue Code  
6 of 1986 is amended by inserting “36C,” before  
7 “53(e)”.

8 (2) Paragraph (2) of section 1324(b) of title  
9 31, United States Code, is amended by inserting  
10 “36C,” after “36B,”.

11 (c) CLERICAL AMENDMENT.—The table of sections  
12 for subpart C of part IV of subchapter A of chapter 1  
13 of the Internal Revenue Code of 1986 is amended by in-  
14 serting after the item relating to section 36B the following  
15 new item:

“Sec. 36C. Working families relief.”.

16 (d) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply to taxable years beginning after  
18 December 31, 2018.