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## **Internal Revenue Code Section 6428A**

### **Additional 2020 recovery rebates for individuals**

(a) In general.

In addition to the credit allowed under section 6428, in the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2020 an amount equal to the sum of-

- (1) \$600 (\$1,200 in the case of eligible individuals filing a joint return), plus
- (2) an amount equal to the product of \$600 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

(b) Treatment of credit.

The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

(c) Limitation based on adjusted gross income.

The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (e)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds-

- (1) \$150,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),
- (2) \$112,500 in the case of a head of household (as defined in section 2(b)), and
- (3) \$75,000 in the case of a taxpayer not described in paragraph (1) or (2).

(d) Eligible individual.

For purposes of this section, the term "eligible individual" means any individual other than-

- (1) any nonresident alien individual,
- (2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and
- (3) an estate or trust.

(e) Coordination with advance refunds of credit.

(1) In general.

The amount of the credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (f). Any failure to so reduce the credit shall

be treated as arising out of a mathematical or clerical 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 (f) 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.

(f) Advance refunds and credits.

(1) In general.

Each individual who was an eligible individual for such individual's first taxable year beginning in 2019 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the advance refund amount for such taxable year.

(2) Advance refund amount.

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 (e) and this subsection) had applied to such taxable year. For purposes of determining the advance refund amount with respect to such taxable year-

(A) any individual who was deceased before January 1, 2020, shall be treated for purposes of applying subsection (g) 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

(B) no amount shall be determined under this subsection with respect to any qualifying child of the taxpayer if-

(i) the taxpayer was deceased before January 1, 2020, or

(ii) in the case of a joint return, both taxpayers were deceased before January 1, 2020.

(3) Timing and manner of payments.

(A) Timing.

(i) In general. The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this subsection as rapidly as possible.

(ii) Deadline.

(I) In general. Except as provided in subclause (II), no refund or credit shall be made or allowed under this subsection after January 15, 2021.

(II) Exception for mirror code possessions. In the case of a possession of the United States which has a mirror code tax system (as such terms are defined in section 272(c) of the COVID-related Tax Relief Act of 2020), no refund or credit shall be made or allowed under this subsection after the earlier of-

(aa) such date as is determined appropriate by the Secretary, or

(bb) September 30, 2021.

(B) Delivery of payments. Notwithstanding any other provision of law, the Secretary may certify and disburse refunds payable under this subsection electronically to-

(i) any account to which the payee authorized, on or after January 1, 2019, the delivery of a refund of taxes under this title or of a Federal payment (as defined in section 3332 of title 31, United States Code),

(ii) any account belonging to a payee from which that individual, on or after January 1, 2019, made a payment of taxes under this title, or

(iii) any Treasury-sponsored account (as defined in section 208.2 of title 31, Code of Federal Regulations).

(C) Waiver of certain rules. Notwithstanding section 3325 of title 31, United States Code, or any other provision of law, with respect to any payment of a refund under this subsection, a disbursing official in the executive branch of the United States Government may modify payment information received from an officer or employee described in section 3325(a)(1)(B) of such title for the purpose of facilitating the accurate and efficient delivery of such payment. Except in cases of fraud or reckless neglect, no liability under sections 3325, 3527, 3528, or 3529 of title 31, United States Code, shall be imposed with respect to payments made under this subparagraph.

(4) No interest.

No interest shall be allowed on any overpayment attributable to this subsection.

(5) Application to certain individuals who do not file a return of tax for 2019.

(A) In general. In the case of a specified individual who, at the time of any determination made pursuant to paragraph (3), has not filed a tax return for the year described in paragraph (1), the Secretary may use information with respect to such individual which is provided by-

(i) in the case of a specified social security beneficiary or a specified supplemental security income recipient, the Commissioner of Social Security,

(ii) in the case of a specified railroad retirement beneficiary, the Railroad Retirement Board, and

(iii) in the case of a specified veterans beneficiary, the Secretary of Veterans Affairs (in coordination with, and with the assistance of, the Commissioner of Social Security if appropriate).

(B) Specified individual. For purposes of this paragraph, the term "specified individual" means any individual who is-

- (i) a specified social security beneficiary,
- (ii) a specified supplemental security income recipient,
- (iii) a specified railroad retirement beneficiary, or
- (iv) a specified veterans beneficiary.

(C) Specified social security beneficiary.

(i) In general. For purposes of this paragraph, the term "specified social security beneficiary" means any individual who, for the last month for which the Secretary has available information as of the date of enactment of this section, is entitled to any monthly insurance benefit payable under title II of the Social Security Act (42 U.S.C. 401 et seq.), including payments made pursuant to sections 202(d), 223(g), and 223(i)(7) of such Act.

(ii) Exception. For purposes of this paragraph, the term "specified social security beneficiary" shall not include any individual if such benefit is not payable for such month by reason of section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) or section 1129A of such Act (42 U.S.C. 1320a-8a).

(D) Specified supplemental security income recipient.

(i) In general. For purposes of this paragraph, the term "specified supplemental security income recipient" means any individual who, for the last month for which the Secretary has available information as of the date of enactment of this section, is eligible for a monthly benefit payable under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), including-

(I) payments made pursuant to section 1614(a)(3)(C) of such Act (42 U.S.C. 1382c(a)(3)(C)),

(II) payments made pursuant to section 1619(a) (42 U.S.C. 1382h(a)) or subsections (a)(4), (a)(7), or (p)(7) of section 1631 (42 U.S.C. 1383) of such Act, and

(III) State supplementary payments of the type referred to in section 1616(a) of such Act (42 U.S.C. 1382e(a)) (or payments of the type described in section 212(a) of Public Law 93-66) which are paid by the Commissioner under an agreement referred to in such section 1616(a) (or section 212(a) of Public Law 93-66).

(ii) Exception. For purposes of this paragraph, the term "specified supplemental security income recipient" shall not include any individual if such monthly benefit is not payable for such month by reason of section 1611(e)(1)(A) of the Social Security Act (42 U.S.C. 1382(e)(1)(A)) or section 1129A of such Act (42 U.S.C. 1320a-8a).

(E) Specified railroad retirement beneficiary. For purposes of this paragraph, the term "specified railroad retirement beneficiary" means any individual who, for the last month for which the Secretary has available information as of the date of enactment of this section, is entitled to a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii))) under-

(i) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1)),

(ii) section 2(c) of such Act (45 U.S.C. 231a(c)),

(iii) section 2(d)(1) of such Act (45 U.S.C. 231a(d)(1)), or

(iv) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in subparagraph (C)(i).

(F) Specified veterans beneficiary.

(i) In general. For purposes of this paragraph, the term "specified veterans beneficiary" means any individual who, for the last month for which the Secretary has available information as of the date of enactment of this section, is entitled to a compensation or pension payment payable under-

(I) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code,

(II) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code,

(III) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code, or

(IV) section 1805, 1815, or 1821 of title 38, United States Code,

to a veteran, surviving spouse, child, or parent as described in paragraph (2), (3), (4)(A)(ii), or (5) of section 101, title 38, United States Code.

(ii) Exception. For purposes of this paragraph, the term "specified veterans beneficiary" shall not include any individual if such compensation or pension payment is not payable, or was reduced, for such month by reason of section 1505 or 5313 of title 38, United States Code.

(G) Subsequent determinations and redeterminations not taken into account. For purposes of this section, any individual's status as a specified social security beneficiary, a specified supplemental security income recipient, a specified railroad retirement beneficiary, or a specified veterans beneficiary shall be unaffected by any determination or redetermination of any entitlement to, or eligibility for, any benefit, payment, or compensation, if such determination or redetermination occurs after the last month for which the Secretary has available information as of the date of enactment of this section.

(H) Payment to representative payees and fiduciaries.

(i) In general. If the benefit, payment, or compensation referred to in subparagraph (C)(i), (D)(i), (E) , or (F)(i) with respect to any specified individual is paid to a representative payee or fiduciary, payment by the Secretary under paragraph (3) with respect to such specified individual shall be made to such individual's representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

(ii) Application of enforcement provisions.

(I) In the case of a payment described in clause (i) which is made with respect to a specified social security beneficiary or a specified supplemental security income recipient, section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a-8(a)(3)) shall apply to such payment in the same manner as such section applies to a payment under title II or XVI of such Act.

(II) In the case of a payment described in clause (i) which is made with respect to a specified railroad retirement beneficiary, section 13 of the Railroad Retirement Act (45 U.S.C. 2311) shall apply to such payment in the same manner as such section applies to a payment under such Act.

(III) In the case of a payment described in clause (i) which is made with respect to a specified veterans beneficiary, sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to such payment in the same manner as such sections apply to a payment under such title.

(I) Ineligibility for special rule not to be interpreted as general ineligibility. An individual shall not fail to be treated as an eligible individual for purposes of this subsection or subsection (a) merely because such individual is not a specified individual (including by reason of subparagraph (C)(ii), (D)(ii), or (F)(ii)).

(6) Notice to taxpayer.

As soon as practicable after the date on which the Secretary distributed any payment to an eligible taxpayer pursuant to this subsection, the Secretary shall send notice by mail to such taxpayer's last known address. Such notice shall indicate the method by which such payment was made, the amount of such payment, and a phone number for the appropriate point of contact at the Internal Revenue Service to report any failure to receive such payment.

(g) Identification number requirement.

(1) In general.

In the case of a return other than a joint return, the \$600 amount in subsection (a)(1) shall be treated as being zero unless the taxpayer includes the valid identification number of the taxpayer on the return of tax for the taxable year.

(2) Joint returns.

In the case of a joint return, the \$1,200 amount in subsection (a)(1) shall be treated as being-

(A) \$600 if the valid identification number of only 1 spouse is included on the return of tax for the taxable year, and

(B) zero if the valid identification number of neither spouse is so included.

(3) Qualifying child.

A qualifying child of a taxpayer shall not be taken into account under subsection (a)(2) unless-

(A) the taxpayer includes the valid identification number of such taxpayer (or, in the case of a joint return, the valid identification number of at least 1 spouse) on the return of tax for the taxable year, and

(B) the valid identification number of such qualifying child is included on the return of tax for the taxable year.

(4) Valid identification number.

(A) In general. For purposes of this subsection, the term "valid identification number" means a social security number (as such term is defined in section 24(h)(7)).

(B) Adoption taxpayer identification number. For purposes of paragraph (3)(B), in the case of a qualifying child who is adopted or placed for adoption, the term "valid identification number" shall include the adoption taxpayer identification number of such child.

(5) Special rule for members of the armed forces.

Paragraph (2) shall not apply in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and the valid identification number of at least 1 spouse is included on the return of tax for the taxable year.

(6) Coordination with certain advance payments.

In the case of any payment under subsection (f) which is based on information provided under paragraph (5) of such subsection, a valid identification number shall be treated for purposes of this subsection as included on the taxpayer's return of tax if such valid identification number is provided pursuant to subsection (f)(5).

(7) Mathematical or clerical error authority.

Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

(h) Regulations.

The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including any such measures as are deemed appropriate to avoid allowing multiple credits or rebates to a taxpayer.