

117TH CONGRESS
1ST SESSION

S. 931

To amend the Internal Revenue Code of 1986 to ensure that the 2021 recovery rebates as provided for in the American Rescue Plan Act are not provided to prison inmates convicted of child sex abuse and that such sums shall be redirected to the Department of Justice to be paid out in the form of restitution to compensate victims of crime.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2021

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to ensure that the 2021 recovery rebates as provided for in the American Rescue Plan Act are not provided to prison inmates convicted of child sex abuse and that such sums shall be redirected to the Department of Justice to be paid out in the form of restitution to compensate victims of crime.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROHIBITING 2021 RECOVERY REBATES FROM**
2 **BEING PROVIDED TO CERTAIN PRISONERS.**

3 (a) IN GENERAL.—Section 6428B of the Internal
4 Revenue Code of 1986, as added by section 9601 of the
5 American Rescue Plan Act of 2021, is amended—

6 (1) by redesignating subsections (h) and (i) as
7 subsections (i) and (j), respectively;

8 (2) in subsection (j), as so redesignated, by
9 striking “subsection (h)(1)” each place it appears
10 and inserting “subsection (i)(1)”; and

11 (3) by inserting after subsection (g) the fol-
12 lowing:

13 “(h) SPECIAL RULES WITH RESPECT TO CERTAIN
14 PRISONERS.—

15 “(1) DISALLOWANCE OF CREDIT.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graph (B), no credit shall be allowed under sub-
18 section (a) to an eligible individual who is, for
19 each day during calendar year 2021—

20 “(i) confined in a jail, prison, or other
21 penal institution or correctional facility
22 pursuant to the conviction of the individual
23 for a sex offense involving a minor (other
24 than an offense involving child pornog-
25 raphy) under Federal or State law; or

1 “(ii) is confined by court order in an
2 institution at public expense in connection
3 with—

4 “(I) a verdict or finding that the
5 individual is guilty but insane, with
6 respect to a sex offense involving a
7 minor (other than an offense involving
8 child pornography) under Federal or
9 State law;

10 “(II) a verdict or finding that the
11 individual is not guilty of such an of-
12 fense by reason of insanity;

13 “(III) a finding that such indi-
14 vidual is incompetent to stand trial
15 under an allegation of such an of-
16 fense; or

17 “(IV) a similar verdict or finding
18 with respect to such an offense based
19 on similar factors (such as a mental
20 disease, a mental defect, or mental in-
21 competence).

22 “(B) JOINT RETURN.—In the case of eligi-
23 ble individuals filing a joint return where 1
24 spouse is described in subparagraph (A), sub-

1 section (b)(1) shall be applied by substituting
2 ‘\$1,400’ for ‘\$2,800’.

3 “(2) DENIAL OF ADVANCE REFUND OR CRED-
4 IT.—No refund or credit shall be made or allowed
5 under subsection (g) with respect to any individual
6 whom the Secretary has knowledge is, at the time of
7 any determination made pursuant to paragraph (3)
8 of such subsection, described in clause (i) or (ii) of
9 paragraph (1)(A) of this subsection.”.

10 (b) CRIME VICTIMS FUND.—

11 (1) IN GENERAL.—There are transferred to the
12 Crime Victims Fund, established under section 1402
13 of the Victims of Crime Act of 1984 (34 U.S.C.
14 20101), out of any money in the Treasury not other-
15 wise obligated, an amount equal to the total reduc-
16 tion in outlays by reason of the amendment made by
17 subsection (a).

18 (2) USE OF FUNDS.—Any amount transferred
19 to the Crime Victims Fund under paragraph (1)
20 shall be merged with and be available for the same
21 purposes as amounts deposited in the Crime Victims
22 Fund under section 1402(b) of the Victims of Crime
23 Act of 1984 (34 U.S.C. 20101(b)).

24 (c) EFFECTIVE DATE.—The amendments made by
25 subsection (a) shall take effect as if included in the enact-

1 ment of section 9601 of the American Rescue Plan Act
2 of 2021 (Public Law 117-2).

○