

116TH CONGRESS
2D SESSION

H. R. 6619

To amend the Internal Revenue Code of 1986 to provide advance tax refunds to small businesses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2020

Ms. DEAN (for herself and Mr. KILMER) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide advance tax refunds to small businesses, 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.**

4 This Act may be cited as the “Restore America’s
5 Main Street Act”.

6 **SEC. 2. SMALL BUSINESS REBATE.**

7 (a) IN GENERAL.—Subchapter B of chapter 65 of
8 subtitle F of the Internal Revenue Code of 1986 is amend-
9 ed by inserting after section 6428 the following new sec-
10 tion:

1 **“SEC. 6428A. SMALL BUSINESS REBATE.**

2 “(a) ALLOWANCE OF CREDIT.—

3 “(1) IN GENERAL.—In the case of a qualifying
4 business, there shall be allowed as a credit against
5 the tax imposed by subtitle A for the first taxable
6 year beginning in 2020 an amount equal to the less-
7 er of—

8 “(A) 30 percent of qualified gross receipts
9 of such qualifying business for the first taxable
10 year beginning in 2019, or

11 “(B) \$120,000.

12 “(2) SPECIAL RULE.—In the case of—

13 “(A) a qualifying business which did not
14 file a tax return for the taxable year described
15 in paragraph (1)(A), or

16 “(B) a sole proprietorship for which gross
17 receipts were not reported on a return of tax
18 for such taxable year,

19 such paragraph shall be applied by substituting
20 ‘2018’ for ‘2019’.

21 “(3) QUALIFIED GROSS RECEIPTS.—For pur-
22 poses of paragraph (1)(A), the term ‘qualified gross
23 receipts’ means gross receipts of the qualifying busi-
24 ness which are effectively connected with the conduct
25 of a trade or business within the United States
26 (within the meaning of section 864(c), determined

1 by substituting ‘qualifying business’ for ‘nonresident
2 alien individual or a foreign corporation’ or for ‘for-
3 eign corporation’ each place it appears) for the ap-
4 plicable taxable year under paragraph (1)(A), as re-
5 ported by the taxpayer on—

6 “(A) in the case of a qualifying business
7 which is a partnership, the return required to
8 be filed under section 6031,

9 “(B) in the case of a qualifying business
10 which is an S corporation, the return required
11 to be filed under section 6037, and

12 “(C) in the case of any other qualifying
13 business, the return of tax for the taxable year.

14 “(b) QUALIFYING BUSINESS.—

15 “(1) IN GENERAL.—For purposes of this sec-
16 tion, the term ‘qualifying business’ means any per-
17 son which—

18 “(A) meets the gross receipts test of sub-
19 section (c) of section 448 for the applicable tax-
20 able year under subsection (a)(1)(A), except
21 that subsection (c) of section 448 shall be ap-
22 plied—

23 “(i) without regard to paragraph (4)
24 of such subsection, and

1 “(ii) by substituting ‘\$1,500,000’ for
2 ‘\$25,000,000’, and

3 “(B) with respect to the preceding cal-
4 endar year, employed an average of not greater
5 than 50 full-time employees (as such term is
6 defined in paragraph (4) of section 4980H(c))
7 on business days during such calendar year.

8 “(2) SPECIAL RULE.—For purposes of para-
9 graph (1)(A), in the case of any taxpayer which is
10 not a corporation or a partnership, the gross re-
11 ceipts test of section 448(c) shall be applied in the
12 same manner as if such taxpayer were a corporation
13 or partnership.

14 “(3) FULL-TIME EQUIVALENTS.—For purposes
15 of paragraph (1)(B), the number of full-time em-
16 ployees shall be determined pursuant to rules similar
17 to the rules described in paragraph (2)(E) of section
18 4980H(c).

19 “(4) AGGREGATION RULES.—All persons treat-
20 ed as a single employer under subsection (a) or (b)
21 of section 52 or subsection (m) or (o) of section 414
22 shall be treated as a single person for purposes of
23 paragraph (1)(B).

24 “(5) QUALIFIED ORGANIZATIONS.—

1 “(A) INCLUSION AS QUALIFYING BUSI-
2 NESS.—

3 “(i) IN GENERAL.—For purposes of
4 this section, the term ‘qualifying business’
5 shall include any qualified organization.

6 “(ii) DEFINITION.—For purposes of
7 this paragraph, the term ‘qualified organi-
8 zation’ means an organization which—

9 “(I) is described in section
10 501(c)(3) and exempt from tax under
11 section 501(a),

12 “(II) is described in section
13 170(b)(1)(A),

14 “(III) is not described in section
15 509(a)(3), and

16 “(IV) satisfies the requirements
17 under subparagraphs (A) and (B) of
18 paragraph (1).

19 “(B) QUALIFIED GROSS RECEIPTS.—

20 “(i) IN GENERAL.—For purposes of
21 subsection (a)(1)(A), in the case of a quali-
22 fied organization, the term ‘qualified gross
23 receipts’ means gross receipts of the orga-
24 nization for the taxable year described in
25 such subsection.

1 “(ii) SPECIAL RULE.—In the case of a
2 qualified organization which did not file a
3 tax return for the taxable year described in
4 subsection (a)(1)(A), such subsection shall
5 be applied by substituting ‘2018’ for
6 ‘2019’.

7 “(iii) ORGANIZATION EXEMPT FROM
8 FILING.—

9 “(I) IN GENERAL.—In the case
10 of an organization which is exempt
11 from filing a return pursuant to sec-
12 tion 6033(a) or which is not required
13 to include in such return the informa-
14 tion necessary to determine the
15 amount of the credit allowed under
16 this section, such organization may
17 submit to the Secretary (in such form
18 and manner as is deemed appropriate
19 by the Secretary) any information re-
20 quired for purposes of determining—

21 “(aa) whether such organi-
22 zation satisfies the requirements
23 under subparagraphs (A) and
24 (B) of paragraph (1), and

1 “(bb) the amount of the
2 credit allowed under subsection
3 (a)(1).

4 “(II) PUBLICITY OF INFORMA-
5 TION.—For purposes of section 6104,
6 any information submitted by an or-
7 ganization under subclause (I) shall
8 be deemed to be information required
9 to be furnished by such organization
10 pursuant to section 6033.

11 “(c) TREATMENT OF CREDIT.—The credit allowed by
12 subsection (a) shall be treated as allowed by subpart C
13 of part IV of subchapter A of chapter 1.

14 “(d) COORDINATION WITH ADVANCE REFUNDS OF
15 CREDIT.—The amount of credit which would (but for this
16 subsection) be allowable under this section shall be re-
17 duced (but not below zero) by the aggregate refunds and
18 credits made or allowed to the taxpayer under subsection
19 (e). Any failure to so reduce the credit shall be treated
20 as arising out of a mathematical or clerical error and as-
21 sessed according to section 6213(b)(1).

22 “(e) ADVANCE REFUNDS AND CREDITS.—

23 “(1) IN GENERAL.—Any person which was a
24 qualifying business for such person’s last taxable
25 year ending before January 1, 2020, shall be treated

1 as having made a payment against the tax imposed
2 by chapter 1 for such taxable year in an amount
3 equal to the advance refund amount for such taxable
4 year, regardless of whether such tax would have
5 been imposed on such person.

6 “(2) ADVANCE REFUND AMOUNT.—For pur-
7 poses of paragraph (1), the advance refund amount
8 is the amount that would have been allowed as a
9 credit under this section for such taxable year if this
10 section (other than subsection (d) and this sub-
11 section) had applied to such taxable year.

12 “(3) TIMING OF PAYMENTS.—The Secretary
13 shall, subject to the provisions of this title, refund
14 or credit any overpayment attributable to this sec-
15 tion as rapidly as possible. No refund or credit shall
16 be made or allowed under this subsection after De-
17 cember 31, 2020.

18 “(4) NO INTEREST.—No interest shall be al-
19 lowed on any overpayment attributable to this sec-
20 tion.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) DEFINITION OF DEFICIENCY.—Section
23 6211(b)(4)(A) of the Internal Revenue Code of 1986
24 is amended by striking “and 36B, 168(k)(4)” and
25 inserting “36B, and 6428A”.

1 (2) Paragraph (2) of section 1324(b) of title
2 31, United States Code, is amended by inserting
3 “6428A,” after “54B(h),”.

4 (3) The table of sections for subchapter B of
5 chapter 65 of subtitle F of the Internal Revenue
6 Code of 1986 is amended by inserting after the item
7 relating to section 6428 the following:

“Sec. 6428A. Small business rebate.”.

