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H.R.2454

American Clean Energy and Security Act of 2009 (Placed on Calendar in Senate)

^ TITLE XXII --ENERGY REFUND PROGRAM

^ SEC. 2201. ENERGY REFUND PROGRAM.

^ (a) In General- The Secretary shall formulate and administer the program provided for in this section, which shall be known as the `Energy Refund Program', and under which eligible low-income households are provided cash payments to reimburse the households for the estimated loss in their purchasing power resulting from the American Clean Energy and Security Act of 2009.

^ (b) Entitlement of Eligible Households to Cash Payments- At the request of the State agency of a State, each eligible low-income household in the State shall be entitled to receive monthly cash payments under this section in an amount equal to the monthly energy refund amount determined under subsection (d).

^ (c) Eligibility-

^ (1) ELIGIBLE HOUSEHOLDS- A household shall be considered to be an eligible low-income household for purposes of this section if--

^ (A) the gross income of the household does not exceed the greater of--

^ (i) 150 percent of the poverty line; or

^ (ii) the greatest amount of household gross income in respect of which a benefit could be payable under subsection (d)(2)(B);

^ (B) the State agency of the State in which the household is located determines that the household is participating in--

^ (i) the Supplemental Nutrition Assistance Program authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

^ (ii) the Food Distribution Program on Indian Reservations authorized by section 4(b) of such Act (7 U.S.C. 2013(b)); or

^ (iii) the program for nutrition assistance in Puerto Rico or American Samoa under section 19 of such Act (7 U.S.C. 2028);

^ (C) the household consists of a single individual or a married couple, and--

^ (i) receives the subsidy described in section 1860D-14 of this Act (42 U.S.C. 1395w-114); or

^ (ii)(I) participates in the program under title XVIII of this Act; and

^ (II) meets the income requirements described in section 1860D-14(a)(1) or (a)(2) of this Act (42 U.S.C. 1395w-114(a)(1) or (a)(2)); or

^ (D) the household consists of a single individual or a married couple, and receives benefits under the supplemental security income program under title XVI of this Act (42 U.S.C. 1381-1383f).

^ (2) STREAMLINED PARTICIPATION FOR CERTAIN BENEFICIARIES- The Secretary shall--

^ (A) periodically estimate the number of eligible beneficiaries and households, and the number of participating beneficiaries and households, for the Energy Refund Program; and

^ (B) develop procedures, in consultation with the Commissioner of Social Security, the Railroad Retirement Board, the Secretary of Veterans Affairs, and the State agencies, to ensure that low-income beneficiaries of the benefit programs administered by such entities receive the energy refund for which the beneficiaries are eligible under the Energy Refund Program.

^ (3) LIMITATION- Notwithstanding any other provision of law, the Secretary shall provide refunds to United States citizens, United States nationals, and individuals lawfully residing in the United States who qualify for a refund under paragraph (1)(A), and shall establish procedures to ensure that other individuals do not receive refunds.

^ (4) NATIONAL STANDARDS- The Secretary shall consult with the Secretary of Agriculture and establish uniform national standards of eligibility ensuring that States may seamlessly co-administer the energy refund program with the Supplemental Nutrition Assistance Program in accordance with the provisions of this section. No State agency shall impose any other standard or requirement as a condition of eligibility or refund receipt under the program. Assistance in the Energy Refund Program shall be furnished promptly to all eligible households who make application for such participation or are already enrolled in any program referred to in paragraph (1).

^ (d) Monthly Energy Refund Amount-

^ (1) ESTIMATED ANNUAL TOTAL LOSS IN PURCHASING POWER- Not later than August 31 of each fiscal year, the Energy Information Administration shall estimate the annual total loss in purchasing power that will result from American Clean Energy and Security Act of 2009 in the next fiscal year for households of each size with gross income equal to 150 percent of the

poverty line, based on the projected total market value of all compliance costs (including, but not limited to, the emissions allowances used to demonstrate compliance with title VII of the Clean Air Act in the next fiscal year, and excluding costs that are not projected to be incurred by households as a result of allowances freely allocated and intended for residential consumer assistance pursuant to sections 783 through 785 of the Clean Air Act), in a way generally recognized as suitable by experts.

^ (2) MONTHLY ENERGY REFUND- The monthly energy refund amount for an eligible household under this section shall be--

^ (A) if the gross income of the household does not exceed 150 percent of the poverty line applicable to the household--

^ (i) if the household has 1, 2, 3, or 4 members, 1/12 of the amount estimated under paragraph (1) for a household of the same size, rounded to the nearest whole dollar amount; or

^ (ii) if the household has 5 or more members, 1/12 of the arithmetic mean value of the amounts estimated under paragraph (1) for households with 5 or more members, rounded to the nearest whole dollar amount; or

^ (B) if the gross income of the household exceeds 150 percent of the poverty line applicable to the household, 1/12 of the amount (if any) by which--

^ (i) the amount estimated under paragraph (1) for a household of the same size; exceeds

^ (ii) 20 percent of the amount by which the gross income of the household exceeds 150 percent of the poverty line.

^ (e) Delivery Mechanism-

^ (1) Subject to standards and an implementation schedule set by the Secretary, the energy refund shall be provided in monthly installments via--

^ (A) direct deposit into the eligible household's designated bank account;

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

^ (C) another Federal or State mechanism, if such a mechanism is approved by the Secretary.

^ (2) Such standards shall include--

^ (A)(i) defining the required level of recipient protection regarding privacy;

^ (ii) guidance on how recipients are offered choices, when relevant, about the delivery mechanism;

- ^ (iii) guidance on ease of use and access to the refund, including the prohibition of fees charged to recipients for withdrawals or other services; and

- ^ (iv) cost-effective protections against improper accessing of the energy refund;

- ^ (B) operating standards that provide for interoperability between States and law enforcement monitoring; and

- ^ (C) other standards, as determined by the Secretary or the Secretary's designee.

- ^ (f) Administration-

- ^ (1) IN GENERAL- The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of refunds and the control and accountability thereof.

- ^ (2) PROCEDURES- Under standards established by the Secretary, the State agency shall establish procedures governing the administration of the Energy Refund Program that the State agency determines best serve households in the State, including households with special needs, such as households with elderly or disabled members, households in rural areas, homeless individuals, and households residing on reservations as defined in the Indian Child Welfare Act of 1978 and the Indian Financing Act of 1974. In carrying out this paragraph, a State agency--

- ^ (A) shall provide timely, accurate, and fair service to applicants for, and participants in, the Energy Refund Program;

- ^ (B) shall permit an applicant household to apply to participate in the program at the time that the household first contacts the State agency, and shall consider an application that contains the name, address, and signature of the applicant to be sufficient to constitute an application for participation;

- ^ (C) shall screen any applicant household for the Supplemental Nutrition Assistance Program, the State's medical assistance program under section XIX of this Act, State Childrens Health Insurance Program under section XXI of this Act, and a State program that provides basic assistance under a State program funded under title IV of this Act or with qualified State expenditures as defined in section 409(a)(7) of this Act for eligibility for the Energy Refund Program and, if eligible, shall enroll such applicant household in the Energy Refund Program;

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

- ^ (E) shall use appropriate bilingual personnel and materials in the administration of the program in those portions of the State in which a substantial number of members of low-income households speak a language other than English; and

^ (F) shall utilize State agency personnel who are employed in accordance with the current standards for a Merit System of Personnel Administration or any standards later prescribed by the Office of Personnel Management pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728) modifying or superseding such standards relating to the establishment and maintenance of personnel standards on a merit basis to make all tentative and final determinations of eligibility and ineligibility.

^ (3) REGULATIONS-

^ (A) Except as provided in subparagraph (B), the Secretary shall issue such regulations consistent with this section as the Secretary deems necessary or appropriate for the effective and efficient administration of the Energy Refund Program, and shall promulgate all such regulations in accordance with the procedures set forth in section 553 of title 5, United States Code.

^ (B) Without regard to section 553 of title 5 of such Code, the Administrator may by rule promulgate as final, to be effective until no later than 2 years after the date of the enactment of the American Clean Energy and Security Act of 2009, any procedures that are substantially the same as the procedures governing the Supplemental Nutrition Assistance Program in section 273.2, 273.12, or 273.15 of title 7, Code of Federal Regulations.

^ (C) Notwithstanding subsection (i)(4), the Secretary may promulgate regulations allowing for streamlined eligibility determinations for some or all households which include individuals receiving assistance under a State plan approved under title XIX or XXI of this Act. The regulations may institute procedures whereby the income and family size information used for determining eligibility under such title XIX or XXI may be the basis for determining eligibility for the Energy Refund Program.

^ (D) Notwithstanding any other provision of this section, the Secretary may authorize States to provide benefits under this section on a quarterly basis if the Secretary determines that the amount of the benefits that would be provided on a monthly basis to households is insufficient to be efficiently paid on a monthly basis in light of the administrative expenses of the Energy Refund Program.

^ (g) Treatment- The value of the refund provided under this section shall not be considered income or resources for any purpose under any Federal, State, or local laws, including, but not limited to, laws relating to an income tax, or public assistance programs (including, but not limited to, health care, cash aid, child care, nutrition programs, and housing assistance) and no participating State or political subdivision thereof shall decrease any assistance otherwise provided an individual or individuals because of the receipt of a refund under this section.

^ (h) Program Integrity- For purposes of ensuring program integrity and complying with the requirements of the Improper Payment Information Act of 2002, the Secretary shall, to the maximum extent possible, rely on and coordinate with the

quality control sample and review procedures of paragraphs (2), (3), (4), and (5) of section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)).

` (i) Definitions-

` (1) SECRETARY- The term `Secretary' means the Secretary of Health and Human Services or the head of another agency designated by the Secretary of Health and Human Services.

` (2) ELECTRONIC BENEFIT TRANSFER SYSTEM- The term `electronic benefit transfer system' means a system by which household benefits or refunds defined under subsection (e) are issued from and stored in a central databank via electronic benefit transfer cards.

` (3) GROSS INCOME- The term `gross income' means the gross income of a household that is determined in accordance with standards and procedures established under section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) and its implementing regulations.

` (4) HOUSEHOLD-

` (A) The term `household' means--

` (i) in subparagraphs (A) and (B) of subsection (c)(1) of this section, except as provided in subparagraph (C) of this paragraph, an individual or a group of individuals who are a household under section 3(n) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(n));

` (ii) in subsection (c)(1)(C) of this section, a single individual or married couple that receives benefits under section 1860D-14 of this Act (42 U.S.C. 1395w-114); and

` (iii) in subsection (c)(1)(D) of this section, a single individual or married couple that receives benefits under the supplemental security income program under title XVI of this Act (42 U.S.C. 1381-1383f).

` (B) The Secretary shall establish rules for providing the energy refund in an equitable and administratively simple manner to households where the group of individuals who live together includes members not all of whom are described in a single clause of subparagraph (A), or includes additional members not described in any such clause.

` (C) The Secretary shall establish rules regarding the eligibility and delivery of the energy refund to groups of individuals described in section 3(n)(4) or (5) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(n)).

` (5) POVERTY LINE- The term `poverty line' has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section.

^ (6) STATE- The term `State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands.

^ (7) STATE AGENCY- The term `State agency' means an agency of State government, including the local offices thereof, that has responsibility for administration of the 1 or more federally aided public assistance programs within the State, and in those States where such assistance programs are operated on a decentralized basis, the term shall include the counterpart local agencies administering such programs.

^ (8) OTHER TERMS- Other terms not defined in this title shall have the same meaning applied in the Supplemental Nutrition Assistance Program authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) unless the Secretary finds for good cause that application of a particular definition would be detrimental to the purposes of the Energy Refund Program.'

SEC. 432. MODIFICATION OF EARNED INCOME CREDIT AMOUNT FOR INDIVIDUALS WITH NO QUALIFYING CHILDREN.

(a) In General- Subsection (b) of section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

^ (4) SPECIAL RULE FOR INDIVIDUALS WITH NO QUALIFYING CHILDREN WHO ARE AFFECTED BY THE AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009-

^ (A) IN GENERAL- In the case of any household which the Secretary determines experienced a reduction in purchasing power as a result of the provisions of, or amendments made by, the American Clean Energy and Security Act of 2009 (determined without regard to this paragraph and section 2201 of the Social Security Act)--

^ (i) INCREASE IN CREDIT PERCENTAGE AND PHASEOUT PERCENTAGE- The table contained in paragraph (1)(A) shall be applied by substituting `15.3' for `7.65'.

^ (ii) INCREASE IN BEGINNING PHASEOUT AMOUNT- The table contained in paragraph (2)(A) shall be applied by substituting `\$11,640' for `\$5,280'.

^ (B) INFLATION ADJUSTMENT-

^ (i) IN GENERAL- In the case of any taxable year beginning after 2012, the \$11,640 amount in subparagraph (A)(ii) shall be increased by an amount equal to--

^ (I) such dollar amount, multiplied by

^ (II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting `calendar year 2011' for `calendar year 1992' in subparagraph (B) thereof.

ˆ (ii) ROUNDING- Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under clause (i) in the same manner as if such increase were under paragraph (1) of subsection (j).

ˆ (iii) COORDINATION WITH OTHER INFLATION ADJUSTMENTS- Paragraph (1) of subsection (j) shall not apply to the dollar amount substituted under subparagraph (A)(ii).'

(b) Effective Date- The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 433. PROTECTION OF SOCIAL SECURITY AND MEDICARE TRUST FUNDS.

(a) OASDI Trust Funds- Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following new subsection:

ˆ (o) The Secretary of the Treasury shall transfer from time to time to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, from amounts in the general fund of the Treasury that are not otherwise appropriated, such sums as the Chief Actuary of the Social Security Administration calculates as necessary (and so certifies to such Secretary) for any fiscal year, on account of changes in benefit costs and changes in tax revenue attributable to the provisions of the American Clean Energy and Security Act of 2009 and the amendments made thereby, in order to place each of such Trust Funds in the same position at the end of such fiscal year as the position in which such Trust Fund would have been if such changes had not occurred.'

(b) HI Trust Fund- Section 1817 of such Act (42 U.S.C.

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