

**AMENDMENT TO H.R.**

**OFFERED BY Mr. Brady**

In section 11 of the Internal Revenue Code of 1986, as proposed to be amended by section 138101(a), amend subsection (b) to read as follows:

1       “(b) AMOUNT OF TAX.—The amount of the tax im-  
2 posed by subsection (a) shall be the sum of—

3               “(1) 18 percent of so much of the taxable in-  
4 come as does not exceed \$400,000, and

5               “(2) 21 percent of so much of the taxable in-  
6 come as exceeds \$400,000.”.

Page 642, after line 20, insert the following:

7       (e) MAXIMUM RATE.—Section 1(h) is amended by  
8 adding at the end the following new flush matter:

9       “No rate under this paragraph applicable to ad-  
10 justed net capital gain for a taxable year shall ex-  
11 ceed the highest capital gains rate of tax imposed by  
12 the People’s Republic of China for taxable periods in  
13 which the taxpayer’s taxable year begins.”.



**AMENDMENT**

**OFFERED BY Mr. Nunes**

In section 138126, amend subsection (g)(2) by striking “The” and inserting “Except as provided in this subsection, the”.

In section 138126, amend subsection (g) by adding at the end the following new paragraph:

1           (3) REQUIRED CERTIFICATION.—The amend-  
2           ments made by this section shall not apply to any  
3           taxable year beginning before the date on which the  
4           Secretary of the Treasury certifies that China has a  
5           tax substantially similar to the tax established under  
6           section 951A in effect. Notwithstanding any other  
7           provision of law, no tax imposed under such section  
8           may be imposed at a rate higher than the rate at  
9           which a substantially similar tax is imposed in  
10          China, as determined by such Secretary.



**AMENDMENT TO THE AMENDMENT IN THE NA-  
TURE OF A SUBSTITUTE TO COMMITTEE  
PRINT FOR SUBTITLE J RELATING TO DRUG  
PRICING**

**OFFERED BY** M<sub>r.</sub> Lalloo

Add at the end of section 139002 the following new subsection:

1       (f) CERTIFICATION FOR IMPLEMENTATION.—Not-  
2 withstanding any preceding provision of, or amendment  
3 made by, this part, no such provision or amendment shall  
4 apply before the date on which the Secretary of Health  
5 and Human Services submits to Congress a certification  
6 that the implementation of such provisions or amendments  
7 will not result in a shift in investment of pharmaceutical  
8 biotechnology in the United States, or manufacturing jobs  
9 in the United States moving to China.



**AMENDMENT**

**OFFERED BY** Mr. Hearn

In section 250(a) of the Internal Revenue Code of 1986, as proposed to be amended by section 138121, strike "21.875 percent" and insert "50.47 percent".



**AMENDMENT**

**OFFERED BY Mr. Schweikert**

Strike sections 138126, 138128, and 138129(c).



**AMENDMENT**

**OFFERED BY MR. WENSTRUP OF OHIO**

Add at the end of the subtitle I the following:

1 **SEC. 138521. TAX-EXEMPT STATUS FREEZE FOR RESEARCH**  
2 **VIOLATIONS.**

3 Any entity the Secretary of the Treasury finds to  
4 have used Federal funds to conduct or support any gain-  
5 of-function research involving a potential pandemic patho-  
6 gen by China, Russia, Iran, or North Korea shall be  
7 deemed not to be an organization described in section  
8 501(c)(3) of the Internal Revenue Code of 1986 and ex-  
9 empt from tax under section 501(a) of such Code for a  
10 period of 5 years beginning on the date of such finding.



AMENDMENT

OFFERED BY Mr. Kelly

In subtitle I, after section 138001, insert the following:

1 **SEC. 138002. SUBTITLE TO NOT TAKE EFFECT UNLESS CER-**  
2 **TAIN CERTIFICATIONS ARE MADE.**

3 The provisions of, and amendments made by, this  
4 subtitle shall not take effect until the Secretary of the  
5 Treasury has certified that such provisions and amend-  
6 ments (in the aggregate) will not decrease any of the fol-  
7 lowing:

8 (1) Employment within the United States by  
9 United States persons (as defined in section  
10 7701(a)(20) of the Internal Revenue Code of 1986).

11 (2) Employment within the United States by  
12 persons other than United States persons (as so de-  
13 fined).

14 (3) Private nonresidential fixed investment in  
15 the United States by United States persons (as so  
16 defined).

1           (4) Private nonresidential fixed investment in  
2           the United States by persons other than United  
3           States persons (as so defined).



AMENDMENT

OFFERED BY Mr. Arrington

At the end of section 138125, add the following:

1 (c) RESTRICTION ON PROVISIONS TAKING EF-  
2 FECT.—The provisions of, and amendments made by, this  
3 section shall not take effect until the Secretary of the  
4 Treasury has certified that such provisions and amend-  
5 ments will not result in a reduction in the energy inde-  
6 pendence of the United States or an increase of oil and  
7 gas production in Russia, China, Venezuela, or Iran.



**AMENDMENT**

**OFFERED BY Mr. Smith**

Strike section 138204 and insert the following:

- 1 **SEC. 138204. DEDUCTION FOR QUALIFIED BUSINESS IN-**
- 2 **COME MADE PERMANENT.**
- 3 Section 199A is amended by striking subsection (i).



**AMENDMENT**

**OFFERED BY Mr. Buchanan**

Strike section 138203.

Strike section 138204.

Strike section 138205.



AMENDMENT

OFFERED BY Mr. Smith

Strike sections 138207, 138208, 138209, and  
138210.



**AMENDMENT**

**OFFERED BY Ms. Walorski**

Strike section 137104 and insert the following:

1 **SEC. 137104. LIMITATION ON REFUNDABLE CHILD TAX**  
2 **CREDIT BASED ON EARNED INCOME.**

3 (a) APPLICATION OF LIMITATION BEGINNING IN  
4 2022.—

5 (1) IN GENERAL.—Section 24(h)(5) is amended  
6 to read as follows:

7 “(5) MAXIMUM AMOUNT OF REFUNDABLE  
8 CREDIT.—The amount determined under subsection  
9 (d)(1)(A) with respect to any qualifying child shall  
10 determined without regard to paragraph (4) of this  
11 subsection.”.

12 (2) REPEAL OF TEMPORARY RULE.—Section  
13 24(i) is amended by striking paragraph (1).

14 (3) APPLICATION TO ADVANCE PAYMENTS.—  
15 Section 7527A(b)(1) is amended by striking “and”  
16 at the end of subparagraph (C), by striking the pe-  
17 riod at the end of subparagraph (D) and inserting  
18 “, and”, and by inserting after subparagraph (D)  
19 the following new subparagraph:

1                   “(E) section 24(d) shall be applied with re-  
2                   spect to the reference taxable year.”.

3           (b) APPLICATION OF LIMITATION FROM 2023  
4 THROUGH 2025.—Subsection (d) of section 24A, as added  
5 by the preceding provisions of this Act, is amended to read  
6 as read as follows:

7           “(d) PORTION OF CREDIT REFUNDABLE.—

8                   “(1) IN GENERAL.—The aggregate credits al-  
9                   lowed to a taxpayer under subpart C shall be in-  
10                   creased by the lesser of—

11                   “(A) the credit which would be allowed  
12                   under this section without regard to this sub-  
13                   section and the limitation under section 26(a),  
14                   or

15                   “(B) the amount by which the aggregate  
16                   amount of credits allowed by this subpart (de-  
17                   termined without regard to this subsection)  
18                   would increase if the limitation imposed by sec-  
19                   tion 26(a) were increased by the greater of—

20                   “(i) 15 percent of so much of the tax-  
21                   payer’s earned income (within the meaning  
22                   of section 32) which is taken into account  
23                   in computing taxable income for the appli-  
24                   cable taxable year as exceeds \$2,500, or

1                   “(ii) in the case of a taxpayer with 3  
2                   or more qualifying children, the excess (if  
3                   any) of—

4                   “(I) the taxpayer’s social security  
5                   taxes for the applicable taxable year,  
6                   over

7                   “(II) the credit allowed under  
8                   section 32 for the applicable taxable  
9                   year.

10                   The amount of the credit allowed under  
11                   this subsection shall not be treated as a  
12                   credit allowed under this subpart and shall  
13                   reduce the amount of credit otherwise al-  
14                   lowable under subsection (a) without re-  
15                   gard to section 26(a). For purposes of sub-  
16                   paragraph (B), any amount excluded from  
17                   gross income by reason of section 112 shall  
18                   be treated as earned income which is taken  
19                   into account in computing taxable income  
20                   for the taxable year.

21                   “(2) SOCIAL SECURITY TAXES.—For purposes  
22                   of paragraph (1)—

23                   “(A) IN GENERAL.—The term ‘social secu-  
24                   rity taxes’ means, with respect to any taxpayer  
25                   for any taxable year—

1                   “(i) the amount of the taxes imposed  
2                   by sections 3101 and 3201(a) on amounts  
3                   received by the taxpayer during the cal-  
4                   endar year in which the taxable year be-  
5                   gins,

6                   “(ii) 50 percent of the taxes imposed  
7                   by section 1401 on the self-employment in-  
8                   come of the taxpayer for the taxable year,  
9                   and

10                   “(iii) 50 percent of the taxes imposed  
11                   by section 3211(a) on amounts received by  
12                   the taxpayer during the calendar year in  
13                   which the taxable year begins.

14                   “(B) COORDINATION WITH SPECIAL RE-  
15                   FUND OF SOCIAL SECURITY TAXES.—The term  
16                   ‘social security taxes’ shall not include any  
17                   taxes to the extent the taxpayer is entitled to  
18                   a special refund of such taxes under section  
19                   6413(e).

20                   “(C) SPECIAL RULE.—Any amounts paid  
21                   pursuant to an agreement under section 3121(l)  
22                   (relating to agreements entered into by Amer-  
23                   ican employers with respect to foreign affiliates)  
24                   which are equivalent to the taxes referred to in

1           subparagraph (A)(i) shall be treated as taxes  
2           referred to in such subparagraph.

3           “(3) APPLICABLE TAXABLE YEAR.—The term  
4           ‘applicable taxable year’ means the taxable year for  
5           which the credit under this section is determined, or  
6           if the taxpayer elects, the preceding taxable year or  
7           the second preceding taxable year (as specified in  
8           such election).

9           “(4) EXCEPTION FOR TAXPAYERS EXCLUDING  
10          FOREIGN EARNED INCOME.—Paragraph (1) shall not  
11          apply to any taxpayer for any taxable year if such  
12          taxpayer elects to exclude any amount from gross in-  
13          come under section 911 for such taxable year.

14          “(5) APPLICATION TO ADVANCE PAYMENTS.—  
15          For purposes of section 7527B, the monthly advance  
16          child payment determined under such section for any  
17          month shall not exceed 1/12 of the amount deter-  
18          mined under paragraph (1) for the reference taxable  
19          year (within the meaning of such section).”.

20          (c) EFFECTIVE DATES.—

21                 (1) APPLICATION OF LIMITATION BEGINNING IN  
22                 2022.—The amendments made by subsection (a)  
23                 shall apply to taxable years beginning after Decem-  
24                 ber 31, 2021.

1           (2) APPLICATION OF LIMITATION DURING 2023  
2           THROUGH 2025.—The amendments made by sub-  
3           section (b) shall apply to taxable years beginning  
4           after December 31, 2022.

          At the end of part 1 of subtitle H (relating to the  
child tax credit), add the following

5   **SEC. 137106. TREATMENT OF REFUNDABLE CHILD TAX**  
6                           **CREDIT UNDER CERTAIN FEDERAL MEANS-**  
7                           **TESTED PROGRAMS.**

8           (a) IN GENERAL.—Section 6409 is amended—  
9                   (1) by striking “Notwithstanding” and insert-  
10           ing the following:

11           “(a) IN GENERAL.—Notwithstanding”, and

12                   (2) by adding at the end the following new sub-  
13           section:

14           “(b) TREATMENT OF REFUNDABLE CHILD TAX  
15   CREDIT.—In the case of any refund or advance payment  
16   attributable to section 24, 24A, 7527A, or 7527B—

17                   “(1) subsection (a) shall not apply, and

18                   “(2) such refund or advance payment shall be  
19   treated—

20                   “(A) as income for purposes any Federal,  
21   State, or local program described in subsection  
22   (a), and

1                   “(B) as resources under any such program  
2                   in the same manner as any other income.”.

3           (b) TREATMENT FOR PURPOSES OF HEALTH INSUR-  
4 ANCE PREMIUM TAX CREDIT AND COST-SHARING REDUC-  
5 TIONS.—Section 36B(d)(2)(B) is amended by redesignig-  
6 nating clauses (ii) and (iii) as clauses (iii) and (iv), respec-  
7 tively, and by inserting after clause (i) the following new  
8 clause:

9                   “(ii) any refund or advance payment  
10                   attributable to section 24, 24A, 7527A, or  
11                   7527B,”.

12           (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply to amounts received after Decem-  
14 ber 31, 2021.



**AMENDMENT**

**OFFERED BY** Mr. Smucker

Strike subsection 138514.



AMENDMENT

OFFERED BY MR. Rice

In subtitle H, amend part I by adding at the end the following new section:

1 SEC. 137106. MISSION OF THE INTERNAL REVENUE SERV-  
2 ICE.

3 On the date of the enactment of this Act, the Sec-  
4 retary shall re-name the Internal Revenue Service as the  
5 Internal Revenue and Welfare Service to reflect the new  
6 duties and mission of the agency as included in this Act.

Section 137102 is amended by striking subsection (b).

In section 7257B of the Internal Revenue Code of 1986, as inserted by section 137103, strike subsection (c) and redesignate subsequent subsections accordingly.

In section 36B(h)(1)(D) of the Internal Revenue Code of 1986, as amended by section 137504, strike clauses (ii) and (iii).



**AMENDMENT**

**OFFERED BY Mr. Ferguson**

Add at the end of subtitle I the following:

1 **SEC. 138521. EFFECTIVE DATES CONTINGENT ON CERTIFI-**  
2 **CATION RELATING TO CERTAIN SMALL BUSI-**  
3 **NESSES.**

4 The provisions of, and amendments made by, this  
5 subtitle shall not take effect until the Secretary of the  
6 Treasury has certified that such provisions (and amend-  
7 ments) will not cause a net decrease in the number of  
8 small business concerns owned and controlled by socially  
9 and economically disadvantaged individuals that are eligi-  
10 ble to participate in the program established under section  
11 8(a) of the Small Business Act (15 U.S.C. 637).

