

RESOLUTION OF INQUIRY DIRECTING THE SECRETARY OF THE TREASURY TO PROVIDE CERTAIN DOCUMENTS IN THE SECRETARY'S POSSESSION TO THE HOUSE OF REPRESENTATIVES RELATING TO RECOVERY REBATES UNDER SECTION 6428B OF THE INTERNAL REVENUE CODE OF 1986

SEPTEMBER 28, 2022.—Referred to the House Calendar and ordered to be printed

Mr. NEAL, from the Committee on Ways and Means, submitted the following

ADVERSE REPORT

together with

DISSENTING VIEWS

[To accompany H. Res. 1246]

The Committee on Ways and Means, to whom was referred the resolution (H. Res. 1246) of inquiry directing the Secretary of the Treasury to provide certain documents in the Secretary's possession to the House of Representatives relating to recovery rebates under section 6428B of the Internal Revenue Code of 1986, having considered the same, report unfavorably thereon without amendment and recommend that the resolution not be agreed to.

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I. SUMMARY AND BACKGROUND

A. PURPOSE AND SUMMARY

H. Res. 1246 requests that the Secretary of the Treasury provide certain documents in the Secretary’s possession to the House of Representatives relating to recovery rebates under section 6428B of the Internal Revenue Code of 1986.

B. BACKGROUND AND NEED FOR LEGISLATION

On July 22, 2022, H. Res. 1246 was introduced by Representative Jason Smith (for himself and Mr. Brady). H. Res. 1246 is a resolution of inquiry, which is a method infrequently used by the House of Representatives to obtain certain factual information from the Executive Branch. Under clause 7 of rule XIII, a resolution of inquiry is subject to a motion to discharge from committee if the resolution is not reported by the committee to which it was referred within 14 legislative days of its introduction. Accordingly, the Committee on Ways and Means scheduled a markup of H. Res. 1246 within the 14-day period.

The Committee reported the resolution unfavorably because, among other flaws, this resolution relates to information that is already public. For example, the Treasury Inspector General for Tax Administration (TIGTA) issued three reports addressing stimulus payments issued to ineligible decedents. TIGTA reported that 55,000 payments were issued under the American Rescue Plan and that 2.2 million payments were issued to ineligible decedents under legislation signed during the prior Administration. TIGTA also issued other reports containing information on stimulus payments made to nonresident aliens and potentially ineligible individuals. Payments to incarcerated individuals were lawfully made pursuant to a court order, and TIGTA did not quantify payments made to eligible individuals.

In total, the Internal Revenue Service issued more than 500 million stimulus payments (worth \$869 billion) to help Americans during the pandemic—payments that were 99 percent accurate according to TIGTA. The resolution does not request information about all stimulus payments issued. Notably, it only requests information about payments made under legislation signed by President Biden and not the former president.

This resolution does nothing to help everyday Americans put food on the table, pay their bills, or take care of their families. Committee Democrats are focused on legislation and policies that help women, families, seniors, and all Americans. For these reasons, the Committee reported the resolution adversely.

C. LEGISLATIVE HISTORY

Background

H. Res. 1246 was introduced by Representative Jason Smith on July 22, 2022 (for himself and Mr. Brady) and was referred to the Committee on Ways and Means.

Committee hearings

The Committee on Ways and Means held no hearings on H. Res. 1246.

Committee action

The Committee on Ways and Means marked up H. Res. 1246 on September 20, 2022, and ordered the resolution reported adversely (with a quorum being present) by a roll call vote.

II. EXPLANATION OF THE BILL

H. Res. 1246 directs the Secretary of the Treasury to transmit to the House of Representatives, within 14 days after the adoption of the resolution, certain information about recovery rebates issued under Internal Revenue Code section 6428B. The information that the Secretary is directed to transmit includes the total number and dollar amount of recovery rebates issued to incarcerated individuals, nonresident alien individuals, individuals who were unlawfully present or unauthorized to work in the United States, and individuals who died before January 1, 2021.

III. VOTES OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the vote of the Committee on Ways and Means in its consideration of H. Res. 1246 on September 20, 2022.

The resolution, H. Res. 1246, "Of inquiry directing the Secretary of the Treasury to provide certain documents in the Secretary's possession to the House of Representatives relating to recovery rebates under section 6428B of the Internal Revenue Code of 1986.," was ordered adversely reported to the House of Representatives by a recorded vote (with a quorum being present) of 23 yeas to 16 nays:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Doggett	X	.....	.....	Mr. Brady .....	.....	X	.....
Mr. Thompson	X	.....	.....	Mr. Buchanan .....	.....	X	.....
Mr. Larson	X	.....	.....	Mr. Smith (NE) .....	.....	X	.....
Mr. Blumenauer	X	.....	.....	Mr. Kelly .....	.....	.....	.....
Mr. Kind	X	.....	.....	Mr. Smith (MO) .....	.....	X	.....
Mr. Pascrell	X	.....	.....	Mr. Rice .....	.....	X	.....
Mr. Davis	X	.....	.....	Mr. Schweikert .....	.....	X	.....
Ms. Sánchez	X	.....	.....	Mr. LaHood .....	.....	X	.....
Mr. Higgins	X	.....	.....	Dr. Wenstrup .....	.....	X	.....
Ms. Sewell	X	.....	.....	Mr. Arrington .....	.....	X	.....
Ms. DelBene	X	.....	.....	Dr. Ferguson .....	.....	X	.....
Ms. Chu	X	.....	.....	Mr. Estes .....	.....	X	.....
Ms. Moore	X	.....	.....	Mr. Smucker .....	.....	X	.....
Mr. Kildee	X	.....	.....	Mr. Hern .....	.....	X	.....
Mr. Boyle	X	.....	.....	Ms. Miller .....	.....	X	.....
Mr. Beyer .....	.....	.....	.....	Dr. Murphy .....	.....	X	.....
Mr. Evans	X	.....	.....	Mr. Kustoff .....	.....	X	.....

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Schneider	X	.....	.....	.....	.....	.....	.....
Mr. Suozzi	X	.....	.....	.....	.....	.....	.....
Mr. Panetta	X	.....	.....	.....	.....	.....	.....
Ms. Murphy .....	.....	.....	.....	.....	.....	.....	.....
Mr. Gomez	X	.....	.....	.....	.....	.....	.....
Mr. Horsford	X	.....	.....	.....	.....	.....	.....
Ms. Plaskett	X	.....	.....	.....	.....	.....	.....
Chairman Neal	X	.....	.....	.....	.....	.....	.....
Totals	23	.....	.....	Totals .....	.....	16	.....

IV. BUDGET EFFECTS OF THE BILL

A. COMMITTEE ESTIMATE OF BUDGETARY EFFECTS

In compliance with clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee advises that the Congressional Budget Office did not provide a cost estimate of the resolution.

B. STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX EXPENDITURES BUDGET AUTHORITY

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that the resolution involves no new or increased budget authority. The Committee further states that the resolution involves no new tax expenditure.

C. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee advises that the Congressional Budget Office did not provide a cost estimate of the resolution.

V. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE

A. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee made findings and recommendations that are reflected in this report.

B. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the resolution contains no measure that authorizes funding. Therefore, no statement of general performance goals and objectives is required.

C. INFORMATION RELATING TO UNFUNDED MANDATES

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104-4).

The Committee has determined that the resolution does not contain Federal mandates on the private sector. The Committee has

determined that the resolution does not impose a Federal intergovernmental mandate on State, local, or tribal governments.

D. ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by the resolution.

E. APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the resolution does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(2) of the Congressional Accountability Act.

F. CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the provisions of the resolution, and states that the provisions of the resolution do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

G. HEARINGS

In relation to compliance with clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the Committee states that no hearings were held on this resolution.

H. APPLICABILITY OF HOUSE RULE XXI, CLAUSE 5(b)

Clause 5(b) of rule XXI of the Rules of the House of Representatives provides, in part, that “It shall not be in order to consider a bill, joint resolution, amendment, or conference report carrying a retroactive Federal income tax rate increase.” The Committee, after careful review, states that the resolution does not involve any retroactive Federal income tax rate increase within the meaning of the rule.

I. TAX COMPLEXITY ANALYSIS

Section 4022(b) of Pub. L. No. 105–266, the Internal Revenue Service Restructuring and Reform Act of 1998 (the “RRA”), requires the staff of the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Treasury Department) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code of 1986 and has widespread applicability to individuals or small businesses.

Pursuant to clause 3(h)(1) of rule XIII of the Rules of the House of Representatives, the staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the RRA because the resolution contains no provision that amends the Internal Revenue Code of 1986 and has “widespread applicability” to individuals or small businesses within the meaning of the rule.

J. DUPLICATION OF FEDERAL PROGRAMS

In compliance with clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of the resolution establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report to Congress pursuant to section 21 of Pub. L. No. 111-139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to section 6104 of title 31, United States Code.

VI. CHANGES IN EXISTING LAW MADE BY THE BILL

Pursuant to clause 3(e)(1)(B) of rule XIII of the Rules of the House of Representatives, the Committee advises that H. Res. 1246 does not make any changes to existing law.

VII. DISSENTING VIEWS

Committee Republicans strongly oppose the Committee's action of unfavorably reporting H. Res. 1246, Resolution of inquiry directing the Secretary of the Treasury to provide certain documents in the Secretary's possession to the House of Representatives relating to recovery rebates under section 6428B of the Internal Revenue Code of 1986.

Congressional oversight is one of the most important responsibilities of the U.S. Congress, and Resolutions of Inquiry (ROIs) are one of the methods used by the U.S. House of Representatives to obtain information from the executive branch. ROIs simply demand that the administration turn over basic information to Congress. This information is critical because it allows the Congress to ensure the executive branch's compliance with congressional intent; evaluate program performance; prevent the executive branch's encroachment on the legislative branch's powers; assess an agency's ability to manage and carry out program objectives; and acquire information from the executive branch that can inform policymaking.

Moreover, Congressional Republicans have repeatedly sought information from the Administration about the expected and actual impact of these policies. Transparency is essential because it promotes accountability and provides information for the Congress and Americans about what the federal government is doing. Despite the Biden Administration stating that President Biden would "bring transparency and truth back to the government to share the truth, even when it's hard to hear," the Administration has ignored the need for congressional oversight and completely failed on its promise. The American people deserve to know how their government works and we will hold the Biden Administration accountable for its disastrous policies.

This Resolution of Inquiry requires the U.S. Department of the Treasury to provide information, including documents, records, and correspondence, directly to the U.S. House of Representatives regarding the number and total dollar amount of stimulus checks from the American Rescue Plan Act sent to convicted prisoners, non-U.S. citizens living abroad, illegal immigrants, and deceased individuals. House Republicans are seeking this information from the Biden Administration after uncovering a trail of waste and lax oversight left behind from the President's so-called "Rescue Plan"—including: \$783.5 million in stimulus checks sent to over 500,000 federal prisoners, including the Boston Marathon Bomber; \$1,400 stimulus checks sent to Japanese citizens living in Japan; up to \$4.38 billion in stimulus checks sent to illegal immigrants; and \$13 million in stimulus checks sent to deceased individuals.

With more than \$1 trillion left over from prior COVID-19 packages and the Congressional Budget Office projecting the economy would return to pre-pandemic levels of real gross domestic product

(GDP) by mid-2021 without additional stimulus, Democrats still pushed through \$2 trillion in new spending in March 2021, sparking the worst inflation crisis in over 40 years. Democrats claimed their bill was about defeating COVID, but less than 9 percent of spending went to combat COVID-19. A closer examination reveals that the spending spree left behind a massive trail of waste and abuse of taxpayer dollars—including: \$2.1 million on a golf course in Florida; \$4 million for beach bathrooms and parking lots in South Carolina; \$2 million to purchase a ski area in Iowa; \$140 million for a luxury hotel development in Florida; \$4 million for a bird sanctuary in Texas; \$15 million to develop a venue in New Jersey to host the 2026 World Cup; \$7 million to social media influencers to promote seafood in Alaska; \$2 million to plant trees in New York; \$5 million for a moonshine walking trail in North Carolina; \$250,000 for pickleball courts in Michigan; and \$7.2 million for horseracing in Arizona.

The American people deserve a full and thorough accounting of where and to whom this money has gone, and what, if any, attempts the Biden White House has made to combat, recoup, or at the very least account for, this waste of taxpayer dollars. Given the clear need for oversight on this issue it is disappointing that Committee Democrats have blocked the request for this information.

KEVIN BRADY,
Ranking Member.
JASON SMITH.

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