

106TH CONGRESS
2D SESSION

S. 2825

To strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2000

Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work.

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 “Tax Relief for Working
5 Families Act of 2000”.

6 **SEC. 2. INCREASED EARNED INCOME TAX CREDIT FOR 2 OR**
7 **MORE QUALIFYING CHILDREN.**

8 (a) IN GENERAL.—The table in section 32(b)(1)(A)
9 of the Internal Revenue Code of 1986 (relating to percent-
10 ages) is amended—

- 1 (1) in the second item—
 2 (A) by striking “or more”, and
 3 (B) by striking “21.06” and inserting
 4 “19.06”, and
 5 (2) by inserting after the second item the fol-
 6 lowing new item:

“3 or more qualifying children 45 19.06”

- 7 (b) EFFECTIVE DATE.—The amendments made by
 8 this section shall apply to taxable years beginning after
 9 December 31, 2000.

10 **SEC. 3. SIMPLIFICATION OF DEFINITION OF EARNED IN-**
 11 **COME.**

- 12 (a) IN GENERAL.—Section 32(c)(2)(A)(i) of the In-
 13 ternal Revenue Code of 1986 (defining earned income) is
 14 amended by inserting “, but only if such amounts are in-
 15 cludible in gross income for the taxable year” after “other
 16 employee compensation”.

- 17 (b) CONFORMING AMENDMENT.—Section
 18 32(c)(2)(B) of the Internal Revenue Code of 1986 is
 19 amended by striking “and” at the end of clause (iv), by
 20 striking the period at the end of clause (v) and inserting
 21 “, and”, and by adding at the end the following new
 22 clause:

- 23 “(vi) the requirement under subparagraph
 24 (A)(i) that an amount be includible in

1 gross income shall not apply if such
2 amount is exempt from tax under section
3 7873 or is derived directly from restricted
4 and allotted land under the Act of Feb-
5 ruary 8, 1887 (commonly known as the In-
6 dian General Allotment Act) (25 U.S.C.
7 331 et seq.) or from land held under Acts
8 or treaties containing an exception provi-
9 sion similar to the Indian General Allot-
10 ment Act.”

11 (c) **EFFECTIVE DATE.**—The amendment made by
12 this section shall apply to amounts received in taxable
13 years beginning after December 31, 2000.

14 **SEC. 4. SIMPLIFICATION OF DEFINITION OF CHILD DE-**
15 **PENDENT.**

16 (a) **REMOVAL OF SUPPORT TEST FOR CERTAIN INDI-**
17 **VIDUALS.**—Section 152(a) of the Internal Revenue Code
18 of 1986 (relating to definition of dependent) is amended
19 to read as follows:

20 “(a) **GENERAL DEFINITION.**—For purposes of this
21 subtitle—

22 “(1) **DEPENDENT.**—The term ‘dependent’
23 means—

24 “(A) any individual described in paragraph

25 (2) over half of whose support, for the calendar

1 year in which the taxable year of the taxpayer
2 begins, was received from the taxpayer (or is
3 treated under subsection (c) as received from
4 the taxpayer), or

5 “(B) any individual described in subsection
6 (f).

7 “(2) INDIVIDUALS.—An individual is described
8 in this paragraph if such individual is—

9 “(A) a brother, sister, stepbrother, or step-
10 sister of the taxpayer,

11 “(B) the father or mother of the taxpayer,
12 or an ancestor of either,

13 “(C) a stepfather or stepmother of the tax-
14 payer,

15 “(D) a son or daughter of a brother or sis-
16 ter of the taxpayer,

17 “(E) a brother or sister of the father or
18 mother of the taxpayer,

19 “(F) a son-in-law, daughter-in-law, father-
20 in-law, mother-in-law, brother-in-law, or sister-
21 in-law of the taxpayer, or

22 “(G) an individual (other than an indi-
23 vidual who at any time during the taxable year
24 was the spouse, determined without regard to
25 section 7703, of the taxpayer) who, for the tax-

1 able year of the taxpayer, has as their principal
2 place of abode the home of the taxpayer and is
3 a member of the taxpayer’s household.”.

4 (b) OTHER MODIFICATIONS.—Section 152 of the In-
5 ternal Revenue Code of 1986 is amended by adding at the
6 end the following:

7 “(f) SUBSECTION (f) DEPENDENTS.—

8 “(1) IN GENERAL.—An individual is described
9 in this subsection for the taxable year if such
10 individual—

11 “(A) bears a relationship to the taxpayer
12 described in paragraph (2),

13 “(B) except in the case of an eligible foster
14 child or as provided in subsection (e), has the
15 same principal place of abode as the taxpayer
16 for more than one-half of such taxable year,
17 and

18 “(C)(i) has not attained the age of 19 at
19 the close of the calendar year in which the tax-
20 able year begins, or

21 “(ii) is a student (within the meaning of
22 section 151(c)(4)) who has not attained the age
23 of 24 at the close of such calendar year.

1 “(2) RELATIONSHIP TEST.—An individual bears
2 a relationship to the taxpayer described in this para-
3 graph if such individual is—

4 “(A) a son or daughter of the taxpayer, or
5 a descendant of either, or

6 “(B) a stepson or stepdaughter of the tax-
7 payer.

8 “(3) SPECIAL RULES.—

9 “(A) 2 OR MORE CLAIMING DEPENDENT.—
10 Except as provided in subparagraph (B), if an
11 individual may be claimed as a dependent by 2
12 or more taxpayers (but for this subparagraph)
13 for a taxable year beginning in the same cal-
14 endar year, only the taxpayer with the highest
15 adjusted gross income for such taxable year
16 shall be allowed the deduction with respect to
17 such individual.

18 “(B) RELEASE OF CLAIM TO EXEMP-
19 TION.—Subparagraph (A) shall not apply with
20 respect to an individual if—

21 “(i) the taxpayer with the highest ad-
22 justed gross income under subparagraph
23 (A), for any calendar year signs a written
24 declaration (in such manner and form as
25 the Secretary may by regulations pre-

1 scribe) that such taxpayer will not claim
 2 such individual as a dependent for any tax-
 3 able year beginning in such calendar year,

4 “(ii) the other taxpayer provides over
 5 half of such individual’s support for the
 6 calendar year in which the taxable year of
 7 such other taxpayer begins, and

8 “(iii) such other taxpayer attaches
 9 such written declaration to such taxpayer’s
 10 return for the taxable year beginning dur-
 11 ing such calendar year.”.

12 (c) RULES RELATING TO FOSTER CHILD.—Section
 13 152(b)(2) (relating to rules relating to general definition)
 14 is amended by striking “a foster child” and all that follows
 15 through “individual)” and inserting “an eligible foster
 16 child (as defined in section 32(c)(3)(B)(iii)) of an indi-
 17 vidual”.

18 (d) EXEMPTION FROM GROSS INCOME TEST.—Sec-
 19 tion 151(c)(3) (relating to definition of child) is amended
 20 by striking “or stepdaughter” and inserting “step-
 21 daughter, or a descendant of such individual”.

22 (e) WAIVER OF DEDUCTION FOR DIVORCED PAR-
 23 ENTS.—

24 (1) IN GENERAL.—So much of section 152(e)
 25 as precedes paragraph (4) (relating to support test

1 in case of child of divorced parents, etc.) is amended
2 to read as follows:

3 “(e) SPECIAL RULES FOR CHILD OF DIVORCED PAR-
4 ENTS.—

5 “(1) RELEASE OF CLAIM TO EXEMPTION.—In
6 the case of a child (as defined in section 151(c)(3))
7 of parents—

8 “(A) who are divorced or legally separated
9 under a decree of divorce or separate mainte-
10 nance,

11 “(B) who are separated under a written
12 separation agreement, or

13 “(C) who live apart at all times during the
14 last 6 months of the calendar year,

15 the custodial parent who is entitled to the deduction
16 under section 151 for a taxable year with respect to
17 such child may release such deduction to the non-
18 custodial parent.

19 “(2) PROCEDURE.—The noncustodial parent
20 may claim a child described in paragraph (1) as a
21 dependent for the taxable year if—

22 “(A) the custodial parent signs a written
23 declaration (in such manner and form as the
24 Secretary may by regulations prescribe) that
25 such custodial parent will not claim such child

1 as a dependent for any taxable year beginning
2 in such calendar year,

3 “(B) the custodial parent and the non-
4 custodial parent provide over half of such
5 child’s support for the calendar year in which
6 the taxable years of such parents begin, and

7 “(C) the noncustodial parent attaches such
8 written declaration to such noncustodial par-
9 ent’s return for the taxable year beginning dur-
10 ing such calendar year.

11 “(3) DEFINITIONS.—For purposes of this
12 subsection—

13 “(A) CUSTODIAL PARENT.—The term ‘cus-
14 todial parent’ means, with regard to an indi-
15 vidual, a parent who has custody of such indi-
16 vidual for a greater portion of the calendar year
17 than the noncustodial parent.

18 “(B) NONCUSTODIAL PARENT.—The term
19 ‘noncustodial parent’ means the parent who is
20 not the custodial parent.”.

21 (2) PRE-1985 INSTRUMENTS.—Section
22 152(e)(4)(A) of such Code is amended by striking
23 “A child” and all that follows through “noncustodial
24 parent” and inserting “A noncustodial parent de-
25 scribed in paragraph (1) shall be entitled to the de-

1 duction under section 151 for a taxable year with re-
2 spect to a child if”.

3 (f) CONFORMING AMENDMENTS.—

4 (1) Section 1(g)(5)(A) of the Internal Revenue
5 Code of 1986 is amended by inserting “as in effect
6 on the day before the date of the enactment of the
7 Tax Relief for Working Families Act of 2000” after
8 “152(e)”.

9 (2) Section 2(b)(1)(A)(i) of such Code is
10 amended by striking “paragraph (2) or (4) of”.

11 (3) Section 2(b)(3)(B)(i) of such Code is
12 amended by striking “paragraph (9)” and inserting
13 “paragraph (2)(G)”.

14 (4) Section 21(e)(5)(A) of such Code is amend-
15 ed by striking “paragraph (2) or (4) of”.

16 (5) Section 21(e)(5) of such Code is amended
17 in the matter following subclause (B) by inserting
18 “as in effect on the day before the date of the enact-
19 ment of the Tax Relief for Working Families Act of
20 2000” after “152(e)(1)”.

21 (6) Section 32(c)(1)(G) of such Code is amend-
22 ed by striking “(3)(D).” and inserting “(1)(C). An
23 individual whose qualifying child or qualifying chil-
24 dren are not taken into account under subsection (b)
25 solely by reason of paragraph (3)(D) shall be treated

1 as an eligible individual if such individual otherwise
2 meets the requirements of subparagraph (A)(ii).”.

3 (7) Section 32(c)(3)(B)(ii) of such Code is
4 amended by striking “paragraph (2) or (4) of”.

5 (8) Section 51(i)(1)(C) of such Code is amend-
6 ed by striking “152(a)(9)” and inserting
7 “152(a)(2)(G)”.

8 (9) Section 152(b) of such Code is amended by
9 striking “specified in subsection (a)” and inserting
10 “specified in subsection (a)(2) or (f)(2)”.

11 (10) Section 152(c) of such Code is amended by
12 striking “(a)” and inserting “(a)(1)”.

13 (11) Section 7703(b)(1) of such Code is amend-
14 ed by striking “paragraph (2) or (4) of”.

15 (12) The following provisions of such Code are
16 each amended by striking “paragraphs (1) through
17 (8) of section 152(a)” and inserting “subparagraphs
18 (A) through (F) of subsection (a)(2) or subsection
19 (f)(2) of section 152”:

20 (A) Section 170(g)(3).

21 (B) Subparagraphs (A) and (B) of section
22 51(i)(1).

23 (C) The second sentence of section
24 213(d)(11).

25 (D) Section 529(e)(2)(B).

1 (E) Section 7702B(f)(2)(C)(iii).

2 (g) EFFECTIVE DATE.—The amendments made by
3 this section shall apply to taxable years beginning after
4 December 31, 2000.

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