

113TH CONGRESS  
1ST SESSION

# H. R. 2116

To amend the Internal Revenue Code of 1986 to make improvements in the earned income tax credit.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2013

Mr. NEAL (for himself, Ms. DELAURO, Mr. LEVIN, Mr. RANGEL, Mr. McDERMOTT, Mr. LEWIS, Mr. BECERRA, Mr. DOGGETT, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. PASCRELL, Mr. CROWLEY, Ms. SCHWARTZ, Mr. DANNY K. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. KIND, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to make improvements in the earned income tax credit.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “The Earned Income Tax Credit Improvement and Sim-  
6 plification Act 2013”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Certain improvements in the earned income tax credit made permanent.  
 Sec. 3. Strengthening the earned income tax credit for individuals with no qualifying children.  
 Sec. 4. Taxpayer eligible for credit for individuals with no qualifying children if qualifying children do not have valid Social Security number.  
 Sec. 5. Credit allowed in case of certain separated spouses.  
 Sec. 6. Taxpayer eligible for credit without qualifying child if qualifying child claimed by another member of family.  
 Sec. 7. Elimination of disqualified investment income test.

1 **SEC. 2. CERTAIN IMPROVEMENTS IN THE EARNED INCOME**

2 **TAX CREDIT MADE PERMANENT.**

3 (a) INCREASE IN CREDIT PERCENTAGE FOR THREE  
 4 OR MORE QUALIFYING CHILDREN MADE PERMANENT.—

5 Paragraph (1) of section 32(b) of the Internal Revenue  
 6 Code of 1986 is amended to read as follows:

7 “(1) PERCENTAGES.—The credit percentage  
 8 and the phaseout percentage shall be determined in  
 9 accordance with the following table:

“In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child .....	34	15.98
2 qualifying children .....	40	21.06
3 or more qualifying children .....	45	21.06
No qualifying children .....	7.65	7.65”.

10 (b) REDUCTION OF MARRIAGE PENALTY MADE PER-  
 11 MANENT.—

12 (1) IN GENERAL.—Subparagraph (B) of section  
 13 32(b)(2) of such Code is amended to read as follows:

14 “(B) JOINT RETURNS.—

15 “(i) IN GENERAL.—In the case of a  
 16 joint return filed by an eligible individual

1 and such individual's spouse, the phaseout  
2 amount determined under subparagraph  
3 (A) shall be increased by \$5,000.

4 “(ii) INFLATION ADJUSTMENT.—In  
5 the case of any taxable year beginning  
6 after 2012, the \$5,000 amount in clause  
7 (i) shall be increased by an amount equal  
8 to—

9 “(I) such dollar amount, multi-  
10 plied by

11 “(II) the cost of living adjust-  
12 ment determined under section 1(f)(3)  
13 for the calendar year in which the tax-  
14 able year begins determined by sub-  
15 stituting ‘calendar year 2009’ for ‘cal-  
16 endar year 1992’ in subparagraph (B)  
17 thereof.

18 “(iii) ROUNDING.—Subparagraph (A)  
19 of subsection (j)(2) shall apply after taking  
20 into account any increase under clause  
21 (ii).”.

22 (c) CONFORMING AMENDMENT.—Subsection (b) of  
23 section 32 of such Code is amended by striking paragraph  
24 (3).

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 the date of the enactment of this Act.

4 **SEC. 3. STRENGTHENING THE EARNED INCOME TAX CRED-**  
5 **IT FOR INDIVIDUALS WITH NO QUALIFYING**  
6 **CHILDREN.**

7 (a) CREDIT FOR CERTAIN INDIVIDUALS OVER AGE  
8 21.—

9 (1) IN GENERAL.—Paragraph (1) of section  
10 32(c) of the Internal Revenue Code of 1986 is  
11 amended by adding at the end the following new  
12 subparagraph:

13 “(G) SPECIAL RULE FOR WORKING INDI-  
14 VIDUALS OVER AGE 20 AND WITHOUT QUALI-  
15 FYING CHILD.—

16 “(i) IN GENERAL.—In the case of an  
17 individual (or, if the individual is married,  
18 either the individual or the individual’s  
19 spouse) who—

20 “(I) has attained the age of 21  
21 but not attained age 25 before the  
22 close of the taxable year, and

23 “(II) is not a full-time student at  
24 any time during the taxable year,

1 paragraph (1)(A)(ii)(II) shall not apply for  
2 purposes of determining whether such indi-  
3 vidual is an eligible individual.

4 “(ii) STUDENT.—For purposes of this  
5 subparagraph, an individual shall be con-  
6 sidered a full-time student if such indi-  
7 vidual is carrying more than  $\frac{1}{2}$  the normal  
8 full-time work load for the course of study  
9 the individual is pursuing.”.

10 (2) INFORMATION RETURN MATCHING.—Not  
11 later than 1 year after the date of the enactment of  
12 this Act, the Secretary of the Treasury shall develop  
13 and implement procedures for checking an individ-  
14 ual’s claim for a credit under section 32 of the In-  
15 ternal Revenue Code of 1986, by reason of sub-  
16 section (c)(1)(G) thereof, against any information  
17 return made with respect to such individual under  
18 section 6050S (relating to returns relating to higher  
19 education tuition and related expenses).

20 (b) INCREASED CREDIT.—

21 (1) CREDIT PERCENTAGE AND PHASEOUT PER-  
22 CENTAGE.—The table contained in section  
23 32(b)(1)(A) of such Code, as amended by this Act,  
24 is amended by striking “7.65” each place it appears  
25 and inserting “15.3”.

1           (2) EARNED INCOME AMOUNT AND PHASEOUT  
2           AMOUNT.—

3           (A) IN GENERAL.—The table contained in  
4           section 32(b)(2)(A) of such Code is amended—

5                   (i) by striking “\$4,220” and inserting  
6                   “\$8,820”, and

7                   (ii) by striking “\$5,280” and insert-  
8                   ing “\$10,425”.

9           (B) INFLATION ADJUSTMENTS.—Subpara-  
10           graph (B) of section 32(j)(1) of such Code is  
11           amended—

12                   (i) by inserting “except as provided in  
13                   clause (iii)” in clause (i) before “in the  
14                   case of amounts”,

15                   (ii) by striking “and” at the end of  
16                   clause (i), by striking the period at the end  
17                   of clause (ii) and inserting “, and”, and by  
18                   adding at the end the following new clause:

19                           “(iii) in the case of the \$8,820 and  
20                           \$10,425 amounts in subsection (b)(2)(A),  
21                           by substituting ‘calendar year 2012’ for  
22                           ‘calendar year 1992’ in subparagraph (B)  
23                           of such section 1.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 the date of the enactment of this Act.

4 **SEC. 4. TAXPAYER ELIGIBLE FOR CREDIT FOR INDIVID-**  
5 **UALS WITH NO QUALIFYING CHILDREN IF**  
6 **QUALIFYING CHILDREN DO NOT HAVE VALID**  
7 **SOCIAL SECURITY NUMBER.**

8 (a) IN GENERAL.—Subparagraph (F) of section  
9 32(c)(1) of the Internal Revenue Code of 1986 is amended  
10 to read as follows:

11 “(F) INDIVIDUALS WHO DO NOT INCLUDE  
12 TIN, ETC., OF ANY QUALIFYING CHILD.—In the  
13 case of any eligible individual who has one or  
14 more qualifying children, if—

15 “(i) no qualifying child of such indi-  
16 vidual is taken into account under sub-  
17 section (b) by reason of paragraph (3)(D),  
18 and

19 “(ii) no child of such individual is  
20 taken into account for purposes of any  
21 other child tax benefit under this chapter,  
22 for purposes of the credit allowed under this  
23 section, such individual may be considered an  
24 eligible individual without a qualifying child.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2012.

4 **SEC. 5. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**  
5 **RATED SPOUSES.**

6 (a) IN GENERAL.—Subsection (d) of section 32 of the  
7 Internal Revenue Code of 1986 is amended—

8 (1) by striking “MARRIED INDIVIDUALS.—In  
9 the case of” and inserting the following: “MARRIED  
10 INDIVIDUALS.—

11 “(1) IN GENERAL.—In the case of”, and

12 (2) by adding at the end the following new  
13 paragraph:

14 “(2) SPECIAL RULE FOR SEPARATED  
15 SPOUSE.—An individual shall not be treated as mar-  
16 ried for purposes of this section if such individual—

17 “(A) is married (within the meaning of  
18 section 7703(a)) and files a separate return for  
19 the taxable year,

20 “(B) lives with a qualifying child of the in-  
21 dividual for more than one-half of such taxable  
22 year, and

23 “(C)(i) during the last 6 months such tax-  
24 able year, does not have the same principal  
25 place of abode as the individual’s spouse, or



1           “(ii) has a legally binding separation  
2           agreement with the individual’s spouse and is  
3           not a member of the same household with the  
4           individual’s spouse by the end of the taxable  
5           year.”.

6           (b) EFFECTIVE DATE.—The amendments made by  
7           this section shall apply to taxable years beginning after  
8           the date of the enactment of this Act.

9           **SEC. 6. TAXPAYER ELIGIBLE FOR CREDIT WITHOUT QUALI-**  
10                           **FYING CHILD IF QUALIFYING CHILD**  
11                           **CLAIMED BY ANOTHER MEMBER OF FAMILY.**

12           (a) IN GENERAL.—Paragraph (1) of section 32(c) of  
13           the Internal Revenue Code of 1986 is amended by adding  
14           at the end the following new subparagraph:

15                           “(G) TAXPAYER ELIGIBLE FOR CREDIT  
16                           WITHOUT QUALIFYING CHILD IF QUALIFYING  
17                           CHILD CLAIMED BY ANOTHER MEMBER OF FAM-  
18                           ILY.—

19   “(i) IN GENERAL.—If—

20   “(I) an individual is claimed as a  
21   qualifying child by an eligible indi-  
22   vidual for any taxable year of such eli-  
23   gible individual beginning in a cal-  
24   endar year, and

1                   “(II) such individual is the quali-  
2                   fying child of another eligible indi-  
3                   vidual for any taxable year beginning  
4                   in such calendar year,  
5                   such other eligible individual may be treat-  
6                   ed as an eligible individual without a quali-  
7                   fying child for purposes of this section for  
8                   such taxable year.

9                   “(ii) EXCEPTION FOR QUALIFYING  
10                  CHILD CLAIMED BY PARENT.—If an indi-  
11                  vidual is claimed as a qualifying child for  
12                  any taxable year by a parent of such child,  
13                  clause (i) shall not apply with respect to  
14                  any other custodial parent of such child.”.

15                  (b) EFFECTIVE DATE.—The amendment made by  
16 this section shall apply to taxable years beginning after  
17 the date of the enactment of this Act.

18 **SEC. 7. ELIMINATION OF DISQUALIFIED INVESTMENT IN-**  
19 **COME TEST.**

20                  (a) IN GENERAL.—Section 32 of the Internal Rev-  
21 enue Code of 1986 is amended by striking subsection (i).

22                  (b) CONFORMING AMENDMENTS.—

23                         (1) Section 32(j)(1)(B)(i) of such Code is  
24 amended by striking “subsections (b)(2)(A) and  
25 (i)(1)” and inserting “subsection (b)(2)(A)”.

- 1           (2) Section 32(j)(2) of such Code is amended—
- 2                 (A) by striking paragraph (2), and
- 3                 (B) by striking “ROUNDING.—” and all
- 4           that follows through “If any dollar amount”
- 5           and inserting the following:“ROUNDING.—If
- 6           any dollar amount”
- 7           (c) EFFECTIVE DATE.—The amendments made by
- 8           this section shall apply to taxable years beginning after
- 9           the date of the enactment of this Act.

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