

107TH CONGRESS  
1ST SESSION

# H. R. 1190

To amend the Internal Revenue Code of 1986 to permit a husband and wife to file a combined return to which separate tax rates apply.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2001

Mr. MATHESON 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 permit a husband and wife to file a combined return to which separate tax rates apply.

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 “Marriage Penalty Re-  
5       lief Act”.

6       **SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES**  
7       **APPLY.**

8       (a) IN GENERAL.—Subpart B of part II of sub-  
9       chapter A of chapter 61 of the Internal Revenue Code of

1 1986 (relating to income tax returns) is amended by in-  
2 serting after section 6013 the following new section:

3 **“SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.**

4 “(a) GENERAL RULE.—A husband and wife may  
5 make a combined return of income taxes under subtitle  
6 A under which—

7 “(1) a separate taxable income is determined  
8 for each spouse by applying the rules provided in  
9 this section, and

10 “(2) the tax imposed by section 1 is the aggre-  
11 gate amount resulting from applying the separate  
12 rates set forth in section 1(c) to each such taxable  
13 income.

14 “(b) TREATMENT OF INCOME.—For purposes of this  
15 section—

16 “(1) earned income (within the meaning of sec-  
17 tion 911(d)), and any income received as a pension  
18 or annuity which arises from an employer-employee  
19 relationship, shall be treated as the income of the  
20 spouse who rendered the services,

21 “(2) income from property shall be divided be-  
22 tween the spouses in accordance with their respec-  
23 tive ownership rights in such property (equally in  
24 the case of property held jointly by the spouses), and

1           “(3) any exclusion from income shall be allow-  
2           able to the spouse with respect to whom the income  
3           would be otherwise includible.

4           “(c) TREATMENT OF DEDUCTIONS.—For purposes of  
5 this section—

6           “(1) except as otherwise provided in this sub-  
7           section, the deductions described in section 62(a)  
8           shall be allowed to the spouse treated as having the  
9           income to which such deductions relate,

10           “(2) the deductions allowable by section 151(b)  
11           (relating to personal exemptions for taxpayer and  
12           spouse) shall be determined by allocating 1 personal  
13           exemption to each spouse,

14           “(3) section 63 shall be applied as if such  
15           spouses were not married, except that the election  
16           whether or not to itemize deductions shall be made  
17           jointly by both spouses and apply to each, and

18           “(4) each spouse’s share of all other deductions  
19           shall be determined by multiplying the aggregate  
20           amount thereof by the fraction—

21                   “(A) the numerator of which is such  
22                   spouse’s gross income, and

23                   “(B) the denominator of which is the com-  
24                   bined gross incomes of the 2 spouses.

1 Any fraction determined under paragraph (4) shall be  
2 rounded to the nearest percentage point.

3 “(d) TREATMENT OF CREDITS.—For purposes of this  
4 section—

5 “(1) IN GENERAL.—Except as provided in para-  
6 graph (2), each spouse’s share of credits allowed to  
7 both spouses shall be determined by multiplying the  
8 aggregate amount of the credits by the fraction de-  
9 termined under subsection (c)(4).

10 “(2) EARNED INCOME CREDIT.—The earned in-  
11 come credit under section 32 shall be determined as  
12 if each spouse were a separate taxpayer, except  
13 that—

14 “(A) the earned income and the modified  
15 adjusted gross income of each spouse shall be  
16 determined under the rules of subsections (b),  
17 (c), and (e), and

18 “(B) qualifying children shall be allocated  
19 between spouses proportionate to the earned in-  
20 come of each spouse (rounded to the nearest  
21 whole number).

22 “(e) SPECIAL RULES REGARDING INCOME LIMITA-  
23 TIONS.—

24 “(1) EXCLUSIONS AND DEDUCTIONS.—For pur-  
25 poses of making a determination under subsection

1 (b) or (c), any eligibility limitation with respect to  
2 each spouse shall be determined by taking into ac-  
3 count the limitation applicable to a single individual.

4 “(2) CREDITS.—For purposes of making a de-  
5 termination under subsection (d)(1), in no event  
6 shall an eligibility limitation for any credit allowable  
7 to both spouses be less than twice such limitation  
8 applicable to a single individual.

9 “(f) SPECIAL RULES FOR ALTERNATIVE MINIMUM  
10 TAX.—If a husband and wife elect the application of this  
11 section—

12 “(1) the tax imposed by section 55 shall be  
13 computed separately for each spouse, and

14 “(2) for purposes of applying section 55—

15 “(A) the rules under this section for allo-  
16 cating items of income, deduction, and credit  
17 shall apply, and

18 “(B) the exemption amount for each  
19 spouse shall be the amount determined under  
20 section 55(d)(1)(B).

21 “(g) TREATMENT AS JOINT RETURN.—Except as  
22 otherwise provided in this section or in the regulations  
23 prescribed hereunder, for purposes of this title (other than  
24 sections 1 and 63(c)) a combined return under this section  
25 shall be treated as a joint return.

1 “(h) PHASE-IN OF BENEFIT.—

2 “(1) IN GENERAL.—In the case of any taxable  
3 year beginning before January 1, 2004, the tax im-  
4 posed by section 1 or 55 shall in no event be less  
5 than the sum of—

6 “(A) the tax determined after the applica-  
7 tion of this section, plus

8 “(B) the applicable percentage of the ex-  
9 cess of—

10 “(i) the tax determined without the  
11 application of this section, over

12 “(ii) the amount determined under  
13 subparagraph (A).

14 “(2) APPLICABLE PERCENTAGE.—For purposes  
15 of paragraph (1), the applicable percentage shall be  
16 determined in accordance with the following table:

<b>“For taxable years beginning in:</b>	<b>The applicable percentage is:</b>
2002 .....	50
2003 .....	10.

17 “(i) REGULATIONS.—The Secretary shall prescribe  
18 such regulations as may be necessary or appropriate to  
19 carry out this section.”.

20 (b) UNMARRIED RATE MADE APPLICABLE.—So  
21 much of subsection (c) of section 1 of the Internal Rev-  
22 enue Code of 1986 as precedes the table is amended to  
23 read as follows:

1       “(c) SEPARATE OR UNMARRIED RETURN RATE.—  
 2 There is hereby imposed on the taxable income of every  
 3 individual (other than a married individual (as defined in  
 4 section 7703) filing a return which is not a combined re-  
 5 turn under section 6013A, a surviving spouse as defined  
 6 in section 2(a), or a head of household as defined in sec-  
 7 tion 2(b)) a tax determined in accordance with the fol-  
 8 lowing table:”.

9       (c) PENALTY FOR SUBSTANTIAL UNDERSTATEMENT  
 10 OF INCOME FROM PROPERTY.—Section 6662 of the Inter-  
 11 nal Revenue Code of 1986 (relating to imposition of accu-  
 12 racy-related penalty) is amended—

13               (1) by adding at the end of subsection (b) the  
 14 following:

15               “(6) Any substantial understatement of income  
 16 from property under section 6013A.”, and

17               (2) by adding at the end the following new sub-  
 18 section:

19       “(i) SUBSTANTIAL UNDERSTATEMENT OF INCOME  
 20 FROM PROPERTY UNDER SECTION 6013A.—For pur-  
 21 poses of this section, there is a substantial understatement  
 22 of income from property under section 6013A if—

23               “(1) the spouses electing the treatment of such  
 24 section for any taxable year transfer property from  
 25 1 spouse to the other spouse in such year,

1           “(2) such transfer results in reduced tax liabil-  
2           ity under such section, and

3           “(3) the significant purpose of such transfer is  
4           the avoidance or evasion of Federal income tax.”.

5           (d) PROTECTION OF SOCIAL SECURITY AND MEDI-  
6           CARE TRUST FUNDS.—

7           (1) IN GENERAL.—Nothing in this section shall  
8           be construed to alter or amend the Social Security  
9           Act (or any regulation promulgated under that Act).

10          (2) TRANSFERS.—

11           (A) ESTIMATE OF SECRETARY.—The Sec-  
12           retary of the Treasury shall annually estimate  
13           the impact that the enactment of this section  
14           has on the income and balances of the trust  
15           funds established under sections 201 and 1817  
16           of the Social Security Act (42 U.S.C. 401 and  
17           1395i).

18           (B) TRANSFER OF FUNDS.—If, under sub-  
19           paragraph (A), the Secretary of the Treasury  
20           estimates that the enactment of this section has  
21           a negative impact on the income and balances  
22           of such trust funds, the Secretary shall trans-  
23           fer, not less frequently than quarterly, from the  
24           general revenues of the Federal Government an  
25           amount sufficient so as to ensure that the in-



1           come and balances of such trust funds are not  
2           reduced as a result of the enactment of this sec-  
3           tion.

4           (e) CLERICAL AMENDMENT.—The table of sections  
5 for subpart B of part II of subchapter A of chapter 61  
6 of the Internal Revenue Code of 1986 is amended by in-  
7 serting after the item relating to section 6013 the fol-  
8 lowing:

“Sec. 6013A. Combined return with separate rates.”.

9           (f) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to taxable years beginning after  
11 December 31, 2001.

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