

109TH CONGRESS
1ST SESSION

S. 1770

To amend the Internal Revenue Code of 1986 to provide for advance payment of the earned income tax credit and the child tax credit for 2005 in order to provide needed funds to victims of Hurricane Katrina and to stimulate local economies.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2005

Mr. OBAMA (for himself, Mrs. MURRAY, Mr. CORZINE, Mr. KERRY, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to provide for advance payment of the earned income tax credit and the child tax credit for 2005 in order to provide needed funds to victims of Hurricane Katrina and to stimulate local economies.

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 “Hurricane Katrina
5 Fast-Track Refunds for Working Families Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 (1) An estimated 1.3 million households were
3 affected by Hurricane Katrina, many of which were
4 working families left with no material belongings
5 and minimal assets following the storm.

6 (2) It will be difficult for these working families
7 to immediately find new employment opportunities
8 and to restore lost wages, thus depleting their re-
9 sources for food, housing, clothing, and other neces-
10 sities.

11 (3) These working families can be expected to
12 spend their fast-tracked tax refunds on immediate
13 necessities which will stimulate local economic activ-
14 ity.

15 (4) These families have worked hard, earned
16 their Child Tax Credit and Earned Income Tax
17 Credit refunds and should receive them now rather
18 than later.

19 **SEC. 3. ADVANCE PAYMENT OF EARNED INCOME TAX**
20 **CREDIT AND CHILD TAX CREDIT FOR 2005**
21 **FOR VICTIMS OF HURRICANE KATRINA.**

22 (a) IN GENERAL.—Subchapter B of chapter 61 of the
23 Internal Revenue Code of 1986 (relating to rules of special
24 application) is amended by adding at the end the following
25 new section:

1 **“SEC. 6430. ADVANCE PAYMENT OF EARNED INCOME TAX**
 2 **CREDIT AND CHILD TAX CREDIT FOR 2005**
 3 **FOR VICTIMS OF HURRICANE KATRINA.**

4 “(a) IN GENERAL.—Each eligible taxpayer shall be
 5 treated as having made a payment against the tax imposed
 6 by chapter 1 for the taxpayer’s last taxable year ending
 7 in 2004 in an amount equal to—

8 “(1) the child tax credit refund amount (if any)
 9 for such taxable year, and

10 “(2) the earned income credit refund amount
 11 (if any) for such taxable year.

12 “(b) DEFINITIONS.—For purposes of this section—

13 “(1) ELIGIBLE TAXPAYER.—The term ‘eligible
 14 taxpayer’ means any taxpayer—

15 “(A) who was allowed a credit under sec-
 16 tion 24 (relating to child tax credit) or section
 17 32 (relating to earned income credit) for the
 18 taxpayer’s last taxable year ending in 2004,
 19 and

20 “(B) whose address on such taxpayer’s re-
 21 turn for such last taxable year was within an
 22 area determined by the President to warrant in-
 23 dividual or individual and public assistance
 24 from the Federal Government under the Robert
 25 T. Stafford Disaster Relief and Emergency As-
 26 sistance Act by reason of Hurricane Katrina.

1 “(2) CHILD TAX CREDIT REFUND AMOUNT.—

2 The child tax credit refund amount is the amount of
3 the credit which would have been allowed under sec-
4 tion 24 for such last taxable year if only qualifying
5 children (as defined in section 24(c)) of the taxpayer
6 for such year who had not attained age 17 as of De-
7 cember 31, 2005, were taken into account.

8 “(3) EARNED INCOME CREDIT REFUND

9 AMOUNT.—The earned income credit refund amount
10 is the amount of the credit which would have been
11 allowed under section 32 for such last taxable year
12 if—

13 “(A) the amount in section 32(b)(2)(B)
14 were \$2,000, and

15 “(B) an individual is treated as meeting
16 the age requirements under section 32 only if
17 such requirements are met as of December 31,
18 2005.

19 “(c) TIMING OF PAYMENTS.—In the case of any over-
20 payment attributable to this section, the Secretary shall,
21 subject to the provisions of this title, refund or credit such
22 overpayment as rapidly as possible and shall ensure that
23 adequate systems and delivery mechanisms are in place
24 for the prompt delivery of refunds to eligible recipients.

25 “(d) COORDINATION WITH CREDITS.—

1 “(1) IN GENERAL.—The amount of credit
 2 which would (but for this subsection and section 26)
 3 be allowed under sections 24 and 32, as the case
 4 may be, for the taxpayer’s first taxable year begin-
 5 ning in 2005 shall be reduced (but not below zero)
 6 by so much of the payment made to the taxpayer
 7 under this section as is attributable to such section
 8 24 or 32. Any failure to so reduce the credit shall
 9 be treated as arising out of a mathematical or cler-
 10 ical error and assessed according to section
 11 6213(b)(1).

12 “(2) JOINT RETURNS.—In the case of a pay-
 13 ment under this section with respect to a joint re-
 14 turn, half of such payment shall be treated as hav-
 15 ing been made to each individual filing such return.

16 “(e) NO INTEREST.—No interest shall be allowed on
 17 any overpayment attributable to this section.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 for such subchapter B is amended by adding at the end
 20 the following new item:

“Sec. 6430. Advance payment of earned income tax credit and child tax credit
 for 2005 for victims of Hurricane Katrina.”.

21 (c) EFFECTIVE DATE.—The amendments made by
 22 this section shall take effect on the date of the enactment
 23 of this Act.

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