

116TH CONGRESS
1ST SESSION

S. _____

To amend the Internal Revenue Code of 1986 to expand the earned income and child tax credits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BROWN (for himself, Mr. BENNET, Mr. DURBIN, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Mr. JONES, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Internal Revenue Code of 1986 to expand the earned income and child tax credits, and for other purposes.

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. AMENDMENT OF 1986 CODE.**

4 Except as otherwise expressly provided, whenever in
5 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
 2 sion, the reference shall be considered to be made to a
 3 section or other provision of the Internal Revenue Code
 4 of 1986.

5 **SEC. 2. EXPANSION OF EARNED INCOME CREDIT.**

6 (a) CREDIT PERCENTAGE; PHASEOUT PERCENT-
 7 AGE.—The table contained in paragraph (1) of section
 8 32(b) is amended to read as follows:

“In the case of an eligible individual with:	The credit percentage is:	The phase- out percent- age is:
1 qualifying child	42.5	15.98
2 qualifying children	50	21.06
3 or more qualifying children	52.5	21.06
No qualifying children	20	15.98.”.

9 (b) EARNED INCOME AMOUNT; PHASEOUT
 10 AMOUNT.—

11 (1) IN GENERAL.—The table contained in sub-
 12 paragraph (A) of section 32(b)(2) is amended to
 13 read as follows:

“In the case of an eligible individual with:	The earned income amount is:	The phase- out amount is:
1 qualifying child	\$10,180	\$18,660
2 or more qualifying children	\$14,290	\$18,660
No qualifying children	\$10,180	\$11,380.”.

14 (2) JOINT FILERS.—Subparagraph (B) of sec-
 15 tion 32(b)(2) is amended by striking “\$5,000” and
 16 inserting “\$5,690”.

1 (5) by adding at the end the following new sub-
2 clause:

3 “(IV) in the case of an individual
4 who has not attained age 25 before
5 the close of the taxable year, such in-
6 dividual is not a student (as defined
7 in section 152(f)(2)).”.

8 (d) ADVANCE PAYMENT OF EARNED INCOME CRED-
9 IT.—

10 (1) IN GENERAL.—Chapter 25 of subtitle C is
11 amended by inserting after section 3506 the fol-
12 lowing new section:

13 **“SEC. 3507. ADVANCE PAYMENT OF EARNED INCOME CRED-**
14 **IT.**

15 “(a) ADVANCE PAYMENT.—

16 “(1) IN GENERAL.—An employer making pay-
17 ment of wages to an employee with respect to whom
18 an eligibility certificate is in effect shall, at the time
19 of paying such wages for the payroll period elected
20 by the employee under paragraph (2), make an addi-
21 tional lump sum payment to such employee equal to
22 the earned income advance amount (except as pro-
23 vided in subsection (b)(1)(C)(ii)) of such employee.

24 “(2) PAYMENTS AVAILABLE AFTER 6 MONTHS
25 OF EMPLOYMENT DURING CALENDAR YEAR.—For

1 purposes of paragraph (1), an employee with respect
2 to whom an eligibility certificate is in effect for the
3 calendar year may elect to receive the earned income
4 advance amount at the same time as wages for any
5 payroll period which begins after the employee has
6 been paid wages by the employer for a period of not
7 less than 6 months during such calendar year.

8 “(b) ELIGIBILITY CERTIFICATE.—

9 “(1) IN GENERAL.—For purposes of this sec-
10 tion, an eligibility certificate is a statement sub-
11 mitted by an employee to the employer which—

12 “(A) certifies that the employee is eligible
13 to receive the credit provided by section 32 for
14 the taxable year,

15 “(B) certifies that the employee does not
16 have an eligibility certificate in effect for the
17 calendar year with respect to the payment of
18 wages by another employer, and

19 “(C) certifies that—

20 “(i) an eligibility certificate has not
21 been in effect for the spouse of the em-
22 ployee on any date during the calendar
23 year, or

24 “(ii) such a certificate is in effect for
25 the spouse of the employee, and the em-

1 ployee is eligible to receive only $\frac{1}{2}$ the
2 earned income advance amount otherwise
3 determined with respect to the employee.

4 “(2) EMPLOYER NOT RESPONSIBLE FOR
5 VERIFICATION.—For purposes of this section, an
6 employer shall not—

7 “(A) be required to verify any certification
8 made by an employee in the statement de-
9 scribed in paragraph (1), or

10 “(B) be held liable for any false claims or
11 statements made by an employee in regards to
12 such statement.

13 “(c) EARNED INCOME ADVANCE AMOUNT.—

14 “(1) DETERMINATION OF AMOUNT.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), the term ‘earned income advance
17 amount’ means, with respect to any payroll pe-
18 riod, the amount of the credit provided under
19 section 32 as determined—

20 “(i) on the basis of the wages of the
21 employee from the employer during such
22 calendar year through such payroll period,
23 and

24 “(ii) in accordance with tables issued
25 by the Secretary.

1 “(B) LIMITATION.—For each calendar
2 year, except as provided in subparagraph (C),
3 the earned income advance amount shall not ex-
4 ceed \$500.

5 “(C) ADJUSTMENT FOR INFLATION.—

6 “(i) IN GENERAL.—In the case of any
7 taxable year beginning after 2019, the
8 \$500 amount in subparagraph (B) shall be
9 increased by an amount equal to—

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

12 “(II) the cost-of-living adjust-
13 ment determined under section 1(f)(3)
14 for the calendar year in which the tax-
15 able year begins determined by sub-
16 stituting ‘calendar year 2018’ for ‘cal-
17 endar year 2016’ in subparagraph
18 (A)(ii) thereof.

19 “(ii) ROUNDING.—If any increase de-
20 termined under paragraph (1) is not a
21 multiple of \$10, such increase shall be
22 rounded to the nearest multiple of \$10.

23 “(2) ARMED FORCES.—In the case of an em-
24 ployee who is a member of the Armed Forces of the
25 United States, the earned income advance amount

1 shall be determined by taking into account the total
2 wages of such employee, as determined for purposes
3 of section 32.

4 “(3) ADVANCE AMOUNT TABLES.—For pur-
5 poses of paragraph (1)(A)(ii), the tables issued by
6 the Secretary shall be similar in form to the tables
7 issued under section 3402 and, to the extent fea-
8 sible, coordinated with such tables.

9 “(d) PAYMENTS TO BE TREATED AS PAYMENTS OF
10 WITHHOLDING AND FICA TAXES.—

11 “(1) IN GENERAL.—Payments made by an em-
12 ployer under subsection (a) to an employee—

13 “(A) shall not be treated as payment of
14 compensation, and

15 “(B) shall be treated as made out of—

16 “(i) amounts required to be deducted
17 and withheld for the payroll period under
18 section 3401,

19 “(ii) amounts required to be deducted
20 for the payroll period under section 3102,
21 and

22 “(iii) amounts of the taxes imposed
23 for the payroll period under section 3111,

1 as if the employer had paid to the Secretary, on
2 the day on which the wages are paid to the em-
3 ployee, an amount equal to such payments.

4 “(2) ADVANCE PAYMENTS EXCEED TAXES
5 DUE.—In the case of any employer, if for any pay-
6 roll period the aggregate amount of earned income
7 advance payments exceeds the sum of the amounts
8 referred to in paragraph (1)(B), the employer shall
9 pay only so much of such earned income advance
10 payment as does not exceed such sum, and shall not
11 make any further advance payments to the employee
12 for the calendar year.

13 “(3) FAILURE TO MAKE ADVANCE PAY-
14 MENTS.—Failure to make any payment of an earned
15 income advance amount as required under this sec-
16 tion shall be treated as the failure at such time to
17 deduct and withhold under chapter 24 an amount
18 equal to the earned income advance amount.

19 “(e) SUBMISSION OF CERTIFICATE.—

20 “(1) EFFECTIVE PERIOD.—An eligibility certifi-
21 cate submitted to an employer at any time during
22 the calendar year shall continue in effect with re-
23 spect to the employee during such calendar year
24 until revoked by the employee or until another such
25 certificate takes effect under this section.

1 “(B) the period of 2 taxable years after
2 the most recent taxable year for which there
3 was a final determination that the taxpayer’s
4 claim of an earned income advance amount
5 under this section was due to reckless or inten-
6 tional disregard of rules and regulations (but
7 not due to fraud).

8 “(g) TAXABLE YEAR.—The term ‘taxable year’
9 means the last taxable year of the employee under subtitle
10 A beginning in the calendar year in which the wages are
11 paid.

12 “(h) IRS NOTIFICATION.—The Internal Revenue
13 Service shall take such steps as may be appropriate to en-
14 sure that taxpayers who receive a refund of the credit
15 under section 32 are aware of the availability of earned
16 income advance amounts under this section.”.

17 (2) COORDINATION WITH ADVANCE PAY-
18 MENTS.—Section 32 is amended by inserting after
19 subsection (f) the following new subsection:

20 “(g) COORDINATION WITH ADVANCE PAYMENTS OF
21 EARNED INCOME CREDIT.—

22 “(1) RECAPTURE OF ADVANCE PAYMENTS.—If
23 any payment is made to the individual by an em-
24 ployer under section 3507 during any calendar year,
25 then the tax imposed by this chapter for the individ-

1 ual’s last taxable year beginning in such calendar
2 year shall be increased by the aggregate amount of
3 such payments.

4 “(2) RECONCILIATION OF PAYMENTS AD-
5 VANCED AND CREDIT ALLOWED.—Any increase in
6 tax under paragraph (1) shall not be treated as tax
7 imposed by this chapter for purposes of determining
8 the amount of any credit (other than the credit al-
9 lowed by subsection (a)) allowable under this part.”.

10 (3) FILING REQUIREMENT.—Section 6012(a) is
11 amended—

12 (A) in paragraph (7), by striking “and” at
13 the end,

14 (B) in paragraph (8), by adding “and” at
15 the end, and

16 (C) by inserting after paragraph (8) the
17 following new paragraph:

18 “(9) Every individual who receives payments
19 during the calendar year in which the taxable year
20 begins under section 3507;”.

21 (4) RECEIPTS FOR EMPLOYEES.—Section
22 6051(a) is amended by inserting after paragraph (6)
23 the following new paragraph:

1 “(7) the total amount paid to the employee
2 under section 3507 (relating to advance payment of
3 earned income credit),”.

4 (5) CLERICAL AMENDMENT.—The table of sec-
5 tions for chapter 25 of subtitle C is amended by in-
6 serting after the item relating to section 3506 the
7 following new item:

“Sec. 3507. Advance payment of earned income credit.”.

8 (e) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to taxable years beginning after
10 December 31, 2018.

11 **SEC. 3. PERMANENT EXPANSION AND MODIFICATION OF**
12 **CHILD TAX CREDIT.**

13 (a) PERMANENCE OF CERTAIN SPECIAL RULES.—

14 (1) CREDIT AMOUNT.—Subsection (a) of section
15 24 is amended by striking “\$1,000” and inserting
16 “\$2,000”.

17 (2) THRESHOLD AMOUNT.—Paragraph (2) of
18 section 24(b) is amended—

19 (A) by striking “\$110,000” in subpara-
20 graph (A) and inserting “\$200,000”,

21 (B) by striking “\$75,000” in subpara-
22 graph (B) and inserting “\$150,000”, and

23 (C) by striking “\$55,000” in subparagraph
24 (C) and inserting “\$100,000”.

1 (3) PARTIAL CREDIT ALLOWED FOR CERTAIN
2 OTHER DEPENDENTS; ELIMINATION OF MAXIMUM
3 AMOUNT OF REFUNDABLE CREDIT.—Subsection (h)
4 of section 24 is amended—

5 (A) by striking paragraphs (1), (2), (3),
6 (5), and (6) and by redesignating paragraphs
7 (4) and (7) as paragraphs (1) and (2), respec-
8 tively,

9 (B) by striking “(after the application of
10 paragraph (2))” in subparagraph (A) of para-
11 graph (1), as so redesignated,

12 (C) by striking “paragraph (7)” in sub-
13 paragraph (C) of paragraph (1), as so redesign-
14 ated, and inserting “paragraph (2)”,

15 (D) by inserting “for a taxable year begin-
16 ning after December 31, 2017, and before Jan-
17 uary 1, 2026,” after “under this section” in
18 paragraph (2), as so redesignated, and

19 (E) by striking “FOR TAXABLE YEARS
20 2018 THROUGH 2025” in the heading.

21 (b) INCREASE IN CREDIT FOR YOUNG CHILDREN.—
22 Subsection (a) of section 24, as amended by subsection
23 (a)(1), is amended by striking “\$2,000” and inserting
24 “\$2,000 (\$3,000 in the case of a qualifying child who has
25 not attained age 6)”.

1 (c) ADJUSTMENT FOR INFLATION.—Section 24 is
2 amended by redesignating subsection (h), as amended by
3 subsection (a)(3) of this section, as subsection (i) and by
4 inserting after subsection (g) the following new subsection:

5 “(h) ADJUSTMENT FOR INFLATION.—

6 “(1) IN GENERAL.—In the case of any taxable
7 year beginning after 2019, each of the dollar
8 amounts in subsection (a) shall be increased by an
9 amount equal to—

10 “(A) such dollar amount, multiplied by

11 “(B) the cost-of-living adjustment deter-
12 mined under section 1(f)(3) for the calendar
13 year in which the taxable year begins, deter-
14 mined by substituting ‘calendar year 2018’ for
15 ‘calendar year 2016’ in subparagraph (A)(ii)
16 thereof.

17 “(2) ROUNDING.—If any amount as adjusted
18 under paragraph (1) is not a multiple of \$50, such
19 amount shall be rounded to the next lowest multiple
20 of \$50.”.

21 (d) MODIFICATION OF QUALIFYING CHILD DEFINI-
22 TION.—Paragraph (1) of section 24(c) is amended by in-
23 serting “, determined without regard to paragraph (1)(D)
24 thereof” after “section 152(c)”.

25 (e) TREATMENT AS FULLY REFUNDABLE.—

1 (1) CREDIT MOVED TO SUBPART RELATING TO
2 REFUNDABLE CREDITS.—

3 (A) IN GENERAL.—The Internal Revenue
4 Code of 1986 is amended—

5 (i) by redesignating section 24, as
6 amended by this section, as section 36C,
7 and

8 (ii) by moving such section, as so re-
9 designated, from subpart A of part IV of
10 subchapter A of chapter 1 to the location
11 immediately after section 36B in subpart
12 C of part IV of subchapter A of chapter 1.

13 (B) TECHNICAL AMENDMENTS.—

14 (i) Subsection (a) of section 36C, as
15 moved and redesignated by subparagraph
16 (A), is amended by striking “this chapter”
17 and inserting “this subtitle”.

18 (ii) Section 36C, as so moved and re-
19 designated, is amended—

20 (I) by striking subsection (d),
21 and

22 (II) by redesignating subsection
23 (i) as subsection (d), and by moving
24 such subsection to the location imme-
25 diately after subsection (c).

1 (C) PARTIAL CREDIT FOR OTHER DEPEND-
2 ENTS NONREFUNDABLE.—Paragraph (1) of
3 subsection (d) of section 36C, as moved and re-
4 designated by subparagraph (B)(ii), is amended
5 by adding at the end the following new sub-
6 paragraph:

7 “(D) PORTION OF CREDIT NONREFUND-
8 ABLE.—The amount of the credit allowed under
9 this paragraph—

10 “(i) shall not be treated as a credit al-
11 lowed under this subpart, and

12 “(ii) shall not be taken into account in
13 determining the amount of the credit
14 under this section for purposes of section
15 7527A.”.

16 (D) CLERICAL AMENDMENTS.—

17 (i) The table of sections for subpart A
18 of part IV of subchapter A of chapter 1 is
19 amended by striking the item relating to
20 section 24.

21 (ii) The table of sections for subpart
22 C of part IV of subchapter A of chapter 1
23 is amended by adding at the end the fol-
24 lowing new item:

“Sec. 36C. Child tax credit.”.

25 (2) ADVANCE PAYMENT OF CREDIT.—

1 (A) IN GENERAL.—Section 36C, as amend-
2 ed by the preceding provisions of this section,
3 is amended by adding at the end the following
4 new subsection:

5 “(i) RECONCILIATION OF CREDIT AND ADVANCE
6 CREDIT.—

7 “(1) IN GENERAL.—The amount of the credit
8 allowed under this section for any taxable year shall
9 be reduced (but not below zero) by the aggregate
10 amount of any advance payments of such credit
11 under section 7527A for such taxable year.

12 “(2) EXCESS ADVANCE PAYMENTS.—If the ag-
13 gregate amount of advance payments under section
14 7527A for the taxable year exceed the amount of the
15 credit allowed under this section for such taxable
16 year (determined without regard to paragraph (1)),
17 the tax imposed by this chapter for such taxable
18 year shall be increased by the amount of such ex-
19 cess.”.

20 (B) ADVANCE PAYMENT.—Chapter 77 is
21 amended by inserting after section 7527 the fol-
22 lowing new section:

1 **“SEC. 7527A. ADVANCE PAYMENT OF REFUNDABLE CHILD**
2 **TAX CREDIT.**

3 “(a) IN GENERAL.—As soon as practicable and not
4 later than 1 year after the date of the enactment of this
5 section, the Secretary shall establish a program for mak-
6 ing advance payments of the credit allowed under section
7 36C (determined without regard to subsection (i)(1) of
8 such section) on a monthly basis, or as frequently as the
9 Secretary determines to be administratively feasible, to
10 taxpayers allowed such credit.

11 “(b) LIMITATION.—

12 “(1) IN GENERAL.—The Secretary may make
13 payments under subsection (a) only to the extent
14 that the total amount of such payments made to any
15 taxpayer during the taxable year does not exceed an
16 amount equal to the excess, if any, of—

17 “(A) subject to paragraph (2), the amount
18 determined under section 36C with respect to
19 such taxpayer (determined without regard to
20 subsection (i) of such section) for such taxable
21 year, over

22 “(B) the estimated tax imposed by subtitle
23 A, as reduced by the credits allowable under
24 subparts A and C (with the exception of section
25 36C) of such part IV, with respect to such tax-
26 payer for such taxable year, as determined in

1 such manner as the Secretary deems appro-
2 priate.

3 “(2) APPLICATION OF THRESHOLD AMOUNT
4 LIMITATION.—The program described in subsection
5 (a) shall make reasonable efforts to apply the limita-
6 tion of section 36C(b) with respect to payments
7 made under such program.”.

8 (C) CLERICAL AMENDMENT.—The table of
9 sections for chapter 77 is amended by inserting
10 after the item relating to section 7527 the fol-
11 lowing new item:

“Sec. 7527A. Advance payment of child tax credit.”.

12 (3) CONFORMING AMENDMENTS.—

13 (A) Subparagraph (B) of section 45R(f)(3)
14 is amended to read as follows:

15 “(B) SPECIAL RULE.—Any amounts paid
16 pursuant to an agreement under section 3121(l)
17 (relating to agreements entered into by Amer-
18 ican employers with respect to foreign affiliates)
19 which are equivalent to the taxes referred to in
20 subparagraph (A) shall be treated as taxes re-
21 ferred to in such subparagraph.”.

22 (B) Section 152(f)(6)(B)(ii) is amended by
23 striking “section 24” and inserting “section
24 36C”.

1 (C) Paragraph (26) of section 501(c) is
2 amended in the flush matter at the end by
3 striking “section 24(c)” and inserting “section
4 36C(c)”.

5 (D) Section 6211(b)(4)(A) is amended—
6 (i) by striking “24(d),”, and
7 (ii) by striking “and 36B, 168(k)(4)”
8 and inserting “36B, and 36C”.

9 (E) Section 6213(g)(2) is amended—
10 (i) in subparagraph (I), by striking
11 “section 24(e)” and inserting “section
12 36C(e)”,

13 (ii) in subparagraph (L), by striking
14 “24, or 32” and inserting “32, or 36C”,
15 and

16 (iii) in subparagraph (P)—
17 (I) by striking “24(g)(2)” and in-
18 serting “36C(g)(2)”, and
19 (II) by striking “section 24” and
20 inserting “section 36C”.

21 (F) Section 6402(m) is amended by strik-
22 ing “section 24 (by reason of subsection (d)
23 thereof) or 32” and inserting “section 32 or
24 36C”.

1 (G) Section 6695(g)(2) is amended by
2 striking “24, 25A(a)(1), or 32” and inserting
3 “25A(a)(1), 32, or 36C”.

4 (H) Paragraph (2) of section 1324(b) of
5 title 31, United States Code, is amended by in-
6 serting “, 36C(a)” after “36B”.

7 (I) Section 1613(a)(11) of the Social Secu-
8 rity Act (42 U.S.C. 1382b(a)(11)) is amended
9 by striking “section 24 of the Internal Revenue
10 Code of 1986 (relating to child tax credit) by
11 reason of subsection (d) thereof” and inserting
12 “section 36C of the Internal Revenue Code of
13 1986 (relating to child tax credit), and any pay-
14 ment made to such individual (or such spouse)
15 under section 7527A of such Code (relating to
16 advance payment of child tax credit)”.

17 (f) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years beginning after
19 December 31, 2018.

20 **SEC. 4. EARNED INCOME CREDIT EXPANSION FOR PUERTO**
21 **RICO.**

22 (a) IN GENERAL.—Subsequent to an amendment of
23 the Puerto Rico Internal Revenue Code of 2011 expanding
24 the earned income credit added by Act 257 in a similar
25 manner as the amendments made by section 2 of this Act,

1 the Secretary of the Treasury shall make annual payments
2 to Puerto Rico in the amount determined under subsection
3 (b). Such payments shall be made within a reasonable pe-
4 riod of time before the due date for the income tax in
5 Puerto Rico each year, and shall be made only if Puerto
6 Rico provides to the Secretary of the Treasury—

7 (1) an estimate, certified by the Financial Over-
8 sight and Management Board for Puerto Rico, of
9 the cost of such expansion in the first year, and

10 (2) annually thereafter, a report of the actual
11 cost of such expansion in the preceding year and an
12 estimate, certified by such Board, of the cost of such
13 expansion in the year of the report.

14 (b) AMOUNT DETERMINED.—For purposes of sub-
15 section (a), the amount determined with respect to any
16 year is so much of the estimated cost (as reported under
17 subsection (a)) of the expansion of the earned income
18 credit in Puerto Rico for such year as does not exceed
19 \$204,000,000, as applicable—

20 (1) reduced by the excess, if any, of—

21 (A) the amount of the payments made to
22 Puerto Rico under this section for the preceding
23 year, over

24 (B) the actual cost (as reported under sub-
25 section (a)) of the expansion of the earned in-

1 come credit in Puerto Rico for such preceding
2 year, or

3 (2) increased by the excess, if any, of the
4 amount described in paragraph (1)(B) over the
5 amount described in paragraph (1)(A).

6 (c) COST OF EXPANSION.—For purposes of this sec-
7 tion, the cost of expanding the earned income credit in
8 Puerto Rico as described in subsection (a) shall include
9 only the cost of the amendments made as described in
10 such subsection, and shall not include the cost of laws in
11 effect as of the date of the enactment of this Act.

12 (d) REPORTING REQUIREMENTS.—The Treasury of
13 Puerto Rico shall submit to the Secretary of the Treasury
14 an annual report on the earned income credit of Puerto
15 Rico, including the number of beneficiaries, average bene-
16 fits for different households, participation rates for eligible
17 populations, error rates and other compliance matters,
18 and the effects of the credit on labor force participation
19 and poverty reduction.

20 (e) OUTREACH GRANT.—In addition to the payments
21 under subsection (a), the Secretary of the Treasury shall
22 make a one-time grant in the amount of \$5,000,000 to
23 Puerto Rico for the purpose of taxpayer education efforts
24 relating to the earned income credit, including education
25 of paid preparers.

1 (f) APPROPRIATIONS.—Such sums as are necessary,
2 not to exceed—

3 (1) \$209,000,000 in the first year after enact-
4 ment of the amendment described in subsection (a);
5 and

6 (2) except as provided in subsection (g),
7 \$204,000,000 in each year thereafter (as long as
8 Puerto Rico maintains an earned income credit as
9 described in subsection (a));

10 are hereby appropriated to the Secretary of the Treasury
11 to carry out the purposes of this section.

12 (g) ADJUSTMENT FOR INFLATION.—

13 (1) IN GENERAL.—For each calendar year be-
14 ginning after the year described in subsection (f)(1),
15 the \$204,000,000 amount under subsections (b) and
16 (f)(2) shall be increased by an amount equal to—

17 (A) such dollar amount; multiplied by

18 (B) the cost-of-living adjustment deter-
19 mined under section 1(f)(3) of the Internal
20 Revenue Code of 1986, determined by sub-
21 stituting the calendar year preceding the year
22 described in subsection (f)(1) for calendar year
23 2016 in subparagraph (A)(ii) thereof.

24 (2) ROUNDING.—If any amount adjusted under
25 paragraph (1) is not a multiple of \$500, such

1 amount shall be rounded to the next lowest multiple
2 of \$500.

3 **SEC. 5. REGULATION OF TAX RETURN PREPARERS.**

4 (a) IN GENERAL.—Subsection (a) of section 330 of
5 title 31, United States Code, is amended—

6 (1) by striking paragraph (1) and inserting the
7 following:

8 “(1) regulate—

9 “(A) the practice of representatives of per-
10 sons before the Department of the Treasury;
11 and

12 “(B) the practice of tax return preparers;
13 and”, and

14 (2) in paragraph (2)—

15 (A) by inserting “or a tax return preparer
16 to prepare tax returns” after “practice”,

17 (B) by inserting “or tax return preparer”
18 before “demonstrate”, and

19 (C) by inserting “or in preparing their tax
20 returns, claims for refund, or documents in con-
21 nection with tax returns or claims for refund”
22 after “cases” in subparagraph (D).

23 (b) AUTHORITY TO SANCTION REGULATED TAX RE-
24 TURN PREPARERS.—Subsection (c) of section 330 of title
25 31, United States Code, is amended—

- 1 (1) by striking “before the Department”,
2 (2) by inserting “or tax return preparer” after
3 “representative” each place it appears, and
4 (3) in paragraph (4), by striking “misleads or
5 threatens” and all that follows and inserting “mis-
6 leads or threatens—

7 “(A) any person being represented or any
8 prospective person being represented; or

9 “(B) any person or prospective person
10 whose tax return, claim for refund, or document
11 in connection with a tax return or claim for re-
12 fund, is being or may be prepared.”.

13 (c) MINIMUM COMPETENCY STANDARDS FOR TAX
14 RETURN PREPARERS.—Section 330 of title 31, United
15 States Code, is amended by adding at the end the fol-
16 lowing new subsection:

17 “(f) TAX RETURN PREPARERS.—

18 “(1) IN GENERAL.—Any tax return preparer
19 shall demonstrate minimum competency standards
20 under this subsection by—

21 “(A) obtaining an identifying number for
22 securing proper identification of such preparer
23 as described in section 6109(a)(4) of the Inter-
24 nal Revenue Code of 1986;

1 “(B) satisfying any examination and an-
2 nual continuing education requirements as pre-
3 scribed by the Secretary; and

4 “(C) completing a background check ad-
5 ministered by the Secretary.

6 “(2) EXEMPTION.—The Secretary shall exempt
7 tax return preparers who have been subject to com-
8 parable examination, continuing education require-
9 ments, and background checks administered by the
10 Secretary or any comparable State licensing pro-
11 gram. Such exemption shall extend directly to indi-
12 viduals who are supervised by such preparers and
13 are not required to secure an identification number
14 under section 6109(a)(4).”.

15 (d) TAX RETURN PREPARER DEFINED.—Section
16 330 of title 31, United States Code, as amended by sub-
17 section (c), is amended by adding at the end the following
18 new subsection:

19 “(g) TAX RETURN PREPARER.—For purposes of this
20 section—

21 “(1) IN GENERAL.—The term ‘tax return pre-
22 parer’ has the meaning given such term under sec-
23 tion 7701(a)(36) of the Internal Revenue Code of
24 1986.

1 “(2) TAX RETURN.—The term ‘tax return’ has
2 the meaning given to the term ‘return’ under section
3 6696(e)(1) of the Internal Revenue Code of 1986.

4 “(3) CLAIM FOR REFUND.—The term ‘claim for
5 refund’ has the meaning given such term under sec-
6 tion 6696(e)(2) of such Code.”.

7 (e) AMENDMENTS WITH RESPECT TO IDENTIFYING
8 NUMBER.—

9 (1) IN GENERAL.—Section 6109(a) is amended
10 by striking paragraph (4) and inserting the fol-
11 lowing:

12 “(4) FURNISHING IDENTIFYING NUMBER OF
13 TAX RETURN PREPARER.—

14 “(A) IN GENERAL.—Any return or claim
15 for refund prepared by a tax return preparer
16 shall bear such identifying number for securing
17 proper identification of such preparer, his em-
18 ployer, or both, as may be prescribed. For pur-
19 poses of this paragraph, the terms ‘return’ and
20 ‘claim for refund’ have the respective meanings
21 given to such terms by section 6696(e).

22 “(B) EXCEPTION.—Subparagraph (A)
23 shall not apply to any tax return preparer who
24 prepares a return or claim for refund under the
25 supervision and direction of a tax return pre-

1 preparer who signs the return or claim for refund
2 and is a certified public accountant, an attorney
3 or enrolled agent.”.

4 (2) CLARIFICATION OF RESCISSION AUTHOR-
5 ITY.—Section 6109 is amended by inserting after
6 subsection (d) the following new subsection:

7 “(e) AUTHORITY TO RESCIND IDENTIFYING NUMBER
8 OF TAX RETURN PREPARER.—

9 “(1) IN GENERAL.—The Secretary may rescind
10 an identifying number issued under subsection
11 (a)(4) if—

12 “(A) after notice and opportunity for a
13 hearing, the preparer is shown to be incom-
14 petent or disreputable (as such terms are used
15 in subsection (c) of section 330 of title 31,
16 United States Code), and

17 “(B) rescinding the identifying number
18 would promote compliance with the require-
19 ments of this title and effective tax administra-
20 tion.

21 “(2) RECORDS.—If an identifying number is re-
22 scinded under paragraph (1), the Secretary shall
23 place in the file in the Office of the Director of Pro-
24 fessional Responsibility the opinion of the Secretary
25 with respect to the determination, including—

1 “(A) a statement of the facts and cir-
2 cumstances relating to the determination, and

3 “(B) the reasons for the rescission.”.

4 (f) GAO STUDY AND REPORT ON THE EXCHANGE
5 OF INFORMATION BETWEEN THE IRS AND STATE TAX-
6 ATION AUTHORITIES.—

7 (1) IN GENERAL.—Not later than 18 months
8 after the date of the enactment of this Act, the
9 Comptroller General shall conduct a study and sub-
10 mit to Congress a report on the sharing of informa-
11 tion between the Secretary of the Treasury and
12 State authorities, as authorized under section
13 6103(d) of the Internal Revenue Code of 1986, re-
14 garding identification numbers issued to paid tax re-
15 turn preparers and return preparer minimum stand-
16 ards.

17 (2) INCREASED INFORMATION SHARING.—The
18 study and report described in paragraph (1) shall in-
19 clude an analysis of the impact that increased infor-
20 mation sharing between Federal and State authori-
21 ties would have on efforts to enforce minimum
22 standards on paid tax return preparers.