

116TH CONGRESS  
1ST SESSION

# H. R. 3307

To amend the Internal Revenue Code of 1986 to provide for payments to possessions of the United States related to the application of the earned income tax credit in such possessions.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2019

Mr. PASCRELL (for himself, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. BEYER, Ms. DELBENE, Mrs. WATSON COLEMAN, Mr. SOTO, Ms. LEE of California, Ms. VELÁZQUEZ, Mr. HIGGINS of New York, Mr. SABLÁN, Mr. SAN NICOLAS, and Mr. DANNY K. DAVIS of Illinois) 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 provide for payments to possessions of the United States related to the application of the earned income tax credit in such possessions.

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. APPLICATION OF EARNED INCOME TAX CREDIT**  
4 **IN POSSESSIONS OF THE UNITED STATES.**

5 (a) IN GENERAL.—Chapter 77 of the Internal Rev-  
6 enue Code of 1986 is amended by adding at the end the  
7 following new section:

1 **“SEC. 7529. APPLICATION OF EARNED INCOME TAX CREDIT**  
2 **TO POSSESSIONS OF THE UNITED STATES.**

3 “(a) PUERTO RICO.—

4 “(1) IN GENERAL.—With respect to calendar  
5 year 2020 and each calendar year thereafter, the  
6 Secretary shall, except as otherwise provided in this  
7 subsection, make payments to Puerto Rico equal  
8 to—

9 “(A) the specified matching amount for  
10 such calendar year, plus

11 “(B) in the case of calendar years 2020  
12 through 2024, the lesser of—

13 “(i) the expenditures made by Puerto  
14 Rico during such calendar year for edu-  
15 cation efforts with respect to individual  
16 taxpayers and tax return preparers relat-  
17 ing to the earned income tax credit, or

18 “(ii) \$1,000,000.

19 “(2) REQUIREMENT TO REFORM EARNED IN-  
20 COME TAX CREDIT.—The Secretary shall not make  
21 any payments under paragraph (1) with respect to  
22 any calendar year unless Puerto Rico has in effect  
23 an earned income tax credit for taxable years begin-  
24 ning in or with such calendar year which (relative to  
25 the earned income tax credit which was in effect for  
26 taxable years beginning in or with calendar year

2019) increases the percentage of earned income which is allowed as a credit for each group of individuals with respect to which such percentage is separately stated or determined in a manner designed to substantially increase workforce participation.

“(3) SPECIFIED MATCHING AMOUNT.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘specified matching amount’ means, with respect to any calendar year, the lesser of—

“(i) the excess (if any) of—

“(I) the cost to Puerto Rico of the earned income tax credit for taxable years beginning in or with such calendar year, over

“(II) the base amount for such calendar year, or

“(ii) the product of 3, multiplied by the base amount for such calendar year.

“(B) BASE AMOUNT.—

“(i) BASE AMOUNT FOR 2020.—In the case of calendar year 2020, the term ‘base amount’ means the greater of—

“(I) the cost to Puerto Rico of the earned income tax credit for tax-

1           able years beginning in or with cal-  
 2           endar year 2019 (rounded to the  
 3           nearest multiple of \$1,000,000), or

4           “(II) \$200,000,000.

5           “(ii) INFLATION ADJUSTMENT.—In  
 6           the case of any calendar year after 2020,  
 7           the term ‘base amount’ means the dollar  
 8           amount determined under clause (i) in-  
 9           creased 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 such calendar year, determined by  
 15           substituting ‘calendar year 2019’ for  
 16           ‘calendar year 2016’ in subparagraph  
 17           (A)(ii) thereof.

18           Any amount determined under this clause  
 19           shall be rounded to the nearest multiple of  
 20           \$1,000,000.

21           “(4) RULES RELATED TO PAYMENTS AND RE-  
 22           PORTS.—

23           “(A) TIMING OF PAYMENTS.—The Sec-  
 24           retary shall make payments under paragraph  
 25           (1) for any calendar year—

1 “(i) after receipt of the report de-  
2 scribed in subparagraph (B) for such cal-  
3 endar year, and

4 “(ii) except as provided in clause (i),  
5 within a reasonable period of time before  
6 the due date for individual income tax re-  
7 turns (as determined under the laws of  
8 Puerto Rico) for taxable years which began  
9 on the first day of such calendar year.

10 “(B) ANNUAL REPORTS.—With respect to  
11 calendar year 2020 and each calendar year  
12 thereafter, Puerto Rico shall provide to the Sec-  
13 retary a report which shall include—

14 “(i) an estimate of the costs described  
15 in paragraphs (1)(B)(i) and (3)(A)(i)(I)  
16 with respect to such calendar year, and

17 “(ii) a statement of such costs with  
18 respect to the preceding calendar year.

19 “(C) ADJUSTMENTS.—

20 “(i) IN GENERAL.—In the event that  
21 any estimate of an amount is more or less  
22 than the actual amount as later deter-  
23 mined and any payment under paragraph  
24 (1) was determined on the basis of such  
25 estimate, proper payment shall be made

1 by, or to, the Secretary (as the case may  
2 be) as soon as practicable after the deter-  
3 mination that such estimate was inac-  
4 curate. Proper adjustment shall be made in  
5 the amount of any subsequent payments  
6 made under paragraph (1) to the extent  
7 that proper payment is not made under the  
8 preceding sentence before such subsequent  
9 payments.

10 “(ii) ADDITIONAL REPORTS.—The  
11 Secretary may require such additional peri-  
12 odic reports of the information described in  
13 subparagraph (B) as the Secretary deter-  
14 mines appropriate to facilitate timely ad-  
15 justments under clause (i).

16 “(D) DETERMINATION OF COST OF  
17 EARNED INCOME TAX CREDIT.—For purposes  
18 of this subsection, the cost to Puerto Rico of  
19 the earned income tax credit shall be deter-  
20 mined by the Secretary on the basis of the laws  
21 of Puerto Rico and shall include reductions in  
22 revenues received by Puerto Rico by reason of  
23 such credit and refunds attributable to such  
24 credit, but shall not include any administrative  
25 costs with respect to such credit.

1           “(E) PREVENTION OF MANIPULATION OF  
2           BASE AMOUNT.—No payments shall be made  
3           under paragraph (1) if the earned income tax  
4           credit as in effect in Puerto Rico for taxable  
5           years beginning in or with calendar year 2019  
6           is modified after the date of the enactment of  
7           this subsection.

8           “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-  
9           TEMS.—

10           “(1) IN GENERAL.—With respect to calendar  
11           year 2020 and each calendar year thereafter, the  
12           Secretary shall, except as otherwise provided in this  
13           subsection, make payments to the Virgin Islands,  
14           Guam, and the Commonwealth of the Northern Mar-  
15           iana Islands equal to—

16           “(A) 75 percent of the cost to such posses-  
17           sion of the earned income tax credit for taxable  
18           years beginning in or with such calendar year,  
19           plus

20           “(B) in the case of calendar years 2020  
21           through 2024, the lesser of—

22           “(i) the expenditures made by such  
23           possession during such calendar year for  
24           education efforts with respect to individual

1 taxpayers and tax return preparers relat-  
2 ing to such earned income tax credit, or  
3 “(ii) \$50,000.

4 “(2) APPLICATION OF CERTAIN RULES.—Rules  
5 similar to the rules of subparagraphs (A), (B), (C),  
6 and (D) of subsection (a)(4) shall apply for purposes  
7 of this subsection.

8 “(c) AMERICAN SAMOA.—

9 “(1) IN GENERAL.—With respect to calendar  
10 year 2020 and each calendar year thereafter, the  
11 Secretary shall, except as otherwise provided in this  
12 subsection, make payments to American Samoa  
13 equal to—

14 “(A) the lesser of—

15 “(i) 75 percent of the cost to Amer-  
16 ican Samoa of the earned income tax cred-  
17 it for taxable years beginning in or with  
18 such calendar year, or

19 “(ii) \$12,000,000, plus

20 “(B) in the case of calendar years 2020  
21 through 2024, the lesser of—

22 “(i) the expenditures made by Amer-  
23 ican Samoa during such calendar year for  
24 education efforts with respect to individual



1 taxpayers and tax return preparers relat-  
2 ing to such earned income tax credit, or  
3 “(ii) \$50,000.

4 “(2) REQUIREMENT TO ENACT AND MAINTAIN  
5 AN EARNED INCOME TAX CREDIT.—The Secretary  
6 shall not make any payments under paragraph (1)  
7 with respect to any calendar year unless American  
8 Samoa has in effect an earned income tax credit for  
9 taxable years beginning in or with such calendar  
10 year which allows a refundable tax credit to individ-  
11 uals on the basis of the taxpayer’s earned income  
12 which is designed to substantially increase workforce  
13 participation.

14 “(3) INFLATION ADJUSTMENT.—In the case of  
15 any calendar year after 2020, the \$12,000,000  
16 amount in paragraph (1)(A)(ii) shall be increased by  
17 an amount equal to—

18 “(A) such dollar amount, multiplied by—

19 “(B) the cost-of-living adjustment deter-  
20 mined under section 1(f)(3) for such calendar  
21 year, determined by substituting ‘calendar year  
22 2019’ for ‘calendar year 2016’ in subparagraph  
23 (A)(ii) thereof.

24 Any increase determined under this clause shall be  
25 rounded to the nearest multiple of \$100,000.

1           “(4) APPLICATION OF CERTAIN RULES.—Rules  
2           similar to the rules of subparagraphs (A), (B), (C),  
3           and (D) of subsection (a)(4) shall apply for purposes  
4           of this subsection.

5           “(d) TREATMENT OF PAYMENTS.—For purposes of  
6           section 1324 of title 31, United States Code, the payments  
7           under this section shall be treated in the same manner  
8           as a refund due from a credit provision referred to in sub-  
9           section (b)(2) of such section.”.

10          (b) CLERICAL AMENDMENT.—The table of sections  
11          for chapter 77 of such Code is amended by adding at the  
12          end the following new item:

          “Sec. 7529. Application of earned income tax credit to possessions of the  
                                  United States.”.

