

Union Calendar No. 307

116TH CONGRESS
2D SESSION

H. R. 3300

[Report No. 116-384]

To amend the Internal Revenue Code of 1986 to provide tax relief for workers and families, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2019

Mr. NEAL introduced the following bill; which was referred to the Committee on Ways and Means

FEBRUARY 4, 2020

Additional sponsors: Mr. SAN NICOLAS and Mr. NORCROSS

FEBRUARY 4, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 18, 2019]

A BILL

To amend the Internal Revenue Code of 1986 to provide tax relief for workers and families, 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. SHORT TITLE; ETC.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Economic Mobility Act of 2019”.*

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

Sec. 1. Short title; etc.

TITLE I—EARNED INCOME TAX CREDIT

Sec. 101. Strengthening the earned income tax credit for individuals with no
qualifying children.

Sec. 102. Tarpayer eligible for childless earned income credit in case of quali-
fying children who fail to meet certain identification require-
ments.

Sec. 103. Credit allowed in case of certain separated spouses.

Sec. 104. Elimination of disqualified investment income test.

Sec. 105. Application of earned income tax credit in possessions of the United
States.

TITLE II—CHILD TAX CREDIT

Sec. 201. Child tax credit fully refundable for 2019 and 2020.

Sec. 202. Payments to possessions.

TITLE III—DEPENDENT CARE ASSISTANCE

Sec. 301. Refundability and enhancement of child and dependent care tax credit.

Sec. 302. Increase in exclusion for employer-provided dependent care assistance.

TITLE IV—CERTAIN FRINGE BENEFIT EXPENSES

Sec. 401. Repeal of inclusion of certain fringe benefit expenses in unrelated busi-
ness taxable income.

8 (c) *AMENDMENT OF 1986 CODE.*—*Except as otherwise*
 9 *expressly provided, whenever in this Act an amendment or*
 10 *repeal is expressed in terms of an amendment to, or repeal*
 11 *of, a section or other provision, the reference shall be consid-*
 12 *ered to be made to a section or other provision of the Inter-*
 13 *nal Revenue Code of 1986.*

1 ***TITLE I—EARNED INCOME TAX***
2 ***CREDIT***

3 ***SEC. 101. STRENGTHENING THE EARNED INCOME TAX***
4 ***CREDIT FOR INDIVIDUALS WITH NO QUALI-***
5 ***FYING CHILDREN.***

6 *(a) SPECIAL RULES FOR 2019 AND 2020.—Section 32*
7 *is amended by adding at the end the following new sub-*
8 *section:*

9 *“(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT*
10 *QUALIFYING CHILDREN.—In the case of any taxable year*
11 *beginning in 2019 or 2020—*

12 *“(1) CREDIT ALLOWED FOR CERTAIN INDIVID-*
13 *UALS OVER AGE 18.—*

14 *“(A) IN GENERAL.—Except in the case of a*
15 *full-time student (or, in the case of a married in-*
16 *dividual, except if both the individual and the*
17 *individual’s spouse are full-time students), sub-*
18 *section (c)(1)(A)(ii)(II) shall be applied by sub-*
19 *stituting ‘age 19’ for ‘age 25’.*

20 *“(B) FULL-TIME STUDENT.—For purposes*
21 *of this paragraph, the term ‘full-time student’*
22 *means, with respect to a taxable year, an indi-*
23 *vidual who is an eligible student (as defined in*
24 *section 25A(b)(3)) during at least 5 calendar*
25 *months during the taxable year.*

1 “(2) *INCREASE IN MAXIMUM AGE FOR CREDIT.*—
 2 *Subsection (c)(1)(A)(ii)(II) shall be applied by sub-*
 3 *stituting ‘age 66’ for ‘age 65’.*

4 “(3) *INCREASE IN CREDIT AND PHASEOUT PER-*
 5 *CENTAGES.*—*The table contained in subsection (b)(1)*
 6 *shall be applied by substituting ‘15.3’ for ‘7.65’ each*
 7 *place it appears therein.*

8 “(4) *INCREASE IN EARNED INCOME AND PHASE-*
 9 *OUT AMOUNTS.*—

10 “(A) *IN GENERAL.*—*The table contained in*
 11 *subsection (b)(2)(A) shall be applied—*

12 “(i) *by substituting ‘\$9,570’ for*
 13 *‘\$4,220’, and*

14 “(ii) *by substituting ‘\$11,310’ for*
 15 *‘\$5,280’.*

16 “(B) *COORDINATION WITH INFLATION AD-*
 17 *JUSTMENT.*—

18 “(i) *IN GENERAL.*—*In the case of any*
 19 *taxable year beginning after 2019, the*
 20 *\$9,570 and \$11,310 amounts in subpara-*
 21 *graph (A) shall each be increased by an*
 22 *amount equal to—*

23 “(I) *such dollar amount, multi-*
 24 *plied by*

1 “(II) the cost-of-living adjustment
2 determined under section 1(f)(3) for
3 the calendar year in which the taxable
4 year begins, determined by substituting
5 ‘2018’ for ‘2016’ in subparagraph
6 (A)(ii) thereof.

7 “(ii) ROUNDING.—If any increase
8 under clause (i) is not a multiple of \$10,
9 such increase shall be rounded to the nearest
10 multiple of \$10.

11 “(iii) COORDINATION WITH OTHER IN-
12 FLATION ADJUSTMENT.—Subsection (j) shall
13 not apply to any dollar amount specified in
14 this paragraph.”.

15 (b) INFORMATION RETURN MATCHING.—As soon as
16 practicable, the Secretary of the Treasury (or the Sec-
17 retary’s delegate) shall develop and implement procedures
18 for checking an individual’s claim for a credit under section
19 32 of the Internal Revenue Code of 1986, by reason of sub-
20 section (n)(1) thereof, against any information return made
21 with respect to such individual under section 6050S (relat-
22 ing to returns relating to higher education tuition and re-
23 lated expenses).

1 (c) *EFFECTIVE DATE.*—*The amendment made by this*
 2 *section shall apply to taxable years beginning after Decem-*
 3 *ber 31, 2018.*

4 **SEC. 102. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED IN-**
 5 **COME CREDIT IN CASE OF QUALIFYING CHIL-**
 6 **DREN WHO FAIL TO MEET CERTAIN IDENTI-**
 7 **FICATION REQUIREMENTS.**

8 (a) *IN GENERAL.*—*Section 32(c)(1) is amended by*
 9 *striking subparagraph (F).*

10 (b) *EFFECTIVE DATE.*—*The amendment made by this*
 11 *section shall apply to taxable years beginning after the date*
 12 *of the enactment of this Act.*

13 **SEC. 103. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**
 14 **RATED SPOUSES.**

15 (a) *IN GENERAL.*—*Section 32(d) is amended—*

16 (1) *by striking “MARRIED INDIVIDUALS.—In the*
 17 *case of” and inserting the following: “MARRIED INDIV-*
 18 *VIDUALS.—*

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

20 (2) *by adding at the end the following new para-*
 21 *graph:*

22 “(2) *DETERMINATION OF MARITAL STATUS.*—*For*
 23 *purposes of this section—*

1 “(A) *IN GENERAL.*—*Except as provided in*
 2 *subparagraph (B), marital status shall be deter-*
 3 *mined under section 7703(a).*

4 “(B) *SPECIAL RULE FOR SEPARATED*
 5 *SPOUSE.*—*An individual shall not be treated as*
 6 *married if such individual—*

7 *“(i) is married (as determined under*
 8 *section 7703(a)) and does not file a joint re-*
 9 *turn for the taxable year,*

10 *“(ii) lives with a qualifying child of*
 11 *the individual for more than one-half of*
 12 *such taxable year, and*

13 *“(iii)(I) during the last 6 months of*
 14 *such taxable year, does not have the same*
 15 *principal place of abode as the individual’s*
 16 *spouse, or*

17 *“(II) has a decree, instrument, or*
 18 *agreement (other than a decree of divorce)*
 19 *described in section 121(d)(3)(C) with re-*
 20 *spect to the individual’s spouse and is not*
 21 *a member of the same household with the*
 22 *individual’s spouse by the end of the taxable*
 23 *year.”.*

24 (b) *CONFORMING AMENDMENTS.*—

3 (2) Section 32(c)(1)(E)(ii) of such Code is
4 amended by striking “(within the meaning of section
5 7703)”.

(3) Section 32(d)(1) of such Code, as amended by subsection (a), is amended by striking “(within the meaning of section 7703)”.

9 (c) *EFFECTIVE DATE.*—*The amendments made by this*
10 *section shall apply to taxable years beginning after the date*
11 *of the enactment of this Act.*

12 *SEC. 104. ELIMINATION OF DISQUALIFIED INVESTMENT IN-*
13 *COME TEST.*

14 (a) *IN GENERAL.*—Section 32 of the Internal Revenue
15 Code of 1986 is amended by striking subsection (i).

16 *(b) CONFORMING AMENDMENTS.—*

17 (1) Section 32(j)(1) of such Code is amended by
18 striking “subsections (b)(2) and (i)(1)” and inserting
19 “subsection (b)(2)”.

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

(3) Section 32(j)(2) of such Code is amended—

(A) by striking subparagraph (B), and

1 (B) by striking “ROUNDING.—” and all
 2 that follows through “If any dollar amount” and
 3 inserting the following: “ROUNDING.—If any dol-
 4 lar amount”.

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

8 **SEC. 105. APPLICATION OF EARNED INCOME TAX CREDIT IN**
 9 **POSSESSIONS OF THE UNITED STATES.**

10 (a) *IN GENERAL.*—Chapter 77 of the Internal Revenue
 11 Code of 1986 is amended by adding at the end the following
 12 new section:

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

15 “(a) *PUERTO RICO.*—

16 “(1) *IN GENERAL.*—With respect to calendar
 17 year 2020 and each calendar year thereafter, the Sec-
 18 retary shall, except as otherwise provided in this sub-
 19 section, make payments to Puerto Rico equal to—

20 “(A) the specified matching amount for
 21 such calendar year, plus

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

24 “(i) the expenditures made by Puerto
 25 Rico during such calendar year for edu-

1 *cation efforts with respect to individual tax-*
2 *payers and tax return preparers relating to*
3 *the earned income tax credit, or*

4 *“(ii) \$1,000,000.*

5 *“(2) REQUIREMENT TO REFORM EARNED INCOME*
6 *TAX CREDIT.—The Secretary shall not make any pay-*
7 *ments under paragraph (1) with respect to any cal-*
8 *endar year unless Puerto Rico has in effect an earned*
9 *income tax credit for taxable years beginning in or*
10 *with such calendar year which (relative to the earned*
11 *income tax credit which was in effect for taxable*
12 *years beginning in or with calendar year 2019) in-*
13 *creases the percentage of earned income which is al-*
14 *lowed as a credit for each group of individuals with*
15 *respect to which such percentage is separately stated*
16 *or determined in a manner designed to substantially*
17 *increase workforce participation.*

18 *“(3) SPECIFIED MATCHING AMOUNT.—For pur-*
19 *poses of this subsection—*

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

23 *“(i) the excess (if any) of—*

24 *“(I) the cost to Puerto Rico of the*
25 *earned income tax credit for taxable*

1 *years beginning in or with such cal-*
2 *endar year, over*

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

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

7 *“(B) BASE AMOUNT.—*

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

11 *“(I) the cost to Puerto Rico of the*
12 *earned income tax credit for taxable*
13 *years beginning in or with calendar*
14 *year 2019 (rounded to the nearest mul-*
15 *tiple of \$1,000,000), or*

16 *“(II) \$200,000,000.*

17 *“(ii) INFLATION ADJUSTMENT.—In the*
18 *case of any calendar year after 2020, the*
19 *term ‘base amount’ means the dollar*
20 *amount determined under clause (i) in-*
21 *creased by an amount equal to—*

22 *“(I) such dollar amount, multi-*
23 *plied by—*

24 *“(II) the cost-of-living adjustment*
25 *determined under section 1(f)(3) for*

1 *such calendar year, determined by sub-*
 2 *stituting ‘calendar year 2019’ for ‘cal-*
 3 *endar year 2016’ in subparagraph*
 4 *(A)(ii) thereof.*

5 *Any amount determined under this clause*
 6 *shall be rounded to the nearest multiple of*
 7 *\$1,000,000.*

8 *“(4) RULES RELATED TO PAYMENTS AND RE-*
 9 *PORTS.—*

10 *“(A) TIMING OF PAYMENTS.—The Secretary*
 11 *shall make payments under paragraph (1) for*
 12 *any calendar year—*

13 *“(i) after receipt of the report described*
 14 *in subparagraph (B) for such calendar*
 15 *year, and*

16 *“(ii) except as provided in clause (i),*
 17 *within a reasonable period of time before*
 18 *the due date for individual income tax re-*
 19 *turns (as determined under the laws of*
 20 *Puerto Rico) for taxable years which began*
 21 *on the first day of such calendar year.*

22 *“(B) ANNUAL REPORTS.—With respect to*
 23 *calendar year 2020 and each calendar year*
 24 *thereafter, Puerto Rico shall provide to the Sec-*
 25 *retary a report which shall include—*

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

4 “(ii) *a statement of such costs with re-*
5 *spect to the preceding calendar year.*

6 “(C) *ADJUSTMENTS.—*

7 “(i) *IN GENERAL.—In the event that*
8 *any estimate of an amount is more or less*
9 *than the actual amount as later determined*
10 *and any payment under paragraph (1) was*
11 *determined on the basis of such estimate,*
12 *proper payment shall be made by, or to, the*
13 *Secretary (as the case may be) as soon as*
14 *practicable after the determination that*
15 *such estimate was inaccurate. Proper ad-*
16 *justment shall be made in the amount of*
17 *any subsequent payments made under para-*
18 *graph (1) to the extent that proper payment*
19 *is not made under the preceding sentence*
20 *before such subsequent payments.*

21 “(ii) *ADDITIONAL REPORTS.—The Sec-*
22 *retary may require such additional periodic*
23 *reports of the information described in sub-*
24 *paragraph (B) as the Secretary determines*

1 *appropriate to facilitate timely adjustments*
2 *under clause (i).*

3 “(D) *DETERMINATION OF COST OF EARNED*
4 *INCOME TAX CREDIT.*—*For purposes of this sub-*
5 *section, the cost to Puerto Rico of the earned in-*
6 *come tax credit shall be determined by the Sec-*
7 *retary on the basis of the laws of Puerto Rico*
8 *and shall include reductions in revenues received*
9 *by Puerto Rico by reason of such credit and re-*
10 *funds attributable to such credit, but shall not*
11 *include any administrative costs with respect to*
12 *such credit.*

13 “(E) *PREVENTION OF MANIPULATION OF*
14 *BASE AMOUNT.*—*No payments shall be made*
15 *under paragraph (1) if the earned income tax*
16 *credit as in effect in Puerto Rico for taxable*
17 *years beginning in or with calendar year 2019*
18 *is modified after the date of the enactment of this*
19 *subsection.*

20 “(b) *POSSESSIONS WITH MIRROR CODE TAX SYS-*
21 *TEMS.*—

22 “(1) *IN GENERAL.*—*With respect to calendar*
23 *year 2020 and each calendar year thereafter, the Sec-*
24 *retary shall, except as otherwise provided in this sub-*
25 *section, make payments to the Virgin Islands, Guam,*

1 *and the Commonwealth of the Northern Mariana Is-*
 2 *lands equal to—*

3 “(A) 75 percent of the cost to such posses-
 4 sion of the earned income tax credit for taxable
 5 years beginning in or with such calendar year,
 6 plus

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

9 “(i) the expenditures made by such
 10 possession during such calendar year for
 11 education efforts with respect to individual
 12 taxpayers and tax return preparers relating
 13 to such earned income tax credit, or

14 “(ii) \$50,000.

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

19 “(c) *AMERICAN SAMOA.—*

20 “(1) *IN GENERAL.—With respect to calendar*
 21 *year 2020 and each calendar year thereafter, the Sec-*
 22 *retary shall, except as otherwise provided in this sub-*
 23 *section, make payments to American Samoa equal*
 24 *to—*

25 “(A) *the lesser of—*

1 “(i) 75 percent of the cost to American
2 Samoa of the earned income tax credit for
3 taxable years beginning in or with such cal-
4 endar year, or

5 “(ii) \$12,000,000, plus

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

8 “(i) the expenditures made by Amer-
9 ican Samoa during such calendar year for
10 education efforts with respect to individual
11 taxpayers and tax return preparers relating
12 to such earned income tax credit, or

13 “(ii) \$50,000.

14 “(2) *REQUIREMENT TO ENACT AND MAINTAIN AN*
15 *EARNED INCOME TAX CREDIT.*—The Secretary shall
16 not make any payments under paragraph (1) with
17 respect to any calendar year unless American Samoa
18 has in effect an earned income tax credit for taxable
19 years beginning in or with such calendar year which
20 allows a refundable tax credit to individuals on the
21 basis of the taxpayer’s earned income which is de-
22 signed to substantially increase workforce participa-
23 tion.

24 “(3) *INFLATION ADJUSTMENT.*—In the case of
25 any calendar year after 2020, the \$12,000,000

1 *amount in paragraph (1)(A)(ii) shall be increased by*
 2 *an amount equal to—*

3 *“(A) such dollar amount, multiplied by—*

4 *“(B) the cost-of-living adjustment deter-*
 5 *mined under section 1(f)(3) for such calendar*
 6 *year, determined by substituting ‘calendar year*
 7 *2019’ for ‘calendar year 2016’ in subparagraph*
 8 *(A)(ii) thereof.*

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

11 *“(4) APPLICATION OF CERTAIN RULES.—Rules*
 12 *similar to the rules of subparagraphs (A), (B), (C),*
 13 *and (D) of subsection (a)(4) shall apply for purposes*
 14 *of this subsection.*

15 *“(d) TREATMENT OF PAYMENTS.—For purposes of sec-*
 16 *tion 1324 of title 31, United States Code, the payments*
 17 *under this section shall be treated in the same manner as*
 18 *a refund due from a credit provision referred to in sub-*
 19 *section (b)(2) of such section.”.*

20 *(b) CLERICAL AMENDMENT.—The table of sections for*
 21 *chapter 77 of such Code is amended by adding at the end*
 22 *the following new item:*

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

1 ***TITLE II—CHILD TAX CREDIT***

2 ***SEC. 201. CHILD TAX CREDIT FULLY REFUNDABLE FOR 2019***

3 ***AND 2020.***

4 (a) *IN GENERAL.*—Section 24(h) is amended by add-
5 ing at the end the following new paragraph:

6 “(8) *CREDIT FULLY REFUNDABLE FOR 2019 AND*
7 2020.—*In the case of an individual other than a non-*
8 *resident alien, for any taxable year beginning in 2019*
9 *or 2020—*

10 “(A) *paragraph (5) of this subsection shall*
11 *not apply, and*

12 “(B) *the increase determined under the first*
13 *sentence of subsection (d)(1) shall be the amount*
14 *determined under subparagraph (A) of such sub-*
15 *section (determined without regard to paragraph*
16 *(4) of this subsection).”.*

17 (b) *EFFECTIVE DATE.*—*The amendment made by this*
18 *section shall apply to taxable years beginning after Decem-*
19 *ber 31, 2018.*

20 ***SEC. 202. PAYMENTS TO POSSESSIONS.***

21 (a) *MIRROR CODE POSSESSION.*—*The Secretary of the*
22 *Treasury shall pay to each possession of the United States*
23 *with a mirror code tax system amounts equal to the loss*
24 *to that possession by reason of the application of section*
25 *24 of the Internal Revenue Code of 1986 with respect to*

1 *taxable years beginning after 2018. Such amounts shall be*
2 *determined by the Secretary of the Treasury based on infor-*
3 *mation provided by the government of the respective posses-*
4 *sion.*

5 (b) *OTHER POSSESSIONS.—The Secretary of the*
6 *Treasury shall pay to each possession of the United States*
7 *which does not have a mirror code tax system amounts esti-*
8 *mated by the Secretary of the Treasury as being equal to*
9 *the aggregate benefits that would have been provided to resi-*
10 *dents of such possession by reason of the application of sec-*
11 *tion 24 of such Code for taxable years beginning after 2018*
12 *if the provisions of such section had been in effect in such*
13 *possession. The preceding sentence shall not apply with re-*
14 *spect to any possession of the United States unless such pos-*
15 *session has a plan, which has been approved by the Sec-*
16 *retary of the Treasury, under which such possession will*
17 *promptly distribute such payments to the residents of such*
18 *possession in a manner which replicates to the greatest de-*
19 *gree practicable the benefits that would have been so pro-*
20 *vided to each such resident.*

21 (c) *COORDINATION WITH CREDIT ALLOWED AGAINST*
22 *UNITED STATES INCOME TAXES.—*

23 (1) *IN GENERAL.—No credit shall be allowed*
24 *against United States income taxes for any taxable*

1 *year under section 24 of the Internal Revenue Code*
 2 *of 1986 to any person—*

3 *(A) to whom a credit is allowed against*
 4 *taxes imposed by a possession with a mirror code*
 5 *tax system by reason of the application of section*
 6 *24 of such Code in such possession for such tax-*
 7 *able year, or*

8 *(B) who is eligible for a payment under a*
 9 *plan described in subsection (b) with respect to*
 10 *such taxable year.*

11 *(2) RESTRICTION ON REFUNDABLE CREDIT.—In*
 12 *the case of any person to whom a credit would be al-*
 13 *lowed against taxes imposed by a possession which*
 14 *does not have a mirror code tax system if the provi-*
 15 *sions of such section 24 had been in effect in such pos-*
 16 *session for the taxable year (and who is not described*
 17 *in paragraph (1)(B)), section 24(h)(8) of such Code*
 18 *(as added by this Act) shall not apply to such person*
 19 *for such taxable year.*

20 *(d) DEFINITIONS AND SPECIAL RULES.—*

21 *(1) POSSESSION OF THE UNITED STATES.—For*
 22 *purposes of this section, the term “possession of the*
 23 *United States” includes the Commonwealth of Puerto*
 24 *Rico and the Commonwealth of the Northern Mariana*
 25 *Islands.*

1 (2) *MIRROR CODE TAX SYSTEM.*—For purposes
 2 of this section, the term “mirror code tax system”
 3 means, with respect to any possession of the United
 4 States, the income tax system of such possession if the
 5 income tax liability of the residents of such possession
 6 under such system is determined by reference to the
 7 income tax laws of the United States as if such pos-
 8 session were the United States.

9 (3) *TREATMENT OF PAYMENTS.*—For purposes of
 10 section 1324(b)(2) of title 31, United States Code, the
 11 payments under this section shall be treated in the
 12 same manner as a refund due from the credit allowed
 13 under section 24 of the Internal Revenue Code of
 14 1986.

15 **SEC. 203. INCREASED CHILD TAX CREDIT FOR CHILDREN**
 16 **WHO HAVE NOT ATTAINED AGE 4.**

17 (a) *IN GENERAL.*—Section 24(h)(2) is amended to
 18 read to as follows:

19 “(2) *CREDIT AMOUNT.*—

20 “(A) *IN GENERAL.*—Except as provided in
 21 subparagraph (B), subsection (a) shall be ap-
 22 plied by substituting ‘\$2,000’ for ‘\$1,000’.

23 “(B) *TAXABLE YEARS BEGINNING IN 2019*
 24 *AND 2020.*—In the case of any taxable year begin-
 25 ning in 2019 or 2020, subsection (a) shall be ap-

plied by substituting ‘\$2,000 (\$3,000 in the case of a qualifying child who has not attained age 4 as of the close of the calendar year in which the taxable year of the taxpayer begins)’ for ‘\$1,000’.”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to taxable years beginning after December 31, 2018.

TITLE III—DEPENDENT CARE ASSISTANCE

SEC. 301. REFUNDABILITY AND ENHANCEMENT OF CHILD AND DEPENDENT CARE TAX CREDIT.

(a) *IN GENERAL.*—Section 21 is amended by adding at the end the following new subsection:

“(g) *SPECIAL RULES FOR 2019 AND 2020.*—In the case of any taxable year beginning in 2019 or 2020—

“(1) *CREDIT MADE REFUNDABLE.*—In the case of an individual other than a nonresident alien, the credit allowed under subsection (a) shall be treated as a credit allowed under subpart C (and not allowed under this subpart).

“(2) *INCREASE IN APPLICABLE PERCENTAGE.*—Subsection (a)(2) shall be applied—

“(A) by substituting ‘50 percent’ for ‘35 percent’, and

1 “(B) by substituting ‘\$120,000’ for
2 ‘\$15,000’.

3 “(3) INCREASE IN DOLLAR LIMIT ON AMOUNT
4 CREDITABLE.—Subsection (c) shall be applied—

5 “(A) by substituting ‘\$6,000’ for ‘\$3,000’ in
6 paragraph (1) thereof, and

7 “(B) by substituting ‘twice the amount in
8 effect under paragraph (1)’ for ‘\$6,000’ in para-
9 graph (2) thereof.

10 “(4) INFLATION ADJUSTMENT OF DOLLAR
11 AMOUNTS.—In the case of any taxable year beginning
12 after 2019, the \$120,000 amount in paragraph (2)(B)
13 and the \$6,000 amount in paragraph (3)(A) shall
14 each be increased by an amount equal to—

15 “(A) such dollar amount, multiplied by

16 “(B) the cost-of-living adjustment deter-
17 mined under section 1(f)(3) for the calendar year
18 in which the taxable year begins, determined by
19 substituting ‘2018’ for ‘2016’ in subparagraph
20 (A)(ii) thereof.

21 If any increase determined under this paragraph is
22 not a multiple of \$100, such increase shall be rounded
23 to the next lowest multiple of \$100.

24 “(5) INCOME LIMITATION.—

1 “(A) *IN GENERAL.*—Paragraphs (1) through
 2 (4) of this subsection shall not apply to any tax-
 3 payer for any taxable year if the modified ad-
 4 justed gross income of such taxpayer for such
 5 taxable year exceeds \$1,000,000.

6 “(B) *MODIFIED ADJUSTED GROSS IN-*
 7 *COME.*—For purposes of this paragraph, the
 8 term ‘modified adjusted gross income’ means ad-
 9 justed gross income determined without regard to
 10 sections 911, 931, and 933.”.

11 (b) *CONFORMING AMENDMENT.*—Section 1324(b)(2) of
 12 title 31, United States Code, is amended by inserting “21
 13 (by reason of subsection (g) thereof),” before “25A”.

14 (c) *COORDINATION WITH POSSESSION TAX SYS-*
 15 *TEMS.*—Section 21(g)(1) of the Internal Revenue Code of
 16 1986 (as added by this section) shall not apply to any per-
 17 son—

18 (1) *to whom a credit is allowed against taxes*
 19 *imposed by a possession with a mirror code tax sys-*
 20 *tem by reason of the application of section 21 of such*
 21 *Code in such possession for such taxable year, or*

22 (2) *to whom a credit would be allowed against*
 23 *taxes imposed by a possession which does not have a*
 24 *mirror code tax system if the provisions of section 21*

1 of such Code had been in effect in such possession for
2 such taxable year.

3 (d) *EFFECTIVE DATE.*—The amendments made by this
4 section shall apply to taxable years beginning after Decem-
5 ber 31, 2018.

6 **SEC. 302. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**
7 **VIDED DEPENDENT CARE ASSISTANCE.**

8 (a) *IN GENERAL.*—Section 129(a)(2) is amended by
9 adding at the end the following new subparagraph:

10 “(D) *SPECIAL RULE FOR 2020 AND 2021.*—In
11 the case of any taxable year beginning in 2020
12 or 2021—

13 “(i) *IN GENERAL.*—Subparagraph (A)
14 shall be applied be substituting ‘\$10,500
15 (half such dollar amount’ for ‘\$5,000
16 (\$2,500’.

17 “(ii) *INFLATION ADJUSTMENT.*—In the
18 case of any taxable year beginning after
19 2020, the \$10,500 amount in clause (i) shall
20 be increased by an amount equal to—

21 “(I) such dollar amount, multi-
22 plied by

23 “(II) the cost-of-living adjustment
24 determined under section 1(f)(3) for
25 the calendar year in which the taxable

1 year begins, determined by substituting
 2 ‘2019’ for ‘2016’ in subparagraph
 3 (A)(ii) thereof.

4 Any increase determined under the pre-
 5 ceding sentence which is not a multiple of
 6 \$50, shall be rounded to the nearest mul-
 7 tiple of \$50.”.

8 (b) *EFFECTIVE DATE.*—The amendment made by this
 9 section shall apply to taxable years beginning after Decem-
 10 ber 31, 2019.

11 ***TITLE IV—CERTAIN FRINGE***
 12 ***BENEFIT EXPENSES***

13 ***SEC. 401. REPEAL OF INCLUSION OF CERTAIN FRINGE BEN-***
 14 ***EFIT EXPENSES IN UNRELATED BUSINESS***
 15 ***TAXABLE INCOME.***

16 (a) *IN GENERAL.*—Section 512(a) is amended by strik-
 17 ing paragraph (7).

18 (b) *EFFECTIVE DATE.*—The amendment made by this
 19 section shall take effect as if included in the amendments
 20 made by section 13703 of Public Law 115–97.

Union Calendar No. 307

116TH CONGRESS
2^D Session

H. R. 3300

[Report No. 116-384]

A BILL

To amend the Internal Revenue Code of 1986 to provide tax relief for workers and families, and for other purposes.

FEBRUARY 4, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed