

106TH CONGRESS
2D SESSION

S. 3105

To amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25 (legislative day, SEPTEMBER 22), 2000

Mr. BREAUX 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 clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, 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.**

4 This Act may be cited as the “Missing Children Tax
5 Fairness Act of 2000”.

1 **SEC. 2. TREATMENT OF MISSING CHILDREN WITH RESPECT**
2 **TO CERTAIN TAX BENEFITS.**

3 (a) IN GENERAL.—Subsection (c) of section 151 of
4 the Internal Revenue Code of 1986 (relating to additional
5 exemption for dependents) is amended by adding at the
6 end the following new paragraph:

7 “(6) TREATMENT OF MISSING CHILDREN.—

8 “(A) IN GENERAL.—Solely for the pur-
9 poses referred to in subparagraph (B), a child
10 of the taxpayer—

11 “(i) who is presumed to have been
12 kidnapped by someone who is not a mem-
13 ber of the family of such child or the tax-
14 payer, and

15 “(ii) who would be (without regard to
16 this paragraph) the dependent of the tax-
17 payer for the taxable year in which the
18 kidnapping occurred if such status were
19 determined by taking into account the 12
20 month period beginning before the month
21 in which the kidnapping occurred,

22 shall be treated as a dependent of the taxpayer
23 for all taxable years ending during the period
24 that the child is kidnapped.

25 “(B) PURPOSES.—Subparagraph (A) shall
26 apply solely for purposes of determining—

1 “(i) the deduction under this section,

2 “(ii) the credit under section 24 (re-
3 lating to child tax credit), and

4 “(iii) whether an individual is a sur-
5 viving spouse or a head of a household (as
6 such terms are defined in section 2).

7 “(C) TERMINATION OF TREATMENT.—
8 Subparagraph (A) shall not apply with respect
9 to any child of a taxpayer as of the first taxable
10 year of the taxpayer beginning after the cal-
11 endar year in which there is a determination
12 that the child is dead (or, if earlier, in which
13 the child would have attained age 18).”

14 (b) COMPARABLE TREATMENT FOR EARNED INCOME
15 CREDIT.—Section 32(c)(3) of the Internal Revenue Code
16 of 1986 (relating to qualified child) is amended by adding
17 at the end the following new subparagraph:

18 “(F) TREATMENT OF MISSING CHIL-
19 DREN.—

20 “(i) IN GENERAL.—For purposes of
21 this paragraph, an individual—

22 “(I) who is presumed to have
23 been kidnapped by someone who is
24 not a member of the family of such
25 individual or the taxpayer, and

1 “(II) who had, for the taxable
2 year in which the kidnapping oc-
3 curred, the same principal place of
4 abode as the taxpayer for more than
5 one-half of the portion of such year
6 before the date of the kidnapping,
7 shall be treated as meeting the require-
8 ment of subparagraph (A)(ii) with respect
9 to a taxpayer for all taxable years ending
10 during the period that the individual is
11 kidnapped.

12 “(ii) TERMINATION OF TREAT-
13 MENT.—Clause (i) shall not apply with re-
14 spect to any child of a taxpayer as of the
15 first taxable year of the taxpayer beginning
16 after the calendar year in which there is a
17 determination that the child is dead (or, if
18 earlier, in which the child would have at-
19 tained age 18).”

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years ending after the
22 date of the enactment of this Act.

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