

116TH CONGRESS  
1ST SESSION

# H. R. 3287

To amend the Internal Revenue Code of 1986 to provide for permanent disaster relief.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2019

Mr. RICE of South Carolina 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 permanent disaster relief.

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 “Tax Relief and Expe-  
5 dited Assistance for Disasters Act of 2019” or the  
6 “TREAD Act”.

7 **SEC. 2. DEFINITIONS.**

8 For purposes of this Act—

9 (1) **QUALIFIED DISASTER AREA.**—

1 (A) IN GENERAL.—The term “qualified  
2 disaster area” means any area with respect to  
3 which a major disaster was declared on or after  
4 January 1, 2018, by the President under sec-  
5 tion 401 of the Robert T. Stafford Disaster Re-  
6 lief and Emergency Assistance Act if the inci-  
7 dent period of the disaster with respect to  
8 which such declaration is made begins on or  
9 after January 1, 2018.

10 (B) EXCEPTION.—Such term shall not in-  
11 clude the California wildfire disaster area (as  
12 defined in section 20101 of subdivision 2 of di-  
13 vision B of the Bipartisan Budget Act of 2018).

14 (2) QUALIFIED DISASTER ZONE.—The term  
15 “qualified disaster zone” means that portion of any  
16 qualified disaster area which is determined by the  
17 President to warrant individual or individual and  
18 public assistance from the Federal Government  
19 under the Robert T. Stafford Disaster Relief and  
20 Emergency Assistance Act by reason of the qualified  
21 disaster with respect to such disaster area.

22 (3) QUALIFIED DISASTER.—The term “quali-  
23 fied disaster” means, with respect to any qualified  
24 disaster area, the disaster by reason of which a

1 major disaster was declared with respect to such  
2 area.

3 (4) INCIDENT PERIOD.—The term “incident pe-  
4 riod” means, with respect to any qualified disaster,  
5 the period specified by the Federal Emergency Man-  
6 agement Agency as the period during which such  
7 disaster occurred.

8 **SEC. 3. SPECIAL DISASTER-RELATED RULES FOR USE OF**  
9 **RETIREMENT FUNDS.**

10 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-  
11 MENT PLANS.—

12 (1) IN GENERAL.—Section 72(t)(2) of the In-  
13 ternal Revenue Code of 1986 is amended by adding  
14 at the end the following new subparagraph:

15 “(H) DISTRIBUTIONS FROM RETIREMENT  
16 PLANS IN CONNECTION WITH FEDERALLY DE-  
17 CLARED DISASTERS.—Any qualified disaster  
18 distribution.”.

19 (2) QUALIFIED DISASTER DISTRIBUTION.—Sec-  
20 tion 72(t) of such Code is amended by adding at the  
21 end the following new paragraph:

22 “(11) QUALIFIED DISASTER DISTRIBUTIONS.—  
23 For purposes of paragraph (2)(H)—

24 “(A) IN GENERAL.—Except as provided in  
25 paragraph (2), the term ‘qualified disaster dis-

1           tribution’ means any distribution from an eligi-  
2           ble retirement plan made after the incident be-  
3           ginning date of a qualified disaster and on or  
4           before December 31 of the year after the year  
5           in which the incident period with respect to the  
6           disaster begins, to an individual whose principal  
7           place of abode at any time during the incident  
8           period of such qualified disaster is located in  
9           the qualified disaster area with respect to such  
10          qualified disaster and who has sustained an  
11          economic loss by reason of such qualified dis-  
12          aster.

13                   “(B) LIMITATION.—

14                           “(i) IN GENERAL.—The aggregate  
15                           amount of distributions received by an in-  
16                           dividual which may be treated as qualified  
17                           disaster distributions for any taxable year  
18                           shall not exceed the excess (if any) of—

19                                   “(I) \$100,000, over

20   “(II) the aggregate amounts  
21   treated as qualified disaster distribu-  
22   tions received by such individual for  
23   all prior taxable years.

24                           “(ii) TREATMENT OF PLAN DISTRIBUTI-  
25                           ONS.—If a distribution to an individual

1 would (without regard to clause (i)) be a  
2 qualified disaster distribution, a plan shall  
3 not be treated as violating any requirement  
4 of this title merely because the plan treats  
5 such distribution as a qualified disaster  
6 distribution, unless the aggregate amount  
7 of such distributions from all plans main-  
8 tained by the employer (and any member  
9 of any controlled group which includes the  
10 employer) to such individual exceeds  
11 \$100,000.

12 “(iii) CONTROLLED GROUP.—For pur-  
13 poses of clause (ii), the term ‘controlled  
14 group’ means any group treated as a single  
15 employer under subsection (b), (c), (m), or  
16 (o) of section 414.

17 “(iv) SPECIAL RULE FOR INDIVIDUALS  
18 AFFECTED BY MORE THAN ONE DIS-  
19 ASTER.—The limitation of clause (i) shall  
20 be applied separately with respect to dis-  
21 tributions made with respect to each quali-  
22 fied disaster.

23 “(C) AMOUNT DISTRIBUTED MAY BE RE-  
24 PAID.—

1           “(i) IN GENERAL.—Any individual  
2           who receives a qualified disaster distribu-  
3           tion may, at any time during the 3-year  
4           period beginning on the day after the date  
5           on which such distribution was received,  
6           make one or more contributions in an ag-  
7           gregate amount not to exceed the amount  
8           of such distribution to an eligible retire-  
9           ment plan of which such individual is a  
10          beneficiary and to which a rollover con-  
11          tribution of such distribution could be  
12          made under section 402(c), 403(a)(4),  
13          403(b)(8), 408(d)(3), or 457(e)(16), as the  
14          case may be.

15          “(ii) TREATMENT OF REPAYMENTS OF  
16          DISTRIBUTIONS FROM ELIGIBLE RETIRE-  
17          MENT PLANS OTHER THAN IRAS.—If a  
18          contribution is made pursuant to clause (i)  
19          with respect to a qualified disaster dis-  
20          tribution from an eligible retirement plan  
21          other than an individual retirement plan,  
22          then the taxpayer shall, to the extent of  
23          the amount of the contribution, be treated  
24          as having received the qualified disaster  
25          distribution in an eligible rollover distribu-

1           tion (as defined in section 402(c)(4) of  
2           such Code) and as having transferred the  
3           amount to the eligible retirement plan in a  
4           direct trustee to trustee transfer within 60  
5           days of the distribution.

6           “(iii) TREATMENT OF REPAYMENTS  
7           OF DISTRIBUTIONS FROM IRAS.—If a con-  
8           tribution is made pursuant to clause (i)  
9           with respect to a qualified disaster dis-  
10          tribution from an individual retirement  
11          plan, then, to the extent of the amount of  
12          the contribution, the qualified disaster dis-  
13          tribution shall be treated as a distribution  
14          described in section 408(d)(3) and as hav-  
15          ing been transferred to the eligible retire-  
16          ment plan in a direct trustee to trustee  
17          transfer within 60 days of the distribution.

18          “(D) INCOME INCLUSION SPREAD OVER 3-  
19          YEAR PERIOD.—

20          “(i) IN GENERAL.—In the case of any  
21          qualified disaster distribution, unless the  
22          taxpayer elects not to have this paragraph  
23          apply for any taxable year, any amount re-  
24          quired to be included in gross income for  
25          such taxable year shall be so included rat-

ably over the 3-taxable-year period beginning with such taxable year.

“(ii) SPECIAL RULE.—For purposes of clause (i), rules similar to the rules of section 408A(d)(3)(E) shall apply.

“(E) SPECIAL RULES.—

“(i) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified disaster distributions shall not be treated as eligible rollover distributions.

“(ii) QUALIFIED DISASTER DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—A qualified disaster distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(I), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).

“(F) DISASTER DEFINITIONS.—Any term which is used in this paragraph and is also defined in section 2 of the Tax Relief and Expedited Assistance for Disasters Act of 2019 shall have the meaning given such term in such section.”.

1 (b) RECONTRIBUTIONS OF WITHDRAWALS FOR  
2 HOME PURCHASES.—

3 (1) RECONTRIBUTIONS.—

4 (A) IN GENERAL.—Any individual who re-  
5 ceived a qualified distribution may, during the  
6 applicable period, make one or more contribu-  
7 tions in an aggregate amount not to exceed the  
8 amount of such qualified distribution to an eli-  
9 gible retirement plan (as defined in section  
10 402(c)(8)(B) of the Internal Revenue Code of  
11 1986) of which such individual is a beneficiary  
12 and to which a rollover contribution of such dis-  
13 tribution could be made under section 402(c),  
14 403(a)(4), 403(b)(8), or 408(d)(3), of such  
15 Code, as the case may be.

16 (B) TREATMENT OF REPAYMENTS.—Rules  
17 similar to the rules of subparagraphs (B) and  
18 (C) of subsection (a)(3) shall apply for purposes  
19 of this subsection.

20 (2) QUALIFIED DISTRIBUTION.—For purposes  
21 of this subsection, the term “qualified distribution”  
22 means any distribution—

23 (A) described in section  
24 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only  
25 to the extent such distribution relates to finan-

1           cial hardship), 403(b)(11)(B), or 72(t)(2)(F),  
2           of the Internal Revenue Code of 1986,

3           (B) which was to be used to purchase or  
4           construct a principal residence in a qualified  
5           disaster area, but which was not so used on ac-  
6           count of the qualified disaster with respect to  
7           such area, and

8           (C) which was received on or after the date  
9           that is 270 days before the first day of incident  
10          period of the disaster, and before the date  
11          which is 30 days after the last day of the inci-  
12          dent period of such qualified disaster.

13          (3) APPLICABLE PERIOD.—For purposes of this  
14          subsection, the term “applicable period” means, with  
15          respect to any qualified distribution, the period be-  
16          ginning on the first day of the incident period of the  
17          disaster and ending on the date that is 180 days  
18          after the last day of such incident period.

19          (c) LOANS FROM QUALIFIED PLANS.—

20               (1) IN GENERAL.—Section 72(p) of the Internal  
21          Revenue Code of 1986 is amended by adding at the  
22          end the following new paragraph:

23                       “(6) INCREASE IN LIMIT ON LOANS NOT TREAT-  
24          ED AS DISTRIBUTIONS.—

1           “(A) IN GENERAL.—In the case of any  
2 loan from a qualified employer plan to a quali-  
3 fied individual made during the period begin-  
4 ning on the first date of the incident period and  
5 ending on December 31 of the year after the  
6 year in which such first date of the incident pe-  
7 riod occurs—

8                   “(i) clause (i) of paragraph (2)(A)  
9 shall be applied by substituting ‘\$100,000’  
10 for ‘\$50,000’, and

11                   “(ii) clause (ii) of such paragraph  
12 shall be applied by substituting ‘the  
13 present value of the nonforfeitable accrued  
14 benefit of the employee under the plan’ for  
15 ‘one-half of the present value of the non-  
16 forfeitable accrued benefit of the employee  
17 under the plan’.

18           “(B) DELAY OF REPAYMENT.—In the case  
19 of a qualified individual (with respect to any  
20 qualified disaster) with an outstanding loan  
21 during or after the incident period (of such  
22 qualified disaster) from a qualified employer  
23 plan—

24                   “(i) if the due date pursuant to sub-  
25 paragraph (B) or (C) of paragraph (2) for

1 any repayment with respect to such loan  
2 occurs during the period beginning on the  
3 incident beginning date of such qualified  
4 disaster and ending on December 31 of the  
5 year after the year in which the incident  
6 period with respect to the disaster begins,  
7 such due date shall be delayed for 1 year,

8 “(ii) any subsequent repayments with  
9 respect to any such loan shall be appro-  
10 priately adjusted to reflect the delay in the  
11 due date under clause (i) and any interest  
12 accruing during such delay, and

13 “(iii) in determining the 5-year period  
14 and the term of a loan under subpara-  
15 graph (B) or (C) of paragraph (2), the pe-  
16 riod described in clause (i) of this subpara-  
17 graph shall be disregarded.

18 “(C) QUALIFIED INDIVIDUAL.—For pur-  
19 poses of this paragraph, the term ‘qualified in-  
20 dividual’ means any individual—

21 “(i) whose principal place of abode at  
22 any time during the incident period of any  
23 qualified disaster is located in the qualified  
24 disaster area with respect to such qualified  
25 disaster, and

1                   “(ii) who has sustained an economic  
2                   loss by reason of such qualified disaster.

3                   “(D) DISASTER DEFINITIONS.—Any term  
4                   which used in this paragraph and is also de-  
5                   fined in section 2 of the Tax Relief and Expe-  
6                   dited Assistance for Disasters Act of 2019 shall  
7                   have the meaning given such term in such sec-  
8                   tion.”.

9                   (d) PROVISIONS RELATING TO PLAN AMEND-  
10                  MENTS.—

11                  (1) IN GENERAL.—If this subsection applies to  
12                  any amendment to any plan or annuity contract,  
13                  such plan or contract shall be treated as being oper-  
14                  ated in accordance with the terms of the plan during  
15                  the period described in paragraph (2)(B)(i).

16                  (2) AMENDMENTS TO WHICH SUBSECTION AP-  
17                  PLIES.—

18                  (A) IN GENERAL.—This subsection shall  
19                  apply to any amendment to any plan or annuity  
20                  contract which is made—

21                          (i) pursuant to any provision of this  
22                          section (and any amendment made there-  
23                          by), or pursuant to any regulation issued  
24                          by the Secretary or the Secretary of Labor

1 under any such provision or amendment,  
2 and

3 (ii) on or before the last day of the  
4 first plan year beginning on or after Janu-  
5 ary 1, 2020, or such later date as the Sec-  
6 retary may prescribe.

7 In the case of a governmental plan (as defined  
8 in section 414(d) of the Internal Revenue Code  
9 of 1986), clause (ii) shall be applied by sub-  
10 stituting the date which is 2 years after the  
11 date otherwise applied under clause (ii).

12 (B) CONDITIONS.—This subsection shall  
13 not apply to any amendment unless—

14 (i) during the period—

15 (I) beginning on the date that  
16 this section or the regulation de-  
17 scribed in subparagraph (A)(i) takes  
18 effect (or in the case of a plan or con-  
19 tract amendment not required by this  
20 section or such regulation, the effec-  
21 tive date specified by the plan), and

22 (II) ending on the date described  
23 in subparagraph (A)(ii) (or, if earlier,  
24 the date the plan or contract amend-  
25 ment is adopted),

1 the plan or contract is operated as if such plan  
 2 or contract amendment were in effect, and

3 (ii) such plan or contract amendment  
 4 applies retroactively for such period.

5 **SEC. 4. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS**  
 6 **AFFECTED BY QUALIFIED DISASTERS.**

7 (a) IN GENERAL.—Subpart D of part IV of sub-  
 8 chapter A of chapter 1 of the Internal Revenue Code of  
 9 1986 is amended by adding at the end the following new  
 10 section:

11 **“SEC. 45T. EMPLOYEE RETENTION CREDIT FOR EMPLOY-**  
 12 **ERS AFFECTED BY QUALIFIED DISASTERS.**

13 “(a) IN GENERAL.—For purposes of section 38, in  
 14 the case of an eligible employer, the qualified disaster em-  
 15 ployee retention credit for any taxable year is an amount  
 16 equal to 40 percent of the qualified wages with respect  
 17 to each eligible employee of such employer for such taxable  
 18 year. For purposes of the preceding sentence, the amount  
 19 of qualified wages which may be taken into account with  
 20 respect to any individual shall not exceed \$6,000.

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

22 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible  
 23 employer’ means any employer—

24 “(A) which conducted an active trade or  
 25 business in a qualified disaster zone at any time

1 during the incident period of the qualified dis-  
2 aster with respect to such qualified disaster  
3 zone, and

4 “(B) with respect to whom the trade or  
5 business described in subparagraph (A) is inop-  
6 erable at any time after the incident beginning  
7 date of such qualified disaster, and before Jan-  
8 uary 1 of the year after the year of such inci-  
9 dent beginning date, as a result of damage sus-  
10 tained by reason of such qualified disaster.

11 “(2) ELIGIBLE EMPLOYEE.—The term ‘eligible  
12 employee’ means with respect to an eligible employer  
13 an employee whose principal place of employment at  
14 any time during the incident period of the qualified  
15 disaster referred to in paragraph (1) with such eligi-  
16 ble employer was in the qualified disaster zone re-  
17 ferred to in such paragraph.

18 “(3) QUALIFIED WAGES.—The term ‘qualified  
19 wages’ means wages (as defined in section 51(c)(1),  
20 but without regard to section 3306(b)(2)(B)) paid or  
21 incurred by an eligible employer with respect to an  
22 eligible employee at any time during the period de-  
23 scribed in paragraph (1)(B), and which occurs dur-  
24 ing the period—

1           “(A) beginning on the date on which the  
2           trade or business described in paragraph (1)  
3           first became inoperable at the principal place of  
4           employment of the employee immediately before  
5           the qualified disaster referred to in such para-  
6           graph, and

7           “(B) ending on the date on which such  
8           trade or business has resumed significant oper-  
9           ations at such principal place of employment.

10          Such term shall include wages paid without regard  
11          to whether the employee performs no services, per-  
12          forms services at a different place of employment  
13          than such principal place of employment, or per-  
14          forms services at such principal place of employment  
15          before significant operations have resumed.

16          “(4) DISASTER DEFINITIONS.—Any term which  
17          is used in this section and is also defined in section  
18          2 of the Tax Relief and Expedited Assistance for  
19          Disasters Act of 2019 shall have the meaning given  
20          such term in such section 2.

21          “(c) CERTAIN RULES TO APPLY.—For purposes of  
22          this subsection, rules similar to the rules of sections  
23          51(i)(1), 52, and 280C(a) shall apply.

24          “(d) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE  
25          THAN ONCE.—An employee shall not be treated as an eli-

1 gible employee for purposes of this subsection for any pe-  
 2 riod with respect to any employer if such employer is al-  
 3 lowed a credit under section 51 with respect to such em-  
 4 ployee for such period.”.

5 (b) GENERAL BUSINESS CREDIT.—Section 38(b) of  
 6 such Code is amended by striking “plus” at the end of  
 7 paragraph (31), by striking the period at the end of para-  
 8 graph (32) and inserting “, plus”, and by adding at the  
 9 end the following new paragraph:

10 “(33) the qualified disaster employee retention  
 11 credit determined under section 45T(a).”.

12 (c) CLERICAL AMENDMENT.—The table of sections  
 13 for subpart D of part IV of subchapter A of chapter 1  
 14 of such Code is amended by adding at the end the fol-  
 15 lowing new item:

“Sec. 45T. Employee retention credit for employers affected by qualified disas-  
 ters.”.

16 (d) EFFECTIVE DATE.—The amendments made by  
 17 this section shall apply to disasters occurring after Decem-  
 18 ber 31, 2017.

19 **SEC. 5. OTHER DISASTER-RELATED TAX RELIEF PROVI-**  
 20 **SIONS.**

21 (a) TEMPORARY SUSPENSION OF LIMITATIONS ON  
 22 CHARITABLE CONTRIBUTIONS.—Section 170 of the Inter-  
 23 nal Revenue Code of 1986 is amended by redesignating

1 subsection (p) as subsection (q) and by inserting after sub-  
2 section (o) the following new subsection:

3 “(p) TEMPORARY SUSPENSION OF LIMITATIONS ON  
4 CHARITABLE CONTRIBUTIONS.—

5 “(1) IN GENERAL.—Except as otherwise pro-  
6 vided in paragraph (2), subsection (b) shall not  
7 apply to qualified contributions and such contribu-  
8 tions shall not be taken into account for purposes of  
9 applying subsections (b) and (d) to other contribu-  
10 tions.

11 “(2) TREATMENT OF EXCESS CONTRIBU-  
12 TIONS.—

13 “(A) INDIVIDUALS.—In the case of an in-  
14 dividual—

15 “(i) LIMITATION.—Any qualified con-  
16 tribution shall be allowed only to the ex-  
17 tent that the aggregate of such contribu-  
18 tions does not exceed the excess of the tax-  
19 payer’s contribution base over the amount  
20 of all other charitable contributions allowed  
21 under subsection (b)(1).

22 “(ii) CARRYOVER.—If the aggregate  
23 amount of qualified contributions made in  
24 the contribution year (within the meaning  
25 of subsection (d)(1)) exceeds the limitation

1 of clause (i), such excess shall be added to  
2 the excess described in the portion of sub-  
3 paragraph (A) of such subsection which  
4 precedes clause (i) thereof for purposes of  
5 applying such subsection.

6 “(B) CORPORATIONS.—In the case of a  
7 corporation—

8 “(i) LIMITATION.—Any qualified con-  
9 tribution shall be allowed only to the ex-  
10 tent that the aggregate of such contribu-  
11 tions does not exceed the excess of the tax-  
12 payer’s taxable income over the amount of  
13 all other charitable contributions allowed  
14 under such paragraph.

15 “(ii) CARRYOVER.—Rules similar to  
16 the rules of subparagraph (A)(ii) shall  
17 apply for purposes of this subparagraph.

18 “(3) QUALIFIED CONTRIBUTIONS.—

19 “(A) IN GENERAL.—For purposes of this  
20 subsection, the term ‘qualified contribution’  
21 means any charitable contribution if—

22 “(i) such contribution—

23 “(I) is made for relief efforts in  
24 one or more qualified disaster areas,  
25 and

1                   “(II) is paid during the period  
2                   beginning on the first day of the inci-  
3                   dent period for any such disaster, and  
4                   ending on December 31 of the year in  
5                   which such incident period begins, in  
6                   cash to an organization described in  
7                   subsection (b)(1)(A),

8                   “(ii) the taxpayer obtains from such  
9                   organization contemporaneous written ac-  
10                  knowledgment that such contribution was  
11                  used (or is to be used) for relief efforts de-  
12                  scribed in clause (i)(I), and

13                  “(iii) the taxpayer has elected the ap-  
14                  plication of this subsection with respect to  
15                  such contribution.

16                  “(B) EXCEPTION.—Such term shall not in-  
17                  clude a contribution by a donor if the contribu-  
18                  tion is—

19                         “(i) to an organization described in  
20                         section 509(a)(3), or

21                         “(ii) for the establishment of a new,  
22                         or maintenance of an existing, donor ad-  
23                         vised fund (as defined in section  
24                         4966(d)(2)).

1           “(C) APPLICATION OF ELECTION TO PART-  
2           NERSHIPS AND S CORPORATIONS.—In the case  
3           of a partnership or S corporation, the election  
4           under subparagraph (A)(iii) shall be made sepa-  
5           rately by each partner or shareholder.

6           “(4) DISASTER DEFINITIONS.—Any term which  
7           used in this subsection and is also defined in section  
8           2 of the Tax Relief and Expedited Assistance for  
9           Disasters Act of 2019 shall have the meaning given  
10          such term in such section.”.

11          (b) SPECIAL RULES FOR QUALIFIED DISASTER-RE-  
12          LATED PERSONAL CASUALTY LOSSES.—Section 165(h) of  
13          such Code is amended by redesignating paragraphs (3),  
14          (4), and (5) as paragraphs (4), (5), and (6), respectively,  
15          and by inserting after paragraph (2) the following new  
16          paragraph:

17                 “(3) SPECIAL RULES FOR QUALIFIED DIS-  
18                 ASTER-RELATED PERSONAL CASUALTY LOSSES.—

19                         “(A) IN GENERAL.—If an individual has a  
20                         net disaster loss for any taxable year—

21                                 “(i) the amount determined under  
22                                 section 165(h)(2)(A)(ii) of the Internal  
23                                 Revenue Code of 1986 shall be equal to  
24                                 the sum of—

25   “(I) such net disaster loss, and

1                   “(II) so much of the excess re-  
2                   ferred to in the matter preceding  
3                   clause (i) of section 165(h)(2)(A) of  
4                   such Code (reduced by the amount in  
5                   clause (i) of this subparagraph) as ex-  
6                   ceeds 10 percent of the adjusted gross  
7                   income of the individual,

8                   “(ii) paragraph (1) shall be applied by  
9                   substituting ‘\$500’ for ‘\$500 (\$100 for  
10                  taxable years beginning after December  
11                  31, 2009)’,

12                  “(iii) the standard deduction deter-  
13                  mined under section 63(c) shall be in-  
14                  creased by the net disaster loss, and

15                  “(iv) section 56(b)(1)(E) shall not  
16                  apply to so much of the standard deduc-  
17                  tion as is attributable to the increase  
18                  under subparagraph (C) of this paragraph.

19                  “(B) NET DISASTER LOSS.—For purposes  
20                  of this paragraph, the term ‘net disaster loss’  
21                  means the excess of qualified disaster-related  
22                  personal casualty losses over personal casualty  
23                  gains.

24                  “(C) QUALIFIED DISASTER-RELATED PER-  
25                  SONAL CASUALTY LOSSES.—For purposes of

1           this paragraph, the term ‘qualified disaster-re-  
2           lated personal casualty losses’ means losses de-  
3           scribed in subsection (c)(3) which arise in a  
4           qualified disaster area on or after the incident  
5           beginning date of the qualified disaster to which  
6           such area relates, and which are attributable to  
7           such qualified disaster. Any term which used in  
8           this subparagraph and is also defined in section  
9           2 of the Tax Relief and Expedited Assistance  
10          for Disasters Act of 2019 shall have the mean-  
11          ing given such term in such section.”.

12          (c) SPECIAL RULE FOR DETERMINING EARNED IN-  
13          COME.—Section 32 of the Internal Revenue Code of 1986  
14          is amended by adding at the end the following new sub-  
15          section:

16          “(n) SPECIAL RULE FOR DETERMINING EARNED IN-  
17          COME.—

18                 “(1) IN GENERAL.—In the case of a qualified  
19                 individual, if the earned income of the taxpayer for  
20                 the applicable taxable year is less than the earned  
21                 income of the taxpayer for the preceding taxable  
22                 year, the credits allowed under this section and sec-  
23                 tion 24(d) may, at the election of the taxpayer, be  
24                 determined by substituting—

1           “(A) such earned income for the preceding  
2 taxable year, for

3           “(B) such earned income for the applicable  
4 taxable year.

5           “(2) QUALIFIED INDIVIDUAL.—For purposes of  
6 this subsection, the term ‘qualified individual’ means  
7 any individual whose principal place of abode at any  
8 time during the incident period of any qualified dis-  
9 aster was located—

10           “(A) in the qualified disaster zone with re-  
11 spect to such qualified disaster, or

12           “(B) in the qualified disaster area with re-  
13 spect to such qualified disaster (but outside the  
14 qualified disaster zone with respect to such  
15 qualified disaster) and such individual was dis-  
16 placed from such principal place of abode by  
17 reason of such qualified disaster.

18           “(3) APPLICABLE TAXABLE YEAR.—The term  
19 ‘applicable taxable year’ means, with respect to any  
20 qualified individual, any taxable year which includes  
21 any day during the incident period of the qualified  
22 disaster to which the qualified disaster area referred  
23 to in paragraph (2) relates.

24           “(4) DEFINITION AND SPECIAL RULES.—

1           “(A) DISASTER DEFINITIONS.—Any term  
2 which is used in this subsection and is also de-  
3 fined in section 2 of the Tax Relief and Expe-  
4 dited Assistance for Disasters Act of 2019 shall  
5 have the meaning given such term in such sec-  
6 tion.

7           “(B) APPLICATION TO JOINT RETURNS.—  
8 For purposes of paragraph (1), in the case of  
9 a joint return for an applicable taxable year—

10                   “(i) such paragraph shall apply if ei-  
11 ther spouse is a qualified individual, and

12                   “(ii) the earned income of the tax-  
13 payer for the preceding taxable year shall  
14 be the sum of the earned income of each  
15 spouse for such preceding taxable year.

16           “(C) UNIFORM APPLICATION OF ELEC-  
17 TION.—Any election made under paragraph (1)  
18 shall apply with respect to both this section and  
19 section 24(d).

20           “(D) ERRORS TREATED AS MATHE-  
21 MATICAL ERROR.—For purposes of section  
22 6213, an incorrect use on a return of earned in-  
23 come pursuant to paragraph (1) shall be treat-  
24 ed as a mathematical or clerical error.

1           “(E) NO EFFECT ON DETERMINATION OF  
2           GROSS INCOME, ETC.—Except as otherwise pro-  
3           vided in this subsection, this title shall be ap-  
4           plied without regard to any substitution under  
5           paragraph (1).”.

6           (d) CHILD TAX CREDIT.—Section 24(d) of such Code  
7 is amended by inserting after paragraph (2) the following  
8 new paragraph:

9           “(3) SPECIAL RULE FOR DETERMINING  
10          EARNED INCOME OF TAXPAYERS AFFECTED BY FED-  
11          ERALLY DECLARED DISASTERS.—For election by  
12          qualified individuals with respect to certain federally  
13          declared disasters to substitute earned income from  
14          the preceding taxable year, see section 32(n).”.

15          (e) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply to taxable years beginning after  
17 December 31, 2017.

18 **SEC. 6. TREATMENT OF CERTAIN POSSESSIONS.**

19          (a) PAYMENTS TO GUAM AND THE COMMONWEALTH  
20 OF THE NORTHERN MARIANA ISLANDS.—The Secretary  
21 of the Treasury shall pay to Guam and the Commonwealth  
22 of the Northern Mariana Islands amounts equal to the loss  
23 to that possession by reason of the application of the pro-  
24 visions of this Act. Such amounts shall be determined by

1 the Secretary of the Treasury based on information pro-  
2 vided by the government of the respective possession.

3 (b) PAYMENTS TO AMERICAN SAMOA.—

4 (1) IN GENERAL.—The Secretary of the Treas-  
5 ury shall pay to American Samoa amounts estimated  
6 by the Secretary of the Treasury as being equal to  
7 the aggregate benefits that would have been pro-  
8 vided to residents of American Samoa by reason of  
9 the provisions of this Act if a mirror code tax system  
10 had been in effect in American Samoa. The pre-  
11 ceding sentence shall not apply unless American  
12 Samoa has a plan, which has been approved by the  
13 Secretary of the Treasury, under which American  
14 Samoa will promptly distribute such payments to its  
15 residents.

16 (2) MIRROR CODE TAX SYSTEM.—For purposes  
17 of this subsection, the term “mirror code tax sys-  
18 tem” means, with respect to any possession of the  
19 United States, the income tax system of such posses-  
20 sion if the income tax liability of the residents of  
21 such possession under such system is determined by  
22 reference to the income tax laws of the United  
23 States as if such possession were the United States.

24 (c) TREATMENT OF PAYMENTS.—For purposes of  
25 section 1324 of title 31, United States Code, the payments

1 under this section shall be treated in the same manner  
2 as a refund due from a credit provision referred to in sub-  
3 section (b)(2) of such section.

4 **SEC. 7. AUTOMATIC EXTENSION OF FILING DEADLINES IN**  
5 **CASE OF CERTAIN TAXPAYERS AFFECTED BY**  
6 **FEDERALLY DECLARED DISASTERS.**

7 (a) IN GENERAL.—Section 7508A of the Internal  
8 Revenue Code of 1986 is amended by adding at the end  
9 the following new subsection:

10 “(d) MANDATORY 60-DAY EXTENSION.—

11 “(1) IN GENERAL.—In the case of any qualified  
12 taxpayer, the period—

13 “(A) beginning on the earliest incident  
14 date specified in the declaration to which the  
15 disaster area referred to in paragraph (2) re-  
16 lates, and

17 “(B) ending on the date which is 60 days  
18 after the latest incident date so specified,  
19 shall be disregarded in the same manner as a period  
20 specified under subsection (a).

21 “(2) QUALIFIED TAXPAYER.—For purposes of  
22 this subsection, the term ‘qualified taxpayer’  
23 means—

1           “(A) any individual whose principal resi-  
2           dence (for purposes of section 1033(h)(4)) is lo-  
3           cated in a disaster area,

4           “(B) any taxpayer if the taxpayer’s prin-  
5           cipal place of business (other than the business  
6           of performing services as an employee) is lo-  
7           cated in a disaster area,

8           “(C) any individual who is a relief worker  
9           affiliated with a recognized government or phil-  
10          anthropic organization and who is assisting in  
11          a disaster area,

12          “(D) any taxpayer whose records necessary  
13          to meet a deadline for an act described in sec-  
14          tion 7508(a)(1) are maintained in a disaster  
15          area,

16          “(E) any individual visiting a disaster area  
17          who was killed or injured as a result of the dis-  
18          aster, and

19          “(F) solely with respect to a joint return,  
20          any spouse of an individual described in any  
21          preceding subparagraph of this paragraph.

22          “(3) DISASTER AREA.—For purposes of this  
23          subsection, the term ‘disaster area’ has the meaning  
24          given such term under subparagraph (B) of section  
25          165(i)(5) with respect to a Federally declared dis-

1 aster (as defined in subparagraph (A) of such sec-  
2 tion).

3 “(4) APPLICATION TO RULES REGARDING PEN-  
4 SIONS.—In the case of any person described in sub-  
5 section (b), a rule similar to the rule of paragraph  
6 (1) shall apply for purposes of subsection (b) with  
7 respect to—

8 “(A) making contributions to a qualified  
9 retirement plan (within the meaning of section  
10 4974(c)) under section 219(f)(3), 404(a)(6),  
11 404(h)(1)(B), or 404(m)(2),

12 “(B) making distributions under section  
13 408(d)(4),

14 “(C) recharacterizing contributions under  
15 section 408A(d)(6), and

16 “(D) making a rollover under section  
17 402(c), 403(a)(4), 403(b)(8), or 408(d)(3).

18 “(5) COORDINATION WITH PERIODS SPECIFIED  
19 BY THE SECRETARY.—Any period described in para-  
20 graph (1) with respect to any person (including by  
21 reason of the application of paragraph (4)) shall be  
22 in addition to (or concurrent with, as the case may  
23 be) any period specified under subsection (a) or (b)  
24 with respect to such person.”.

1           (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to federally declared disasters de-  
3 clared after the date of the enactment of this Act.

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