

115TH CONGRESS
2D SESSION

S. 2281

To amend the Internal Revenue Code of 1986 to make permanent the individual tax rates in effect for taxable years 2018 through 2025.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2018

Mr. CRUZ 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 make permanent the individual tax rates in effect for taxable years 2018 through 2025.

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. PERMANENT MODIFICATION OF INDIVIDUAL**
4 **RATE BRACKETS.**

5 (a) MARRIED INDIVIDUALS FILING JOINT RETURNS
6 AND SURVIVING SPOUSES.—The table contained in sub-
7 section (a) of section 1 of the Internal Revenue Code of
8 1986 is amended to read as follows:

“If taxable income is:**The tax is:**

| | |
|---|---|
| Not over \$19,050 | 10% of taxable income. |
| Over \$19,050 but not over \$77,400 | \$1,905, plus 12% of the excess over \$19,050. |
| Over \$77,400 but not over \$165,000 | \$8,907, plus 22% of the excess over \$77,400. |
| Over \$165,000 but not over \$315,000 | \$28,179, plus 24% of the excess over \$165,000. |
| Over \$315,000 but not over \$400,000 | \$64,179, plus 32% of the excess over \$315,000. |
| Over \$400,000 but not over \$600,000 | \$91,379, plus 35% of the excess over \$400,000. |
| Over \$600,000 | \$161,379, plus 37% of the excess over \$600,000.”. |

1 (b) HEADS OF HOUSEHOLDS.—The table contained
2 in subsection (b) of section 1 of the Internal Revenue Code
3 of 1986 is amended to read as follows:

“If taxable income is:**The tax is:**

| | |
|---|---|
| Not over \$13,600 | 10% of taxable income. |
| Over \$13,600 but not over \$51,800 | \$1,360, plus 12% of the excess over \$13,600. |
| Over \$51,800 but not over \$82,500 | \$5,944, plus 22% of the excess over \$51,800. |
| Over \$82,500 but not over \$157,500 | \$12,698, plus 24% of the excess over \$82,500. |
| Over \$157,500 but not over \$200,000 | \$30,698, plus 32% of the excess over \$157,500. |
| Over \$200,000 but not over \$500,000 | \$44,298, plus 35% of the excess over \$200,000. |
| Over \$500,000 | \$149,298, plus 37% of the excess over \$500,000.”. |

4 (c) UNMARRIED INDIVIDUALS OTHER THAN SUR-
5 VIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The
6 table contained in subsection (c) of section 1 of the Inter-
7 nal Revenue Code of 1986 is amended to read as follows:

“If taxable income is:**The tax is:**

| | |
|--|--|
| Not over \$9,525 | 10% of taxable income. |
| Over \$9,525 but not over \$38,700 | \$952.50, plus 12% of the excess over \$9,525. |

| “If taxable income is: | The tax is: |
|---|--|
| Over \$38,700 but not over \$82,500 | \$4,453.50, plus 22% of the excess over \$38,700. |
| Over \$82,500 but not over \$157,500 | \$14,089.50, plus 24% of the excess over \$82,500. |
| Over \$157,500 but not over \$200,000 | \$32,089.50, plus 32% of the excess over \$157,500. |
| Over \$200,000 but not over \$500,000 | \$45,689.50, plus 35% of the excess over \$200,000. |
| Over \$500,000 | \$150,689.50, plus 37% of the excess over \$500,000.”. |

1 (d) MARRIED INDIVIDUALS FILING SEPARATE RE-
2 TURNS.—The table contained in subsection (d) of section
3 1 of the Internal Revenue Code of 1986 is amended to
4 read as follows:

| “If taxable income is: | The tax is: |
|---|---|
| Not over \$9,525 | 10% of taxable income. |
| Over \$9,525 but not over \$38,700 | \$952.50, plus 12% of the excess over \$9,525. |
| Over \$38,700 but not over \$82,500 | \$4,453.50, plus 22% of the excess over \$38,700. |
| Over \$82,500 but not over \$157,500 | \$14,089.50, plus 24% of the excess over \$82,500. |
| Over \$157,500 but not over \$200,000 | \$32,089.50, plus 32% of the excess over \$157,500. |
| Over \$200,000 but not over \$300,000 | \$45,689.50, plus 35% of the excess over \$200,000. |
| Over \$300,000 | \$80,689.50, plus 37% of the excess over \$300,000.”. |

5 (e) ESTATES AND TRUSTS.—The table contained in
6 subsection (e) of section 1 of the Internal Revenue Code
7 of 1986 is amended to read as follows:

| “If taxable income is: | The tax is: |
|--|---|
| Not over \$2,550 | 10% of taxable income. |
| Over \$2,550 but not over \$9,150 | \$255, plus 24% of the excess over \$2,550. |
| Over \$9,150 but not over \$12,500 | \$1,839, plus 35% of the excess over \$9,150. |
| Over \$12,500 | \$3,011.50, plus 37% of the excess over \$12,500.”. |

1 (f) ADJUSTMENT FOR INFLATION.—Subsection (f) of
2 section 1 of the Internal Revenue Code of 1986 is amend-
3 ed—

4 (1) by striking “1993” in paragraph (1) and in-
5 serting “2018”,

6 (2) by striking “1992” in paragraph (2)(A)(i)
7 and inserting “2017”,

8 (3) by striking “a married individual filing a
9 separate return” in paragraph (7)(B) and inserting
10 “any unmarried individual other than a surviving
11 spouse or head of household”,

12 (4) by striking “MARRIED INDIVIDUALS FILING
13 SEPARATELY” in the heading of subparagraph (B) of
14 paragraph (7) and inserting “CERTAIN UNMARRIED
15 INDIVIDUALS”, and

16 (5) by striking paragraph (8).

17 (g) SPECIAL RULES FOR CERTAIN CHILDREN WITH
18 UNEARNED INCOME.—Subsection (g) of section 1 of the
19 Internal Revenue Code of 1986 is amended—

20 (1) by striking paragraphs (1), (3), and (5),

21 (2) by redesignating paragraphs (4), (6), and
22 (7) as paragraphs (5), (7), and (8), respectively,

23 (3) by redesignating paragraph (2) as para-
24 graph (6) and by moving such paragraph to the po-

1 sition between paragraphs (5) and (7) (as so redesi-
2 gnated),

3 (4) by inserting before paragraph (5) (as so re-
4 designated) the following new paragraphs:

5 “(1) IN GENERAL.—In the case of a child to
6 whom this subsection applies for the taxable year,
7 the amount of tax imposed by this section on such
8 child shall be determined as provided in paragraphs
9 (2) and (3).

10 “(2) MODIFICATIONS TO APPLICABLE RATE
11 BRACKETS.—The income tax table otherwise applica-
12 ble under this section to the child shall be applied
13 with the following modifications:

14 “(A) 24-PERCENT BRACKET.—The max-
15 imum taxable income which is taxed at a rate
16 below 24 percent shall not be more than the
17 sum of—

18 “(i) the earned taxable income of such
19 child, plus

20 “(ii) the minimum taxable income for
21 the 24-percent bracket in the table under
22 subsection (e) (as adjusted under sub-
23 section (f)) for the taxable year.

24 “(B) 35-PERCENT BRACKET.—The max-
25 imum taxable income which is taxed at a rate

1 below 35 percent shall not be more than the
2 sum of—

3 “(i) the earned taxable income of such
4 child, plus

5 “(ii) the minimum taxable income for
6 the 35-percent bracket in the table under
7 subsection (e) (as adjusted under sub-
8 section (f)) for the taxable year.

9 “(C) 37-PERCENT BRACKET.—The max-
10 imum taxable income which is taxed at a rate
11 below 37 percent shall not be more than the
12 sum of—

13 “(i) the earned taxable income of such
14 child, plus

15 “(ii) the minimum taxable income for
16 the 37-percent bracket in the table under
17 subsection (e) (as adjusted under sub-
18 section (f)) for the taxable year.

19 “(3) COORDINATION WITH CAPITAL GAINS
20 RATES.—For purposes of applying subsection (h)—

21 “(A) the maximum zero rate amount shall
22 not be more than the sum of—

23 “(i) the earned taxable income of such
24 child, plus

1 “(ii) the amount in effect under sub-
2 section (h)(12)(A)(iv) for the taxable year,
3 and

4 “(B) the maximum 15-percent rate
5 amount shall not be more than the sum of—

6 “(i) the earned taxable income of such
7 child, plus

8 “(ii) the amount in effect under sub-
9 section (h)(12)(B)(iv) for the taxable year.

10 “(4) EARNED TAXABLE INCOME.—For purposes
11 of this subsection, the term ‘earned taxable income’
12 means, with respect to any child for any taxable
13 year, the taxable income of such child reduced (but
14 not below zero) by the net unearned income of such
15 child.”, and

16 (5) by striking “paragraph (4)(A)(ii)(I)” each
17 place it appears in subparagraphs (A)(ii), (B)(i),
18 and (B)(ii)(II) of paragraph (8) (as so redesignated)
19 and inserting “paragraph (5)(A)(ii)(I)”.

20 (h) CAPITAL GAINS BRACKETS.—Subsection (h) of
21 section 1 of the Internal Revenue Code of 1986 is amend-
22 ed—

23 (1) by striking “which would (without regard to
24 this paragraph) be taxed at a rate below 25 percent”

1 in paragraph (1)(B)(i) and inserting “below the
2 maximum zero rate amount”,

3 (2) by striking “which would (without regard to
4 this paragraph) be taxed at a rate below 39.6 per-
5 cent” in paragraph (1)(C)(ii)(I) and inserting
6 “below the maximum 15-percent rate amount”, and

7 (3) by adding at the end the following new
8 paragraph:

9 “(12) MAXIMUM AMOUNTS DEFINED.—For pur-
10 poses of this subsection—

11 “(A) MAXIMUM ZERO RATE AMOUNT.—The
12 maximum zero rate amount shall be—

13 “(i) in the case of a joint return or
14 surviving spouse, \$77,200,

15 “(ii) in the case of an individual who
16 is a head of household (as defined in sec-
17 tion 2(b)), \$51,700,

18 “(iii) in the case of any other indi-
19 vidual (other than an estate or trust), an
20 amount equal to $\frac{1}{2}$ of the amount in effect
21 for the taxable year under clause (i), and

22 “(iv) in the case of an estate or trust,
23 \$2,600.

1 “(B) MAXIMUM 15-PERCENT RATE
2 AMOUNT.—The maximum 15-percent rate
3 amount shall be—

4 “(i) in the case of a joint return or
5 surviving spouse, \$479,000 ($\frac{1}{2}$ such
6 amount in the case of a married individual
7 filing a separate return),

8 “(ii) in the case of an individual who
9 is the head of a household (as defined in
10 section 2(b)), \$452,400,

11 “(iii) in the case of any other indi-
12 vidual (other than an estate or trust),
13 \$425,800, and

14 “(iv) in the case of an estate or trust,
15 \$12,700.

16 “(C) INFLATION ADJUSTMENT.—In the
17 case of any taxable year beginning after 2018,
18 each of the dollar amounts in subparagraphs
19 (A) and (B) shall be increased by an amount
20 equal to—

21 “(i) such dollar amount, multiplied by

22 “(ii) the cost-of-living adjustment de-
23 termined under subsection (f)(3) for the
24 calendar year in which the taxable year be-
25 gins, determined by substituting ‘calendar

1 year 2017’ for ‘calendar year 2016’ in sub-
2 paragraph (A)(ii) thereof.

3 If any increase under this subparagraph is not
4 a multiple of \$50, such increase shall be round-
5 ed to the next lowest multiple of \$50.”.

6 (i) CONFORMING AMENDMENTS.—

7 (1) Section 1 of the Internal Revenue Code of
8 1986 is amended by striking subsections (i) and (j).

9 (2) Section 3402(q)(1) of such Code is amend-
10 ed by striking “third lowest” and inserting “fourth
11 lowest”.

12 (j) SECTION 15 NOT TO APPLY.—Section 15 of the
13 Internal Revenue Code of 1986 shall not apply to any
14 change in a rate of tax by reason of this section.

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

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