

119TH CONGRESS
1ST SESSION

S. 3432

To amend the Internal Revenue Code of 1986 to allow disaster-affected taxpayers to use preceding taxable year earned income to determine eligibility for the earned income credit and the refundable portion of the child tax credit.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2025

Ms. KLOBUCHAR (for herself and Mr. CASSIDY) 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 allow disaster-affected taxpayers to use preceding taxable year earned income to determine eligibility for the earned income credit and the refundable portion of the child tax credit.

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 “Working Families Dis-
5 aster Tax Relief Act”.

1 **SEC. 2. ELECTION FOR DISASTER-AFFECTED TAXPAYERS**
 2 **TO USE PRECEDING YEAR EARNED INCOME**
 3 **TO DETERMINE CREDIT ELIGIBILITY.**

4 (a) ELECTION TO USE PRIOR YEAR INCOME FOR
 5 DISASTER-AFFECTED TAXPAYERS WITH RESPECT TO
 6 CHILD TAX CREDIT.—Section 24(d) of the Internal Rev-
 7 enue Code of 1986 is amended to read as follows:

8 “(4) ELECTION TO USE PRIOR YEAR INCOME
 9 FOR DISASTER-AFFECTED TAXPAYERS.—

10 “(A) IN GENERAL.—A disaster-affected
 11 taxpayer may elect to apply paragraph (1) by
 12 substituting ‘the preceding taxable year’ for ‘the
 13 taxable year’ each place such term appears.

14 “(B) DISASTER-AFFECTED TAXPAYER.—
 15 For purposes of this paragraph, the term ‘dis-
 16 aster-affected taxpayer’ means, with respect to
 17 a taxable year—

18 “(i) a taxpayer whose principal place
 19 of abode or principal place of work, during
 20 any period in the taxable year which is
 21 part of the incident period of a qualified
 22 disaster, is located in a qualified disaster
 23 zone, or

24 “(ii) a taxpayer—

25 “(I) whose principal place of
 26 abode, during any period in the tax-

1 able year which is part of the incident
 2 period of a qualified disaster, is lo-
 3 cated in the qualified disaster area
 4 with respect to such qualified disaster,
 5 and

6 “(II) who is displaced from such
 7 principal place of abode during such
 8 taxable year as a result of such quali-
 9 fied disaster.

10 “(C) DEFINITIONS.—For purposes of this
 11 paragraph—

12 “(i) QUALIFIED DISASTER.—The term
 13 ‘qualified disaster’ means any disaster with
 14 respect to which a major disaster has been
 15 declared by the President under section
 16 401 of the Robert T. Stafford Disaster Re-
 17 lief and Emergency Assistance Act.

18 “(ii) QUALIFIED DISASTER AREA.—
 19 The term ‘qualified disaster area’ means,
 20 with respect to any qualified disaster, the
 21 area with respect to which the major dis-
 22 aster was declared under the Robert T.
 23 Stafford Disaster Relief and Emergency
 24 Assistance Act.

1 “(iii) QUALIFIED DISASTER ZONE.—

2 The term ‘qualified disaster zone’ means
 3 the portion of a qualified disaster area de-
 4 termined by the President to warrant indi-
 5 vidual or individual and public assistance
 6 from the Federal Government under the
 7 Robert T. Stafford Disaster Relief and
 8 Emergency Assistance Act.”.

9 (b) ELECTION TO USE PRIOR YEAR INCOME FOR
 10 DISASTER-AFFECTED TAXPAYERS WITH RESPECT TO
 11 EARNED INCOME CREDIT.—Section 32(c) of such Code
 12 is amended by adding at the end the following new para-
 13 graph:

14 “(5) ELECTION TO USE PRIOR YEAR INCOME
 15 FOR DISASTER-AFFECTED TAXPAYERS.—A disaster-
 16 affected taxpayer (as defined in section 24(d)(4)(B))
 17 may elect to apply subsection (a)(1) by inserting
 18 ‘preceding’ before ‘taxable year’ in such para-
 19 graph.”.

20 (c) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply to taxable years beginning after
 22 December 31, 2024.

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