

115TH CONGRESS
1ST SESSION

S. 1938

To establish a policy framework that offers and rewards work, strengthens the incentive to work, greatly reduces poverty, and creates new jobs in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2017

Ms. BALDWIN (for herself and Mr. BOOKER) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To establish a policy framework that offers and rewards work, strengthens the incentive to work, greatly reduces poverty, and creates new jobs in the United States, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Stronger Way Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—TRANSITIONAL JOBS PROGRAM

Sec. 101. Purposes.
 Sec. 102. Definitions.
 Sec. 103. Transitional jobs.
 Sec. 104. Authorization of appropriations.

TITLE II—POVERTY REDUCTION TAX CREDITS

Sec. 201. Reform of earned income credit.
 Sec. 202. Establishment of fully refundable child tax credit.

1 **TITLE I—TRANSITIONAL JOBS** 2 **PROGRAM**

3 **SEC. 101. PURPOSES.**

4 The purposes of the transitional jobs program under
 5 this title are to—

6 (1) reduce poverty and unemployment;

7 (2) offer unemployed or partially employed indi-
 8 viduals the opportunity to work in a transitional job
 9 for the purpose of enabling such individuals to gain,
 10 through wage-paying jobs, the experience and skills
 11 needed to move into regular employment; and

12 (3) assist employers to create new regular em-
 13 ployment.

14 **SEC. 102. DEFINITIONS.**

15 In this title:

16 (1) EMPLOYER OF RECORD.—The term “em-
 17 ployer of record” means a local government, non-
 18 profit, or for-profit entity selected under section
 19 103(c)(3)(A) to carry out the responsibilities de-
 20 scribed in section 103(d).

1 (2) HOST SITE EMPLOYER.—The term “host
2 site employer” means an employer that—

3 (A) provides an individual who is eligible
4 for a transitional job with the opportunity to
5 work in a specific transitional job for which the
6 individual is qualified, as determined by such
7 employer, at a worksite that is under the direct
8 supervision of such employer; and

9 (B) agrees to be responsible for—

10 (i) selecting, training, and supervising
11 the transitional job worker, including pro-
12 viding a written job description, initial
13 training, ongoing management, and peri-
14 odic performance reviews;

15 (ii) certifying to the employer of
16 record, in the manner prescribed by the
17 Secretary, the number of hours that the
18 transitional job worker has worked for the
19 host site employer; and

20 (iii) cooperating with the employer of
21 record in facilitating the movement of the
22 transitional job worker into regular em-
23 ployment.

1 (3) LOCAL AREA.—The term “local area”
2 means a city, county, or other general purpose polit-
3 ical subdivision of a State.

4 (4) REGULAR EMPLOYMENT.—The term “reg-
5 ular employment” means regular, unsubsidized em-
6 ployment, as defined by the Secretary.

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of Labor.

9 (6) STATE.—The term “State” means each of
10 the several States of the United States, the District
11 of Columbia, and the Commonwealth of Puerto Rico.

12 (7) TRANSITIONAL JOB.—The term “transi-
13 tional job” means a job offered to an eligible indi-
14 vidual through the program authorized under section
15 103 that—

16 (A) provides the rate of pay described in
17 section 103(d)(6); and

18 (B) provides the individual with employ-
19 ment of—

20 (i) not less than 16 hours per week;

21 and

22 (ii) not more than 40 hours per week,
23 when combined with any hours per week of
24 work that the individual is employed
25 through any other employer (if applicable).

1 **SEC. 103. TRANSITIONAL JOBS.**

2 (a) PROGRAM AUTHORIZED.—From amounts made
3 available under section 104, the Secretary shall establish
4 a program, through grant agreements described in sub-
5 section (c) with State and local government agencies, that
6 provides eligible unemployed or partially employed individ-
7 uals with opportunities to work in a transitional job for
8 the purpose of enabling such individuals to gain, through
9 wage-paying jobs, the experience and skills needed to move
10 into regular employment.

11 (b) ELIGIBILITY.—To be eligible for a transitional
12 job, an individual shall—

13 (1) be a resident of the United States, and a
14 resident of the State in which the individual applies
15 for a transitional job;

16 (2) be not less than 18 years of age;

17 (3) not be incarcerated in any Federal or State
18 penal institution, unless the individual is partici-
19 pating in a work-release program authorized by the
20 United States or a State and the United States or
21 the State authorizes employment under this cir-
22 cumstance in a transitional job; and

23 (4) be unemployed, or employed for less than
24 30 hours per week, for not less than 4 consecutive
25 weeks preceding the individual's application for a
26 transitional job.

1 (c) TRANSITIONAL JOBS PROGRAM ADMINISTRA-
2 TION.—

3 (1) IN GENERAL.—The Secretary shall enter
4 into agreements with State and local government
5 agencies under which—

6 (A) the State and local government agen-
7 cies carry out all activities described in para-
8 graph (3); and

9 (B) the Secretary provides grants to the
10 State and local government agencies to carry
11 out such activities.

12 (2) SELECTION CRITERIA.—The Secretary shall
13 select State and local government agencies for the
14 agreements described in paragraph (1) based on—

15 (A) the agencies' level of experience and
16 commitment to transitional jobs programs; and

17 (B) such other criteria as the Secretary de-
18 termines appropriate, which may include cri-
19 teria relating to the implementation by such
20 agencies of transitional jobs program models
21 under this title.

22 (3) ACTIVITIES.—The activities described in
23 this paragraph are the following:

24 (A) Select, on a competitive basis, and
25 enter into a contract with one or more local

1 government, nonprofit, or for-profit entities
2 to—

3 (i) administer the transitional jobs
4 program in the State or local area to be
5 served; and

6 (ii) function as the employer of record
7 described in subsection (d).

8 (B) Pay each entity selected to serve as an
9 employer of record, based upon the terms of the
10 contract and full documentation of perform-
11 ance, for the entity's performance of its con-
12 tractually defined services in administering the
13 transitional jobs program, including reimburse-
14 ment of the entity for appropriate wages and
15 taxes the entity has paid, as required under
16 paragraphs (6) and (7) of subsection (d), to or
17 on behalf of eligible individuals who worked in
18 transitional jobs in the entity's capacity as an
19 employer of record. A State or local govern-
20 mental agency may require a host employer to
21 pay a portion of the appropriate wages and
22 taxes for the individual.

23 (C) Cooperate with the Comptroller Gen-
24 eral of the United States, the Congressional
25 Budget Office, and other Federal and State

1 agencies in the performance of audits and the
2 conduct of fiscal and programmatic oversight.

3 (D) Annually submit to the Secretary, and
4 to the Governor or other chief executive officer
5 of the State in which the program is located
6 and the State legislature, a report on the State
7 or local government agency's role and accom-
8 plishments in the operation of the transitional
9 jobs program, in a format specified by the Sec-
10 retary.

11 (E) Conduct, or enter into arrangements
12 with independent academic or research organi-
13 zations to conduct, periodic evaluations of the
14 effectiveness of the program within the State or
15 local area served in—

16 (i) reducing poverty and unemploy-
17 ment;

18 (ii) enabling unemployed and under-
19 employed individuals to gain the experience
20 and skills needed to move into regular em-
21 ployment; and

22 (iii) assisting employers in creating
23 new regular employment.

1 (F) Promulgate any rules necessary for the
2 agency's operation of the transitional jobs pro-
3 gram.

4 (4) SCOPE OF PROGRAM.—

5 (A) IN GENERAL.—The Secretary shall, to
6 the greatest extent practicable and subject to
7 the availability of appropriations, ensure that
8 the agreements described in paragraph (1)
9 make the transitional jobs program available to
10 eligible individuals in all local areas of all
11 States.

12 (B) INDIVIDUALS WITH SIGNIFICANT BAR-
13 RERS TO EMPLOYMENT.—Notwithstanding
14 subparagraph (A), a State or local government
15 agency entering into an agreement under para-
16 graph (1) may, in carrying out the activities de-
17 scribed in paragraph (3), choose to target the
18 assistance to eligible individuals under sub-
19 section (b) who have significant barriers to em-
20 ployment.

21 (C) USE OF EXISTING SYSTEMS.—A State
22 or local government agency entering into an
23 agreement under paragraph (1) may carry out
24 the activities described in paragraph (3)
25 through, or in alignment with, other subsidized

1 employment and job training activities or sys-
2 tems available within the State or local area.

3 (d) RESPONSIBILITIES OF AN EMPLOYER OF
4 RECORD.—Each local government, nonprofit, or for-profit
5 entity selected to serve as an employer of record under
6 subsection (c)(3)(A) shall do each of the following:

7 (1) Determine the eligibility of individuals ap-
8 plying for the transitional jobs program under this
9 title.

10 (2) Conduct orientation activities for individuals
11 that the employer of record has determined are eligi-
12 ble for the transitional jobs program.

13 (3) Assess the education, prior work experience,
14 and other relevant factors of each eligible individual
15 who requests a transitional job, for the purpose of
16 assisting the individual to be successful in applying
17 for and performing well in a specific transitional job.

18 (4) Connect each eligible individual requesting a
19 transitional job to the one-stop delivery system es-
20 tablished under section 121(e) of the Workforce In-
21 novation and Opportunity Act (29 U.S.C. 3151(e)),
22 and to other resources that provide assistance to job
23 seekers.

24 (5) Offer each eligible individual who desires to
25 work in a transitional job and meets the eligibility

1 requirements under paragraphs (1) through (4) of
2 subsection (b) the opportunity to work for a host
3 site employer. The host site employer may be—

4 (A) the employer of record; or

5 (B) another organization that has entered
6 into an agreement with the employer of record,
7 and as part of such agreement, agrees to func-
8 tion as, and meet the responsibilities of, a host
9 site employer, for a period not to exceed 30
10 weeks, subject to the requirements of subsection
11 (e).

12 (6) Pay each individual described in paragraph
13 (5), for each hour of work performed for the host
14 site employer, an amount at a rate of pay that is
15 equal to, or greater than, the greater of—

16 (A) the minimum wage rate applicable in
17 the State in which the applicable position is lo-
18 cated;

19 (B) the wage rate applicable under section
20 6 of the Fair Labor Standards Act of 1938 (29
21 U.S.C. 206); or

22 (C) if the State or local governmental
23 agency determines appropriate, the prevailing
24 wage rate, as determined by the State or local

1 governmental agency, for the type of work per-
2 formed by the individual.

3 (7) With respect to the employment of each in-
4 dividual described in paragraph (5)—

5 (A) pay any applicable Federal taxes for
6 employers, including the employer taxes im-
7 posed under sections 3111, 3221, and 3301 of
8 the Internal Revenue Code of 1986;

9 (B) pay any other State or local govern-
10 ment taxes that employers in the relevant State
11 or local area are required to pay;

12 (C) withhold from the individual's earnings
13 the taxes imposed under sections 3101 and
14 3201 of the Internal Revenue Code of 1986,
15 and any other Federal, State, or local tax re-
16 quired to be withheld for employees;

17 (D) complete and submit to the appro-
18 priate government agencies, all required Fed-
19 eral, State, and local tax-related and employ-
20 ment-related forms that an employer would
21 typically submit, including by ensuring that
22 each individual provides the information nec-
23 essary for the completion of such forms;

1 (E) provide the individual with a Form W–
 2 2 Wage and Tax Statement for the calendar
 3 year;

4 (F) provide for workers’ compensation cov-
 5 erage for the individual under the applicable
 6 Federal and State workers’ compensation laws;

7 (G) perform, either directly or through an
 8 agreement described in paragraph (5)(B) with a
 9 host site employer, all other functions that an
 10 employer would typically perform;

11 (H) comply with any applicable require-
 12 ments for providing health insurance coverage,
 13 including under the Patient Protection and Af-
 14 fordable Care Act (Public Law 111–148) and
 15 any amendments made by that Act; and

16 (I) provide any benefits that are otherwise
 17 required of employers in the relevant State or
 18 local area.

19 (8) Ensure that no transitional job would result
 20 in a violation of any of the worker protections pro-
 21 vided in subsection (f).

22 (e) DURATION OF TRANSITIONAL JOB.—

23 (1) IN GENERAL.—An individual may work in a
 24 transitional job for a period not to exceed 30 weeks,
 25 as long as—

1 (A) the individual continues to meet the
2 eligibility requirements for a transitional job
3 under paragraphs (1) through (3) of subsection
4 (b);

5 (B) the individual, during the period of
6 employment in the transitional job, pursues ef-
7 forts to replace hours of work in the transi-
8 tional job with regular employment;

9 (C) the individual has not—

10 (i) obtained regular employment that
11 consistently equals or exceeds 30 hours of
12 work per week; or

13 (ii) turned down any appropriate offer
14 for such regular employment, as deter-
15 mined by the Secretary; and

16 (D) if the individual receives and accepts
17 an appropriate offer for such regular employ-
18 ment, the individual does not postpone the
19 starting date for such employment beyond the
20 earliest date practicable, as determined by the
21 Secretary, even if such date occurs before the
22 individual has reached the maximum transi-
23 tional job time period of 30 weeks.

24 (2) ADDITIONAL TRANSITIONAL JOB.—A State
25 or local government agency administering a transi-

1 tional jobs program under this section shall, subject
 2 to the availability of funds, allow an individual who
 3 has completed the maximum number of weeks in a
 4 transitional job an opportunity to work in a different
 5 transitional job, under the same terms and condi-
 6 tions established under this section, if the indi-
 7 vidual—

8 (A) is unable, after the end of 30 weeks of
 9 employment in a transitional job, to find reg-
 10 ular employment that consistently equals or ex-
 11 ceeds 30 hours per week;

12 (B) engages in an intensive job search, as
 13 defined by the Secretary, for not less than 4
 14 consecutive weeks following the completion of a
 15 transitional job, and remains unable to find reg-
 16 ular employment; and

17 (C) meets the eligibility requirements
 18 under paragraphs (1) through (4) of subsection
 19 (b).

20 (f) WORKER PROTECTIONS.—

21 (1) PROHIBITION AGAINST VIOLATION OF CON-
 22 TRACTS.—A transitional job shall not violate an ex-
 23 isting contract for services or a collective bargaining
 24 agreement, and a transitional job that would violate
 25 a collective bargaining agreement shall not be under-

1 taken without the written concurrence of the labor
2 organization and employer concerned.

3 (2) OTHER PROHIBITIONS.—An individual de-
4 scribed in subsection (d)(5) shall not be assigned to
5 a transitional job—

6 (A) when any other individual is on layoff
7 from the same or any substantially equivalent
8 job;

9 (B) if the employer has terminated the em-
10 ployment of any regular employee or otherwise
11 caused an involuntary reduction in its workforce
12 with the intention of filling the vacancy so cre-
13 ated with the individual working in the transi-
14 tional job; or

15 (C) if the employer has caused an involun-
16 tary reduction to less than full time in hours of
17 any employee in the same or a substantially
18 equivalent job.

19 (g) EVALUATIONS.—The Secretary may reserve not
20 more than a total of 10 percent of the amounts made
21 available under section 104 for—

22 (1) evaluations of transitional jobs program
23 models implemented with grants awarded under this
24 title; and

1 (2) other evaluations of grants and activities
2 carried out under this title.

3 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out
5 this title such sums as may be necessary.

6 **TITLE II—POVERTY REDUCTION**
7 **TAX CREDITS**

8 **SEC. 201. REFORM OF EARNED INCOME CREDIT.**

9 (a) IN GENERAL.—Section 32 of the Internal Rev-
10 enue Code of 1986 is amended—

11 (1) by amending subsection (b) to read as fol-
12 lows:

13 “(b) PERCENTAGES AND AMOUNTS.—For purposes
14 of subsection (a):

15 “(1) PERCENTAGES.—The credit percentage
16 and the phaseout percentage shall be determined as
17 follows:

“In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
No qualifying children	23.15	23.15
1 qualifying child	70	23.85
2 qualifying children	75	24.50
3 or more qualifying children	80	29.70.

18 “(2) AMOUNTS.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), the earned income amount and the

1 phaseout amount shall be determined as fol-
 2 lows:

“In the case of an eligible individual with:	The earned income amount is:	The phaseout amount is:
No qualifying children	\$6,612	\$16,969
1 qualifying child	\$8,277	\$15,000
2 qualifying children	\$9,675	\$15,000
3 qualifying children	\$12,220	\$15,000.

3 “(B) JOINT RETURNS.—

4 “(i) IN GENERAL.—Except as pro-
 5 vided in clause (ii), in the case of a joint
 6 return filed by an eligible individual and
 7 such individual’s spouse, the phaseout
 8 amount determined under subparagraph
 9 (A) shall be increased by \$5,550.

10 “(ii) TAXPAYERS WITH NO QUALI-
 11 FYING CHILDREN.—In the case of a joint
 12 return filed by an eligible individual and
 13 such individual’s spouse who do not have a
 14 qualifying child for the taxable year, the
 15 phaseout amount in the third column of
 16 the first row of the table in subparagraph
 17 (A) shall be increased by \$8,000.”;

18 (2) in subclause (II) of subsection (c)(1)(A)(ii),
 19 by striking “attained age 25 but not attained age
 20 65” and inserting “attained age 21 but not attained
 21 age 67”; and

1 (3) by amending subsection (j) to read as fol-
2 lows:

3 “(j) INFLATION ADJUSTMENTS.—

4 “(1) IN GENERAL.—In the case of any taxable
5 year beginning after 2017, each of the dollar
6 amounts in subparagraph (A) of subsection (b)(2)
7 (after being increased under subparagraph (B)
8 thereof) shall be increased by an amount equal to—

9 “(A) such dollar amount, multiplied by

10 “(B) the cost-of-living adjustment deter-
11 mined under section 1(f)(3) for the calendar
12 year in which the taxable year begins, deter-
13 mined by substituting ‘calendar year 2016’ for
14 ‘calendar year 1992’ in subparagraph (B)
15 thereof.

16 “(2) ROUNDING.—If any dollar amount in-
17 creased under paragraph (1) is not a multiple of
18 \$50, such dollar amount shall be rounded to the
19 nearest multiple of \$50.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2016.

23 **SEC. 202. ESTABLISHMENT OF FULLY REFUNDABLE CHILD**
24 **TAX CREDIT.**

25 (a) CREDIT MADE REFUNDABLE.—

(1) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(A) by redesignating section 24 as section 36C; and

(B) by moving section 36C (as so redesignated) from subpart A of part IV of subchapter A of chapter 1 to the location immediately before section 37 in subpart C of part IV of subchapter A of chapter 1.

(2) CONFORMING AMENDMENTS.—

(A) Section 36C of such Code, as redesignated by subsection (a), is amended by striking subsection (d).

(B) The table of sections for subpart A of part IV of subchapter A of chapter 1 of subtitle A of such Code is amended by striking the item relating to section 24.

(C) The table of sections for subpart C of part IV of subchapter A of chapter 1 of subtitle A of such Code is amended by inserting after the item relating to section 36B the following:

“Sec. 36C. Child tax credit.”.

(D) Subparagraph (B) of section 45R(f)(3) of such Code is amended to read as follows:

“(B) SPECIAL RULE.—Any amounts paid pursuant to an agreement under section 3121(l)

(relating to agreements entered into by American employers with respect to foreign affiliates) which are equivalent to the taxes referred to in subparagraph (A) shall be treated as taxes referred to in such subparagraph.”.

(E) Section 152(f)(6)(B)(ii) of such Code is amended by striking “section 24” and inserting “section 36C”.

(F) Paragraph (26) of section 501(c) of such Code is amended in the flush matter at the end by striking “section 24(c)” and inserting “section 36C(c)”.

(G) Section 6211(b)(4)(A) of such Code is amended—

(i) by striking “24(d),”; and

(ii) by inserting “, 36C” after “36B”.

(H) Section 6213(g)(2) of such Code is amended—

(i) in subparagraph (I), by striking “section 24(e)” and inserting “section 36C(e)”;

(ii) in subparagraph (L), by striking “24, or 32” and inserting “32, or 36C”; and

(iii) in subparagraph (P)—

1 (I) by striking “24(h)(2)” and
 2 inserting “36C(g)(2)”;

3 (II) by striking “24” and insert-
 4 ing “36C”; and

5 (III) by striking “(h)(2) thereof”
 6 and inserting “(g)(2) thereof”.

7 (I) Section 6402(m) of such Code is
 8 amended by striking “24 (by reason of sub-
 9 section (d) thereof) or 32” and inserting “32 or
 10 36C”.

11 (J) Section 6695(g) of such Code is
 12 amended by striking “24, 25A(a)(1), or 32”
 13 and inserting “25A(a)(1), 32, or 36C”.

14 (K) Paragraph (2) of section 1324(b) of
 15 title 31, United States Code, is amended by in-
 16 serting “, 36C” after “36B”.

17 (b) MODIFICATION OF CREDIT.—

18 (1) CREDIT AMOUNT.—Subsection (a) of section
 19 36C of the Internal Revenue Code of 1986, as redes-
 20 ignated by subsection (a)(1), is amended to read as
 21 follows:

22 “(a) ALLOWANCE OF CREDIT.—In the case of a tax-
 23 payer with 1 or more qualifying children, there shall be
 24 allowed as a credit against the tax imposed by this subtitle
 25 for the taxable year an amount equal to 45 percent of the

1 taxpayer's earned income (within the meaning of section
 2 32) which is taken into account in computing taxable in-
 3 come for the taxable year.”.

4 (2) LIMITATIONS.—Subsection (b) of section
 5 36C of such Code, as so redesignated, is amended to
 6 read as follows:

7 “(b) LIMITATION.—

8 “(1) IN GENERAL.—The amount of the credit
 9 determined under subsection (a) for any taxable year
 10 shall not exceed an amount equal to the product of
 11 \$1,000 and the number of qualifying children of the
 12 taxpayer for the taxable year.

13 “(2) REDUCTION BASED ON MODIFIED AD-
 14 JUSTED GROSS INCOME.—

15 “(A) IN GENERAL.—The amount which
 16 would (but for this paragraph) be allowable as
 17 a credit under this section (determined after the
 18 application of paragraph (1)) shall be reduced
 19 (but not below zero) by \$50 for each \$1,000 (or
 20 fraction thereof) by which the taxpayer's modi-
 21 fied adjusted gross income exceeds—

22 “(i) \$110,000, in the case of a joint
 23 return,

24 “(ii) \$75,000, in the case of an indi-
 25 vidual who is not married, and

1 “(iii) \$55,000, in the case of a mar-
 2 ried individual filing a separate return.

3 “(B) MARITAL STATUS; ADJUSTED GROSS
 4 INCOME.—For purposes of this paragraph—

5 “(i) marital status shall be determined
 6 under section 7703, and

7 “(ii) the term ‘modified adjusted gross
 8 income’ means adjusted gross income in-
 9 creased by any amount excluded from
 10 gross income under section 911, 931, or
 11 933.”.

12 (3) ADJUSTMENT FOR INFLATION.—Section
 13 36C of such Code, as so redesignated, is amended by
 14 inserting after subsection (c) the following new sub-
 15 section:

16 “(d) ADJUSTMENT FOR INFLATION.—

17 “(1) IN GENERAL.—In the case of any taxable
 18 year beginning after 2017, the \$1,000 amount in
 19 subsection (b)(1) shall be increased by an amount
 20 equal to—

21 “(A) such dollar amount, multiplied by

22 “(B) the cost-of-living adjustment deter-
 23 mined under section 1(f)(3) for the calendar
 24 year in which the taxable year begins deter-
 25 mined by substituting ‘calendar year 2016’ for

1 ‘calendar year 1992’ in subparagraph (B)
2 thereof.

3 “(2) ROUNDING.—If any increase determined
4 under paragraph (1) is not a multiple of \$50, such
5 increase shall be rounded to the nearest multiple of
6 \$50.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxable years beginning after
9 December 31, 2016.

○