

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
COMMERCE
HEALTH, EDUCATION,
LABOR, AND PENSIONS

April 24, 2020

The Honorable Steven Mnuchin
Secretary of the Treasury
United States Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220

Dear Secretary Mnuchin:

I write out of concern after hearing from Wisconsin families who are learning that their full direct payment assistance, provided by the Coronavirus Aid, Relief, and Economic Security Act (CARES; P.L. 116-136), has been intercepted to collect a past-due child support obligation owed by one spouse—including the portion of the stimulus payment families are entitled to because of an injured spouse claim. I ask that you act right away to ensure that these spouses and their families receive this critical assistance provided by Congress during this challenging time.

The CARES Act includes direct payments to individuals and families on the basis of taxpayers' 2019 return, or 2018 return if a 2019 return has not yet been filed. Married couples filing joint returns are to receive \$2,400 and an additional \$500 per child under the age of 17. While the CARES Act is clear that these payments cannot be intercepted to pay for past due debts to federal agencies, state income tax debt, or unemployment compensation debt, the bill does not exempt payment offset for past-due child support for cases enforced by the Child Support Enforcement program.

To that end, Treasury has provided public guidance about tax offset procedures for these payments. The guidance is in line with IRS's typical rules for tax refunds, which allow a spouse to recoup their portion of a refund by filing an injured spouse claim with their tax return. IRS's online Economic Impact Payment Information Center includes information for individuals who have filed such a claim:

“If you are married filing jointly and you filed an injured spouse claim with your 2019 tax return (or 2018 tax return if you haven't filed your 2019 tax return), half of the total Payment will be sent to each spouse and your spouse's Payment will be offset only for past-due child support. There is no need to file another injured spouse claim for the Payment.”

After reading this information at [IRS.gov](https://www.irs.gov), the families I am hearing from eagerly awaited their much needed stimulus payment, only to learn that their full payment had been

intercepted by IRS. This is not what Congress intended in passing the CARES Act, and not what Treasury promised in its guidance for the families this information applies to.

The COVID-19 public health emergency continues to take a massive economic toll on families across the country, and this direct assistance is needed now to help cover necessary expenses. I ask that you ensure that Treasury follow its own guidance and immediately rectify this situation to ensure that those who filed an injured spouse claim quickly receive half of the total stimulus payment their family is entitled to.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Tammy Baldwin". The signature is written in a cursive, flowing style.

Tammy Baldwin
United States Senator