

118TH CONGRESS
1ST SESSION

H. R. 5802

To amend the Internal Revenue Code of 1986 to allow unreimbursed employee expenses to be taken into account as miscellaneous itemized deductions.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2023

Mr. GROTHMAN (for himself, Mr. BIGGS, Mr. MIKE GARCIA of California, Mr. SANTOS, and Mr. HARRIS) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow unreimbursed employee expenses to be taken into account as miscellaneous itemized deductions.

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 “Employee Business
5 Expense Deduction Reinstatement Act of 2023”.

1 **SEC. 2. UNREIMBURSED EMPLOYEE EXPENSES TAKEN**
2 **INTO ACCOUNT AS MISCELLANEOUS**
3 **ITEMIZED DEDUCTION.**

4 (a) IN GENERAL.—Section 67(g) of the Internal Rev-
5 enue Code of 1986 is amended—

6 (1) by striking “THROUGH 2025.—Notwith-
7 standing subsection (a)” and inserting the following;
8 “THROUGH 2025.—

9 “(1) IN GENERAL.—Notwithstanding subsection
10 (a), and except to the extent provided in paragraph
11 (2)”, and

12 (2) by adding at the end the following new
13 paragraph:

14 “(2) EXCEPTION FOR UNREIMBURSED FOOD,
15 LODGING, TRAVEL, OR TRANSPORTATION EXPENSES
16 OF EMPLOYEES.—For such taxable years—

17 “(A) IN GENERAL.—An individual may
18 take into account under subsection (a) 85 per-
19 cent of any miscellaneous itemized deductions
20 for the taxable year which are unreimbursed
21 food, lodging, travel, or transportation expenses
22 paid or incurred by the individual in connection
23 with the performance of services as an em-
24 ployee.

1 “(B) MODIFIED FLOOR.—Subsection (a)
2 shall be applied by substituting ‘1 percent’ for
3 ‘2 percent’.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall take effect as if included in section
6 11045 of Public Law 115–97 (commonly known as the
7 Tax Cuts and Jobs Act).

8 (c) EXTENSION OF STATUTE OF LIMITATION ON
9 CREDIT OR REFUND.—If the period of limitation on a
10 credit or refund resulting from the amendments made by
11 subsection (a) expires before the end of the 1-year period
12 beginning on the date of the enactment of this Act, refund
13 or credit of such overpayment (to the extent attributable
14 to such amendments) may, nevertheless, be made or al-
15 lowed if claim therefor is filed before the close of such
16 1-year period.

○