

115TH CONGRESS
2D SESSION

S. 2718

To amend the Internal Revenue Code of 1986 to allow workers an above-the-line deduction for union dues and expenses and to allow a miscellaneous itemized deduction for workers for all unreimbursed expenses incurred in the trade or business of being an employee.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2018

Mr. CASEY (for himself, Ms. STABENOW, Mr. MENENDEZ, Mr. WHITEHOUSE, and Ms. BALDWIN) 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 workers an above-the-line deduction for union dues and expenses and to allow a miscellaneous itemized deduction for workers for all unreimbursed expenses incurred in the trade or business of being an employee.

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 “Tax Fairness for
5 Workers Act”.

1 **SEC. 2. ALLOWANCE OF DEDUCTION FOR CERTAIN EX-**
 2 **PENSES OF THE TRADE OR BUSINESS OF**
 3 **BEING AN EMPLOYEE.**

4 (a) ABOVE-THE-LINE DEDUCTION FOR UNION DUES
 5 AND EXPENSES.—Section 62(a)(1) of the Internal Rev-
 6 enue Code of 1986 is amended by adding at the end the
 7 following new sentence: “The limitation under the pre-
 8 ceding sentence shall not apply to deductions which are
 9 attributable to a trade or business consisting of the per-
 10 formance of services by the taxpayer as an employee if
 11 such deductions are for union dues and expenses.”

12 (b) ALLOWANCE OF MISCELLANEOUS ITEMIZED DE-
 13 DUCTION FOR OTHER EXPENSES OF THE TRADE OR
 14 BUSINESS OF BEING AN EMPLOYEE.—Section 67(g) of
 15 the Internal Revenue Code of 1986 is amended—

16 (1) by striking “Notwithstanding subsection
 17 (a),” and inserting:

18 “(1) IN GENERAL.—Notwithstanding subsection
 19 (a), except as provided in paragraph (2),”; and

20 (2) by adding at the end the following:

21 “(2) EXCEPTION FOR EXPENSES OF THE
 22 TRADE OR BUSINESS OF BEING AN EMPLOYEE.—

23 “(A) IN GENERAL.—Paragraph (1) shall
 24 not apply to miscellaneous itemized deductions
 25 for any taxable year which are itemized deduc-
 26 tions attributable to a trade or business carried

1 on by the taxpayer which consists of the per-
2 formance of services by the taxpayer as an em-
3 ployee.

4 “(B) APPLICATION OF 2-PERCENT TEST.—
5 In applying subsection (a) for any taxable year
6 to which this paragraph applies, only the
7 itemized deductions described in subparagraph
8 (A) shall be taken into account as miscellaneous
9 itemized deductions.”.

10 (c) EFFECTIVE DATES.—

11 (1) ABOVE-THE-LINE DEDUCTION.—The
12 amendment made by subsection (a) shall apply to
13 taxable years beginning after December 31, 2017.

14 (2) MISCELLANEOUS ITEMIZED DEDUCTIONS.—
15 The amendment made by subsection (b) shall take
16 effect as if included in the amendment made by sec-
17 tion 11045(a) of Public Law 115–97.

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