

118TH CONGRESS
1ST SESSION

S. 738

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

MARCH 9, 2023

Mr. CASEY (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. BROWN, Mr. SANDERS, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Ms. CANTWELL, Mr. CARDIN, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FETTERMAN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Mr. KELLY, Mr. KING, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mr. PADILLA, Mr. REED, Ms. ROSEN, Mr. SCHATZ, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Mr. WARNOCK, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, and Mr. WYDEN) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Tax Fairness for
3 Workers Act”.

4 **SEC. 2. ALLOWANCE OF DEDUCTION FOR CERTAIN EX-**
5 **PENSES OF THE TRADE OR BUSINESS OF**
6 **BEING AN EMPLOYEE.**

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

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

19 (1) by striking “2025.—Notwithstanding sub-
20 section (a),” and inserting “2025.—

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

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

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

1 “(A) IN GENERAL.—Paragraph (1) shall
2 not apply to miscellaneous itemized deductions
3 for any taxable year which are itemized deduc-
4 tions attributable to a trade or business carried
5 on by the taxpayer which consists of the per-
6 formance of services by the taxpayer as an em-
7 ployee.

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

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to taxable years beginning after
16 December 31, 2022.

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