

111TH CONGRESS  
2D SESSION

# H. R. 5085

To amend the Internal Revenue Code of 1986 to eliminate for 5 years the limitation on expensing certain depreciable business assets.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2010

Mr. OWENS introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to eliminate for 5 years the limitation on expensing certain depreciable business assets.

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. FIVE-YEAR ELIMINATION OF LIMITATION ON**  
4                       **EXPENSING CERTAIN DEPRECIABLE BUSI-**  
5                       **NESS ASSETS.**

6           (a) IN GENERAL.—Paragraph (7) of section 179(b)  
7       of the Internal Revenue Code of 1986 is amended to read  
8       as follows:

9           “(7) FIVE-YEAR REPEAL ON LIMITATIONS.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), in the case of any taxable year be-  
3 ginning after December 31, 2009, and before  
4 January 1, 2015, this section shall be applied  
5 without regard to paragraphs (1) and (2).

6           “(B) HIRING REQUIREMENT.—For pur-  
7 poses of this paragraph—

8           “(i) IN GENERAL.—In any case in  
9 which the deduction which would (but for  
10 this subparagraph) be allowed for the tax-  
11 able year exceeds \$250,000, such excess  
12 shall be allowed as a deduction only to the  
13 extent the taxpayer hires for such taxable  
14 year at least 1 qualified full-time employee  
15 for each \$100,000 of such excess.

16           “(ii) QUALIFIED FULL-TIME EM-  
17 PLOYEE.—For purposes of this section, the  
18 term ‘qualified full-time employee’ means  
19 an employee who—

20           “(I) during the taxable year is  
21 employed by the employer on average  
22 at least 30 hours per week,

23           “(II) has not been employed for  
24 more than 40 hours during the 60-day

1 period ending on the date such indi-  
2 vidual begins such employment,

3 “(III) is not employed by the em-  
4 ployer to replace another employee of  
5 such employer unless such other em-  
6 ployee separated from employment  
7 voluntarily or for cause, and

8 “(IV) is not an individual de-  
9 scribed in section 51(i)(1).”.

10 (b) EFFECTIVE DATE.—The amendment made by  
11 this section shall apply to taxable years beginning after  
12 December 31, 2009.

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