

116TH CONGRESS
1ST SESSION

H. R. 3970

To amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. DOGGETT (for himself, Mr. BLUMENAUER, Mr. CARTWRIGHT, Ms. JUDY CHU of California, Mr. DEFazio, Ms. DELAURO, Mr. DESAULNIER, Mr. ESPAILLAT, Mr. GARAMENDI, Mr. GRIJALVA, Mr. HIGGINS of New York, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KHANNA, Ms. LEE of California, Mr. TED LIEU of California, Mr. LOEBSACK, Mr. MCGOVERN, Ms. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. RASKIN, Mr. RUSH, Ms. SCHAKOWSKY, Mr. TAKANO, Mrs. WATSON COLEMAN, Mr. PASCRELL, Mr. POCAN, Mr. CICILLINE, Mr. BEYER, Mr. PRICE of North Carolina, Mr. LOWENTHAL, Mr. SERRANO, Mr. VISCLOSKY, Ms. ROYBAL-ALLARD, and Ms. OCASIO-CORTEZ) 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 expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

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 “Stop Subsidizing Mul-
5 timillion Dollar Corporate Bonuses Act”.

1 **SEC. 2. EXPANSION OF DENIAL OF DEDUCTION FOR CER-**
2 **TAIN EXCESSIVE EMPLOYEE REMUNERA-**
3 **TION.**

4 (a) IN GENERAL.—

5 (1) EXPANSION.—Section 162(m) of the Inter-
6 nal Revenue Code of 1986 is amended—

7 (A) by striking “applicable employee remun-
8 eration” each place it appears in paragraphs
9 (1), (4), and (5)(E) and inserting “applicable
10 remuneration”,

11 (B) by striking “covered employee” each
12 place it appears in paragraphs (1) and (4) and
13 inserting “covered individual”, and

14 (C) by striking “employee” each place it
15 appears in paragraph (1) and subparagraphs
16 (A), (C)(ii), and (E) of paragraph (4) and in-
17 serting “individual”.

18 (2) COVERED INDIVIDUAL.—Paragraph (3) of
19 section 162(m) of such Code is amended to read as
20 follows:

21 “(3) COVERED INDIVIDUAL.—For purposes of
22 this subsection, the term ‘covered individual’
23 means—

24 “(A) any individual who performs services
25 (directly or indirectly) for the taxpayer (or any

predecessor) for any taxable year beginning
after December 31, 2019, or

“(B) any employee—

“(i) who was the principal executive
officer or principal financial officer of the
taxpayer (or any predecessor) at any time
during any preceding taxable year begin-
ning after December 31, 2016, and before
January 1, 2020, or who was an individual
acting in such a capacity, or

“(ii) the total compensation of whom
for any taxable year described in clause (i)
was required to be reported to shareholders
under the Securities Exchange Act of 1934
by reason of such individual being among
the 3 highest compensated officers for the
taxable year (other than any individual de-
scribed in clause (i)).

Such term shall include any employee who would be
described in subparagraph (B)(ii) if the reporting
described in such subparagraph were required as so
described.”.

(3) CONFORMING AMENDMENTS.—

1 (A) The heading for section 162(m) of the
 2 Internal Revenue Code of 1986 is amended by
 3 striking “EMPLOYEE”.

4 (B) The heading for section 162(m)(4) is
 5 amended by striking “EMPLOYEE”.

6 (b) MODIFICATION OF DEFINITION OF PUBLICLY
 7 HELD CORPORATION.—Section 162(m)(2) of the Internal
 8 Revenue Code of 1986 is amended—

9 (1) by inserting “, with respect to any taxable
 10 year,” after “means”, and

11 (2) by striking subparagraph (B) and inserting
 12 the following:

13 “(B) that was required to file reports
 14 under section 15(d) of such Act (15 U.S.C.
 15 78o(d)) at any time during the 3-taxable year
 16 period ending with such taxable year.”.

17 (c) REGULATORY AUTHORITY.—

18 (1) IN GENERAL.—Section 162(m) of the Inter-
 19 nal Revenue Code of 1986 is amended by adding at
 20 the end the following new paragraph:

21 “(7) REGULATIONS.—The Secretary may pre-
 22 scribe such guidance, rules, or regulations as are
 23 necessary to carry out the purposes of this sub-
 24 section, including regulations—

25 “(A) with respect to reporting, and

1 “(B) to prevent avoidance of the purposes
2 of this section by providing compensation
3 through a pass-through or other entity.”.

4 (2) CONFORMING AMENDMENT.—Paragraph (6)
5 of section 162(m) of such Code is amended by strik-
6 ing subparagraph (H).

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxable years beginning after
9 December 31, 2019.

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