

118TH CONGRESS  
1ST SESSION

# S. 1173

To ensure high-income earners pay a fair share of Federal taxes.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 18, 2023

Mr. WHITEHOUSE (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. PADILLA, Mr. REED, Mr. SANDERS, Mr. VAN HOLLEN, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To ensure high-income earners pay a fair share of Federal taxes.

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 “Paying a Fair Share  
5 Act of 2023”.

6 **SEC. 2. FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS.**

7 (a) IN GENERAL.—Subchapter A of chapter 1 of the  
8 Internal Revenue Code of 1986 is amended by adding at  
9 the end the following new part:

1 **“PART VIII—FAIR SHARE TAX ON HIGH-INCOME**  
 2 **TAXPAYERS**

“Sec. 59B. Fair share tax.

3 **“SEC. 59B. FAIR SHARE TAX.**

4 “(a) GENERAL RULE.—

5 “(1) PHASE-IN OF TAX.—In the case of any  
 6 high-income taxpayer, there is hereby imposed for a  
 7 taxable year (in addition to any other tax imposed  
 8 by this subtitle) a tax equal to the product of—

9 “(A) the amount determined under para-  
 10 graph (2), and

11 “(B) a fraction (not to exceed 1)—

12 “(i) the numerator of which is the ex-  
 13 cess of—

14 “(I) the taxpayer’s adjusted  
 15 gross income, over

16 “(II) the dollar amount in effect  
 17 under subsection (c)(1), and

18 “(ii) the denominator of which is the  
 19 dollar amount in effect under subsection  
 20 (c)(1).

21 “(2) AMOUNT OF TAX.—The amount of tax de-  
 22 termined under this paragraph is an amount equal  
 23 to the excess (if any) of—

24 “(A) the tentative fair share tax for the  
 25 taxable year, over

1 “(B) the excess of—

2 “(i) the sum of—

3 “(I) the regular tax liability (as  
4 defined in section 26(b)) for the tax-  
5 able year, determined without regard  
6 to any tax liability determined under  
7 this section,

8 “(II) the tax imposed by section  
9 55 for the taxable year, plus

10 “(III) the payroll tax for the tax-  
11 able year, over

12 “(ii) the credits allowable under part  
13 IV of subchapter A (other than sections  
14 27(a), 31, and 34).

15 “(b) TENTATIVE FAIR SHARE TAX.—For purposes  
16 of this section—

17 “(1) IN GENERAL.—The tentative fair share tax  
18 for the taxable year is 30 percent of the excess of—

19 “(A) the adjusted gross income of the tax-  
20 payer, over

21 “(B) the modified charitable contribution  
22 deduction for the taxable year.

23 “(2) MODIFIED CHARITABLE CONTRIBUTION  
24 DEDUCTION.—For purposes of paragraph (1)—

1           “(A) IN GENERAL.—The modified chari-  
2           table contribution deduction for any taxable  
3           year is an amount equal to the amount which  
4           bears the same ratio to the deduction allowable  
5           under section 170 (section 642(c) in the case of  
6           a trust or estate) for such taxable year as—

7                   “(i) the amount of itemized deduc-  
8                   tions allowable under the regular tax (as  
9                   defined in section 55) for such taxable  
10                  year, determined after the application of  
11                  section 68, bears to

12                   “(ii) such amount, determined before  
13                  the application of section 68.

14           “(B) TAXPAYER MUST ITEMIZE.—In the  
15           case of any individual who does not elect to  
16           itemize deductions for the taxable year, the  
17           modified charitable contribution deduction shall  
18           be zero.

19           “(c) HIGH-INCOME TAXPAYER.—For purposes of this  
20           section—

21                   “(1) IN GENERAL.—The term ‘high-income tax-  
22                   payer’ means, with respect to any taxable year, any  
23                   taxpayer (other than a corporation) with an adjusted  
24                   gross income for such taxable year in excess of

1       \$1,000,000 (50 percent of such amount in the case  
2       of a married individual who files a separate return).

3               “(2) INFLATION ADJUSTMENT.—

4                       “(A) IN GENERAL.—In the case of a tax-  
5                       able year beginning after 2023, the \$1,000,000  
6                       amount under paragraph (1) shall be increased  
7                       by an amount equal to—

8                               “(i) such dollar amount, multiplied by

9                               “(ii) the cost-of-living adjustment de-  
10                              termined under section 1(f)(3) for the cal-  
11                              endar year in which the taxable year be-  
12                              gins, determined by substituting ‘calendar  
13                              year 2022’ for ‘calendar year 2016’ in sub-  
14                              paragraph (A)(ii) thereof.

15                       “(B) ROUNDING.—If any amount as ad-  
16                       justed under subparagraph (A) is not a multiple  
17                       of \$10,000, such amount shall be rounded to  
18                       the next lowest multiple of \$10,000.

19               “(d) PAYROLL TAX.—For purposes of this section,  
20       the payroll tax for any taxable year is an amount equal  
21       to the excess of—

22                       “(1) the taxes imposed on the taxpayer under  
23                       sections 1401, 1411, 3101, 3201, and 3211(a) (to  
24                       the extent such tax is attributable to the rate of tax  
25                       in effect under section 3101) with respect to such

1 taxable year or wages or compensation received dur-  
2 ing such taxable year, over

3 “(2) the deduction allowable under section  
4 164(f) for such taxable year.

5 “(e) SPECIAL RULE FOR ESTATES AND TRUSTS.—  
6 For purposes of this section, in the case of an estate or  
7 trust, adjusted gross income shall be computed in the  
8 manner described in section 67(e).

9 “(f) NOT TREATED AS TAX IMPOSED BY THIS CHAP-  
10 TER FOR CERTAIN PURPOSES.—The tax imposed under  
11 this section shall not be treated as tax imposed by this  
12 chapter for purposes of determining the amount of any  
13 credit under this chapter (other than the credit allowed  
14 under section 27(a)) or for purposes of section 55.”.

15 (b) CLERICAL AMENDMENT.—The table of parts for  
16 subchapter A of chapter 1 of the Internal Revenue Code  
17 of 1986 is amended by adding at the end the following  
18 new item:

“PART VIII—FAIR SHARE TAX ON HIGH-INCOME TAXPAYERS”.

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

22 **SEC. 3. SENSE OF THE SENATE REGARDING TAX REFORM.**

23 It is the sense of the Senate that—

24 (1) Congress should enact tax reform that re-  
25 peals unfair and unnecessary tax loopholes and ex-

1       penditures, simplifies the system for millions of tax-  
2       payers and businesses, and makes sure that the  
3       wealthiest taxpayers pay a fair share; and

4               (2) this Act is an interim step that can be done  
5       quickly and serve as a floor on taxes for the highest-  
6       income taxpayers, cut the deficit by billions of dol-  
7       lars a year, and help encourage more fundamental  
8       reform of the tax system.

○