The Carried Interest Fairness Act of 2015

BROAD SUPPORT FOR CLOSING THE CARRIED INTEREST LOOPHOLE

GOVERNMENT OFFICIALS & POLITICIANS:

“The top 25 hedge fund managers made more than all the kindergarten teachers in the country. So when I say that, I’m not saying that because I dislike hedge fund managers or I think they’re evil. I’m saying that you’re paying a lower rate than a lot of folks who are making $300,000 a year.” – **President Barack Obama**

“…[I]t seems to me that what is happening is that people who run a large fund are basically performing a service and the service is running the capital and as a consequence they get paid a fee in the form of a performance fee. You can characterize it as a performance fee, you can characterize it as a carried interest, you can characterize it any way you want, but basically I think what they're doing is getting paid a fee for running other people's money and if that is essentially what's happening, while you can certainly create all kinds of analogies that are complicated and if I were arguing against this I think I would try to develop a lot of complicated analogies and use that as my way of trying to prevent something from happening, I think at the core there is a very good argument to be made for treating this as ordinary income.” – **Former Treasury Secretary Robert Rubin**

“The hedge fund guys didn't build this country. These are guys that shift paper around and they get lucky…They are energetic. They are very smart. But a lot of them - they are paper-pushers. They make a fortune. They pay no tax. It's ridiculous, ok? It is the wrong thing. These guys are getting away with murder. I want to lower the rates for the middle class.” **– Donald Trump**

“While many of you are working multiple jobs to make ends meet, you see the top 25 hedge fund managers making more than all of America’s kindergarten teachers combined. And, often paying a lower tax rate. So, you have to wonder: “When does my hard work pay off? When does my family get ahead?””**– Hillary Clinton**

“We will treat all noninvestment income the same, so unless you stake capital in an investment, you won’t be able to claim the capital-gains tax rate on your market gains.” **– Jeb Bush**

“I think it’s odd that people making that much money off of essentially labor income should be paying lower rates than, than the average… than their secretaries are, to put it baldly. I think it’s good that you are considering doing it. ” – **Michael Graetz, Former Deputy Under Secretary for Tax Policy under President George H.W. Bush, Columbia University Law Professor**

“[The current treatment of carried interest is] a policy mistake: It was earned by the work of promoters [in the private equity industry] and it should be taxed as compensation.”- **John Chapoton, Former Assistant Treasury Secretary for Tax Policy Under President Reagan**

“We can’t allow the carried interest tail to wag the capital gains dog…. Contrary to the claims of some press reports, lobbyists, and politicians, our inquiry, and any proposal that it may produce, is not about raising taxes on capital income. It is not an attack on the investor class. It is about the definition of capital income versus labor income… I make this point to some Republicans and some Democrats who may have come down on this issue on opposite sides before they even know the facts.” – **Senator Charles Grassley**

INVESTORS:

“If you’re in the luckiest 1% of humanity, you owe it to the rest of humanity to think about the other 99%.... If you run a partnership and you have capital gains, you have a 15% tax rate; and if you run a corporation and have capital gains, you have a 35% tax rate. When both entities are operating in a similar manner with many thousands of shareholders, freely tradable shares, people managing them who are attempting to evaluate investments, it seems a bit illogical to have that sort of a spread in the tax rate just depending on form.” – **Warren Buffett**

“It really isn’t all that hard to decide how to properly tax carried interest. Is [it] income which a money manager earns on his or her personal investments, or, instead, is it the performance fee earned for managing other people's investments? If carried interest is personal investment income, then it is properly entitled to capital gains treatment – however, if it is a performance fee, as my 20 years of first-hand experience clearly tells me it is, then it should be taxed as ordinary income…Congress is not considering changing the tax rates on the investments made by investors. Congress is only considering restoring fairness in how the men and women who manage these investments are individually taxed compared to other managers and to regular workers. And it is beyond disingenuous to predict dire unintended consequences when no consequences at all will occur. A tax loophole the size of a Mack truck is right now generating unwarranted and unfair windfalls to a privileged group of money managers, and, to no one’s surprise, these individuals are driving right through this $12 billion-a-year hole.” – **Leo Hindery, Private Equity Fund Manager**

“Taxing carried interest at the same rate as ordinary income is not unreasonable to me.” – **Marc Lasry, Hedge Fund Manager**

"[General partners] of both private equity and hedge funds should pay ordinary income tax rates on carried interest because that income is not derived from investing or risking their own money.” – **Scott Fearon, Hedge Fund Manager**

“It’s all well and good to say ‘I want to lower rates or at least not raise them and I want to close loopholes.’… How about we start with carried interest? No one seems to want to put that on the table.” – **Jim Chanos, Hedge Fund Manager**

“Both the management fee and the carried interest represent compensation for the work that we do… Our management fee is taxed as ordinary income. However, the carried interest, even though it is compensation, is primarily taxed at capital gains rates. I can understand why many in my industry want to preserve this special tax advantage. Clearly, it has served us and me well. The tax subsidy each year to private equity fund, hedge fund, and venture capital fund managers is in the billions of dollars. But I think this special tax break is neither fair nor equitable. Many Americans invest sweat equity in their jobs and their businesses, take risks, contribute to the economy, and may have to wait a long time before their hard works pays off. But they still pay ordinary income tax rates on their compensation. To the extent we take risk, we take it with other people’s money.” – **William Stanfill, Venture Capital Fund Manager**

“I think sitting here is very hard to predict whether private equity or hedge funds managers, general partners, if they were faced with higher taxation, would believe that the response should be increasing the 2 & 20… It is simply too hard for me to predict that. I think that at some point there is a level of resistance on the part of investors and I think that tax-exempt institutions in particular who have a lot of leverage, to use the often cited word today, would probably not be happy paying significantly higher fees, so the result might well be, even though the managers would say ‘well look we’re paying much higher taxes we need to generate more fees,’ that that cost would really be picked up by the managers and by the general partners of private equity funds.” – **Attorney Daniel Shapiro, on behalf of the Managed Funds Association**

ECONOMISTS:

“It's not exactly straight salary, but none of this income comes from [a fund manager] putting his own wealth at risk. Except for the fact that he might make a billion dollars a year, he resembles a waitress whose income depends on a mix of wages and tips, or a salesman who lives on a mix of salary and commissions, more than he resembles an entrepreneur who sinks his life savings into a new business. So why does he get the same tax breaks as that entrepreneur? Not to put too fine a point on it, why does Henry Kravis pay a lower tax rate on his management fees than I pay on my book royalties?" - **Paul Krugman, Princeton University Economics Professor**

"To be clear, I hold no brief against the kings of private equity. Their clients are consenting adults who sign up with full knowledge of the lush fees that private equity managers receive. Some of these managers may even earn their rich rewards. My question is simply this: Why shouldn't they pay taxes like the rest of us? It's true that carry is mostly derived from gains on capital — but it's mostly someone else's capital. Which is presumably why former Treasury Secretary Robert E. Rubin said at a conference last month, "I think what they're doing is getting paid a fee for running other people's money." Sounds right to me. This judgment does not dispute the fact that fund managers' compensation is risky. But so are the incomes of movie actors, the royalties of authors and the prize winnings of golfers — none of which is treated as capital gains." – **Alan Blinder, Princeton University Economics Professor**

"Most economists, however, would view at least part and perhaps all of the carried interest as performance-based compensation for management services provided by the general partner rather than a return on financial capital invested by that partner. That perspective would suggest taxing at least some component of the carried interest as ordinary income, as most other performance-based compensation is currently treated, regardless of the nature of the underlying investments generating the profits of the fund." – **Peter Orszag, Former Director of the Office of Management and Budget and the Congressional Budget Office**

"[The share of investment profits are] basically fees for managing other people's money." – **William Niskanen, Chairman of the Cato Institute & Former Member of President Reagan's Council of Economic Advisors**

"Critics of current law think it is unfair that these private equity partners are taxed at capital gains rates, whereas other high-income individuals like doctors and lawyers pay the much higher tax rates for ordinary income. It is a reasonable point, and some reform may well be appropriate." – **Gregory Mankiw, Chairman and Professor of Economics at Harvard University, Former Chairman of President George W. Bush's Council of Economic Advisors, Economic Advisor to Presidential Nominee Mitt Romney**

EDITORIAL BOARDS:

"Currently, the tax code imposes a top rate of 15 percent on investment income — generally, capital gains and dividends — that flows overwhelmingly to wealthy taxpayers. In comparison, top rates between 25 percent and 35 percent are applied to the wages and salaries for many working Americans. Worse, an egregious loophole in the law lets private equity partners pay the lower 15 percent rate on much of their income — known as 'carried interest' — even though those earnings are not typically gains from investing their own money, but rather a share of profits from investing someone else's money." – **New York Times**

"The bill would not affect the other investors in these funds, nor would it affect the tax rate for profits that fund managers make on investments with their own money… Critics of the two bills argue that investment fund managers should be rewarded for taking high risks. But these fund managers, for the most part, are not risking their own money… Besides, plenty of risky industries don't enjoy comparable tax benefits. Income earned from managing an investment partnership fund should be treated just like the income earned for providing any other service." – **The Washington Post**

"Romney's ability to pay a lower percentage than many taxpayers who aren't wealthy will only feed the concerns about widening income inequality in the United States. But this isn't a case of the rich playing by a different set of rules than everyone else. It's a case of the rules benefiting them far more than most." – **Los Angeles Times**

“There probably will be hue and cry that the change could discourage investment. It’s difficult to see how this would be so: The tax increase would affect only the managers of these partnerships, not their investors, who would still be taxed at the lower rate on the capital they put in.” – **Bloomberg**

“Carried interest is really a bonus and should be taxed like one.” – **The Economist**

“The ‘carried interest’ loophole that allowed Romney to pay a 15% tax on his income when he was amassing his fortune at Bain Capital should be one of the first tax dodges to go. Ending it would restore some sense of fairness.” – **USA Today**