

**AMENDMENT TO H.R. 1319, THE AMERICAN
RESCUE PLAN ACT OF 2021
OFFERED BY MR. RICE OF SOUTH CAROLINA**

At the end of subtitle G of title IX, add the following:

1 SEC. 9674. HEALTHY WORKPLACE TAX CREDIT.

2 (a) IN GENERAL.—In the case of an employer, there
3 shall be allowed as a credit against applicable employment
4 taxes for each calendar quarter an amount equal to 50
5 percent of the sum of—

6 (1) the qualified employee protection expenses
7 paid or incurred by the employer during such cal-
8 endar quarter,

9 (2) the qualified workplace reconfiguration ex-
10 penses paid or incurred by the employer during such
11 calendar quarter, and

12 (3) the qualified workplace technology expenses
13 paid or incurred by the employer during such cal-
14 endar quarter.

15 (b) LIMITATIONS AND REFUNDABILITY.—

16 (1) OVERALL DOLLAR LIMITATION ON CRED-
17 IT.—

1 (A) IN GENERAL.—The amount of the
2 credit allowed under subsection (a) with respect
3 to any employer for any calendar quarter shall
4 not exceed the excess (if any) of—

5 (i) the applicable dollar limit with re-
6 spect to such employer for such calendar
7 quarter, over

8 (ii) the aggregate credits allowed
9 under subsection (a) with respect to such
10 employer for all preceding calendar quar-
11 ters.

12 (B) APPLICABLE DOLLAR LIMIT.—The
13 term “applicable dollar limit” means, with re-
14 spect to any employer for any calendar quarter,
15 the sum of—

16 (i) \$1,000, multiplied so much of the
17 average number of employees employed by
18 such employer during such calendar quar-
19 ter as does not exceed 500, plus

20 (ii) \$750, multiplied by so much of
21 such average number of employees as ex-
22 ceeds 500 but does not exceed 1,000, plus

23 (iii) \$500, multiplied by so much of
24 such average number of employees as ex-
25 ceeds 1,000.

1 (2) CREDIT LIMITED TO EMPLOYMENT
2 TAXES.—The credit allowed by subsection (a) with
3 respect to any calendar quarter shall not exceed the
4 applicable employment taxes (reduced by any credits
5 allowed against such taxes under sections 7001 and
6 7003 of the Families First Coronavirus Response
7 Act, section 2301 of the CARES Act, or any other
8 provision of this Act) on the wages paid with respect
9 to the employment of all the employees of the eligi-
10 ble employer for such calendar quarter.

11 (3) REFUNDABILITY OF EXCESS CREDIT.—

12 (A) IN GENERAL.—If the amount of the
13 credit under subsection (a) exceeds the limita-
14 tion of paragraph (2) for any calendar quarter,
15 such excess shall be treated as an overpayment
16 that shall be refunded under sections 6402(a)
17 and 6413(b) of the Internal Revenue Code of
18 1986.

19 (B) TREATMENT OF PAYMENTS.—For pur-
20 poses of section 1324 of title 31, United States
21 Code, any amounts due to the employer under
22 this paragraph shall be treated in the same
23 manner as a refund due from a credit provision
24 referred to in subsection (b)(2) of such section.

1 (c) QUALIFIED EMPLOYEE PROTECTION EX-
2 PENSES.—For purposes of this section, the term “quali-
3 fied employee protection expenses” means amounts paid
4 or incurred by the employer for—

5 (1) testing employees of the employer for
6 COVID-19 (including on a periodic basis),

7 (2) equipment to protect employees of the em-
8 ployer from contracting COVID-19, including masks,
9 gloves, and disinfectants, and

10 (3) cleaning products or services (whether pro-
11 vided by an employee of the taxpayer or a cleaning
12 service provider) related to preventing the spread of
13 COVID-19.

14 (d) QUALIFIED WORKPLACE RECONFIGURATION EX-
15 PENSES.—For purposes of this section—

16 (1) IN GENERAL.—The term “qualified work-
17 place reconfiguration expenses” means amounts paid
18 or incurred by the employer to design and recon-
19 figure retail space, work areas, break areas, or other
20 areas that employees or customers regularly use in
21 the ordinary course of the employer’s trade or busi-
22 ness if such design and reconfiguration—

23 (A) has a primary purpose of preventing
24 the spread of COVID-19,

1 (B) is with respect to an area that is lo-
2 cated in the United States and that is leased or
3 owned by the employer,

4 (C) is consistent with the purpose of the
5 property immediately before the reconfigura-
6 tion,

7 (D) is commensurate with the risks faced
8 by the employees or customers or is consistent
9 with recommendations made by the Centers for
10 Disease Control and Prevention or the Occupa-
11 tional Safety and Health Administration,

12 (E) is completed pursuant to a reconfig-
13 uration plan and no comparable reconfiguration
14 plan was in place before March 13, 2020, and

15 (F) is completed before January 1, 2022.

16 (2) REGULATIONS.—The Secretary shall pre-
17 scribe such regulations and other guidance as may
18 be necessary or appropriate to carry out the pur-
19 poses of this subsection, including guidance defining
20 primary purpose and reconfiguration plan.

21 (e) QUALIFIED WORKPLACE TECHNOLOGY EX-
22 PENSES.—For purposes of this section—

23 (1) IN GENERAL.—The term “qualified work-
24 place technology expenses” means amounts paid or
25 incurred by the employer for technology systems

1 that employees or customers use in the ordinary
2 course of the employer's trade or business if such
3 technology system—

4 (A) has a primary purpose of preventing
5 the spread of COVID-19,

6 (B) is used for limiting physical contact
7 between customers and employees in the United
8 States,

9 (C) is commensurate with the risks faced
10 by the employees or customers or is consistent
11 with recommendations made by the Centers for
12 Disease Control and Prevention or the Occupa-
13 tional Safety and Health Administration,

14 (D) is acquired by the taxpayer after De-
15 cember 31, 2020, and is not acquired pursuant
16 to a written binding contract entered into be-
17 fore March 13, 2020, and

18 (E) is placed in service by the taxpayer be-
19 fore January 1, 2022.

20 (2) TECHNOLOGY SYSTEMS.—The term “tech-
21 nology systems” means computer software (as de-
22 fined in section 167(f)(1)) and qualified techno-
23 logical equipment (as defined in section 168(i)(2)).

24 (3) REGULATIONS.—The Secretary shall pre-
25 scribe such regulations and other guidance as may

1 be necessary or appropriate to carry out the pur-
2 poses of this subsection, including guidance defining
3 primary purpose.

4 (f) OTHER DEFINITIONS.—For purposes of this sec-
5 tion—

6 (1) APPLICABLE EMPLOYMENT TAXES.—The
7 term “applicable employment taxes” means the fol-
8 lowing:

9 (A) The taxes imposed under section
10 3111(b) of the Internal Revenue Code of 1986.

11 (B) So much of the taxes imposed under
12 section 3221(a) of such Code as are attrib-
13 utable to the rate in effect under section
14 3111(b) of such Code.

15 (2) COVID-19.—Except where the context
16 clearly indicates otherwise, any reference in this sec-
17 tion to COVID-19 shall be treated as including a
18 reference to the virus which causes COVID-19.

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of the Treasury or the Secretary’s del-
21 egate.

22 (4) OTHER TERMS.—Any term used in this sec-
23 tion (other than subsection (b)(1)(B)) which is also
24 used in chapter 21 or 22 of the Internal Revenue

1 Code of 1986 shall have the same meaning as when
2 used in such chapter.

3 (g) CERTAIN GOVERNMENTAL EMPLOYERS.—This
4 credit shall not apply to the Government of the United
5 States, the government of any State or political subdivi-
6 sion thereof, or any agency or instrumentality of any of
7 the foregoing.

8 (h) SPECIAL RULES.—

9 (1) AGGREGATION RULE.—All persons treated
10 as a single employer under subsection (a) or (b) of
11 section 52 of the Internal Revenue Code of 1986, or
12 subsection (m) or (o) of section 414 of such Code,
13 shall be treated as one employer for purposes of this
14 section.

15 (2) DENIAL OF DOUBLE BENEFIT.—

16 (A) IN GENERAL.—Rules similar to the
17 rules of paragraphs (1) and (2) of section
18 280C(b) shall apply for purposes of this section.

19 (B) EXPENSES NOT TAKEN INTO ACCOUNT
20 MORE THAN ONCE.—Any qualified workplace
21 reconfiguration expense or qualified workplace
22 technology expense shall not be treated as a
23 qualified employee protection expense and any
24 qualified workplace technology expense shall not

1 be treated as a qualified workplace reconfigura-
2 tion expense.

3 (3) THIRD-PARTY PAYORS.—Any credit allowed
4 under this section shall be treated as a credit de-
5 scribed in section 3511(d)(2) of such Code.

6 (4) ELECTION NOT TO HAVE SECTION APPLY.—
7 This section shall not apply with respect to any eligi-
8 ble employer for any calendar quarter if such em-
9 ployer elects (at such time and in such manner as
10 the Secretary may prescribe) not to have this section
11 apply.

12 (i) TREATMENT OF DEPOSITS.—The Secretary shall
13 waive any penalty under section 6656 of the Internal Rev-
14 enue Code of 1986 for any failure to make a deposit of
15 any applicable employment taxes if the Secretary deter-
16 mines that such failure was due to the reasonable anticipa-
17 tion of the credit allowed under this section.

18 (j) REGULATIONS AND GUIDANCE.—The Secretary
19 shall prescribe such regulations and other guidance as
20 may be necessary or appropriate to carry out the purposes
21 of this section, including—

22 (1) with respect to the application of the credit
23 under subsection (a) to third-party payors (including
24 professional employer organizations, certified profes-
25 sional employer organizations, or agents under sec-

1 tion 3504 of the Internal Revenue Code of 1986),
2 regulations or other guidance allowing such payors
3 to submit documentation necessary to substantiate
4 the amount of the credit allowed under subsection
5 (a), and

6 (2) regulations or other guidance to prevent
7 abusive transactions.

8 (k) APPLICATION.—This section shall only apply to
9 amounts paid or incurred after December 31, 2020, and
10 before January 1, 2022.

