

116TH CONGRESS
2D SESSION

H. R. 6841

To provide an exclusion from gross income for certain workers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2020

Mr. THOMPSON of Pennsylvania (for himself and Mr. EVANS) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide an exclusion from gross income for certain workers, 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 “Assistance and Grati-
5 tude for Coronavirus Heroes in Agribusiness who are In-
6 valuable to the Nation Act” or the “AG CHAIN Act”.

7 **SEC. 2. DEFINITIONS.**

8 For purposes of this Act—

9 (1) **QUALIFIED EMPLOYEE.**—The term “quali-
10 fied employee” means any individual who is—

1 (A) an essential food and agriculture em-
2 ployee, and

3 (B) working on his or her employer's
4 premises or on duty delivering to customers or
5 performing tasks on the premises of a cus-
6 tomer, traveling to and from such locations, or
7 otherwise at a prescribed work place that is not
8 his or her home or a remote worksite.

9 (2) ESSENTIAL FOOD AND AGRICULTURE EM-
10 PLOYEE.—The term “essential food and agriculture
11 employee” means—

12 (A) an employee who provides services at a
13 business that—

14 (i) is assigned a North American In-
15 dustry Classification System code begin-
16 ning with 4451, 4471, 4247, 7225, 72233,
17 722330, 72331, or 722310, and

18 (ii) is located in a county that has at
19 least one confirmed case of COVID–19, or

20 (B) an employee identified as a member of
21 the food and agriculture workforce in the guid-
22 ance issued by the Cybersecurity and Infra-
23 structure Security Agency on April 17, 2020,
24 entitled “Guidance on the Essential Critical In-
25 frastructure Workforce: Ensuring Community

1 and National Resilience in COVID-19 Response
2 Version 3.0” (or any successor guidance).

3 **SEC. 3. EXCLUSION FROM GROSS INCOME FOR CERTAIN**
4 **WORKERS.**

5 (a) IN GENERAL.—For purposes of the Internal Rev-
6 enue Code of 1986, gross income shall not include speci-
7 fied income of any qualified employee.

8 (b) LIMITATION.—The aggregate amount not in-
9 cluded in the gross income of any individual by reason of
10 subsection (a) shall not exceed \$25,000.

11 (c) APPLICABLE PERIOD.—The term “applicable pe-
12 riod” means the period beginning on February 15, 2020,
13 and ending on June 15, 2020.

14 (d) SPECIFIED INCOME.—For purposes of this sec-
15 tion, the term “specified income” means—

16 (1) if the services described in section 1(2) are
17 provided as an employee, the wages (as defined in
18 section 3121(a) of the Internal Revenue Code of
19 1986 determined without regard to paragraph (1)
20 thereof) received by the qualified employee for the
21 applicable period, and

22 (2) in any other case, the income of the quali-
23 fied employee which is properly allocable to the serv-
24 ices described in section 1(2) which are provided by
25 such qualified employee during the applicable period.

1 (e) EXTENSION.—The Secretary of the Treasury (or
 2 the Secretary’s delegate) may extend the applicable period
 3 for a period not to exceed 3 additional calendar months
 4 if the Secretary (or the Secretary’s delegate) determines
 5 that the emergency related to COVID-19 is likely to be
 6 ongoing during such period. If such period is so extended,
 7 the dollar amount in subsection (b) shall be increased by
 8 \$6,250 for each month of such extension (and a like rate
 9 of increase with respect to any extension which is not a
 10 whole number of months).

11 **SEC. 4. TEMPORARY SUSPENSION OF PAYROLL TAXES UP**
 12 **TO A CAP.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
 14 sion of law, with respect to so much of the total wages
 15 (as defined in section 3121(a) of the Internal Revenue
 16 Code of 1986) of the qualified employees of an employer
 17 as does not exceed \$75,000—

18 (1) with respect to any taxable year which be-
 19 gins in the payroll tax suspension period, the rate of
 20 tax under section 1401(a) of the Internal Revenue
 21 Code of 1986 shall be 0 percent,

22 (2) with respect to remuneration received for
 23 pay periods ending during the payroll tax suspension
 24 period, the rate of tax under 3101(a) of such Code
 25 shall be 0 percent (including for purposes of deter-

1 mining the applicable percentage under sections
2 3201(a) and 3211(a)(1) of such Code), and

3 (3) with respect to remuneration paid for pay
4 periods ending during the payroll tax suspension pe-
5 riod, the rate of tax under section 3111(a) of such
6 Code shall be 0 percent (including for purposes of
7 determining the applicable percentage under section
8 3221(a) of such Code).

9 (b) PAYROLL TAX SUSPENSION PERIOD.—The term
10 “payroll tax suspension period” means the period begin-
11 ning on February 15, 2020, and ending on June 15, 2020.

12 (c) EMPLOYER NOTIFICATION.—The Secretary of the
13 Treasury (or the Secretary’s delegate) shall notify employ-
14 ers of the payroll tax suspension period in any manner
15 the Secretary (or the Secretary’s delegate) deems appro-
16 priate.

17 (d) EXTENSION.—The Secretary of the Treasury (or
18 the Secretary’s delegate) may extend the payroll tax sus-
19 pension period for a period not to exceed 3 additional cal-
20 endar months if the Secretary (or the Secretary’s dele-
21 gate) determines that the emergency related to COVID-
22 19 is likely to be ongoing during such period. If such pe-
23 riod is so extended, the dollar amount in subsection (a)
24 shall be increased by \$18,750 for each month of such ex-

1 tension (and a like rate of increase with respect to any
2 extension which is not a whole number of months).

3 (e) TRANSFER OF FUNDS.—

4 (1) TRANSFERS TO FEDERAL OLD-AGE AND
5 SURVIVORS INSURANCE TRUST FUND.—There are
6 hereby appropriated to the Federal Old-Age and
7 Survivors Trust Fund and the Federal Disability In-
8 surance Trust Fund established under section 201
9 of the Social Security Act (42 U.S.C. 401) amounts
10 equal to the reduction in revenues to the Treasury
11 by reason of the application of subsection (a).
12 Amounts appropriated by the preceding sentence
13 shall be transferred from the general fund at such
14 times and in such manner as to replicate to the ex-
15 tent possible the transfers which would have oc-
16 curred to such Trust Fund had such amendments
17 not been enacted.

18 (2) TRANSFERS TO SOCIAL SECURITY EQUIVA-
19 LENT BENEFIT ACCOUNT.—There are hereby appro-
20 priated to the Social Security Equivalent Benefit Ac-
21 count established under section 15A(a) of the Rail-
22 road Retirement Act of 1974 (45 U.S.C. 231n–1(a))
23 amounts equal to the reduction in revenues to the
24 Treasury by reason of the application of subsection
25 (a). Amounts appropriated by the preceding sentence

1 shall be transferred from the general fund at such
2 times and in such manner as to replicate to the ex-
3 tent possible the transfers which would have oc-
4 curred to such Account had such amendments not
5 been enacted.

6 (3) COORDINATION WITH OTHER FEDERAL
7 LAWS.—For purposes of applying any provision of
8 Federal law other than the provisions of the Internal
9 Revenue Code of 1986, the rate of tax in effect
10 under section 3101(a) of such Code shall be deter-
11 mined without regard to the reduction in such rate
12 under this section.

13 **SEC. 5. EFFECTIVE DATE.**

14 This Act shall apply to taxable years beginning after
15 December 31, 2019.

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