

116TH CONGRESS
2D SESSION

H. R. 8056

To establish rules for States or other taxing jurisdictions to tax businesses and individuals during COVID–19 while employees are performing employment duties in other States or taxing jurisdictions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 14, 2020

Ms. SCANLON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish rules for States or other taxing jurisdictions to tax businesses and individuals during COVID–19 while employees are performing employment duties in other States or taxing jurisdictions, 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 “Remote Worker Relief
5 Act of 2020”.

1 **SEC. 2. STATE AND LOCAL TAX CERTAINTY.**

2 (a) STATUS OF EMPLOYEES DURING COVERED PE-
3 RIOD.—Notwithstanding any provision of law of a taxing
4 jurisdiction, with respect to any employee who is working
5 remotely within such taxing jurisdiction during the cov-
6 ered period—

7 (1) except as provided under paragraph (2),
8 any wages earned by such employee during such pe-
9 riod shall be deemed to have been earned at the pri-
10 mary work location of such employee; and

11 (2) if an employer, at its sole discretion, main-
12 tains a system that tracks where such employee per-
13 forms duties on a daily basis, wages earned by such
14 employee may, at the election of such employer, be
15 treated as earned at the location in which such du-
16 ties were remotely performed.

17 (b) STATUS OF BUSINESSES DURING COVERED PE-
18 RIOD.—Notwithstanding any provision of law of a taxing
19 jurisdiction—

20 (1) in the case of an out-of-state business which
21 has any employees working remotely within such ju-
22 risdiction during the covered period, the duties per-
23 formed by such employees within such jurisdiction
24 during such period shall not be sufficient to create
25 any nexus or establish any minimum contacts or
26 level of presence that would otherwise subject such

1 business to any registration, taxation, or other re-
2 lated requirements for businesses operating within
3 such jurisdiction; and

4 (2) except as provided under subsection (a)(2),
5 with respect to any tax imposed by such taxing ju-
6 risdiction which is determined, in whole or in part,
7 based on net or gross receipts or income, for pur-
8 poses of apportioning or sourcing such receipts or
9 income, any duties performed by an employee of an
10 out-of-state business while working remotely during
11 the covered period—

12 (A) shall be disregarded with respect to
13 any filing requirements for such tax; and

14 (B) shall be apportioned and sourced to
15 the tax jurisdiction which includes the primary
16 work location of such employee.

17 (c) DEFINITIONS.—For purposes of this section—

18 (1) COVERED PERIOD.—The term “covered pe-
19 riod” means, with respect to any employee working
20 remotely, the period—

21 (A) beginning on the date on which such
22 employee began working remotely; and

23 (B) ending on the earlier of—

24 (i) the date on which the employer al-
25 lows, at the same time—

1 (I) such employee to return to
2 their primary work location; and

3 (II) not less than 90 percent of
4 their permanent workforce to return
5 to such work location; or

6 (ii) December 31, 2020.

7 (2) EMPLOYEE.—The term “employee” has the
8 same meaning given to it by the taxing jurisdiction
9 in which the employment duties are performed.

10 (3) EMPLOYER.—The term “employer” has the
11 same meaning given to it by the taxing jurisdiction
12 in which the employee is performing employment du-
13 ties.

14 (4) OUT-OF-STATE BUSINESS.—The term “out-
15 of-state business” means, with respect to any tax ju-
16 risdiction, any business entity which, excepting any
17 employees of such business who are working re-
18 motely within such jurisdiction during the covered
19 period, would not otherwise be subject to any tax fil-
20 ing requirements under the existing law of such tax-
21 ing jurisdiction.

22 (5) PRIMARY WORK LOCATION.—The term “pri-
23 mary work location” means, with respect to an em-
24 ployee, the address of the employer where the em-
25 ployee is regularly assigned to work when such em-

1 ployee is not working remotely during the covered
2 period.

3 (6) TAXING JURISDICTION.—The term “taxing
4 jurisdiction” means any of the several States, the
5 District of Columbia, or any territory or possession
6 of the United States, any municipality, city, county,
7 township, parish, transportation district, or assess-
8 ment jurisdiction, or any other political subdivision
9 within the territorial limits of the United States with
10 the authority to impose a tax, charge, or fee.

11 (7) WAGES.—The term “wages” means all
12 wages and other remuneration paid to an employee
13 that are subject to tax or withholding requirements
14 under the law of the taxing jurisdiction in which the
15 employment duties are deemed to be performed
16 under subsection (a) during the covered period.

17 (8) WORKING REMOTELY.—The term “working
18 remotely” means the performance of duties by an
19 employee at a location other than the primary work
20 location of such employee at the direction of his or
21 her employer due to conditions resulting from the
22 public health emergency relating to the virus SARS-
23 CoV-2 or coronavirus disease 2019 (referred to in
24 this paragraph as “COVID-19”), including—

1 (A) to comply with any government order
2 relating to COVID–19;

3 (B) to prevent the spread of COVID–19;
4 and

5 (C) due to the employee or a member of
6 the employee’s family contracting COVID–19.

7 (d) PRESERVATION OF AUTHORITY OF TAXING JU-
8 RISDICTIONS.—This section shall not be construed as
9 modifying, impairing, superseding, or authorizing the
10 modification, impairment, or supersession of the law of
11 any taxing jurisdiction pertaining to taxation except as ex-
12 pressly provided in subsections (a) through (c).

13 **SEC. 3. EFFECTIVE DATE; APPLICABILITY.**

14 (a) EFFECTIVE DATE.—This Act shall apply to cal-
15 endar years beginning after December 31, 2019.

16 (b) APPLICABILITY.—This Act shall not apply to any
17 tax obligation that accrues before January 1, 2020.

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