

117TH CONGRESS  
1ST SESSION

# H. R. 6161

To amend the Internal Revenue Code of 1986 to temporarily reinstate the employee retention credit for employers subject to closure due to COVID-19.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2021

Mrs. MILLER of West Virginia (for herself, Mrs. MURPHY of Florida, Mr. HERN, and Ms. SEWELL) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to temporarily reinstate the employee retention credit for employers subject to closure due to COVID-19.

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 “Employee Retention  
5 Tax Credit Reinstatement Act”.

1 **SEC. 2. TEMPORARY REINSTATEMENT OF EMPLOYEE RE-**  
2 **TENTION CREDIT FOR EMPLOYERS SUBJECT**  
3 **TO CLOSURE DUE TO COVID-19.**

4 (a) **IN GENERAL.**—Section 3134 of the Internal Rev-  
5 enue Code of 1986 (as amended by section 80604 of the  
6 Infrastructure Investment and Jobs Act) is amended—

7 (1) in subsection (e)(5), by striking “and” at  
8 the end of subparagraph (A), by striking the period  
9 at the end of subparagraph (B) and inserting “,  
10 and”, and by adding at the end the following new  
11 subparagraph:

12 “(C) which, with respect to such calendar  
13 quarter, is not described in subclause (I) or (II)  
14 of paragraph (2)(A)(ii).”, and

15 (2) in subsection (n), by striking “October 1,  
16 2021 (or, in the case of wages paid an eligible em-  
17 ployer which is a recovery startup business, January  
18 1, 2022)” and inserting “January 1, 2022”.

19 (b) **EFFECTIVE DATE.**—The amendments made by  
20 this section shall apply to calendar quarters beginning  
21 after September 30, 2021.

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