

106TH CONGRESS
1ST SESSION

S. 1934

To amend the Internal Revenue Code of 1986 to allow a tax credit for
business-provided student education and training.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 1999

Mr. DODD (for himself and Mr. BENNETT) introduced the following bill; which
was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to allow a
tax credit for business-provided student education and
training.

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 “Businesses Educating
5 Students in Technology (BEST) Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Technological progress is the single most
9 important determining factor in sustaining growth in
10 the Nation’s economy. It is estimated that techno-

1 logical innovation has accounted for as much as half
2 the Nation's long-term economic growth over the
3 past 50 years and will account for an even higher
4 percentage in the next 50 years.

5 (2) The number of jobs requiring technological
6 expertise is growing rapidly. For example, it is esti-
7 mated that 1,300,000 new computer engineers, pro-
8 grammers, and systems analysts will be needed over
9 the next decade in the United States economy. Yet,
10 our Nation's computer science programs are only
11 graduating 25,000 students with bachelor's degrees
12 yearly.

13 (3) There are more than 350,000 information
14 technology positions currently unfilled throughout
15 the United States, and the number of students grad-
16 uating from colleges with computer science degrees
17 has declined dramatically.

18 (4) In order to help alleviate the shortage of
19 graduates with technology-based education and
20 skills, businesses in a number of States have formed
21 partnerships with colleges, universities, community-
22 technical schools, and other institutions of higher
23 learning to give lectures, donate equipment, plan
24 curricula, and perform other activities designed to

1 help students acquire the skills and knowledge need-
 2 ed to fill jobs in technology-based industries.

3 (5) Congress should encourage these partner-
 4 ships by providing a tax credit to businesses that
 5 enter into them. Such a tax credit will help students
 6 obtain the knowledge and skills they need to obtain
 7 jobs in technology-based industries which are among
 8 the best paying jobs being created in the economy.
 9 The credit will also assist businesses in their efforts
 10 to develop a more highly-skilled, better trained work-
 11 force that can fill the technology jobs such busi-
 12 nesses are creating.

13 **SEC. 3. ALLOWANCE OF CREDIT FOR BUSINESS-PROVIDED**
 14 **STUDENT EDUCATION AND TRAINING.**

15 (a) IN GENERAL.—Subpart D of part IV of sub-
 16 chapter A of chapter 1 of the Internal Revenue Code of
 17 1986 (relating to business related credits) is amended by
 18 adding at the end the following:

19 **“SEC. 45D. BUSINESS-PROVIDED STUDENT EDUCATION AND**
 20 **TRAINING.**

21 “(a) ALLOWANCE OF CREDIT.—For purposes of sec-
 22 tion 38, the business-provided student education and
 23 training credit determined under this section for the tax-
 24 able year is an amount equal to 40 percent of the qualified

1 student education and training expenditures of the tax-
 2 payer for such taxable year.

3 “(b) DOLLAR LIMITATION.—The credit allowable
 4 under subsection (a) for any taxable year shall not exceed
 5 \$100,000.

6 “(c) DEFINITIONS.—For purposes of this section—

7 “(1) QUALIFIED STUDENT EDUCATION AND
 8 TRAINING EXPENDITURE.—

9 “(A) IN GENERAL.—The term ‘qualified
 10 student education and training expenditure’
 11 means—

12 “(i) any amount paid or incurred by
 13 the taxpayer for the qualified student edu-
 14 cation and training services provided by
 15 any employee of the taxpayer, and

16 “(ii) the basis of the taxpayer in any
 17 tangible personal property contributed by
 18 the taxpayer and used in connection with
 19 the provision of any qualified student edu-
 20 cation and training services.

21 “(B) EXCLUSION FOR AMOUNTS FUNDED
 22 BY GRANTS, ETC.—The term ‘qualified student
 23 education and training expenditure’ shall not
 24 include any amount to the extent such amount

1 is funded by any grant, contract, or otherwise
 2 by another person (or any governmental entity).

3 “(2) QUALIFIED STUDENT EDUCATION AND
 4 TRAINING SERVICES.—

5 “(A) IN GENERAL.—For purposes of para-
 6 graph (1), the term ‘qualified student education
 7 and training services’ means technology-based
 8 education and training of students in any eligi-
 9 ble educational institution in employment skills
 10 related to the trade or business of the taxpayer.

11 “(B) TECHNOLOGY-BASED EDUCATION
 12 AND TRAINING.—

13 “(i) IN GENERAL.—For purposes of
 14 subparagraph (A), the term ‘technology-
 15 based education and training’ means edu-
 16 cation and training in—

17 “(I) aerospace technology,

18 “(II) biotechnology,

19 “(III) electronic device tech-
 20 nology,

21 “(IV) environmental technology,

22 “(V) medical device technology,

23 “(VI) computer technology or
 24 equipment, or

25 “(VII) advanced materials.

1 “(ii) DEFINITIONS.—For purposes of
2 clause (i)—

3 “(I) AEROSPACE TECHNOLOGY.—

4 The term ‘aerospace technology’
5 means technology used in the manu-
6 facture, design, maintenance, or serv-
7 icing of aircraft, aircraft components,
8 or other aeronautics, including space
9 craft or space craft components.

10 “(II) BIOTECHNOLOGY.—The

11 term ‘biotechnology’ means technology
12 (including products and services) de-
13 veloped as the result of the study of
14 the functioning of biological systems
15 from the macro level to the molecular
16 and sub-atomic levels.

17 “(III) ELECTRONIC DEVICE

18 TECHNOLOGY.—The term ‘electronic
19 device technology’ means technology
20 involving microelectronics, semi-
21 conductors, electronic equipment, in-
22 strumentation, radio frequency, micro-
23 wave, millimeter electronics, optical
24 and optic-electrical devices, or data

1 and digital communications and imag-
2 ing devices.

3 “(IV) ENVIRONMENTAL TECH-
4 NOLOGY.—The term ‘environmental
5 technology’ means technology involv-
6 ing the assessment and prevention of
7 threats or damage to human health or
8 the environment, environmental clean-
9 up, or the development of alternative
10 energy sources.

11 “(V) MEDICAL DEVICE TECH-
12 NOLOGY.—The term ‘medical device
13 technology’ means technology involv-
14 ing any medical equipment or product
15 (other than a pharmaceutical product)
16 which has therapeutic value, diag-
17 nostic value, or both, and is regulated
18 by the Federal Food and Drug Ad-
19 ministration.

20 “(VI) COMPUTER TECHNOLOGY
21 OR EQUIPMENT.—The term ‘computer
22 technology or equipment’ has the
23 meaning given such term in section
24 170(e)(6)(E)(i).

1 “(VII) ADVANCED MATERIALS.—

2 The term ‘advanced materials’ means
3 materials with engineered properties
4 created through the development of
5 specialized processing and synthesis
6 technology, including ceramics, high
7 value-added metals, electronics mate-
8 rials, composites, polymers, and bio-
9 materials.

10 “(C) ELIGIBLE EDUCATIONAL INSTITU-
11 TION.—For purposes of subparagraph (A), the
12 term ‘eligible educational institution’ has the
13 meaning given such term by section 529(e)(5).

14 “(d) SPECIAL RULES.—For purposes of this
15 section—

16 “(1) AGGREGATION RULES.—All persons which
17 are treated as a single employer under subsections
18 (a) and (b) of section 52 shall be treated as a single
19 taxpayer.

20 “(2) PASS-THRU IN THE CASE OF ESTATES AND
21 TRUSTS.—Under regulations prescribed by the Sec-
22 retary, rules similar to the rules of subsection (d) of
23 section 52 shall apply.

24 “(3) ALLOCATION IN THE CASE OF PARTNER-
25 SHIPS.—In the case of partnerships, the credit shall

1 be allocated among partners under regulations pre-
 2 scribed by the Secretary.

3 “(f) NO DOUBLE BENEFIT.—No deduction or credit
 4 shall be allowed under any other provision of this chapter
 5 with respect to any expenditure taken into account in com-
 6 puting the amount of the credit determined under this sec-
 7 tion.”

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 38(b) of the Internal Revenue Code
 10 of 1986 is amended—

11 (A) by striking out “plus” at the end of
 12 paragraph (11),

13 (B) by striking out the period at the end
 14 of paragraph (12), and inserting a comma and
 15 “plus”, and

16 (C) by adding at the end the following:

17 “(13) the business-provided student education
 18 and training credit determined under section 45D.”

19 (2) The table of sections for subpart D of part
 20 IV of subchapter A of chapter 1 of such Code is
 21 amended by adding at the end the following:

“Sec. 45D. Business-provided student education and training
 credit.”

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 1999.

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