

107TH CONGRESS  
1ST SESSION

# S. 521

To amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking.

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IN THE SENATE OF THE UNITED STATES

MARCH 13, 2001

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking.

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 “Telework Tax Incen-  
5       tive Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

8               (1) Federal, State, and local governments spend  
9       billions of dollars annually on the Nation’s transpor-  
10      tation needs.

1           (2) Congestion on the Nation's roads costs over  
2       \$74,000,000,000 annually in lost work time, fuel  
3       consumption, and costs of infrastructure and equip-  
4       ment repair.

5           (3) On average on-road-vehicles contribute 30  
6       percent of nitrogen oxides emissions.

7           (4) It is estimated that staying at home to work  
8       requires 3 times less energy consumption than com-  
9       muting to work.

10          (5) It was recently reported that if an identified  
11       10 to 20 percent of commuters switched to tele-  
12       working, 1,800,000 tons of regulated pollutants  
13       would be eliminated, 3,500,000,000 gallons of gas  
14       would be saved, 3,100,000,000 hours of personal  
15       time would be freed up, and maintenance and infra-  
16       structure costs would decrease by \$500,000,000 an-  
17       nually because of reduced congestion and reduced  
18       vehicle miles traveled.

19          (6) The average American daily commute is 62  
20       minutes for a 44-mile round-trip (a total of 6 days  
21       per year and 5,808 miles per year).

22          (7) The increase in work from 1969 to 1996,  
23       the increase in hours mothers spend in paid work,  
24       combined with a shift toward single-parent families  
25       resulted in families on average experiencing a de-

crease of 22 hours a week (14 percent) in parental time available outside of paid work they could spend with their children.

(8) Companies with teleworking programs have found that teleworking can boost employee productivity 5 percent to 20 percent.

(9) Today 60 percent of the workforce is involved in information work (an increase of 43 percent since 1990) allowing and encouraging decentralization of paid work to occur.

(10) In recent years, studies performed in the United States have shown a marked expansion of teleworking, with an estimate of 19,000,000 Americans teleworking by the year 2002, 5 times the amount in 1990.

### **SEC. 3. CREDIT FOR TELEWORKING.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

#### **“SEC. 30B. TELEWORKING CREDIT.**

“(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an

1 amount equal to the qualified teleworking expenses paid  
2 or incurred by the taxpayer during such year.

3 “(b) MAXIMUM CREDIT.—

4 “(1) PER TELEWORKER LIMITATION.—The  
5 credit allowed by subsection (a) for a taxable year  
6 with respect to qualified teleworking expenses paid  
7 or incurred by or on behalf of an individual tele-  
8 worker shall not exceed \$500.

9 “(2) REDUCTION FOR TELEWORKING LESS  
10 THAN FULL YEAR.—In the case of an individual who  
11 is in a teleworking arrangement for less than a full  
12 taxable year, the amount referred to paragraph (1)  
13 shall be reduced by an amount which bears the same  
14 ratio to \$500 as the number of months in which  
15 such individual is not in a teleworking arrangement  
16 bears to 12. For purposes of the preceding sentence,  
17 an individual shall be treated as being in a tele-  
18 working arrangement for a month if the individual  
19 is subject to such arrangement for any day of such  
20 month.

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

22 “(1) ELIGIBLE TAXPAYER.—The term ‘eligible  
23 taxpayer’ means—

1           “(A) in the case of an individual, an indi-  
2           vidual who performs services for an employer  
3           under a teleworking arrangement, and

4           “(B) in the case of an employer, an em-  
5           ployer for whom employees perform services  
6           under a teleworking arrangement.

7           “(2) TELEWORKING ARRANGEMENT.—The term  
8           ‘teleworking arrangement’ means an arrangement  
9           under which an employee teleworks for an employer  
10          not less than 75 days per year.

11          “(3) QUALIFIED TELEWORKING EXPENSES.—  
12          The term ‘qualified teleworking expenses’ means ex-  
13          penses paid or incurred under a teleworking ar-  
14          rangement for furnishings and electronic information  
15          equipment which are used to enable an individual to  
16          telework.

17          “(4) TELEWORK.—The term ‘telework’ means  
18          to perform work functions, using electronic informa-  
19          tion and communication technologies, thereby reduc-  
20          ing or eliminating the physical commute to and from  
21          the traditional worksite.

22          “(d) LIMITATION BASED ON AMOUNT OF TAX.—

23          “(1) LIABILITY FOR TAX.—The credit allowable  
24          under subsection (a) for any taxable year shall not  
25          exceed the excess (if any) of—

1           “(A) the regular tax for the taxable year,  
2           reduced by the sum of the credits allowable  
3           under subpart A and the preceding sections of  
4           this subpart, over

5           “(B) the tentative minimum tax for the  
6           taxable year.

7           “(2) CARRYFORWARD OF UNUSED CREDIT.—If  
8           the amount of the credit allowable under subsection  
9           (a) for any taxable year exceeds the limitation under  
10          paragraph (1) for the taxable year, the excess shall  
11          be carried to the succeeding taxable year and added  
12          to the amount allowable as a credit under subsection  
13          (a) for such succeeding taxable year.

14          “(e) SPECIAL RULES.—

15               “(1) BASIS REDUCTION.—The basis of any  
16               property for which a credit is allowable under sub-  
17               section (a) shall be reduced by the amount of such  
18               credit (determined without regard to subsection (d)).

19               “(2) RECAPTURE.—The Secretary shall, by reg-  
20               ulations, provide for recapturing the benefit of any  
21               credit allowable under subsection (a) with respect to  
22               any property which ceases to be property eligible for  
23               such credit.

24               “(3) PROPERTY USED OUTSIDE UNITED  
25               STATES, ETC., NOT QUALIFIED.—No credit shall be

1       allowed under subsection (a) with respect to any  
 2       property referred to in section 50(b) or with respect  
 3       to the portion of the cost of any property taken into  
 4       account under section 179.

5           “(4) ELECTION TO NOT TAKE CREDIT.—No  
 6       credit shall be allowed under subsection (a) for any  
 7       expense if the taxpayer elects to not have this sec-  
 8       tion apply with respect to such expense.

9           “(5) DENIAL OF DOUBLE BENEFIT.—No deduc-  
 10      tion or credit (other than under this section) shall  
 11      be allowed under this chapter with respect to any ex-  
 12      pense which is taken into account in determining the  
 13      credit under this section.”.

14      (b) TECHNICAL AMENDMENT.—Subsection (a) of  
 15      section 1016 of the Internal Revenue Code of 1986 is  
 16      amended by striking “and” at the end of paragraph (26),  
 17      by striking the period at the end of paragraph (27) and  
 18      inserting “; and”, and by adding at the end the following  
 19      new paragraph:

20           “(28) to the extent provided in section 30B(e),  
 21      in the case of amounts with respect to which a credit  
 22      has been allowed under section 30B.”.

23      (c) CLERICAL AMENDMENT.—The table of sections  
 24      for subpart B of part IV of subchapter A of chapter 1

1 of the Internal Revenue Code of 1986 is amended by add-  
2 ing at the end the following new item:

“Sec. 30B. Teleworking credit.”.

3 (d) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to amounts paid or incurred after  
5 the date of the enactment of this Act, in taxable years  
6 ending after such date.

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