

117TH CONGRESS
1ST SESSION

S. 2812

To amend the Internal Revenue Code of 1986 to establish a small business start-up tax credit for veterans creating businesses in underserved communities.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2021

Ms. ROSEN (for herself and Mr. MORAN) 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 establish a small business start-up tax credit for veterans creating businesses in underserved communities.

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 “Veterans Jobs Oppor-
5 tunity Act”.

6 **SEC. 2. VETERAN SMALL BUSINESS START-UP CREDIT.**

7 (a) IN GENERAL.—Subpart D of part IV of sub-
8 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 is amended by adding at the end the following new
2 section:

3 **“SEC. 45U. VETERAN SMALL BUSINESS START-UP CREDIT.**

4 “(a) IN GENERAL.—For purposes of section 38, the
5 veteran small business start-up credit determined under
6 this section for any taxable year is an amount equal to
7 15 percent of so much of the qualified start-up expendi-
8 tures paid or incurred by the taxpayer during such taxable
9 year with respect to an applicable veteran-owned business
10 as does not exceed \$50,000.

11 “(b) DEFINITIONS.—For purposes of this section—

12 “(1) APPLICABLE VETERAN-OWNED SMALL
13 BUSINESS.—The term ‘applicable veteran-owned
14 small business’ means a small business—

15 “(A) owned and controlled by 1 or more
16 veterans or spouses of veterans, and

17 “(B) the principal place of business of
18 which is in an underserved community.

19 “(2) OWNERSHIP AND CONTROL.—The term
20 ‘owned and controlled’ means—

21 “(A) with respect to any of the individuals
22 described in paragraph (1)(A), that the conduct
23 of any trade or business of the small business
24 is not a passive activity (as defined in section
25 469(c)), and

1 “(B) with respect to the small business—

2 “(i) such small business is a sole pro-
3 prietorship,

4 “(ii) if such small business is a cor-
5 poration, ownership (by vote or value) by
6 the individuals described in paragraph
7 (1)(A) of greater than 50 percent of the
8 stock in such corporation, or

9 “(iii) if such small business is a part-
10 nership, ownership by the individuals de-
11 scribed in paragraph (1)(A) of greater
12 than 50 percent of the profits interests or
13 capital interests in such partnership.

14 “(3) QUALIFIED START-UP EXPENDITURES.—

15 The term ‘qualified start-up expenditures’ means—

16 “(A) any start-up expenditures (as defined
17 in section 195(c)), and

18 “(B) any amounts paid or incurred during
19 the taxable year for the purchase or lease of
20 real property, or the purchase of personal prop-
21 erty, placed in service during the taxable year
22 and used in the active conduct of a trade or
23 business.

24 “(4) SMALL BUSINESS.—

1 “(A) IN GENERAL.—The term ‘small busi-
2 ness’ means, with respect to any taxable year,
3 any person engaged in a trade or business in
4 the United States if—

5 “(i) the gross receipts of such person
6 for the preceding taxable year did not ex-
7 ceed \$5,000,000, or

8 “(ii) in the case of a person to which
9 clause (i) does not apply, such person em-
10 ployed not more than 50 full-time employ-
11 ees during the preceding taxable year.

12 “(B) FULL-TIME EMPLOYEE.—For pur-
13 poses of subparagraph (A)(ii), an employee
14 shall be considered full-time if such employee is
15 employed at least 30 hours per week for 20 or
16 more calendar weeks in the taxable year.

17 “(5) UNDERSERVED COMMUNITY.—The term
18 ‘underserved community’ means any area located
19 within—

20 “(A) a HUBZone (as defined in section
21 3(p) of the Small Business Act (15 U.S.C.
22 632(p)), as in effect on the date of enactment
23 of this section),

24 “(B) an empowerment zone, or enterprise
25 community, designated under section 1391 (and

1 without regard to whether or not such designa-
2 tion remains in effect),

3 “(C) an area of low income or moderate in-
4 come (as recognized by the Federal Financial
5 Institutions Examination Council), or

6 “(D) a county with persistent poverty (as
7 classified by the Economic Research Service of
8 the Department of Agriculture).

9 “(6) VETERAN OR SPOUSE OF VETERAN.—The
10 term ‘veteran or spouse of a veteran’ has the mean-
11 ing given such term by section 7(a)(31)(G)(ii) of the
12 Small Business Act (15 U.S.C. 636(a)(31)(G)(ii), as
13 in effect on the date of enactment of this section).

14 “(c) SPECIAL RULES.—For purposes of this sec-
15 tion—

16 “(1) ELECTION TO TAKE CREDIT.—No credit
17 shall be allowed under subsection (a) for any ex-
18 penditures unless the taxpayer elects to have this
19 section apply to such expenditures.

20 “(2) YEAR OF ELECTION.—The taxpayer may
21 elect the application of this section only for the first
22 2 taxable years for which ordinary and necessary ex-
23 penses paid or incurred in carrying on such trade or
24 business are allowable as a deduction by the tax-
25 payer under section 162.

1 “(3) CONTROLLED GROUPS AND COMMON CON-
 2 TROL.—All persons treated as a single employer
 3 under subsections (a) and (b) of section 52 shall be
 4 treated as 1 person.

5 “(4) NO DOUBLE BENEFIT.—If a credit is de-
 6 termined under this section with respect to any
 7 property, the basis of such property shall be reduced
 8 by the amount of the credit attributable to such
 9 property.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 for subpart D of part IV of subchapter A of chapter 1
 12 of the Internal Revenue Code of 1986 is amended by add-
 13 ing at the end the following new item:

 “Sec. 45U. Veteran small business start-up credit.”.

14 (c) PART OF GENERAL BUSINESS CREDIT.—Section
 15 38(b) of the Internal Revenue Code of 1986 is amended
 16 by striking “plus” at the end of paragraph (32), by strik-
 17 ing the period at the end of paragraph (33) and inserting
 18 “, plus”, and by adding at the end the following new para-
 19 graph:

20 “(34) the veteran small business start-up credit
 21 determined under section 45U.”.

22 (d) REPORT BY TREASURY INSPECTOR GENERAL
 23 FOR TAX ADMINISTRATION.—Every fourth year after the
 24 date of the enactment of this Act, the Treasury Inspector
 25 General for Tax Administration shall include in one of the

1 semiannual reports under section 5 of the Inspector Gen-
2 eral Act of 1978 with respect to such year, an evaluation
3 of the credit allowed under section 45U of the Internal
4 Revenue Code of 1986 (as added by this section), includ-
5 ing an evaluation of the success of, and accountability with
6 respect to, such credit.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxable years beginning after
9 the date of the enactment of this Act.

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