

Union Calendar No.

107TH CONGRESS
2^D SESSION

H. R. 5193

[Report No. 107-]

To amend the Internal Revenue Code of 1986 to allow a deduction to certain taxpayers for elementary and secondary education expenses.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2002

Mr. SCHAFER (for himself, Mr. HAYWORTH, Mr. MCINNIS, Mr. WELLER, Mr. HULSHOF, Mr. ENGLISH, Mr. BOEHNER, Mr. HERGER, Mr. SHAD-EGG, Mr. HOEKSTRA, Mr. TERRY, Mr. OTTER, Mr. SMITH of Michigan, Mr. KINGSTON, Mr. AKIN, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. DEMINT, Mrs. JO ANN DAVIS of Virginia, Mr. SOUDER, Mr. TIBERI, Mr. RYUN of Kansas, Mrs. MYRICK, Mr. THUNE, Mr. POMBO, Mr. BUYER, Mr. GREEN of Wisconsin, Mr. ARMEY, Mr. TOOMEY, Mr. JEFF MILLER of Florida, Ms. HART, Mr. BROWN of South Carolina, Mr. PAUL, Mr. LIPINSKI, Mr. SENSENBRENNER, Mrs. CUBIN, Mr. HILLEARY, Mr. BARR of Georgia, and Mr. PICKERING) introduced the following bill; which was referred to the Committee on Ways and Means

SEPTEMBER , 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Internal Revenue Code of 1986 to allow a deduction to certain taxpayers for elementary and secondary education expenses.



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 “Back to School Tax
5 Relief Act of 2002”.

6 **SEC. 2. DEDUCTION FOR ELEMENTARY AND SECONDARY**
7 **EDUCATION EXPENSES.**

8 (a) IN GENERAL.—Section 222 of the Internal Rev-
9 enue Code of 1986 (relating to qualified tuition and re-
10 lated expenses) is amended by redesignating subsection (e)
11 as subsection (f) and by inserting after subsection (d) the
12 following new subsection:

13 “(e) ELEMENTARY AND SECONDARY EDUCATION EX-
14 PENSES.—

15 “(1) IN GENERAL.—In the case of a taxpayer
16 whose adjusted gross income for the taxable year
17 does not exceed \$20,000 (\$40,000 in the case of a
18 joint return), qualified tuition and related expenses
19 shall include the qualified elementary and secondary
20 education expenses paid by the taxpayer during the
21 taxable year.

22 “(2) DOLLAR LIMITATION.—

23 “(A) IN GENERAL.—For purposes of para-
24 graph (1), the amount of qualified elementary
25 and secondary education expenses taken into



1 account for a taxable year under this section by
2 reason of paragraph (1) shall not exceed
3 \$3,000.

4 “(B) COORDINATION.—For purposes of
5 this section—

6 “(i) the dollar limitations under sub-
7 section (b) shall not apply to qualified ele-
8 mentary and secondary education expenses;
9 and

10 “(ii) qualified elementary and sec-
11 ondary education expenses shall not be
12 taken into account for purposes of apply-
13 ing the applicable dollar limit under sub-
14 section (b).

15 “(3) DEFINITIONS.—For purposes of this
16 subsection—

17 “(A) QUALIFIED ELEMENTARY AND SEC-
18 ONDARY EDUCATION EXPENSES.—The term
19 ‘qualified elementary and secondary education
20 expenses’ has the same meaning given to such
21 term by section 530(b)(4), except that—

22 “(i) such term shall not include room
23 and board,

24 “(ii) subparagraph (A)(i) thereof shall
25 be applied by including enrollment or at-



1 tendance at a home school (as determined
2 under State law), and

3 “(iii) such section shall be applied—

4 “(I) by substituting ‘individual’
5 for ‘designated beneficiary of the
6 trust’ in subparagraph (A)(i) thereof,
7 and

8 “(II) by substituting ‘individual
9 and the individual’s family during any
10 of the years the individual’ for ‘bene-
11 ficiary and the beneficiary’s family
12 during any of the years the bene-
13 ficiary’ in subparagraph (A)(iii) there-
14 of.

15 “(B) ADJUSTED GROSS INCOME.—Ad-
16 justed gross income shall be determined under
17 subsection (b)(2)(C).”.

18 (b) TECHNICAL AMENDMENT.—The heading of sec-
19 tion 62(a)(18) of such Code is amended by striking
20 “HIGHER EDUCATION” and inserting “QUALIFIED TUI-
21 TION AND RELATED”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to taxable years beginning after
24 December 31, 2002.



1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Back to School Tax Re-*
3 *lief Act of 2002”.*

4 **SEC. 2. DEDUCTION FOR ELEMENTARY AND SECONDARY**
5 **EDUCATION EXPENSES.**

6 *(a) IN GENERAL.—Section 222 of the Internal Revenue*
7 *Code of 1986 (relating to qualified tuition and related ex-*
8 *penses) is amended by redesignating subsection (e) as sub-*
9 *section (f) and by inserting after subsection (d) the fol-*
10 *lowing new subsection:*

11 *“(e) ELEMENTARY AND SECONDARY EDUCATION EX-*
12 *PENSES.—*

13 *“(1) IN GENERAL.—In the case of a taxpayer*
14 *whose adjusted gross income for the taxable year does*
15 *not exceed \$20,000 (\$40,000 in the case of a joint re-*
16 *turn), qualified tuition and related expenses shall in-*
17 *clude the qualified elementary and secondary edu-*
18 *cation expenses paid by the taxpayer during the tax-*
19 *able year.*

20 *“(2) DOLLAR LIMITATION.—*

21 *“(A) IN GENERAL.—For purposes of para-*
22 *graph (1), the amount of qualified elementary*
23 *and secondary education expenses taken into ac-*
24 *count for a taxable year under this section by*
25 *reason of paragraph (1) shall not exceed \$3,000.*



1 “(B) *COORDINATION.*—*For purposes of this*
2 *section—*

3 “(i) *the dollar limitations under sub-*
4 *section (b) shall not apply to qualified ele-*
5 *mentary and secondary education expenses,*
6 *and*

7 “(ii) *qualified elementary and sec-*
8 *ondary education expenses shall not be*
9 *taken into account for purposes of applying*
10 *the applicable dollar limit under subsection*
11 *(b).*

12 “(3) *DEFINITIONS.*—*For purposes of this*
13 *subsection—*

14 “(A) *QUALIFIED ELEMENTARY AND SEC-*
15 *ONDARY EDUCATION EXPENSES.*—*The term*
16 *‘qualified elementary and secondary education*
17 *expenses’ has the same meaning given to such*
18 *term by section 530(b)(4), except that—*

19 “(i) *such term shall not include room*
20 *and board,*

21 “(ii) *subparagraph (A)(i) thereof shall*
22 *be applied by including enrollment or at-*
23 *tendance at a home school (as determined*
24 *under State law), and*

25 “(iii) *such section shall be applied—*



1 “(I) by substituting ‘individual’
2 for ‘designated beneficiary of the trust’
3 in subparagraph (A)(i) thereof,

4 “(II) by substituting ‘an indi-
5 vidual with special needs’ for ‘a special
6 needs beneficiary’ in subparagraph
7 (A)(i) thereof, and

8 “(III) by substituting ‘individual
9 and the individual’s family during
10 any of the years the individual’ for
11 ‘beneficiary and the beneficiary’s fam-
12 ily during any of the years the bene-
13 ficiary’ in subparagraph (A)(iii) there-
14 of.

15 “(B) *ADJUSTED GROSS INCOME.*—Adjusted
16 gross income shall be determined under sub-
17 section (b)(2)(C).”.

18 (b) *TECHNICAL AMENDMENT.*—The heading of section
19 62(a)(18) of such Code is amended by striking “*HIGHER*
20 *EDUCATION*” and inserting “*QUALIFIED TUITION AND RE-*
21 *LATED*”.

22 (c) *EFFECTIVE DATE.*—The amendments made by this
23 section shall apply to taxable years beginning after Decem-
24 ber 31, 2002.

