

105TH CONGRESS  
1ST SESSION

# H. R. 1355

To amend the Internal Revenue Code of 1986 to modify the tax treatment of qualified State tuition programs.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 1997

Mrs. THURMAN (for herself and Mr. SHAW) 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 modify  
the tax treatment of qualified State tuition programs.

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. MODIFICATIONS OF TAX TREATMENT OF**  
4       **QUALIFIED STATE TUITION PROGRAMS.**

5       (a) EXCLUSION OF DISTRIBUTIONS USED FOR EDU-  
6       CATIONAL PURPOSES.—Subparagraph (B) of section  
7       529(c)(3) of the Internal Revenue Code of 1986 (relating  
8       to treatment of distributions) is amended to read as  
9       follows:

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1                   “(B) DISTRIBUTIONS FOR QUALIFIED  
2           HIGHER EDUCATION EXPENSES.—Subpara-  
3           graph (A) shall not apply to any distribution to  
4           the extent—

5                   “(i) the distribution is used exclusively  
6                   to pay qualified higher education expenses  
7                   of the distributee, or

8                   “(ii) the distribution consists of pro-  
9                   viding a benefit to the distributee which, if  
10                  paid for by the distributee, would con-  
11                  stitute payment of a qualified higher edu-  
12                  cation expense.”

13           (b) QUALIFIED HIGHER EDUCATION EXPENSES TO  
14   INCLUDE ROOM AND BOARD.—Section 529(e)(3) of the  
15   Internal Revenue Code of 1986 (defining qualified higher  
16   education expenses) is amended by adding at the end the  
17   following: “Such term shall also include reasonable costs  
18   (as determined under the qualified State tuition program)  
19   incurred by the designated beneficiary for room and board  
20   while attending such institution.”

21           (c) ADDITIONAL MODIFICATIONS.—

22                   (1) MEMBER OF FAMILY.—Paragraph (2) of  
23           section 529(e) of the Internal Revenue Code of 1986  
24           (relating to other definitions and special rules) is  
25           amended to read as follows:

1           “(2) MEMBER OF FAMILY.—The term ‘member  
2 of family’ means—

3           “(A) an individual who bears a relationship  
4 to another individual which is a relationship de-  
5 scribed in paragraphs (1) through (8) of section  
6 152(a), and

7           “(B) a spouse of any individual described  
8 in subparagraph (A).”

9           (2) ELIGIBLE EDUCATIONAL INSTITUTION.—  
10 Section 529(e) of such Code is amended—

11           (A) in paragraph (3), by striking “(as de-  
12 fined in section 135(c)(3))” and inserting  
13 “(within the meaning of paragraph (5))”, and

14           (B) by adding at the end the following:

15           “(5) ELIGIBLE EDUCATIONAL INSTITUTION.—  
16 The term ‘eligible educational institution’ means an  
17 institution—

18           “(A) which is described in section 481 of  
19 the Higher Education Act of 1965 (20 U.S.C.  
20 1088), as in effect on the date of the enactment  
21 of this paragraph, and

22           “(B) which is eligible to participate in a  
23 program under title IV of such Act.”

24           (3) TECHNICAL AMENDMENTS.—

1           (A) Subparagraph (B) of section 529(e)(1)  
2           of such Code is amended by striking “sub-  
3           section (c)(2)(C)” and inserting “subsection  
4           (c)(3)(C)”.

5           (B) Subparagraph (C) of section 529(e)(1)  
6           of such Code is amended by inserting “(or  
7           agency or instrumentality thereof)” after “State  
8           or local government”.

9           (C) Paragraph (2) of section 1806(c) of  
10          the Small Business Job Protection Act of 1996  
11          is amended by striking so much of the first sen-  
12          tence as follows subparagraph (B)(ii) and in-  
13          serting the following:

14         “then such program (as in effect on August 20,  
15         1996) shall be treated as a qualified State tuition  
16         program with respect to contributions (and earnings  
17         allocable thereto) pursuant to contracts entered into  
18         under such program before the first date on which  
19         such program meets such requirements (determined  
20         without regard to this paragraph) and the provisions  
21         of such program (as so in effect) shall apply in lieu  
22         of section 529(b) of the Internal Revenue Code of  
23         1986 with respect to such contributions and  
24         earnings.”

1       (d) COORDINATION WITH EDUCATION SAVINGS  
2 BOND.—Section 135(c)(2) of the Internal Revenue Code  
3 of 1986 (defining qualified higher education expenses) is  
4 amended by adding at the end the following:

5               “(C) CONTRIBUTIONS TO QUALIFIED  
6 STATE TUITION PROGRAM.—Such term shall in-  
7 clude any contribution to a qualified State tui-  
8 tion program (as defined in section 529) on be-  
9 half of a designated beneficiary (as so defined)  
10 who is an individual described in subparagraph  
11 (A).”

12       (e) EFFECTIVE DATES.—

13           (1) IN GENERAL.—Except as provided in para-  
14 graph (2), the amendments made by this section  
15 shall apply to taxable years beginning after Decem-  
16 ber 31, 1996.

17           (2) ADDITIONAL MODIFICATIONS.—The amend-  
18 ments made by subsection (c) shall take effect as if  
19 included in the amendments made by, and the provi-  
20 sions of, section 1806 of the Small Business Job  
21 Protection Act of 1996.

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