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112TH CONGRESS
2D SESSION

H. R. 5932

To amend the Internal Revenue Code of 1986 to allow 529 tuition programs with respect to elementary and secondary education expenses.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2012

Ms. BUERKLE (for herself, Mr. PAUL, and Mr. KELLY) 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 allow 529 tuition programs with respect to elementary and secondary education expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Expand Opportunity for Education Savings Act of 2012''.

SEC. 2. 529 PROGRAMS FOR ELEMENTARY AND SECONDARY EDUCATION EXPENSES.

(a) IN GENERAL.—Paragraph (5) of section 529(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(5) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means an institution—

"(A) which—

"(i) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this subsection, and

"(ii) which is eligible to participate in a program under title IV of such Act, or

"(B) which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.".

(b) SPECIAL RULE FOR ROOM AND BOARD.—Subparagraph (B) of section 529(e)(3) of such Code is amended by adding at the end the following new clause:

"(iii) SPECIAL RULE FOR ELEMENTARY AND SECONDARY EDUCATION.—In the case of an eligible educational institution described in paragraph (5)(B), clause (ii)(I) shall not apply.".

(c) CONFORMING AMENDMENTS.—

(1) Section 529 of such Code is amended by striking "higher education" each place it appears and inserting "education".

(2) The heading for subparagraph (B) of section 529(c)(3) of such Code is amended by striking ''HIGHER''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date of the enactment of this Act.

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