

118TH CONGRESS  
1ST SESSION

# S. 57

To amend the Internal Revenue Code of 1986 to permit kindergarten through grade 12 educational expenses to be paid from a 529 account.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2023

Mr. CRUZ (for himself, Mr. LEE, Mr. SCOTT of Florida, Mr. JOHNSON, Mr. LANKFORD, and Mr. SCOTT of South Carolina) 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 permit kindergarten through grade 12 educational expenses to be paid from a 529 account.

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 “Student Empowerment  
5 Act”.

1 **SEC. 2. 529 ACCOUNT FUNDING FOR HOMESCHOOL AND AD-**  
 2 **DITIONAL ELEMENTARY AND SECONDARY EX-**  
 3 **PENSES.**

4 (a) IN GENERAL.—Section 529(c)(7) of the Internal  
 5 Revenue Code of 1986 is amended to read as follows:

6 “(7) TREATMENT OF ELEMENTARY AND SEC-  
 7 ONDARY TUITION.—Any reference in this section to  
 8 the term ‘qualified higher education expense’ shall  
 9 include a reference to the following expenses in con-  
 10 nection with enrollment or attendance at, or for stu-  
 11 dents enrolled at or attending, an elementary or sec-  
 12 ondary public, private, or religious school:

13 “(A) Tuition.

14 “(B) Curriculum and curricular materials.

15 “(C) Books or other instructional mate-  
 16 rials.

17 “(D) Online educational materials.

18 “(E) Tuition for tutoring or educational  
 19 classes outside of the home, including at a tu-  
 20 toring facility, but only if the tutor or instruc-  
 21 tor is not related to the student and—

22 “(i) is licensed as a teacher in any  
 23 State,

24 “(ii) has taught at an eligible edu-  
 25 cational institution, or

1                   “(iii) is a subject matter expert in the  
2                   relevant subject.

3                   “(F) Fees for a nationally standardized  
4                   norm-referenced achievement test, an advanced  
5                   placement examination, or any examinations re-  
6                   lated to college or university admission.

7                   “(G) Fees for dual enrollment in an insti-  
8                   tution of higher education.

9                   “(H) Educational therapies for students  
10                  with disabilities provided by a licensed or ac-  
11                  credited practitioner or provider, including oc-  
12                  cupational, behavioral, physical, and speech-lan-  
13                  guage therapies.

14                 Such term shall include expenses for the purposes  
15                 described in subparagraphs (A) through (H) in con-  
16                 nection with a homeschool (whether treated as a  
17                 homeschool or a private school for purposes of appli-  
18                 cable State law).”.

19                 (b) EFFECTIVE DATE.—The amendment made by  
20                 this section shall apply to distributions made after the  
21                 date of the enactment of this Act.

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