



# Higher Education Tax Benefits: Brief Overview and Budgetary Effects

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## Introduction

Since 1997, education tax benefits have become an increasingly important component of federal higher education policy. Fourteen tax benefits are currently available for college students and their parents to help pay for higher education. The available tax benefits are a mixture of credits, deductions, exclusions, and other incentives. The benefits can be placed into one of three general categories: incentives for current year expenses, preferential tax treatment of student loans, and incentives for saving for college. The Joint Committee on Taxation (JCT) estimates the cost to the federal government of education tax benefits—the revenue foregone from offering these benefits—to be \$78.9 billion between 2011 and 2015.<sup>1</sup>

This report provides a brief overview of the higher education tax benefits that are currently available to students and their families. The report contrasts higher education tax benefits with traditional student aid, presents a brief history of higher education tax policy over the past 60 years, summarizes key features of the available tax benefits, and provides JCT estimates of revenue losses resulting from individual tax provisions. The summary is contained in **Table 1** and provides information on various aspects of each tax benefit including the type of benefit (credit, deduction, etc.), the annual dollar amount of the benefit, what expenses qualify for the benefit, what level of education the benefit can be claimed for, income levels at which the benefit phases out, any aspects of the benefit which are expiring during the 112<sup>th</sup> Congress, and recent legislation to extend these temporary changes. **Table 2** contains estimates of the annual forgone federal revenue attributable to each provision.

## Tax Benefits Versus Traditional Student Aid

The federal government provides financial assistance for higher education expenses in two ways: tax benefits and traditional student aid (loans, grants and work-study assistance). To qualify for traditional financial aid, students first submit a free application for federal student aid (FAFSA) to the Department of Education. Financial aid officers at the student's college or university use the asset and income information provided by the Department of Education to determine the student's federal financial aid award.<sup>2</sup> This financial aid is then used to pay for higher education expenses at the time they are due.

A summary of available traditional financial aid is beyond the scope of this report. For more information, please see CRS Report RL31618, *Campus-Based Student Financial Aid Programs Under the Higher Education Act*, by David P. Smole, CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers*, by David P. Smole and CRS Report R41437, *Federal Pell Grant Program of the Higher Education Act: Background, Recent Changes, and Current Legislative Issues*, by Shannon M. Mahan.

In contrast, most tax-based higher education assistance becomes available after higher education expenses have been incurred—sometimes several months afterward. Aside from tax preferred

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<sup>1</sup> U.S. Congress, Joint Committee on Taxation, Estimates of Federal Tax For Fiscal Years 2011-2015, January 17, 2012, JCS-1-12.

<sup>2</sup> This information can also be used to calculate any aid provided by the college or university to the student.

college savings accounts, taxpayers must wait until they file their federal income tax returns to claim any federal higher education tax benefits. Another difference between the two forms of educational assistance is that traditional financial aid is often directed toward students with financial need, while tax benefits are generally available to eligible taxpayers regardless of need.

## **Brief Historical Perspective of Tax Benefits**

Tax benefits for higher education were first introduced nearly 60 years ago. While most of these benefits were originally structured as deductions and exclusions, which reduce taxable income, they now include tax credits, which directly reduce tax liability.

Between 1954 and 1996, eight tax benefits for education were enacted:

1. an exclusion for scholarship, fellowship, and tuition reductions;
2. a parental exemption for students age 19 to 23 who were enrolled in college;
3. a business expense deduction for work-related education;
4. an exclusion for employer-provided education assistance;
5. an exclusion for the interest earned on educational savings bonds;
6. an exclusion of qualifying cancelled student loans from taxable income;
7. an unlimited gift tax exclusion for amounts paid by a donor directly to an educational institution for tuition payments on behalf of the donee; and
8. an exclusion for earnings from qualified tuition programs (QTPs), also known as Section 529 Plans.

The deduction for student loan interest, which had existed since 1954, was eliminated with the passage of the Tax Reform Act of 1986 (TRA 86, P.L. 99-514). TRA 86 disallowed all forms of personal interest deductions other than for mortgage interest.

The Taxpayer Relief Act of 1997 (P.L. 105-34) enacted five new education tax benefits:

1. the Hope Tax Credit;
2. the Lifetime Learning Credit;
3. a reinstatement of the student loan interest deduction;
4. an exclusion for earnings accruing to Education individual retirement accounts (later renamed Coverdell Education Savings Accounts); and
5. a cancellation of the penalty for early withdrawals from individual retirement accounts (IRAs).

More recently, 2 additional tax benefits were enacted, bringing the total number of education tax benefits to 15, although only 14 are in effect in a given year, since the Hope Tax Credit was temporarily replaced by the American Opportunity Tax Credit.

1. An above-the-line deduction<sup>3</sup> for higher education expenses (the “tuition and fees” deduction) was authorized by the Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107-16)<sup>4</sup>.
2. The Hope Credit was enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA; P.L. 111-5). This credit temporarily replaced the American Opportunity tax credit (AOTC) for the 2009 and 2010 school years.

A number of expiring tax benefits and modifications to other tax benefits were extended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) through the end of 2012 including: the AOTC; the exclusion for employer provided educational assistance; modifications to the exclusion of scholarships, grants, and tuition reduction concerning specific scholarships; modifications to the student loan interest deduction; and modifications to Coverdell Accounts. In addition, P.L. 111-312 extended the tuition and fees deduction through the end of 2011.

Two bills to extend the Bush tax cuts, H.R. 8, the Job Protection and Recession Prevention Act of 2012, and S. 3413, the Tax Hike Prevention Act, would extend all these provisions through the end of 2013, except the American Opportunity tax credit and the above-the-line tuition and fees deduction. S. 3412 would extend all the provisions (*including* the American Opportunity tax credit) except the tuition and fees deduction through the end of 2013. S. 3521, the Family and Business Tax Cut Act of 2012, would extend the above-the-line tuition and fees deductions for two years—2012 and 2013. Details of which provisions are extended by these bill are provided in **Table 1**.

## Summary and Cost of Current Benefits

**Table 1** summarizes the higher education tax benefits currently available. The benefits can be divided into three groups: incentives for current year higher education expenses, incentives that provide preferential tax treatment of student loan expenses, and incentives for saving for college. Generally, a taxpayer cannot claim more than one tax benefit for the same education expense.

The benefits available are either a tax credit, deduction, exemption, or exclusion. While these terms are sometimes used interchangeably, they are different. It is important to understand the distinction between the types of incentives:

- **Tax credits** reduce the amount an individual owes in taxes directly, on a dollar for dollar basis. Credits are available to all qualified taxpayers, whether they itemize deductions or not. Credits can be nonrefundable or refundable. Nonrefundable credits cannot exceed taxes owed, and therefore can only reduce an individual’s tax liability to zero. Refundable credits can exceed taxes owed, meaning a taxpayer with no tax liability receives the credit amount as a refund check. A tax credit is partially refundable if, in cases where the credit is larger than the taxpayer’s tax liability, the IRS only refunds part of the difference.

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<sup>3</sup> Above-the-line deductions, unlike itemized deductions, are available to all tax filers. Taxpayers who claim the standard deduction cannot benefit from itemized deductions.

<sup>4</sup> This provision was originally scheduled to expire in 2006 under EGTRRA. It was subsequently extended by P.L. 109-432 (2006-2007), P.L. 110-343 (2008-2009), and P.L. 111-312 (2010 and 2011).

*Education tax credits include the Hope Credit and Lifetime Learning Credit, both nonrefundable and the American Opportunity Tax Credit which is partially refundable.*

- **Tax deductions** reduce the amount of a taxpayer's income which is subject to taxation ("taxable income") by the amount of the deduction. As a result, deductions reduce a taxpayer's tax liability, but only by a percentage of the amount deducted depending on the taxpayer's highest marginal tax bracket.<sup>5</sup> Hence, deductions are generally less valuable than a given dollar amount in tax credits. Generally, the amount that may be deducted is equal to a portion of some expense incurred. Deductions can either be "above the line" or "itemized." Above the line deductions are typically more advantageous than itemized deductions and may be claimed by most taxpayers. Itemized deductions may only be claimed by those taxpayers who itemize all their deductions on their tax returns. The alternative to itemizing is claiming the standard deduction. *Education tax deductions include the business deduction for work related expenses (an itemized deduction), the deduction for tuition and fees, and the student loan interest deduction (both "above-the-line" deductions).*
- **Tax exemptions** reduce the amount of a taxpayer's income which is subject to taxation, by a fixed dollar amount per exemption claimed. Generally, every taxpayer is allowed to claim one exemption for themselves, one exemption for a spouse, and one for each dependent. Exemptions function similarly to deductions in that they reduce the income that is subject to taxation, but they are based on fixed amount per person instead of actual expenses. An exemption's value to a taxpayer is also similar to the value of a deduction in terms of being proportional to a taxpayer's highest marginal tax bracket. *Parents of students between the ages of 19 and 23 are eligible for a personal tax exemption for their children.*
- **Tax exclusions** are amounts of income that are not included as income for tax purposes because the tax code explicitly excludes—or exempts—them from taxation. *Education tax exclusions include the exclusion of certain scholarships, grants, and tuition reductions, the exclusion of employer provided educational assistance, the exclusion of qualifying cancelled student loans, and the exclusion of direct transfers to educational institutions.*

As **Table 1** shows, there are a number of limitations to the available tax benefits. Some benefits are subject to an annual limit, or "cap." For example, the maximum annual American Opportunity Tax Credit that may be claimed is \$2,500. A number of the tax benefits may be limited by the type of "qualifying" expenses they are used to offset. For some tax benefits, only tuition and required fees qualify. Generally fees that must be paid to the educational institution as a condition of enrollment or attendance are considered "required fees." Other tax benefits can be used to offset course-related books, supplies, and materials. And still other benefits may be used to cover travel and other expenses.

A number of higher education tax benefits also have income limitations. When an income limitation does exist, it is in the form of an income phase-out range. Taxpayers with incomes

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<sup>5</sup> For example, a \$4,000 deduction for someone whose highest marginal tax bracket is the 10% bracket will result in a \$400 reduction in that taxpayer's tax bill. If the taxpayer's highest marginal tax bracket is the 35% bracket, their tax bill will fall by \$1,400.

below the start of the phase-out range are eligible to claim the maximum tax benefit amount. The amount of the credit that can be claimed is then reduced for individuals with incomes within the phase-out range, and is zero for those with incomes above the phase-out range. In addition, legislation introduced in the 112<sup>th</sup> Congress which would extend certain expiring provisions (or temporary modifications to these provisions) is identified in this table.

**Table 2** presents the JCT cost estimates for each available tax benefit. The JCT advises that these estimates cannot be simply summed to estimate the aggregate revenue loss from multiple tax provisions. This is because of interaction effects. When the revenue loss associated with a specific tax provision is estimated, the estimate is made assuming that there are no changes in other provisions or in taxpayer behavior. When individual tax expenditures are summed, the interaction effects may lead to different revenue loss estimates. Consequently, aggregate tax expenditure estimates, derived from summing the estimated revenue effects of individual tax expenditure provisions, are unlikely to reflect the actual change in federal receipts associated with removing various tax provisions.

**Table I. Overview of Education Tax Benefits, 2012**

	Type of Benefit	Annual Limit	Qualifying Expenses	Qualifying Education Level	Income Phase-out Range	Expiration	Legislation to Extend Through the End of 2013
<b>TAX BENEFITS FOR TUITION AND RELATED EXPENSES</b>							
American Opportunity Credit <i>IRC Sec. 25A</i>	Tax Credit-Partially Refundable  40% of credit may be refundable (up to \$1,000)	\$2,500 credit per student	(1) Tuition and required enrollment fees (2) Course-related books, supplies and equipment	first 4 years of postsecondary education (undergraduate)	\$80K-\$90K \$160K-\$180K (married joint)	December 31, 2012	S. 3412
HOPE Credit <sup>a</sup> <i>IRC Sec. 25A</i>	Tax Credit-Nonrefundable	\$1,800 credit per student (2008 levels) <sup>a</sup>	(1) Tuition and required enrollment fees	first 2 years of postsecondary education (undergraduate)	\$48K-\$58K \$96K-\$116K (married joint) (2008 levels) <sup>a</sup>	None	NA
Lifetime Learning Credit <i>IRC Sec. 25A</i>	Tax Credit-Nonrefundable	\$2,000 credit per tax return	(1) Tuition and required enrollment fees	Undergraduate and Graduate  Courses to acquire or improve job skills	\$52K-\$62K \$104K-\$124K (married joint)	None	NA
Deduction for Tuition and Fees <i>IRC Sec. 222</i>	Deduction ("Above the Line") of qualified expenses from gross income	\$4,000 deduction	(1) Tuition and required enrollment fees	Undergraduate and Graduate	\$65K-\$80K \$130K-\$160K (married joint)	December 31, 2011	S. 3521
Business Deduction for Work Related Education Expenses <i>IRC Sec. 162 Reg. §1.162-5</i>	Deduction (Itemized) of qualified expenses from AGI	None	(1) Tuition and required enrollment fees (2) Transportation and travel (3) Other necessary expenses	Education must be required by employer or law to keep present job, salary, status or maintain or improve job skills	None	None	NA

	Type of Benefit	Annual Limit	Qualifying Expenses	Qualifying Education Level	Income Phase-out Range	Expiration	Legislation to Extend Through the End of 2013
Exclusion of Scholarships, Grants, and Tuition Reductions <sup>b</sup> <i>IRC Sec. 117</i>	Exclusion from taxable income if scholarship, grant is used to pay qualifying education expenses	None	(1) Tuition and required enrollment fees (2) Course-related books, supplies and equipment	Undergraduate and Graduate	None	Exclusion of National Health Service Corps and F. Edward Herbert Armed Services Health Professionals Scholarships will expire December 31, 2012	S. 3412, S. 3412, HR.8
Exclusion of Employer Provided Educational Assistance <i>IRC Sec. 127</i>	Exclusion from taxable income	\$5,250 exclusion	(1) Tuition and required enrollment fees (2) Course-related books, supplies and equipment	Undergraduate and Graduate	None	December 31, 2012	S. 3412, S. 3412, HR.8
Parental Personal Exemption for Dependent Students 19-23 Years Old <i>IRC Sec. 151 &amp; 152</i>	Exemption of fixed amount per dependent	\$3,800 per dependent	Not applicable (NA)	Student must be under 24 by the end of the tax year and enrolled full time at a qualifying institution	None	None	NA
<b>TAX BENEFITS FOR STUDENT LOANS</b>							
Student Loan Interest Deduction <i>IRC Sec. 221</i>	Deduction ("Above the line") of interest paid	\$2,500	(1) Tuition and required enrollment fees (2) Course-related books, supplies and equipment (3) Room and board (4) Other necessary expenses (including transportation)	Undergraduate and Graduate	\$60K-\$75K \$125K-\$155K (married joint)	Both the higher income phase-out ranges and the extended deductibility of interest beyond the first 60 months of interest payments are scheduled to expire December 31, 2012	S. 3412, S. 3412, HR.8



	Type of Benefit	Annual Limit	Qualifying Expenses	Qualifying Education Level	Income Phase-out Range	Expiration	Legislation to Extend Through the End of 2013
Exclusion of Qualifying Cancelled Student Loans <i>IRC Sec. 108(f)</i>	Exclusion from taxable income	None	(1) Tuition and required enrollment fees (2) Course-related books, supplies and equipment (3) Room and board (4) Other necessary expenses (including transportation)	Undergraduate and Graduate	None	None	NA
<b>TAX BENEFITS FOR EDUCATION SAVINGS PLANS</b>							
Qualified Tuition Programs (529 Plans) <i>IRC Sec. 529</i>	Earnings not taxed	None	(1) Tuition and required enrollment fees (2) Books, supplies and equipment (3) Expenses for special needs services (4) Room and board if at least half-time student	Undergraduate and Graduate	None	None	NA

	Type of Benefit	Annual Limit	Qualifying Expenses	Qualifying Education Level	Income Phase-out Range	Expiration	Legislation to Extend Through the End of 2013
Coverdell Education Savings Accounts <sup>c</sup> <i>IRC Sec. 530</i>	Earnings not taxed	\$2,000 contribution per beneficiary	K-12 Expenses (1) Tuition and fees (2) Books, supplies and equipment (3) Academic tutoring (4) Special needs services (5) Room and board (6) Uniforms (7) Transportation (8) Required supplementary items and services (9) The purchase of a computer if it is used by the beneficiary or their family.  Higher Education Expenses (1) Tuition and required enrollment Fees (2) Books, Supplies and Equipment (3) Expenses for special needs services (4) Payments to QTP (5) Room and board if at least half-time student	K-12  Undergraduate and Graduate	\$95K-\$110K \$190K-\$220K (married joint)	(1) The increase in the annual contribution limit; (2) The increase in the phase out range for married taxpayers; (3) Special needs beneficiary rules; (4) Rules governing contributions by corporations and other entities; (5) Rules relating to contributions made until April 15 <sup>th</sup> ; (6) The expansion of the definition of qualified education expenses to include K-12 expenses; (7) Coordination between tax-free distributions and education tax credits; (8) Allowance of contributions to 529 plans without being subject to an excise tax.	S. 3412, S. 3412, HR.8
Exclusion of Interest on Education Savings Bonds <i>IRC. Sec. 135</i>	Interest not taxed	Amount of qualified education expenses	(1) Payments to Coverdell ESAs (2) Payments to QTPs	Undergraduate and Graduate	\$72,850-\$87,850 \$109,250-\$139,250 (married joint)	None	NA

	Type of Benefit	Annual Limit	Qualifying Expenses	Qualifying Education Level	Income Phase-out Range	Expiration	Legislation to Extend Through the End of 2013
Early Withdrawals from IRAs <i>IRC Sec. 72(t)</i>	No 10% additional tax on early withdrawal	Amount of qualified education expenses	(1) Tuition and required enrollment fees (2) Books, supplies and equipment (3) Expenses for special needs services (4) Room and board if at least half-time student	Undergraduate and Graduate	None	None	NA
Uniform Transfers to Minors <i>IRC Sec. 2503(e)</i>	Exclusion from income of direct transfer to educational institution	Unlimited	(1) Amounts paid directly to educational institution for tuition	Undergraduate and Graduate	None	None	NA

**Sources:** Internal Revenue Service, *Publication 970: Tax Benefits for Education 2011*; U.S. Congress, Joint Committee on Taxation, *List Of Expiring Federal Tax Provisions 2010-2020*, 112<sup>th</sup> Congress, January 21, 2011, JCX-2-11; CCH Tax Law Editors, *U.S. Master Tax Guide 2011*; and Internal Revenue Service, Revenue Procedure 2011-52.

**Notes:**

- a. The parameters for the Hope Credit are for 2008, the most recent year for which the credit was in effect. The credit is scheduled to return in 2013, at which time the annual limit and income phase-out ranges will be adjusted for inflation.
- b. Students must generally pay taxes on any part of a scholarship, fellowship, or tuition reduction that can be attributed to teaching, research, or other services that have been performed, are being performed, or will be performed. A temporary exception to this general rule was allowed for the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program by EGTRRA (P.L. 107-16).
- c. The income phaseouts for Coverdells apply to any individual who contributes to the Coverdell (including the beneficiary).

**Table 2. Estimated Budgetary Impact of Tax Benefits for Higher Education Expenses, 2011-2015**  
(billions of dollars)

Tax Benefit	2011	2012	2013	2014	2015	Total
Hope/American Opportunity Tax Credit <sup>a,b</sup>	7.1	8.3	4.1	2.5	2.5	24.4
Lifetime Learning Tax Credit	1.9	2.1	2.8	3.0	3.0	12.9
Exclusion of Scholarship and Fellowship Income <sup>a</sup>	2.2	2.4	2.5	2.7	2.8	12.6
Parental Personal Exemption for Students aged 19 to 23	4.4	2.0	2.2	2.4	2.1	13.1
Exclusion of Employer-Provided Education Benefits <sup>a</sup>	0.9	0.9	0.9	1.0	1.0	4.7
Deduction for Student Loan Interest <sup>a</sup>	1.1	1.2	0.7	0.5	0.5	4.1
Exclusion of Earnings of Qualified Tuition Programs (529 Plans)	0.5	0.7	0.8	0.9	1.1	4.0
Deduction for Tuition and Fees <sup>a</sup>	0.8	0.2	0.0	0.0	0.0	1.0
Exclusion of Tuition Reductions	0.2	0.2	0.2	0.2	0.2	1.1
Exclusion of Earnings of Coverdell Education Savings Accounts <sup>a</sup>	0.1	0.1	0.1	0.1	0.2	0.5
Exclusion of Certain Discharged Student Loans	0.1	0.1	0.1	0.1	0.1	0.5
Exclusion of Interest On Education Savings Bonds	c	c	c	c	c	0.1
<b>Total</b>	<b>19.3</b>	<b>18.2</b>	<b>14.4</b>	<b>13.4</b>	<b>13.5</b>	<b>78.9</b>

**Source:** U.S. Congress, Joint Committee on Taxation, Estimates of Federal Tax For Fiscal Years 2011-2015, January 17, 2012, JCS-1-12.

**Notes:** A positive estimate corresponds to a federal revenue cost. Items may not sum due to rounding.

- a. Provision or modification of the provision is set to expire in 2011 or 2012.
- b. These estimates include the outlays resulting from the refundable portion of the AOTC.
- c. Revenue losses for 2011-2015 are less than \$50 million.

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