

104TH CONGRESS
1ST SESSION

H. R. 2338

To amend the Internal Revenue Code of 1986 to allow a deduction for contributions to an individual training account.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1995

Mr. KLINK introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow a deduction for contributions to an individual training 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 “Individual Training
5 Account Act of 1995”.

6 **SEC. 2. INDIVIDUAL TRAINING ACCOUNTS.**

7 (a) IN GENERAL.—Part VII of subchapter B of chap-
8 ter 1 of the Internal Revenue Code of 1986 (relating to
9 additional itemized deductions for individuals) is amended

1 by redesignating section 220 as section 221 and by insert-
2 ing after section 219 the following new section:

3 **“SEC. 220. INDIVIDUAL TRAINING ACCOUNTS.**

4 “(a) DEDUCTION ALLOWED.—In the case of an indi-
5 vidual, there shall be allowed as a deduction the amount
6 paid in cash for the taxable year by or on behalf of such
7 individual to an individual training account for the benefit
8 of such individual.

9 “(b) LIMITATIONS.—

10 “(1) MAXIMUM DEDUCTION.—The amount al-
11 lowed as a deduction under subsection (a) for any
12 taxable year shall not exceed the lesser of—

13 “(A) \$2,000, or

14 “(B) the excess of \$6,000 over the aggre-
15 gate amount in all individual training accounts
16 of the individual as of the close of the preceding
17 taxable year.

18 The preceding sentence shall be applied separately
19 for each individual.

20 “(2) NO DEDUCTION BEFORE BENEFICIARY AT-
21 TAINS AGE 18.—No deduction shall be allowed for
22 any contribution to an individual training account
23 established for the benefit of an individual who has
24 not attained age 18 before the close of the taxable
25 year for which such contribution is made.

1 “(c) DEFINITIONS AND SPECIAL RULES.—For pur-
2 poses of this section:

3 “(1) INDIVIDUAL TRAINING ACCOUNT.—The
4 term ‘individual training account’ means a trust cre-
5 ated or organized in the United States exclusively
6 for the purpose of paying the qualified expenses of
7 the individual for whose benefit the trust is main-
8 tained, but only if the written governing instrument
9 creating the trust meets the following requirements:

10 “(A) Except in the case of a rollover con-
11 tribution described in subsection (d)(3), no con-
12 tribution will be accepted—

13 “(i) unless it is in cash, or

14 “(ii) in excess of the amount allowed
15 as a deduction under this section.

16 “(B) The trustee is a bank (as defined in
17 section 408(n)) or another person who dem-
18 onstrates to the satisfaction of the Secretary
19 that the manner in which that person will ad-
20 minister the trust will be consistent with the re-
21 quirements of this section.

22 “(C) No part of the trust assets will be in-
23 vested in life insurance contracts.

24 “(D) The interest of the individual in the
25 balance of his account is nonforfeitable.

1 “(E) The assets of the trust shall not be
2 commingled with other property except in a
3 common trust fund or common investment
4 fund.

5 “(2) QUALIFIED EXPENSES.—The term ‘quali-
6 fied expenses’ means—

7 “(A) job training expenses, and

8 “(B) job-related relocation expenses.

9 “(3) JOB TRAINING EXPENSES.—

10 “(A) IN GENERAL.—The term ‘job training
11 expenses’ means—

12 “(i) tuition and fees required for the
13 enrollment or attendance of—

14 “(I) a student at an eligible edu-
15 cational institution, or

16 “(II) a worker in an applicable
17 training program,

18 “(ii) fees, books, supplies, and equip-
19 ment required for—

20 “(I) courses of instruction at an
21 eligible educational institution, or

22 “(II) for an applicable training
23 program, and

24 “(iii) a reasonable allowance for meals
25 and lodging while attending an eligible

1 educational institution or an applicable
2 training program.

3 “(B) ELIGIBLE EDUCATIONAL INSTITU-
4 TION.—The term ‘eligible educational institu-
5 tion’ means—

6 “(i) an institution of higher education,
7 or

8 “(ii) a vocational school.

9 “(C) INSTITUTION OF HIGHER EDU-
10 CATION.—The term ‘institution of higher edu-
11 cation’ means the institutions described in sec-
12 tion 1201(a) or 481(a) of the Higher Education
13 Act of 1965.

14 “(D) VOCATIONAL SCHOOL.—The term
15 ‘vocational school’ means an area vocational
16 education school as defined in subparagraph
17 (C) or (D) of section 521(4) of the Carl D. Per-
18 kins Vocational and Applied Technology Edu-
19 cation Act to the extent such school is located
20 within any State (as defined in such section).

21 “(E) APPLICABLE TRAINING PROGRAM.—
22 The term ‘applicable training program’
23 means—

1 “(i) any applicable program (as de-
2 fined in section 314(g) of the Job Training
3 Partnership Act), and

4 “(ii) any training program approved
5 under section 236 of the Trade Act of
6 1974.

7 “(4) DENIAL OF DEDUCTION FOR AMOUNTS
8 PAID FROM ACCOUNT.—If any amount paid or dis-
9 tributed from an individual training account is not
10 included in gross income by reason of being used to
11 pay any qualified expense, such expense shall not be
12 taken into account in determining the amount of any
13 deduction under section 212, 217, or any other pro-
14 vision of this chapter.

15 “(d) TAX TREATMENT OF DISTRIBUTIONS.—

16 “(1) IN GENERAL.—Except as otherwise pro-
17 vided in this subsection, any amount paid or distrib-
18 uted out of an individual training account shall be
19 included in gross income of the payee or distributee
20 for the taxable year in which the payment or dis-
21 tribution is received to the extent such amount is
22 not used exclusively to pay the qualified expenses
23 paid during such taxable year by the individual for
24 whose benefit the account is established.

1 “(2) EXCESS CONTRIBUTIONS RETURNED BE-
2 FORE DUE DATE OF RETURN.—Paragraph (1) shall
3 not apply to the distribution of any contribution paid
4 during a taxable year to an individual training ac-
5 count to the extent that such contribution exceeds
6 the amount allowable as a deduction under sub-
7 section (a) if—

8 “(A) such distribution is received on or be-
9 fore the day prescribed by law (including exten-
10 sions of time) for filing such individual’s return
11 for such taxable year,

12 “(B) no deduction is allowed under sub-
13 section (a) with respect to such excess contribu-
14 tion, and

15 “(C) such distribution is accompanied by
16 the amount of net income attributable to such
17 excess contribution.

18 Any net income described in subparagraph (C) shall
19 be included in the gross income of the individual for
20 the taxable year in which such excess contribution
21 was made.

22 “(3) ROLLOVERS.—Paragraph (1) shall not
23 apply to any amount paid or distributed out of an
24 individual training account to the individual for
25 whose benefit the account is maintained if the entire

1 amount received (including money and any other
2 property) is paid into another individual training ac-
3 count for the benefit of such individual not later
4 than the 60th day after the day on which he received
5 the payment or distribution.

6 “(e) TAX TREATMENT OF ACCOUNTS.—

7 “(1) EXEMPTION FROM TAX.—An individual
8 training account is exempt from taxation under this
9 subtitle unless such account has ceased to be an in-
10 dividual training account by reason of paragraph
11 (2). Notwithstanding the preceding sentence, any
12 such account is subject to the taxes imposed by sec-
13 tion 511 (relating to imposition of tax on unrelated
14 business income of charitable, etc. organizations).

15 “(2) LOSS OF EXEMPTION OF ACCOUNT WHERE
16 INDIVIDUAL ENGAGES IN PROHIBITED TRANS-
17 ACTION.—

18 “(A) IN GENERAL.—If the individual for
19 whose benefit an individual training account is
20 established engages in any transaction prohib-
21 ited by section 4975 with respect to the ac-
22 count, the account shall cease to be an individ-
23 ual training account as of the first day of the
24 taxable year during which such transaction oc-
25 curs.

1 “(B) ACCOUNT TREATED AS DISTRIBUTING
2 ALL ITS ASSETS.—In any case in which any ac-
3 count ceases to be an individual training ac-
4 count by reason of subparagraph (A) as of the
5 first day of any taxable year, paragraph (1) of
6 subsection (d) shall apply as if there was a dis-
7 tribution on such first day in an amount equal
8 to the fair market value (on such first day) of
9 all assets in the account (on such first day) and
10 such distribution was not used to pay qualified
11 expenses.

12 “(3) EFFECT OF PLEDGING ACCOUNT AS SECUR-
13 ITY.—If, during any taxable year, the individual for
14 whose benefit an individual training account is es-
15 tablished uses the account or any portion thereof as
16 security for a loan, the portion so used shall be
17 treated as distributed to the individual so using such
18 portion and not used to pay qualified expenses.

19 “(f) ADDITIONAL TAX ON CERTAIN AMOUNTS IN-
20 CLUDED IN GROSS INCOME.—

21 “(1) DISTRIBUTION NOT USED FOR QUALIFIED
22 EXPENSES.—In the case of any payment or distribu-
23 tion to which subsection (d)(1) applies, the tax li-
24 ability of the payee or distributee under this chapter
25 for the taxable year in which the payment or dis-

1 tribution is received shall be increased by an amount
2 equal to 10 percent of the amount of the payment
3 or distribution which is includible in the gross in-
4 come of such payee or distributee for such taxable
5 year.

6 “(2) DISQUALIFICATION CASES.—If an amount
7 is includible in the gross income of an individual for
8 a taxable year because such amount is required to
9 be treated as a distribution under paragraph (2) or
10 (3) of subsection (e), such individual’s tax liability
11 under this chapter for such taxable year shall be in-
12 creased by an amount equal to 10 percent of such
13 amount required to be treated as a distribution and
14 included in his gross income.

15 “(3) DISABILITY OR DEATH CASES.—Para-
16 graphs (1) and (2) shall not apply if the payment
17 or distribution is made after the individual for whose
18 benefit the individual training account is maintained
19 becomes disabled within the meaning of section
20 72(m)(7) or dies.

21 “(4) DISTRIBUTIONS AFTER AGE 59½.—Para-
22 graphs (1) and (2) shall not apply if the payment
23 or distribution is made after the date the individual
24 for whose benefit the individual training account is
25 maintained attains age 59½.

1 “(g) COMMUNITY PROPERTY LAWS.—This section
2 shall be applied without regard to any community property
3 laws.

4 “(h) CUSTODIAL ACCOUNTS.—For purposes of this
5 section, a custodial account shall be treated as a trust if
6 the assets of such account are held by a bank (as defined
7 in section 408(n)) or another person who demonstrates,
8 to the satisfaction of the Secretary, that the manner in
9 which he will administer the account will be consistent
10 with the requirements of this section, and if the custodial
11 account would, except for the fact that it is not a trust,
12 constitute an individual training account described in sub-
13 section (c)(1). For purposes of this title, in the case of
14 a custodial account treated as a trust by reason of the
15 preceding sentence, the custodian of such account shall be
16 treated as the trustee thereof.

17 “(i) REPORTS.—The trustee of an individual training
18 account shall make such reports regarding such account
19 to the Secretary and to the individual for whose benefit
20 the account is maintained with respect to contributions,
21 distributions, and such other matters as the Secretary
22 may require under regulations. The reports required by
23 this subsection shall be filed at such time and in such
24 manner and furnished to such individuals at such time and
25 in such manner as may be required by those regulations.”

1 (b) DEDUCTION ALLOWED IN ARRIVING AT AD-
2 JUSTED GROSS INCOME.—Subsection (a) of section 62 of
3 such Code (relating to retirement savings) is amended by
4 inserting after paragraph (15) the following new para-
5 graph:

6 “(16) INDIVIDUAL TRAINING ACCOUNTS.—The
7 deduction allowed by section 220 (relating to individ-
8 ual training accounts).”

9 (c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973
10 of such Code (relating to tax on excess contributions to
11 individual retirement accounts, certain section 403(b) con-
12 tracts, and certain individual retirement annuities) is
13 amended—

14 (1) by inserting “INDIVIDUAL TRAINING AC-
15 COUNTS,” after “ACCOUNTS,” in the heading of such
16 section,

17 (2) by striking “or” at the end of paragraph
18 (1) of subsection (a),

19 (3) by redesignating paragraph (2) of sub-
20 section (a) as paragraph (3) and by inserting after
21 paragraph (1) the following new paragraph:

22 “(2) an individual training account (within the
23 meaning of section 220(c)(1)), or”, and

24 (4) by adding at the end the following new sub-
25 section:

1 “(d) EXCESS CONTRIBUTIONS TO INDIVIDUAL
2 TRAINING ACCOUNTS.—For purposes of this section, in
3 the case of an individual training account, the term ‘excess
4 contributions’ means the amount by which the amount
5 contributed for the taxable year to the account exceeds
6 the amount allowable as a deduction under section 220
7 for such taxable year. For purposes of this subsection, any
8 contribution which is distributed out of the individual
9 training account in a distribution to which section
10 220(d)(2) applies shall be treated as an amount not con-
11 tributed.”

12 (d) TAX ON PROHIBITED TRANSACTIONS.—Section
13 4975 of such Code (relating to prohibited transactions)
14 is amended—

15 (1) by adding at the end of subsection (c) the
16 following new paragraph:

17 “(4) SPECIAL RULE FOR INDIVIDUAL TRAINING
18 ACCOUNTS.—An individual for whose benefit an indi-
19 vidual training account is established shall be ex-
20 empt from the tax imposed by this section with re-
21 spect to any transaction concerning such account
22 (which would otherwise be taxable under this sec-
23 tion) if, with respect to such transaction, the ac-
24 count ceases to be an individual training account by

1 reason of the application of section 220(e)(2)(A) to
2 such account.”, and

3 (2) by inserting “, an individual training ac-
4 count described in section 220(c)(1),” in subsection
5 (e)(1) after “described in section 408(a)”.

6 (e) FAILURE TO PROVIDE REPORTS ON INDIVIDUAL
7 TRAINING ACCOUNTS.—Section 6693 of such Code (relat-
8 ing to failure to provide reports on individual retirement
9 accounts or annuities) is amended—

10 (1) by inserting “OR ON INDIVIDUAL TRAINING
11 ACCOUNTS” after “ANNUITIES” in the heading of
12 such section, and

13 (2) by adding at the end of subsection (a) the
14 following new sentence: “The person required by sec-
15 tion 220(i) to file a report regarding an individual
16 training account at the time and in the manner re-
17 quired by such section shall pay a penalty of \$50 for
18 each failure, unless it is shown that such failure is
19 due to reasonable cause.”.

20 (f) CLERICAL AMENDMENTS.—

21 (1) The table of sections for part VII of sub-
22 chapter B of chapter 1 of such Code is amended by
23 striking the item relating to section 220 and insert-
24 ing the following new items:

“Sec. 220. Individual training accounts.
“Sec. 221. Cross reference.”

1 (2) The table of sections for chapter 43 of such
2 Code is amended by striking the item relating to sec-
3 tion 4973 and inserting the following new item:

 “Sec. 4973. Tax on excess contributions to individual retirement
 accounts, individual training accounts, certain
 403(b) contracts, and certain individual retirement
 annuities.”

4 (3) The table of sections for subchapter B of
5 chapter 68 of such Code is amended by striking the
6 item relating to section 6693 and inserting the fol-
7 lowing new item:

 “Sec. 6693. Failure to provide reports on individual retirement
 accounts or annuities or on individual training ac-
 counts.”

8 (g) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to contributions made for taxable
10 years beginning after December 31, 1995.

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