

119TH CONGRESS  
1ST SESSION

# H. R. 833

To amend the Internal Revenue Code of 1986 to allow a credit against tax for charitable donations to nonprofit organizations providing education scholarships to qualified elementary and secondary students.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2025

Mr. SMITH of Nebraska (for himself, Mr. OWENS, Mr. WALBERG, Mr. KELLY of Pennsylvania, Mr. YAKYM, Mr. LAHOOD, Ms. LETLOW, Mrs. MILLER-MEEKS, Mr. DONALDS, Ms. TENNEY, Mr. MOORE of Utah, Mr. FEENSTRA, Ms. MALLIOTAKIS, Mr. HERN of Oklahoma, Mr. LAWLER, Mr. FONG, Mr. CAREY, Mr. HUDSON, Ms. SALAZAR, Mr. SCOTT FRANKLIN of Florida, Mr. CRENSHAW, Mr. WILSON of South Carolina, Mr. ROSE, Mr. WEBER of Texas, Mr. CISCOMANI, Mr. MOOLENAAR, Mr. ALLEN, Mr. DUNN of Florida, Mr. MURPHY, Mr. CLINE, Mr. MEUSER, Mr. TIMMONS, and Mr. BERGMAN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Education and Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Internal Revenue Code of 1986 to allow a credit against tax for charitable donations to nonprofit organizations providing education scholarships to qualified elementary and secondary students.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Educational Choice  
3 for Children Act of 2025”.

4 **SEC. 2. TAX CREDIT FOR CONTRIBUTIONS TO SCHOLAR-**  
5 **SHIP GRANTING ORGANIZATIONS.**

6 (a) CREDIT FOR INDIVIDUALS.—

7 (1) IN GENERAL.—Subpart A of part IV of sub-  
8 chapter A of chapter 1 of the Internal Revenue Code  
9 of 1986 is amended by inserting after section 25E  
10 the following new section:

11 **“SEC. 25F. QUALIFIED ELEMENTARY AND SECONDARY EDU-**  
12 **CATION SCHOLARSHIPS.**

13 “(a) ALLOWANCE OF CREDIT.—In the case of an in-  
14 dividual who is a citizen or resident of the United States  
15 (as defined in section 7701(a)(9)), there shall be allowed  
16 as a credit against the tax imposed by this chapter for  
17 the taxable year an amount equal to the aggregate amount  
18 of qualified contributions made by the taxpayer during the  
19 taxable year.

20 “(b) LIMITATIONS.—

21 “(1) IN GENERAL.—The credit allowed under  
22 subsection (a) to any taxpayer for any taxable year  
23 shall not exceed an amount equal to the greater of—

24 “(A) 10 percent of the adjusted gross in-  
25 come of the taxpayer for the taxable year, or

26 “(B) \$5,000.

1           “(2) ALLOCATION OF VOLUME CAP.—The credit  
2           allowed under subsection (a) to any taxpayer for any  
3           taxable year shall not exceed the amount of the vol-  
4           ume cap allocated by the Secretary to such taxpayer  
5           under section 3 of the Educational Choice for Chil-  
6           dren Act of 2025 with respect to qualified contribu-  
7           tions made by the taxpayer during the taxable year.

8           “(3) REDUCTION BASED ON STATE CREDIT.—  
9           The amount allowed as a credit under subsection (a)  
10          for a taxable year shall be reduced by the amount  
11          allowed as a credit on any State tax return of the  
12          taxpayer for qualified contributions made by the tax-  
13          payer during the taxable year.

14          “(c) DEFINITIONS.—For purposes of this section—

15                 “(1) ELIGIBLE STUDENT.—The term ‘eligible  
16                 student’ means an individual who—

17                         “(A) is a member of a household with an  
18                         income which is not greater than 300 percent  
19                         of the area median gross income (as such term  
20                         is used in section 42), and

21                         “(B) is eligible to enroll in a public ele-  
22                         mentary or secondary school.

23                 “(2) QUALIFIED CONTRIBUTION.—The term  
24                 ‘qualified contribution’ means a charitable contribu-  
25                 tion (as defined by section 170(c)) to a scholarship

1 granting organization in the form of cash or market-  
2 able securities.

3 “(3) QUALIFIED ELEMENTARY OR SECONDARY  
4 EDUCATION EXPENSE.—The term ‘qualified elemen-  
5 tary or secondary education expense’ means the fol-  
6 lowing expenses in connection with enrollment or at-  
7 tendance at, or for students enrolled at or attending,  
8 a public or private elementary or secondary school  
9 (including a religious elementary or secondary  
10 school):

11 “(A) Tuition.

12 “(B) Curricula and curricular materials.

13 “(C) Books or other instructional mate-  
14 rials.

15 “(D) Online educational materials.

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

20 “(i) is licensed as a teacher in any  
21 State,

22 “(ii) has taught at—

23 “(I) a public or private elemen-  
24 tary or secondary school, or

1                   “(II) an institution of higher  
2                   education (as defined in section  
3                   101(a) of the Higher Education Act  
4                   (20 U.S.C. 1001(a)), or

5                   “(iii) is a subject matter expert in the  
6                   relevant subject.

7                   “(F) Fees for a nationally standardized  
8                   norm-referenced achievement test, an advanced  
9                   placement examination, or any examinations re-  
10                  lated to admission to an institution of higher  
11                  education.

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

14                  “(H) Educational therapies for students  
15                  with disabilities provided by a licensed or ac-  
16                  credited practitioner or provider, including oc-  
17                  cupational, behavioral, physical, and speech-lan-  
18                  guage therapies.

19                  Such term shall include expenses for the purposes  
20                  described in subparagraphs (A) through (H) in con-  
21                  nection with a home school (whether treated as a  
22                  home school or a private school for purposes of ap-  
23                  plicable State law).

1           “(4) SCHOLARSHIP GRANTING ORGANIZA-  
2           TION.—The term ‘scholarship granting organization’  
3           means any organization—

4                   “(A) which—

5                           “(i) is described in section 501(c)(3)  
6                           and exempt from tax under section 501(a),  
7                           and

8                           “(ii) is not a private foundation,

9                   “(B) substantially all of the activities of  
10                   which are providing scholarships for qualified  
11                   elementary or secondary education expenses of  
12                   eligible students,

13                   “(C) which prevents the co-mingling of  
14                   qualified contributions with other amounts by  
15                   maintaining one or more separate accounts ex-  
16                   clusively for qualified contributions, and

17                   “(D) which either—

18                           “(i) meets the requirements of sub-  
19                           section (d), or

20                           “(ii) pursuant to State law, was able  
21                           (as of the date of the enactment of this  
22                           section) to receive contributions that are  
23                           eligible for a State tax credit if such con-  
24                           tributions are used by the organization to  
25                           provide scholarships to individual elemen-

1            tary and secondary students, including  
2            scholarships for attending private schools.

3            “(d) REQUIREMENTS FOR SCHOLARSHIP GRANTING  
4 ORGANIZATIONS.—

5            “(1) IN GENERAL.—An organization meets the  
6 requirements of this subsection if—

7            “(A) such organization provides scholar-  
8 ships to 2 or more students, provided that not  
9 all such students attend the same school,

10           “(B) such organization does not provide  
11 scholarships for any expenses other than quali-  
12 fied elementary or secondary education ex-  
13 penses,

14           “(C) such organization provides a scholar-  
15 ship to eligible students with a priority for—

16           “(i) students awarded a scholarship  
17 the previous school year, and

18           “(ii) after application of clause (i),  
19 any such students who have a sibling who  
20 was awarded a scholarship from such orga-  
21 nization,

22           “(D) such organization does not earmark  
23 or set aside contributions for scholarships on  
24 behalf of any particular student,

1           “(E) such organization takes appropriate  
2           steps to verify the annual household income and  
3           family size of eligible students to whom it  
4           awards scholarships, and limits them to a mem-  
5           ber of a household for which the income does  
6           not exceed the amount established under sub-  
7           section (c)(1)(A),

8           “(F) such organization—

9           “(i) obtains from an independent cer-  
10          tified public accountant annual financial  
11          and compliance audits, and

12          “(ii) certifies to the Secretary (at such  
13          time, and in such form and manner, as the  
14          Secretary may prescribe) that the audit de-  
15          scribed in clause (i) has been completed,  
16          and

17          “(G) no officer or board member of such  
18          organization has been convicted of a felony.

19          “(2) INCOME VERIFICATION.—For purposes of  
20          paragraph (1)(E), review of all of the following (as  
21          applicable) shall be treated as satisfying the require-  
22          ment to take appropriate steps to verify annual  
23          household income:

1           “(A) Federal and State income tax returns  
2           or tax return transcripts with applicable sched-  
3           ules for the taxable year prior to application.

4           “(B) Income reporting statements for tax  
5           purposes or wage and income transcripts from  
6           the Internal Revenue Service.

7           “(C) Notarized income verification letter  
8           from employers.

9           “(D) Unemployment or workers compensa-  
10          tion statements.

11          “(E) Budget letters regarding public as-  
12          sistance payments and Supplemental Nutrition  
13          Assistance Program (SNAP) payments includ-  
14          ing a list of household members.

15          “(3) INDEPENDENT CERTIFIED PUBLIC AC-  
16          COUNTANT.—For purposes of paragraph (1)(F), the  
17          term ‘independent certified public accountant’  
18          means, with respect to an organization, a certified  
19          public accountant who is not a person described in  
20          section 465(b)(3)(A) with respect to such organiza-  
21          tion or any employee of such organization.

22          “(4) PROHIBITION ON SELF-DEALING.—

23                 “(A) IN GENERAL.—A scholarship grant-  
24                 ing organization may not award a scholarship  
25                 to any disqualified person.

1           “(B) DISQUALIFIED PERSON.—For pur-  
2           poses of this paragraph, a disqualified person  
3           shall be determined pursuant to rules similar to  
4           the rules of section 4946.

5           “(e) DENIAL OF DOUBLE BENEFIT.—Any qualified  
6           contribution for which a credit is allowed under this sec-  
7           tion shall not be taken into account as a charitable con-  
8           tribution for purposes of section 170.

9           “(f) CARRYFORWARD OF UNUSED CREDIT.—

10           “(1) IN GENERAL.—If the credit allowable  
11           under subsection (a) for any taxable year exceeds  
12           the limitation imposed by section 26(a) for such tax-  
13           able year reduced by the sum of the credits allowable  
14           under this subpart (other than this section, section  
15           23, and section 25D), such excess shall be carried to  
16           the succeeding taxable year and added to the credit  
17           allowable under subsection (a) for such taxable year.

18           “(2) LIMITATION.—No credit may be carried  
19           forward under this subsection to any taxable year  
20           following the fifth taxable year after the taxable year  
21           in which the credit arose. For purposes of the pre-  
22           ceding sentence, credits shall be treated as used on  
23           a first-in first-out basis.”.

24           (2) CONFORMING AMENDMENTS.—

1 (A) Section 25(e)(1)(C) of such Code is  
2 amended by striking “and 25D” and inserting  
3 “25D, and 25F”.

4 (B) The table of sections for subpart A of  
5 part IV of subchapter A of chapter 1 of such  
6 Code is amended by inserting after the item re-  
7 lating to section 25E the following new item:

“Sec. 25F. Qualified elementary and secondary education scholarships.”.

8 (b) CREDIT FOR CORPORATIONS.—

9 (1) IN GENERAL.—Subpart D of part IV of  
10 subchapter A of chapter 1 of the Internal Revenue  
11 Code of 1986 is amended by adding after section  
12 45AA the following:

13 **“SEC. 45BB. CONTRIBUTIONS TO SCHOLARSHIP GRANTING**  
14 **ORGANIZATIONS.**

15 “(a) GENERAL RULE.—For purposes of section 38,  
16 in the case of a corporation, the education scholarship  
17 credit determined under this section for the taxable year  
18 is the aggregate amount of qualified contributions for the  
19 taxable year.

20 “(b) AMOUNT OF CREDIT.—The credit allowed under  
21 subsection (a) for any taxable year shall not exceed 5 per-  
22 cent of the taxable income (as defined in section  
23 170(b)(2)(D)) of the corporation for such taxable year.

1       “(c) QUALIFIED CONTRIBUTIONS.—For purposes of  
2 this section, the term ‘qualified contribution’ has the  
3 meaning given such term under section 25F.

4       “(d) DENIAL OF DOUBLE BENEFIT.—No deduction  
5 shall be allowed under any provision of this chapter for  
6 any expense for which a credit is allowed under this sec-  
7 tion.

8       “(e) APPLICATION OF VOLUME CAP.—A qualified  
9 contribution shall be taken into account under this section  
10 only if such contribution is not in excess of the volume  
11 cap established under section 3 of the Educational Choice  
12 for Children Act of 2025.”.

13           (2) CONFORMING AMENDMENTS.—Section  
14 38(b) of such Code is amended by striking “plus” at  
15 the end of paragraph (40), by striking the period  
16 and inserting “, plus” at the end of paragraph (41),  
17 and by adding at the end the following new para-  
18 graph:

19           “(42) the education scholarship credit deter-  
20 mined under section 45BB(a).”.

21           (3) CLERICAL AMENDMENT.—The table of sec-  
22 tions for subpart D of part IV of subchapter A of  
23 chapter 1 of such Code is amended by adding at the  
24 end the following new item:

“Sec. 45BB. Contributions to scholarship granting organizations.”.

1 (c) FAILURE OF SCHOLARSHIP GRANTING ORGANI-  
 2 ZATIONS TO MAKE DISTRIBUTIONS.—

3 (1) IN GENERAL.—Chapter 42 of such Code is  
 4 amended by adding at the end the following new  
 5 subchapter:

6 **“Subchapter I—Scholarship Granting**  
 7 **Organizations**

“Sec. 4969. Failure to distribute receipts.

8 **“SEC. 4969. FAILURE TO DISTRIBUTE RECEIPTS.**

9 “(a) IN GENERAL.—In the case of any scholarship  
 10 granting organization (as defined in section 25F) which  
 11 has been determined by the Secretary to have failed to  
 12 satisfy the requirement under subsection (b) for any tax-  
 13 able year, any contribution made to such organization dur-  
 14 ing the first taxable year beginning after the date of such  
 15 determination shall not be treated as a qualified contribu-  
 16 tion (as defined in section 25F(c)(2)) for purposes of sec-  
 17 tions 25F and 45BB.

18 “(b) REQUIREMENT.—The requirement described in  
 19 this subsection is that the amount of receipts of the schol-  
 20 arship granting organization for the taxable year which  
 21 are distributed before the distribution deadline with re-  
 22 spect to such receipts shall not be less than the required  
 23 distribution amount with respect to such taxable year.

24 “(c) DEFINITIONS.—For purposes of this section—

1 “(1) REQUIRED DISTRIBUTION AMOUNT.—

2 “(A) IN GENERAL.—The required distribu-  
3 tion amount with respect to a taxable year is  
4 the amount equal to 100 percent of the total re-  
5 ceipts of the scholarship granting organization  
6 for such taxable year—

7 “(i) reduced by the sum of such re-  
8 ceipts that are retained for reasonable ad-  
9 ministrative expenses for the taxable year  
10 or are carried to the succeeding taxable  
11 year under subparagraph (C), and

12 “(ii) increased by the amount of the  
13 carryover under subparagraph (C) from  
14 the preceding taxable year.

15 “(B) SAFE HARBOR FOR REASONABLE AD-  
16 MINISTRATIVE EXPENSES.—For purposes of  
17 subparagraph (A)(i), if the percentage of total  
18 receipts of a scholarship granting organization  
19 for a taxable year which are used for adminis-  
20 trative purposes is equal to or less than 10 per-  
21 cent, such expenses shall be deemed to be rea-  
22 sonable for purposes of such subparagraph.

23 “(C) CARRYOVER.—With respect to the  
24 amount of the total receipts of a scholarship  
25 granting organization with respect to any tax-

1           able year, an amount not greater than 15 per-  
2           cent of such amount may, at the election of  
3           such organization, be carried to the succeeding  
4           taxable year.

5           “(2) DISTRIBUTIONS.—The term ‘distribution’  
6           includes amounts which are formally committed but  
7           not distributed. A formal commitment described in  
8           the preceding sentence may include contributions set  
9           aside for eligible students for more than one year.

10           “(3) DISTRIBUTION DEADLINE.—The distribu-  
11           tion deadline with respect to receipts for a taxable  
12           year is the first day of the third taxable year fol-  
13           lowing the taxable year in which such receipts are  
14           received by the scholarship granting organization.”.

15           (2) CLERICAL AMENDMENT.—The table of sub-  
16           chapters for chapter 42 of such Code is amended by  
17           adding at the end the following new item:

          “SUBCHAPTER I. SCHOLARSHIP GRANTING ORGANIZATIONS”.

18           (d) EFFECTIVE DATE.—The amendments made by  
19           this section shall apply to taxable years ending after De-  
20           cember 31, 2025.

21   **SEC. 3. VOLUME CAP.**

22           (a) IN GENERAL.—For purposes of sections  
23           25F(b)(2) and 45BB(e) of the Internal Revenue Code of  
24           1986 (as added by this Act), the volume cap applicable  
25           under this section shall be \$10,000,000,000 for calendar

1 year 2026 and each subsequent year thereafter. Such  
2 amount shall be allocated by the Secretary as provided in  
3 subsection (b) to taxpayers with respect to qualified con-  
4 tributions made by such taxpayers, except that 10 percent  
5 of such amount shall be divided evenly among the States,  
6 and shall be available with respect to—

7           (1) individuals residing in such States to claim  
8           the credit allowed under section 25F of the Internal  
9           Revenue Code of 1986, and

10           (2) corporations created or organized in such  
11           State to claim the credit determined under section  
12           45BB of such Code.

13           (b) FIRST-COME, FIRST-SERVE.—For purposes of  
14 applying the volume cap under this section, such volume  
15 cap for any calendar year shall be allocated by the Sec-  
16 retary on a first-come, first-serve basis, as determined  
17 based on the time (during such calendar year) at which  
18 the taxpayer made the qualified contribution with respect  
19 to which the allocation is made. The Secretary shall not  
20 make any allocation of volume cap for any calendar year  
21 after December 31 of such calendar year.

22           (c) REAL-TIME INFORMATION.—For purposes of this  
23 section, the Secretary shall develop a system to track the  
24 amount of qualified contributions made during the cal-  
25 endar year for which a credit may be claimed under sec-

1 tion 25F or 45BB of the Internal Revenue Code of 1986,  
2 with such information to be updated in real time.

3 (d) ANNUAL INCREASES.—

4 (1) IN GENERAL.—In the case of the calendar  
5 year after a high use calendar year, the dollar  
6 amount otherwise in effect under subsection (a) for  
7 such calendar year shall be equal to 105 percent of  
8 the dollar amount in effect for such high use cal-  
9 endar year.

10 (2) HIGH USE CALENDAR YEAR.—For purposes  
11 of this subsection, the term “high use calendar  
12 year” means any calendar year for which 90 percent  
13 or more of the volume cap in effect for such cal-  
14 endar year under subsection (a) is allocated to tax-  
15 payers.

16 (3) PREVENTION OF DECREASES IN ANNUAL  
17 VOLUME CAP.—The volume cap in effect under sub-  
18 section (a) for any calendar year shall not be less  
19 than the volume cap in effect under such subsection  
20 for the preceding calendar year.

21 (4) PUBLICATION OF ANNUAL VOLUME CAP.—  
22 The Secretary shall make publicly available the dol-  
23 lar amount of the volume cap in effect under sub-  
24 section (a) for each calendar year.

1 (e) STATES.—For purposes of this section, the term  
2 “State” includes the District of Columbia.

3 **SEC. 4. EXEMPTION FROM GROSS INCOME FOR SCHOLAR-**  
4 **SHIPS FOR QUALIFIED ELEMENTARY OR SEC-**  
5 **ONDARY EDUCATION EXPENSES OF ELIGIBLE**  
6 **STUDENTS.**

7 (a) IN GENERAL.—Part III of subchapter B of chap-  
8 ter 1 of the Internal Revenue Code of 1986 is amended  
9 by inserting before section 140 the following new section:

10 **“SEC. 139J. SCHOLARSHIPS FOR QUALIFIED ELEMENTARY**  
11 **OR SECONDARY EDUCATION EXPENSES OF**  
12 **ELIGIBLE STUDENTS.**

13 “(a) IN GENERAL.—In the case of an individual,  
14 gross income shall not include any amounts provided to  
15 any dependent of such individual pursuant to a scholar-  
16 ship for qualified elementary or secondary education ex-  
17 penses of an eligible student which is provided by a schol-  
18 arship granting organization.

19 “(b) DEFINITIONS.—In this section, the terms ‘quali-  
20 fied elementary or secondary education expense’, ‘eligible  
21 student’, and ‘scholarship granting organization’ have the  
22 same meaning given such terms under section 25F(c).”.

23 (b) CONFORMING AMENDMENT.—The table of sec-  
24 tions for part III of subchapter B of chapter 1 of the In-  
25 ternal Revenue Code of 1986 is amended by inserting be-

1 fore the item relating to section 140 the following new  
2 item:

“Sec. 139J. Scholarships for qualified elementary or secondary education expenses of eligible students.”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to amounts received after Decem-  
5 ber 31, 2025, in taxable years ending after such date.

6 **SEC. 5. ORGANIZATIONAL AND PARENTAL AUTONOMY.**

7 (a) PROHIBITION OF CONTROL OVER SCHOLARSHIP  
8 ORGANIZATIONS.—

9 (1) IN GENERAL.—

10 (A) TREATMENT.—A scholarship granting  
11 organization shall not, by virtue of participation  
12 under any provision of this Act or any amend-  
13 ment made by this Act, be regarded as acting  
14 on behalf of any governmental entity.

15 (B) NO GOVERNMENTAL CONTROL.—Noth-  
16 ing in this Act, or any amendment made by this  
17 Act, shall be construed to permit, allow, encour-  
18 age, or authorize any Federal, State, or local  
19 government entity, or officer or employee there-  
20 of, to mandate, direct, or control any aspect of  
21 any scholarship granting organization.

22 (C) MAXIMUM FREEDOM.—To the extent  
23 permissible by law, this Act, and any amend-  
24 ment made by this Act, shall be construed to

1 allow scholarship granting organizations max-  
2 imum freedom to provide for the needs of the  
3 participants without governmental control.

4 (2) PROHIBITION OF CONTROL OVER NON-PUB-  
5 LIC SCHOOLS.—

6 (A) NO GOVERNMENTAL CONTROL.—Noth-  
7 ing in this Act, or any amendment made by this  
8 Act, shall be construed to permit, allow, encour-  
9 age, or authorize any Federal, State, or local  
10 government entity, or officer or employee there-  
11 of, to mandate, direct, or control any aspect of  
12 any private or religious elementary or secondary  
13 education institution.

14 (B) NO EXCLUSION OF PRIVATE OR RELI-  
15 GIOUS SCHOOLS.—No Federal, State, or local  
16 government entity, or officer or employee there-  
17 of, shall impose or permit the imposition of any  
18 conditions or requirements that would exclude  
19 or operate to exclude educational expenses at  
20 private or religious elementary and secondary  
21 education institutions from being considered  
22 qualified elementary or secondary education ex-  
23 penses.

24 (C) NO EXCLUSION OF QUALIFIED EX-  
25 PENSES DUE TO INSTITUTION'S RELIGIOUS

1 CHARACTER OR AFFILIATION.—No Federal,  
2 State, or local government entity, or officer or  
3 employee thereof, shall exclude, discriminate  
4 against, or otherwise disadvantage any elemen-  
5 tary or secondary education institution with re-  
6 spect to qualified elementary or secondary edu-  
7 cation expenses at that institution based in  
8 whole or in part on the institution’s religious  
9 character or affiliation, including religiously  
10 based or mission-based policies or practices.

11 (3) PARENTAL RIGHTS TO USE SCHOLAR-  
12 SHIPS.—No Federal, State, or local government en-  
13 tity, or officer or employee thereof, shall disfavor or  
14 discourage the use of scholarships granted by par-  
15 ticipating scholarship granting organizations for  
16 qualified elementary or secondary education ex-  
17 penses at private or nonprofit elementary and sec-  
18 ondary education institutions, including faith-based  
19 schools.

20 (4) PARENTAL RIGHT TO INTERVENE.—In any  
21 action filed in any State or Federal court which  
22 challenges the constitutionality (under the constitu-  
23 tion of such State or the Constitution of the United  
24 States) of any provision of this Act (or any amend-  
25 ment made by this Act), any parent of an eligible

1 student who has received a scholarship from a schol-  
2 arship granting organization shall have the right to  
3 intervene in support of the constitutionality of such  
4 provision or amendment. To avoid duplication of ef-  
5 forts and reduce the burdens placed on the parties  
6 to the action, the court in any such action may re-  
7 quire interveners taking similar positions to file joint  
8 papers or to be represented by a single attorney at  
9 oral argument, provided that the court does not re-  
10 quire such interveners to join any brief filed on be-  
11 half of any State which is a defendant in such ac-  
12 tion.

13 (b) DEFINITIONS.—For purposes of this section, the  
14 terms “eligible student”, “scholarship granting organiza-  
15 tion”, and “qualified elementary or secondary education  
16 expense” shall have the same meanings given such terms  
17 under section 25F(c) of the Internal Revenue Code of  
18 1986 (as added by section 2(a) of this Act).

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