

116TH CONGRESS
1ST SESSION

H. R. 3833

To amend the Higher Education Act of 1965 to provide for the automatic recertification of income for income-driven repayment plans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2019

Ms. BONAMICI (for herself, Mr. MITCHELL, Mr. MOULTON, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, 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

A BILL

To amend the Higher Education Act of 1965 to provide for the automatic recertification of income for income-driven repayment plans, and for other purposes.

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 “Streamlining Income-
5 driven, Manageable Payments on Loans for Education
6 Act” or the “SIMPLE Act”.

1 **SEC. 2. AUTOMATIC INCOME MONITORING PROCEDURES**
2 **AFTER A TOTAL AND PERMANENT DIS-**
3 **ABILITY DISCHARGE.**

4 Section 437(a) of the Higher Education Act of 1965
5 (20 U.S.C. 1087(a)) is amended by adding at the end the
6 following:

7 “(3) AUTOMATIC INCOME MONITORING.—

8 “(A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of the Streamlining
10 Income-driven, Manageable Payments on Loans
11 for Education Act, the Secretary shall, with re-
12 spect to each borrower and each income-moni-
13 toring period described in subparagraph (B)—

14 “(i) offer an opportunity for such bor-
15 rower to opt out of clause (ii) and prevent
16 the Secretary from obtaining information
17 under such clause;

18 “(ii) submit a written request to the
19 Secretary of the Treasury under section
20 6103(l)(13) of the Internal Revenue Code
21 of 1986 for disclosure of information relat-
22 ing to income, tax filing status, and num-
23 ber of dependents with respect to such bor-
24 rower (and such borrower’s spouse, if ap-
25 plicable) and such income-monitoring pe-
26 riod, for the purpose of determining the

1 borrower's continued eligibility for the loan
2 discharge described in subparagraph (B)
3 for such year; and

4 “(iii) provide the borrower with an op-
5 portunity to update the information ob-
6 tained under clause (ii) before the deter-
7 mination of the borrower's continued eligi-
8 bility for such loan discharge for such
9 year.

10 “(B) APPLICABILITY.—Subparagraph (A)
11 shall apply—

12 “(i) to each borrower who is a bor-
13 rower of a covered loan (defined in section
14 455(d)(8)) that is discharged under this
15 subsection or section 464(c)(1)(F) due to
16 the permanent and total disability of the
17 borrower; and

18 “(ii) during the income-monitoring pe-
19 riod under this subsection, defined in this
20 paragraph as the period—

21 “(I) beginning on the date on
22 which such loan is so discharged; and

23 “(II) during which the Secretary
24 determines whether a reinstatement of
25 the obligation of, and resumption of

1 collection on, such loan may be nec-
 2 essary.

3 “(C) BORROWER WITH NO EARNED IN-
 4 COME.—In the case of a borrower whose infor-
 5 mation received under subparagraph (A) indi-
 6 cates that the borrower has no earned income
 7 for any year of such income-monitoring period,
 8 such borrower shall be treated as not having
 9 earned income in excess of the poverty line for
 10 such year.”.

11 **SEC. 3. NOTIFICATION AND AUTOMATIC ENROLLMENT**
 12 **PROCEDURES FOR BORROWERS WHO ARE**
 13 **DELINQUENT ON LOANS AND FOR BOR-**
 14 **ROWERS WHO REHABILITATED DEFAULTED**
 15 **LOANS.**

16 (a) AMENDMENTS.—

17 (1) NOTIFICATION AND AUTOMATIC ENROLL-
 18 MENT PROCEDURES.—Section 455(d) of the Higher
 19 Education Act of 1965 (20 U.S.C. 1087e(d)) is
 20 amended by adding at the end the following:

21 “(6) NOTIFICATION AND AUTOMATIC ENROLL-
 22 MENT PROCEDURES FOR BORROWERS WHO ARE DE-
 23 LINQUENT ON LOANS.—

24 “(A) AUTHORITY TO OBTAIN INCOME IN-
 25 FORMATION.—In the case of any borrower who

1 is at least 60 days delinquent on a covered loan,
2 the Secretary shall submit a written request to
3 the Secretary of the Treasury under section
4 6103(l)(13) of the Internal Revenue Code of
5 1986 for disclosure of information relating to
6 income, tax filing status, and number of de-
7 pendents of such borrower (and such borrower's
8 spouse, if applicable).

9 “(B) BORROWER NOTIFICATION.—With re-
10 spect to each borrower of a covered loan who is
11 at least 60 days delinquent on such loan and
12 who has not been subject to the procedures
13 under this paragraph for such loan in the pre-
14 ceding 120 days, the Secretary shall, as soon as
15 practicable after such 60-day delinquency, pro-
16 vide to the borrower the following:

17 “(i) Notification that the borrower is
18 at least 60 days delinquent on at least 1
19 covered loan, and a description of all delin-
20 quent covered loans, nondelinquent covered
21 loans, and noncovered loans of the bor-
22 rower.

23 “(ii) A brief description of the repay-
24 ment plans for which the borrower is eligi-
25 ble and the covered loans and noncovered

1 loans of the borrower that may be eligible
2 for such plans, based on information avail-
3 able to the Secretary.

4 “(iii) Clear and simple instructions on
5 how to select the repayment plans.

6 “(iv) The amount of monthly pay-
7 ments for the covered and noncovered
8 loans under the repayment plans for which
9 the borrower is eligible, based on informa-
10 tion available to the Secretary, including, if
11 the income information of the borrower is
12 available to the Secretary under subpara-
13 graph (A)—

14 “(I) the amount of the monthly
15 payment under each income-driven re-
16 payment plan for which the borrower
17 is eligible for the borrower’s covered
18 and noncovered loans, based on such
19 income information; and

20 “(II) the income, tax filing sta-
21 tus, number of dependents, and tax
22 year information on which each
23 monthly payment is based.

1 “(v) An explanation that in the case
2 of a borrower for whom adjusted gross in-
3 come is unavailable—

4 “(I) if the borrower selects to
5 repay the covered loans of such bor-
6 rower pursuant to an income-driven
7 repayment plan that defines discre-
8 tionary income in such a manner that
9 an individual not required under sec-
10 tion 6012(a)(1) of the Internal Rev-
11 enue Code of 1986 to file a return
12 with respect to income taxes imposed
13 by subtitle A of such Code may have
14 a calculated monthly payment greater
15 than \$0, the borrower will be required
16 to provide the Secretary with other
17 documentation of income satisfactory
18 to the Secretary, which documentation
19 the Secretary may use to determine
20 an appropriate repayment schedule;
21 and

22 “(II) if the borrower selects to
23 repay such loans pursuant to an in-
24 come-driven repayment plan that is
25 not described in subclause (I), the

1 borrower will not be required to pro-
2 vide the Secretary with such other
3 documentation of income, and the bor-
4 rower will have a calculated monthly
5 payment of \$0.

6 “(vi) An explanation that the Sec-
7 retary shall take the actions under sub-
8 paragraph (C) with respect to such bor-
9 rower, if—

10 “(I) the borrower is 120 days de-
11 linquent on one or more covered loans
12 and has not selected a new repayment
13 plan for the covered loans of the bor-
14 rower; and

15 “(II) in the case of such a bor-
16 rower whose repayment plan for the
17 covered loans of the borrower is not
18 an income-driven repayment plan, the
19 monthly payments under such repay-
20 ment plan are higher than such
21 monthly payments would be under an
22 income-driven repayment plan for
23 such loans.

1 “(vii) Instructions on updating the in-
2 formation of the borrower obtained under
3 subparagraph (A).

4 “(C) SECRETARY’S INITIAL SELECTION OF
5 PLAN.—With respect to each borrower de-
6 scribed in subparagraph (B) who has a repay-
7 ment plan for the covered loans of the borrower
8 that meets the requirements of clause (vi)(II) of
9 subparagraph (B) and has not selected a new
10 repayment plan for such loans in accordance
11 with the notice received under such subpara-
12 graph, and who is at least 120 days delinquent
13 on such a loan, the Secretary shall, as soon as
14 practicable—

15 “(i) in a case in which any of the bor-
16 rower’s covered loans are eligible for an in-
17 come-driven repayment plan—

18 “(I)(aa) provide the borrower
19 with the income-driven repayment
20 plan that requires the lowest monthly
21 payment amount for each covered loan
22 of the borrower, compared to any
23 other such plan for which the bor-
24 rower is eligible; or

1 “(bb) if more than one income-
2 driven repayment plan would offer the
3 borrower the same lowest monthly
4 payment amount, provide the bor-
5 rower with the income-driven repay-
6 ment plan that has the most favorable
7 terms for the borrower;

8 “(II) if the plan selected under
9 subclause (I) is not the income-driven
10 repayment plan that would have the
11 lowest monthly payment amount if the
12 borrower were eligible for such plan
13 for the borrower’s covered loans and
14 noncovered loans, notify the borrower
15 of the actions, if any, the borrower
16 may take to become eligible for such
17 income-driven repayment plan; and

18 “(III) authorize the borrower to
19 change the Secretary’s selection of a
20 plan under this clause to any plan de-
21 scribed in paragraph (1) for which the
22 borrower is eligible; and

23 “(ii) in a case in which none of the
24 borrower’s covered loans are eligible for an
25 income-driven repayment plan, notify the

1 borrower of the actions, if any, the bor-
2 rower may take for such loans to become
3 eligible for such a plan.

4 “(D) SECRETARY’S ADDITIONAL SELEC-
5 TION OF PLAN.—

6 “(i) IN GENERAL.—With respect to
7 each borrower of a covered loan who se-
8 lects a new repayment plan in accordance
9 with the notice received under subpara-
10 graph (B) and who continues to be delin-
11 quent on such loan for a period described
12 in clause (ii), the Secretary shall, as soon
13 as practicable after such period, carry out
14 the procedures described in clauses (i) and
15 (ii) of subparagraph (C) for the covered
16 loans of the borrower, if such procedures
17 would result in lower monthly repayment
18 amounts on such loan.

19 “(ii) DESCRIPTION OF PERIOD.—The
20 duration of the period described in clause
21 (i) shall be the amount of time that the
22 Secretary determines is sufficient to indi-
23 cate that the borrower may benefit from
24 repaying such loan under a new repayment

1 plan, but in no case shall such period be
2 less than 60 days.

3 “(E) OPT-OUT.—A borrower of a covered
4 loan shall have the right to opt out of the pro-
5 cedures under this paragraph.

6 “(F) PROCEDURES.—The Secretary shall
7 establish procedures as are necessary to effec-
8 tively implement this paragraph.

9 “(7) NOTIFICATION AND AUTOMATIC ENROLL-
10 MENT PROCEDURES FOR BORROWERS WHO ARE RE-
11 HABILITATING DEFAULTED LOANS.—

12 “(A) AUTHORITY TO OBTAIN INCOME IN-
13 FORMATION.—In the case of any borrower who
14 is rehabilitating a covered loan pursuant to sec-
15 tion 428F(a), the Secretary may submit a writ-
16 ten request to the Secretary of the Treasury
17 under section 6103(l)(13) of the Internal Rev-
18 enue Code of 1986 for disclosure of information
19 relating to income, tax filing status, and num-
20 ber of dependents of such borrower (and such
21 borrower’s spouse, if applicable).

22 “(B) BORROWER NOTIFICATION.—Not
23 later than 30 days after a borrower makes the
24 6th payment required for the loan rehabilitation
25 described in subparagraph (A), the Secretary

1 shall notify the borrower of the process under
2 subparagraph (C) with respect to such loan.

3 “(C) SECRETARY’S SELECTION OF PLAN.—

4 With respect to each borrower who has made
5 the 9th payment required for the loan rehabili-
6 tation described in subparagraph (A), the Sec-
7 retary shall, as soon as practicable after such
8 payment—

9 “(i) in a case in which any of the bor-
10 rower’s covered loans, without regard to
11 whether the loan has been so rehabilitated,
12 is eligible for an income-driven repayment
13 plan—

14 “(I)(aa) provide the borrower
15 with the income-driven repayment
16 plan that requires the lowest monthly
17 payment amount for each covered loan
18 of the borrower, compared to any
19 other such plan for which the bor-
20 rower is eligible; or

21 “(bb) if more than one income-
22 driven repayment plan would offer the
23 borrower the same lowest monthly
24 payment amount, provide the bor-
25 rower with the income-driven repay-

1 ment plan that has the most favorable
2 terms for the borrower; and

3 “(II) if the plan selected under
4 subclause (I) is not the income-driven
5 repayment plan that would have the
6 lowest monthly payment amount if the
7 borrower were eligible for such plan
8 for the borrower’s covered loans and
9 noncovered loans, notify the borrower
10 of the actions, if any, the borrower
11 may take to become eligible for such
12 income-driven repayment plan; and

13 “(ii) in a case in which none of the
14 borrower’s covered loans are eligible for an
15 income-driven repayment plan, notify the
16 borrower of the actions, if any, the bor-
17 rower may take for such a loan to become
18 eligible for such a plan.

19 “(D) OPT-OUT.—A borrower of a covered
20 loan shall have the right to opt out of the pro-
21 cedures under this paragraph.

22 “(E) PROCEDURES.—The Secretary shall
23 establish procedures as are necessary to effec-
24 tively implement this paragraph.”.

(2) DEFINITIONS.—Section 455(d) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)), as amended by paragraph (1), is further amended by adding at the end the following:

“(8) DEFINITIONS.—In this subsection:

“(A) COVERED LOAN.—The term ‘covered loan’ means—

“(i) a loan made under this part;

“(ii) a loan purchased under section 459A; or

“(iii) a loan that has been assigned to the Secretary under section 428(c)(8) or part E.

“(B) INCOME-DRIVEN REPAYMENT PLAN.—The term ‘income-driven repayment plan’ means a plan described in subparagraph (D) or (E) of paragraph (1).

“(C) NONCOVERED LOAN.—The term ‘noncovered loan’ means a loan made, insured, or guaranteed under this title that is not a covered loan.”.

(3) CHANGING PLANS.—Section 493C(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1098e(b)(8)) is amended to read as follows:

1 “(8) a borrower who is repaying a loan made,
2 insured, or guaranteed under part B or D pursuant
3 to income-based repayment may elect, at any time,
4 to terminate repayment pursuant to income-based
5 repayment and repay such loan under any repay-
6 ment plan for which the loan is eligible in accord-
7 ance with the requirements of part B or part D, re-
8 spectively; and”.

9 (b) EFFECTIVE DATE; APPLICATION.—

10 (1) AUTOMATIC ENROLLMENT.—The amend-
11 ments made by paragraphs (1) and (2) of subsection
12 (a) shall—

13 (A) take effect as soon as the Secretary of
14 Education determines practicable, but not later
15 than 2 years after the date of enactment of this
16 Act; and

17 (B) apply to all borrowers of covered loans
18 (as defined in section 455(d)(8) of the Higher
19 Education Act of 1965, as added by subsection
20 (a)).

21 (2) CHANGING PLANS.—The amendment made
22 by subsection (a)(3) shall take effect on the date of
23 enactment of this Act.

1 **SEC. 4. AUTOMATIC RECERTIFICATION OF INCOME.**

2 (a) INCOME CONTINGENT REPAYMENT.—Section
3 455(e) of the Higher Education Act of 1965 (20 U.S.C.
4 1087e(e)) is amended—

5 (1) in paragraph (3)—

6 (A) by striking “does not reasonably re-
7 flect the borrower’s current income” and insert-
8 ing “whose income has decreased relative to the
9 adjusted gross income available to the Sec-
10 retary”; and

11 (B) by inserting “, consistent with the pro-
12 cedures established under paragraph
13 (8)(B)(iv)” before the period at the end; and
14 (2) by adding at the end the following:

15 “(8) AUTOMATIC RECERTIFICATION.—

16 “(A) DEFINITION.—In this paragraph, the
17 term ‘covered loan’ has the meaning given the
18 term in subsection (d)(8).

19 “(B) IN GENERAL.—Beginning as soon as
20 the Secretary determines practicable, but not
21 later than 2 years after the date of enactment
22 of the Streamlining Income-driven, Manageable
23 Payments on Loans for Education Act, the Sec-
24 retary shall, with respect to any borrower de-
25 scribed in subparagraph (C)—

1 “(i) offer an opportunity for such bor-
2 rower to opt out of clause (ii) and prevent
3 the Secretary from obtaining information
4 under such clause;

5 “(ii) submit a written request to the
6 Secretary of the Treasury under section
7 6103(l)(13) of the Internal Revenue Code
8 of 1986 for disclosure of information relat-
9 ing to income, tax filing status, and num-
10 ber of dependents of such borrower (and
11 such borrower’s spouse, if applicable) for
12 purposes of determining the repayment ob-
13 ligation of the borrower for such year; and

14 “(iii) provide the borrower with an op-
15 portunity to update the information ob-
16 tained under clause (ii) before the deter-
17 mination of the annual repayment obliga-
18 tion of the borrower.

19 “(C) APPLICABILITY.—Subparagraph (B)
20 shall apply to each borrower of a covered loan
21 who—

22 “(i) selects, or for whom the Secretary
23 selects under subparagraph (C) or (D) of
24 paragraph (6) or paragraph (7)(C) of sub-

1 section (d), or section 428(m)(1), an in-
2 come contingent repayment plan; or

3 “(ii) recertifies income and family size
4 under such plan.

5 “(D) BORROWER FOR WHOM ADJUSTED
6 GROSS INCOME IS UNAVAILABLE.—In the case
7 of a borrower for whom information is unavail-
8 able under subparagraph (B)—

9 “(i) if the borrower has selected to
10 repay the covered loans of such borrower
11 pursuant to an income contingent repay-
12 ment plan that defines discretionary in-
13 come in such a manner that an individual
14 not required under section 6012(a)(1) of
15 the Internal Revenue Code of 1986 to file
16 a return with respect to income taxes im-
17 posed by subtitle A of such Code may have
18 a calculated monthly payment greater than
19 \$0, the borrower will be required to pro-
20 vide the Secretary with other documenta-
21 tion of income satisfactory to the Sec-
22 retary, which documentation the Secretary
23 may use to determine an appropriate re-
24 payment schedule; or

1 “(ii) if the borrower has selected to
 2 repay such loans pursuant to an income
 3 contingent repayment that is not described
 4 in clause (i), the borrower will not be re-
 5 quired to provide the Secretary with such
 6 other documentation of income, and the
 7 borrower will have a calculated monthly
 8 payment of \$0.

9 “(E) OTHER REQUIREMENTS.—The Sec-
 10 retary’s actions under this paragraph shall be
 11 consistent with the requirements of paragraphs
 12 (1) through (7), except as otherwise provided in
 13 this paragraph.”.

14 (b) INCOME-BASED REPAYMENT.—Section 493C(c)
 15 of the Higher Education Act of 1965 (20 U.S.C. 1098e(c))
 16 is amended—

17 (1) by striking “The Secretary shall establish”
 18 and inserting the following:

19 “(1) IN GENERAL.—The Secretary shall estab-
 20 lish”;

21 (2) by striking “The Secretary shall consider”
 22 and inserting the following:

23 “(2) PROCEDURES FOR ELIGIBILITY.—The Sec-
 24 retary shall—

25 “(A) consider”; and

1 (3) by striking “428C(b)(1)(E).” and inserting
 2 the following: “428C(b)(1)(E); and

3 “(B) beginning as soon as the Secretary
 4 determines practicable, carry out, with respect
 5 to borrowers of any covered loan (as defined in
 6 section 455(d)(8)), procedures for income-based
 7 repayment plans that are equivalent to the pro-
 8 cedures carried out under section 455(e)(8)
 9 with respect to income contingent repayment
 10 plans.”.

11 **SEC. 5. DISCLOSURE OF TAX RETURN INFORMATION TO**
 12 **CARRY OUT CERTAIN HIGHER EDUCATION**
 13 **LOAN PROGRAMS.**

14 (a) IN GENERAL.—Paragraph (13) of section 6103(l)
 15 of the Internal Revenue Code of 1986 is amended to read
 16 as follows:

17 “(13) DISCLOSURE OF RETURNS AND RETURN
 18 INFORMATION FOR PURPOSES OF STUDENT LOAN
 19 ADMINISTRATION.—

20 “(A) IN GENERAL.—The Secretary shall,
 21 subject to such requirements and conditions as
 22 the Secretary may prescribe, upon written re-
 23 quest from the Secretary of Education under
 24 section 437(a), section 455(d), or section
 25 455(e) of the Higher Education Act of 1965,

1 disclose to officers and employees of the De-
2 partment of Education returns and return in-
3 formation with respect to a taxpayer described
4 in such section.

5 “(B) RESTRICTION ON USE OF DISCLOSED
6 INFORMATION.—Return information disclosed
7 under subparagraph (A) may be used by offi-
8 cers and employees of the Department of Edu-
9 cation only for the purposes of, and to the ex-
10 tent necessary for purposes of—

11 “(i) carrying out income monitoring
12 under section 437(a) of the Higher Edu-
13 cation Act of 1965,

14 “(ii) establishing the appropriate re-
15 payment amount under an applicable in-
16 come-driven repayment plan (as defined in
17 section 455(d)(8) of such Act) in connec-
18 tion with an applicable student loan for—

19 “(I) borrowers who have selected
20 such a plan, and

21 “(II) in the case of any recertifi-
22 cation under section 455(e)(8) or
23 493C(c)(2)(B) of the Higher Edu-
24 cation Act of 1965, borrowers who are
25 enrolled in such a plan,

1 “(iii) in the case of borrowers who are
2 at least 60 days delinquent on an applica-
3 ble student loan—

4 “(I) providing notice of eligibility
5 for an income-driven repayment plan
6 (as so defined) pursuant to section
7 455(d)(6)(B) of the Higher Education
8 Act of 1965, and

9 “(II) automatic enrollment in
10 such an income-driven repayment plan
11 after such borrowers are at least 120
12 days delinquent on such a loan pursu-
13 ant to section 455(d)(6)(C) of such
14 Act, and

15 “(iv) in the case of borrowers who are
16 rehabilitating defaulted loans, providing
17 notice of eligibility for an income-driven re-
18 payment plan (as so defined) and auto-
19 matic enrollment in such a plan pursuant
20 to section 455(d)(7) of the Higher Edu-
21 cation Act of 1965.

22 “(C) DISCLOSURE TO CERTAIN CONTRAC-
23 TORS.—Officers and employees of the Depart-
24 ment of Education may disclose the information
25 described in subparagraph (A) to persons

1 awarded contracts by the Secretary of Edu-
 2 cation under section 456 of the Higher Edu-
 3 cation Act of 1965 to the extent necessary for
 4 the purposes described in subparagraph (B).

5 “(D) SPOUSAL INFORMATION FOR MAR-
 6 RIED INDIVIDUALS FILING SEPARATE RE-
 7 TURNS.—For purposes of this paragraph, in the
 8 case of a married individual filing a separate re-
 9 turn, the term ‘taxpayer’ includes the spouse of
 10 that individual if the Secretary of Education re-
 11 quests information from the spouse of that indi-
 12 vidual and the individual and the spouse have
 13 consented in writing.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 6103(a)(3) of such Code is amended
 16 by inserting “(13),” after “(12),”.

17 (2) Section 6103(p)(4) of such Code is amend-
 18 ed by inserting “(13),” after “(l)(10),” each place it
 19 occurs.

20 (c) EFFECTIVE DATE.—The amendments made by
 21 this section shall apply to disclosures made after the date
 22 of enactment of this Act.

○