

In the Senate of the United States,

December 5, 2019.

Resolved, That the bill from the House of Representatives (H.R. 2486) entitled “An Act to reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE; REFERENCES.***

2 (a) *SHORT TITLE*.—*This Act may be cited as the “Fos-*
3 *tering Undergraduate Talent by Unlocking Resources for*
4 *Education Act” or the “FUTURE Act”.*

5 (b) *REFERENCES*.—*Except as otherwise expressly pro-*
6 *vided, whenever in this Act an amendment or repeal is ex-*
7 *pressed in terms of an amendment to, or repeal of, a section*
8 *or other provision, the reference shall be considered to be*

1 *made to a section or other provision of the Higher Edu-*
 2 *cation Act of 1965 (20 U.S.C. 1001 et seq.).*

3 **SEC. 2. CONTINUED SUPPORT FOR MINORITY-SERVING IN-**
 4 **STITUTIONS.**

5 *Section 371(b)(1)(A) (20 U.S.C. 1067q(b)(1)(A)) is*
 6 *amended by striking “for each of the fiscal years 2008*
 7 *through 2019.” and all that follows through the end of the*
 8 *subparagraph and inserting “for fiscal year 2020 and each*
 9 *fiscal year thereafter.”.*

10 **SEC. 3. SECURE DISCLOSURE OF TAX-RETURN INFORMA-**
 11 **TION TO CARRY OUT THE HIGHER EDU-**
 12 **CATION ACT OF 1965.**

13 *(a) AMENDMENTS TO THE INTERNAL REVENUE CODE*
 14 *OF 1986.—*

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

18 *“(13) DISCLOSURE OF RETURN INFORMATION TO*
 19 *CARRY OUT THE HIGHER EDUCATION ACT OF 1965.—*

20 *“(A) INCOME-CONTINGENT OR INCOME-*
 21 *BASED REPAYMENT AND TOTAL AND PERMANENT*
 22 *DISABILITY DISCHARGE.—The Secretary shall,*
 23 *upon written request from the Secretary of Edu-*
 24 *cation, disclose to officers, employees, and con-*
 25 *tractors of the Department of Education, as spe-*

1 *cifically authorized and designated by the Sec-*
2 *retary of Education, only for the purpose of (and*
3 *to the extent necessary in) establishing enroll-*
4 *ment, renewing enrollment, administering, and*
5 *conducting analyses and forecasts for estimating*
6 *costs related to income-contingent or income-*
7 *based repayment programs, and the discharge of*
8 *loans based on a total and permanent disability*
9 *(within the meaning of section 437(a) of the*
10 *Higher Education Act of 1965), under title IV of*
11 *the Higher Education Act of 1965, the following*
12 *return information (as defined in subsection*
13 *(b)(2)) with respect to taxpayers identified by*
14 *the Secretary of Education as participating in*
15 *the loan programs under title IV of such Act, for*
16 *taxable years specified by such Secretary:*

17 *“(i) Taxpayer identity information*
18 *with respect to such taxpayer.*

19 *“(ii) The filing status of such tax-*
20 *payer.*

21 *“(iii) The adjusted gross income of*
22 *such taxpayer.*

23 *“(iv) Total number of exemptions*
24 *claimed, or total number of individuals and*

dependents claimed, as applicable, on the return.

“(v) Number of children with respect to which tax credits under section 24 are claimed on the return.

“(B) *FEDERAL STUDENT FINANCIAL AID.*—

The Secretary shall, upon written request from the Secretary of Education, disclose to officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purpose of (and to the extent necessary in) determining eligibility for, and amount of, Federal student financial aid under programs authorized by parts A, C, and D of title IV of the Higher Education Act of 1965 (as in effect on the date of the enactment of the Fostering Undergraduate Talent by Unlocking Resources for Education Act) and conducting analyses and forecasts for estimating costs related to such programs, the following return information (as defined in subsection (b)(2)) with respect to taxpayers identified by the Secretary of Education as applicants for Federal student financial aid

1 *under such parts of title IV of such Act, for tax-*
2 *able years specified by such Secretary:*

3 *“(i) Taxpayer identity information*
4 *with respect to such taxpayer.*

5 *“(ii) The filing status of such tax-*
6 *payer.*

7 *“(iii) The adjusted gross income of*
8 *such taxpayer.*

9 *“(iv) The amount of any net earnings*
10 *from self-employment (as defined in section*
11 *1402), wages (as defined in section 3121(a)*
12 *or 3401(a)), taxable income from a farming*
13 *business (as defined in section 236A(e)(4)),*
14 *and investment income for the period re-*
15 *ported on the return.*

16 *“(v) The total income tax of such tax-*
17 *payer.*

18 *“(vi) Total number of exemptions*
19 *claimed, or total number of individuals and*
20 *dependents claimed, as applicable, on the*
21 *return.*

22 *“(vii) Number of children with respect*
23 *to which tax credits under section 24 are*
24 *claimed on the return.*

1 “(viii) *Amount of any credit claimed*
 2 *under section 25A for the taxable year.*

3 “(ix) *Amount of individual retirement*
 4 *account distributions not included in ad-*
 5 *justed gross income for the taxable year.*

6 “(x) *Amount of individual retirement*
 7 *account contributions and payments to self-*
 8 *employed SEP, Keogh, and other qualified*
 9 *plans which were deducted from income for*
 10 *the taxable year.*

11 “(xi) *The amount of tax-exempt inter-*
 12 *est.*

13 “(xii) *Amounts from retirement pen-*
 14 *sions and annuities not included in ad-*
 15 *justed gross income for the taxable year.*

16 “(xiii) *If applicable, the fact that any*
 17 *of the following schedules (or equivalent suc-*
 18 *cessor schedules) were filed with the return:*

19 “(I) *Schedule A.*

20 “(II) *Schedule B.*

21 “(III) *Schedule D.*

22 “(IV) *Schedule E.*

23 “(V) *Schedule F.*

24 “(VI) *Schedule H.*

1 “(xiv) *If applicable, the fact that*
 2 *Schedule C (or an equivalent successor*
 3 *schedule) was filed with the return showing*
 4 *a gain or loss greater than \$10,000.*

5 “(xv) *If applicable, the fact that there*
 6 *is no return filed for such taxpayer for the*
 7 *applicable year.*

8 “(C) *RESTRICTION ON USE OF DISCLOSED*
 9 *INFORMATION.—*

10 “(i) *IN GENERAL.—Return informa-*
 11 *tion disclosed under subparagraphs (A) and*
 12 *(B) may be used by officers, employees, and*
 13 *contractors of the Department of Education,*
 14 *as specifically authorized and designated by*
 15 *the Secretary of Education, only for the*
 16 *purposes and to the extent necessary de-*
 17 *scribed in such subparagraphs and for miti-*
 18 *gating risks (as defined in clause (ii)) relat-*
 19 *ing to the programs described in such sub-*
 20 *paragraphs.*

21 “(ii) *MITIGATING RISKS.—For pur-*
 22 *poses of this subparagraph, the term ‘miti-*
 23 *gating risks’ means, with respect to the pro-*
 24 *grams described in subparagraphs (A) and*
 25 *(B),*

1 “(I) oversight activities by the Of-
2 fice of Inspector General of the Depart-
3 ment of Education as authorized by
4 the Inspector General Act of 1978, as
5 amended, and

6 “(II) reducing the net cost of im-
7 proper payments to Federal financial
8 aid recipients.

9 Such term does not include the conduct of
10 criminal investigations or prosecutions.

11 “(iii) REDISCLOSURE TO INSTITUTIONS
12 OF HIGHER EDUCATION, STATE HIGHER
13 EDUCATION AGENCIES, AND DESIGNATED
14 SCHOLARSHIP ORGANIZATIONS.—The Sec-
15 retary of Education, and officers, employees,
16 and contractors of the Department of Edu-
17 cation, may disclose return information re-
18 ceived under subparagraph (B), solely for
19 the use in the application, award, and ad-
20 ministration of student financial aid or aid
21 awarded by such entities as the Secretary of
22 Education may designate, to the following
23 persons:

24 “(I) An institution of higher edu-
25 cation with which the Secretary of

1 *Education has an agreement under*
2 *subpart 1 of part A, part C, or part D*
3 *of title IV of the Higher Education Act*
4 *of 1965.*

5 “(II) *A State higher education*
6 *agency.*

7 “(III) *A scholarship organization*
8 *which is designated by the Secretary of*
9 *Education as of the date of the enact-*
10 *ment of the Fostering Undergraduate*
11 *Talent by Unlocking Resources for*
12 *Education Act as an organization eli-*
13 *gible to receive the information pro-*
14 *vided under this clause.*

15 *The preceding sentence shall only apply to*
16 *the extent that the taxpayer with respect to*
17 *whom the return information relates pro-*
18 *vides consent for such disclosure to the Sec-*
19 *retary of Education as part of the applica-*
20 *tion for Federal student financial aid under*
21 *title IV of the Higher Education Act of*
22 *1965.*

23 “(D) *REQUIREMENT OF NOTIFICATION OF*
24 *REQUEST FOR TAX RETURN INFORMATION.—Sub-*
25 *paragraphs (A) and (B) shall apply to any dis-*

1 *closure of return information with respect to a*
 2 *taxpayer only if the Secretary of Education has*
 3 *provided to such taxpayer the notification re-*
 4 *quired by section 494 of the Higher Education*
 5 *Act of 1965 prior to such disclosure.”.*

6 (2) *CONFIDENTIALITY OF RETURN INFORMA-*
 7 *TION.—Section 6103(a)(3) of such Code is amended*
 8 *by inserting “, (13)(A), (13)(B)” after “(12)”.*

9 (3) *CONFORMING AMENDMENTS.—Section*
 10 *6103(p)(4) of such Code is amended—*

11 *(A) by inserting “(A), (13)(B)” after “(13)”*
 12 *each place it occurs, and*

13 *(B) by inserting “, (13)(A), (13)(B)” after*
 14 *“(l)(10)” each place it occurs.*

15 (b) *EFFECTIVE DATE.—The amendments made by this*
 16 *section shall apply to disclosures made under section*
 17 *6103(l)(13) of the Internal Revenue Code of 1986 (as*
 18 *amended by this section) after the date of the enactment*
 19 *of this Act.*

20 **SEC. 4. NOTIFICATION OF REQUEST FOR TAX RETURN IN-**
 21 **FORMATION.**

22 (a) *IN GENERAL.—Part G of title IV (20 U.S.C. 1088*
 23 *et seq.) is amended by adding at the end the following:*

1 **“SEC. 494. NOTIFICATION OF REQUEST FOR TAX RETURN**
 2 **INFORMATION.**

3 *“The Secretary shall advise students and borrowers*
 4 *who submit an application for Federal student financial*
 5 *aid under this title or for the discharge of a loan based*
 6 *on permanent and total disability, as described in section*
 7 *437(a), or who request an income-contingent or income-*
 8 *based repayment plan on their loan (as well as parents and*
 9 *spouses who sign such an application or request or a Master*
 10 *Promissory Note on behalf of those students and borrowers)*
 11 *that the Secretary has the authority to request that the In-*
 12 *ternal Revenue Service disclose their tax return information*
 13 *(as well as that of parents and spouses who sign such an*
 14 *application or request or a Master Promissory Note on be-*
 15 *half of those students and borrowers) to officers, employees,*
 16 *and contractors of the Department of Education as author-*
 17 *ized under section 6103(1)(13) of the Internal Revenue Code*
 18 *of 1986, to the extent necessary for the Secretary to carry*
 19 *out this title.”.*

20 (b) **CONFORMING AMENDMENT.**—Section 484(q) (20
 21 U.S.C. 1091(q)) is amended to read as follows:

22 “(q) reserved”.

23 **SEC. 5. INCREASED FUNDING FOR FEDERAL PELL GRANTS.**

24 Section 401(b)(7)(A)(iv) (20 U.S.C.
 25 1070a(b)(7)(A)(iv)) is amended—

1 (1) in subclause (X), by striking
 2 “\$1,430,000,000” and inserting “\$1,455,000,000”;
 3 and

4 (2) in subclause (XI), by striking
 5 “\$1,145,000,000” and insert “\$1,170,000,000”.

6 **SEC. 6. REPORTS ON IMPLEMENTATION.**

7 (a) *IN GENERAL.*—Not later than each specified date,
 8 the Secretary of Education and the Secretary of the Treas-
 9 ury shall issue joint reports to the Committees on Health,
 10 Education, Labor, and Pensions and Finance of the Senate
 11 and the Committees on Education and Labor and Ways
 12 and Means of the House of Representatives regarding the
 13 amendments made by this Act. Each such report shall in-
 14 clude, as applicable—

15 (1) an update on the status of implementation of
 16 the amendments made by this Act,

17 (2) an evaluation of the processing of applica-
 18 tions for Federal student financial aid, and applica-
 19 tions for income-based repayment and income contin-
 20 gent repayment, under title IV of the Higher Edu-
 21 cation Act of 1965 (20 U.S.C. 1070 et seq.), in ac-
 22 cordance with the amendments made by this Act, and

23 (3) implementation issues and suggestions for
 24 potential improvements.

1 (b) *SPECIFIED DATE*.—For purposes of subsection (a),
2 the term “specified date” means—

3 (1) the date that is 90 days after the date of the
4 enactment of this Act,

5 (2) the date that is 120 days after the first day
6 that the disclosure process established under section
7 6103(l)(13) of the Internal Revenue Code of 1986, as
8 amended by section 3(a) of this Act, is operational
9 and accessible to officers, employees, and contractors
10 of the Department of Education (as specifically au-
11 thorized and designated by the Secretary of Edu-
12 cation), and

13 (3) the date that is 1 year after the report date
14 described in paragraph (2).

Attest:

Secretary.

116TH CONGRESS
1ST SESSION

H.R. 2486

AMENDMENT