

110TH CONGRESS
1ST SESSION

S. 2371

AN ACT

To amend the Higher Education Act of 1965 to make
technical corrections.

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. DEFINITION OF UNTAXED INCOME AND BENE-**
2 **FITS.**

3 (a) AMENDMENT.—Section 480(b) of the Higher
4 Education Act of 1965 (20 U.S.C. 1087vv(b)) is amended
5 by striking paragraph (2) and inserting the following:

6 “(2) The term ‘untaxed income and benefits’
7 shall not include—

8 “(A) the amount of additional child tax
9 credit claimed for Federal income tax purposes;

10 “(B) welfare benefits, including assistance
11 under a State program funded under part A of
12 title IV of the Social Security Act and aid to
13 dependent children;

14 “(C) the amount of earned income credit
15 claimed for Federal income tax purposes;

16 “(D) the amount of credit for Federal tax
17 on special fuels claimed for Federal income tax
18 purposes;

19 “(E) the amount of foreign income ex-
20 cluded for purposes of Federal income taxes; or

21 “(F) untaxed social security benefits.”.

22 (b) EFFECTIVE DATE.—This section and the amend-
23 ment made by this section shall take effect on July 1,
24 2009.

1 **SEC. 2. INCOME-BASED REPAYMENT FOR MARRIED BOR-**
2 **ROWERS FILING SEPARATELY.**

3 Section 493C of the Higher Education Act of 1965
4 (20 U.S.C. 1098e) is amended by adding at the end the
5 following:

6 “(d) SPECIAL RULE FOR MARRIED BORROWERS FIL-
7 ING SEPARATELY.—In the case of a married borrower who
8 files a separate Federal income tax return, the Secretary
9 shall calculate the amount of the borrower’s income-based
10 repayment under this section solely on the basis of the
11 borrower’s student loan debt and adjusted gross income.”.

Passed the Senate November 15, 2007.

Attest:

Secretary.

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