

114TH CONGRESS
2D SESSION

H. R. 5274

To provide for the refinancing and recalculation of certain Federal student loans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2016

Mr. GARAMENDI (for himself, Ms. SLAUGHTER, Mr. TONKO, Ms. DELAURO, Ms. BASS, Ms. KUSTER, Mr. CONNOLLY, Mr. CONYERS, Mrs. KIRKPATRICK, Mr. THOMPSON of California, Mr. HONDA, Ms. MATSUI, Mr. CICILLINE, Mr. ISRAEL, Mr. MCNERNEY, Mr. DOGGETT, Mr. HUFFMAN, Ms. HAHN, Mr. COSTA, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. NOLAN, Ms. JUDY CHU of California, Ms. BORDALLO, Mrs. BUSTOS, Ms. ROYBAL-ALLARD, Mr. LOWENTHAL, Mr. DESAULNIER, Mr. MCDERMOTT, Ms. LEE, and Mr. MEEKS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide for the refinancing and recalculation of certain Federal student loans, 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 “Student Loan Refi-
5 nancing and Recalculation Act”.

1 **SEC. 2. REFINANCING PROGRAMS.**

2 (a) PROGRAM AUTHORITY.—Section 451(a) of the
3 Higher Education Act of 1965 (20 U.S.C. 1087a(a)) is
4 amended—

5 (1) by striking “and (2)” and inserting “(2)”;

6 and

7 (2) by inserting “; and (3) to make loans under
8 section 460A” after “section 459A”.

9 (b) REFINANCING PROGRAM.—Part D of title IV of
10 the Higher Education Act of 1965 (20 U.S.C. 1087a et
11 seq.) is amended by adding at the end the following:

12 **“SEC. 460A. REFINANCING FFEL AND FEDERAL DIRECT**
13 **LOANS.**

14 “(a) IN GENERAL.—Beginning not later than 180
15 days after the date of enactment of the Student Loan Re-
16 financing and Recalculation Act, the Secretary shall estab-
17 lish a program under which the Secretary, upon the re-
18 ceipt of an application from a qualified borrower, reissues
19 the borrower’s original loan under this part or part B as
20 a loan under this part, in accordance with the provisions
21 of this section, in order to permit the borrower to obtain
22 the interest rate provided under subsection (c).

23 “(b) REISSUING LOANS.—

24 “(1) FEDERAL DIRECT LOANS.—Upon applica-
25 tion of a qualified borrower, the Secretary shall re-
26 issue a Federal Direct Stafford Loan, a Federal Di-

1 rect Unsubsidized Stafford Loan, a Federal Direct
2 PLUS Loan, or a Federal Direct Consolidation
3 Loan of the qualified borrower, for which the first
4 disbursement was made, or the application for the
5 reissuance of a loan under this section was received
6 before July 1, 2017, in an amount equal to the sum
7 of—

8 “(A) the unpaid principal, accrued unpaid
9 interest, and late charges of the original loan;
10 and

11 “(B) the administrative fee under sub-
12 section (d)(3).

13 “(2) DISCHARGING AND REISSUING FFEL PRO-
14 GRAM LOANS AS REFINANCED FEDERAL DIRECT
15 LOANS.—Upon application of a qualified borrower
16 for any loan that was made, insured, or guaranteed
17 under part B and for which the first disbursement
18 was made before July 1, 2010, the Secretary shall
19 reissue such loan as a loan under this part, in an
20 amount equal to the sum of the unpaid principal, ac-
21 crued unpaid interest, and late charges of the origi-
22 nal loan and the administrative fee under subsection
23 (d)(3), to the borrower in accordance with the fol-
24 lowing:

1 “(A) The Secretary shall pay the proceeds
2 of such reissued loan to the eligible lender of
3 the loan made, insured, or guaranteed under
4 part B, in order to discharge the borrower from
5 any remaining obligation to the lender with re-
6 spect to the original loan.

7 “(B) The Secretary shall reissue—

8 “(i) a loan originally made, insured,
9 or guaranteed under section 428 as a Fed-
10 eral Direct Stafford Loan;

11 “(ii) a loan originally made, insured,
12 or guaranteed under section 428B as a
13 Federal Direct PLUS Loan;

14 “(iii) a loan originally made, insured,
15 or guaranteed under section 428H as a
16 Federal Direct Unsubsidized Stafford
17 Loan; and

18 “(iv) a loan originally made, insured,
19 or guaranteed under section 428C as a
20 Federal Direct Consolidation Loan.

21 “(C) The interest rate for each loan re-
22 issued under this paragraph shall be the rate
23 provided under subsection (c).

24 “(c) INTEREST RATE.—

1 “(1) IN GENERAL.—The interest rate for the
2 reissued Federal Direct Stafford Loans, Federal Di-
3 rect Unsubsidized Stafford Loans, Federal Direct
4 PLUS Loans, and Federal Direct Consolidation
5 Loans, shall be a rate equal to—

6 “(A) the high yield of the 10-year Treas-
7 ury note auctioned at the final auction held
8 prior to the first day of the month in which the
9 application for reissuance under this section is
10 received, plus

11 “(B) 1.0 percent.

12 “(2) FIXED RATE.—The applicable rate of in-
13 terest determined under paragraph (1) for a re-
14 issued loan under this section shall be fixed for the
15 period of the loan.

16 “(d) TERMS AND CONDITIONS OF LOANS.—

17 “(1) IN GENERAL.—A loan that is reissued
18 under this section shall have the same terms and
19 conditions as the original loan, except as otherwise
20 provided in this section.

21 “(2) NO AUTOMATIC EXTENSION OF REPAY-
22 MENT PERIOD.—Reissuing a loan under this section
23 shall not result in the extension of the duration of
24 the repayment period of the loan, and the borrower
25 shall retain the same repayment term that was in ef-

1 fect on the original loan. Nothing in this paragraph
2 shall be construed to prevent a borrower from elect-
3 ing a different repayment plan at any time in ac-
4 cordance with section 455(d)(3).

5 “(3) ADMINISTRATIVE FEE.—The Secretary
6 shall charge the borrower of a loan reissued under
7 this section an administrative fee of not more than
8 0.5 percent of the sum of the unpaid principal, ac-
9 crued unpaid interest, and late charges, of the origi-
10 nal loan.

11 “(e) DEFINITION OF QUALIFIED BORROWER.—

12 “(1) IN GENERAL.—The term ‘qualified bor-
13 rower’ means a borrower—

14 “(A) of a loan under this part or part B
15 for which the first disbursement was made, or
16 the application for reissuance under this section
17 was received, before July 1, 2017; and

18 “(B) who meets the eligibility requirements
19 based on income or debt-to-income ratio estab-
20 lished by the Secretary.

21 “(2) INCOME REQUIREMENTS.—Not later than
22 180 days after the date of enactment of the Student
23 Loan Refinancing and Recalculation Act, the Sec-
24 retary shall establish eligibility requirements based
25 on income or debt-to-income ratio that take into con-

1 sideration providing access to refinancing under this
2 section for borrowers with the greatest financial
3 need.

4 “(f) EXPIRATION OF AUTHORITY.—The Secretary’s
5 authority to reissue loans under this section shall expire
6 on the date that is determined in accordance with section
7 4 of the Fairness in Student Loan Lending Act.”.

8 (c) AMENDMENTS TO PUBLIC SERVICE REPAYMENT
9 PLAN PROVISIONS.—Section 455(m) of the Higher Edu-
10 cation Act of 1965 (20 U.S.C. 1087e(m)) is amended—

11 (1) by redesignating paragraphs (3) and (4) as
12 paragraphs (4) and (5), respectively;

13 (2) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) SPECIAL RULES FOR SECTION 460A
16 LOANS.—

17 “(A) REFINANCED FEDERAL DIRECT
18 LOANS.—Notwithstanding paragraph (1), in de-
19 termining the number of monthly payments
20 that meet the requirements of such paragraph
21 for an eligible Federal Direct Loan reissued
22 under section 460A that was originally a loan
23 under this part, the Secretary shall include all
24 monthly payments made on the original loan
25 that meet the requirements of such paragraph.

1 “(B) REFINANCED FFEL LOANS.—In the
2 case of an eligible Federal Direct Loan reissued
3 under section 460A that was originally a loan
4 under part B, only monthly payments made
5 after the date on which the loan was reissued
6 may be included for purposes of paragraph
7 (1).”; and

8 (3) in paragraph (4)(A) (as redesignated by
9 paragraph (1) of this subsection), by inserting “(in-
10 cluding any Federal Direct Stafford Loan, Federal
11 Direct PLUS Loan, Federal Direct Unsubsidized
12 Stafford Loan, or Federal Direct Consolidation
13 Loan reissued under section 460A)” before the pe-
14 riod at the end.

15 (d) INCOME-BASED REPAYMENT.—Section 493C of
16 the Higher Education Act of 1965 (20 U.S.C. 1098e) is
17 amended by adding at the end the following:

18 “(a) REFINANCED FEDERAL DIRECT AND FFEL
19 LOANS.—In calculating the period of time during which
20 a borrower of a loan that is reissued under section 460A
21 has made monthly payments for purposes of subsection
22 (b)(7), the Secretary shall deem the period to include all
23 monthly payments made for the original loan, and all
24 monthly payments made for the reissued loan, that other-
25 wise meet the requirements of this section.”.

1 **SEC. 3. INTEREST RATES.**

2 (a) INTEREST RATES.—Section 455(b) of the Higher
3 Education Act of 1965 (20 U.S.C. 1087e(b)) is amend-
4 ed—

5 (1) by redesignating paragraph (9) as para-
6 graph (10); and

7 (2) by inserting after paragraph (8) the fol-
8 lowing:

9 “(9) INTEREST RATE PROVISIONS FOR NEW
10 LOANS ON OR AFTER JULY 1, 2017.—

11 “(A) RATES FOR UNDERGRADUATE FDSL
12 AND FDUSL.—Notwithstanding the preceding
13 paragraphs of this subsection, for Federal Di-
14 rect Stafford Loans and Federal Direct Unsub-
15 sidized Stafford Loans issued to undergraduate
16 students, for which the first disbursement is
17 made on or after July 1, 2017, the applicable
18 rate of interest shall, for loans disbursed during
19 any 12-month period beginning on July 1 and
20 ending on June 30, be determined on the pre-
21 ceding June 1 and be equal to the lesser of—

22 “(i) a rate equal to—

23 “(I) the high yield of the 10-year
24 Treasury note auctioned at the final
25 auction held prior to such June 1,
26 plus

1 “(II) 1 percent; or

2 “(ii) 8.25 percent.

3 “(B) RATES FOR GRADUATE AND PROFES-
4 SIONAL FDUSL.—Notwithstanding the pre-
5 ceding paragraphs of this subsection, for Fed-
6 eral Direct Unsubsidized Stafford Loans issued
7 to graduate or professional students, for which
8 the first disbursement is made on or after July
9 1, 2017, the applicable rate of interest shall, for
10 loans disbursed during any 12-month period be-
11 ginning on July 1 and ending on June 30, be
12 determined on the preceding June 1 and be
13 equal to the lesser of—

14 “(i) a rate equal to—

15 “(I) the high yield of the 10-year
16 Treasury note auctioned at the final
17 auction held prior to such June 1,
18 plus

19 “(II) 1 percent; or

20 “(ii) 9.5 percent.

21 “(C) PLUS LOANS.—Notwithstanding the
22 preceding paragraphs of this subsection, for
23 Federal Direct PLUS Loans, for which the first
24 disbursement is made on or after July 1, 2017,
25 the applicable rate of interest shall, for loans

1 disbursed during any 12-month period begin-
2 ning on July 1 and ending on June 30, be de-
3 termined on the preceding June 1 and be equal
4 to the lesser of—

5 “(i) a rate equal to—

6 “(I) the high yield of the 10-year
7 Treasury note auctioned at the final
8 auction held prior to such June 1,
9 plus

10 “(II) 1 percent; or

11 “(ii) 10.5 percent.

12 “(D) CONSOLIDATION LOANS.—Notwith-
13 standing the preceding paragraphs of this sub-
14 section, any Federal Direct Consolidation Loan
15 for which the application is received on or after
16 July 1, 2017, shall bear interest at an annual
17 rate on the unpaid principal balance of the loan
18 that is equal to the weighted average of the in-
19 terest rates on the loans consolidated, rounded
20 to the nearest higher one-eighth of one percent.

21 “(E) CONSULTATION.—The Secretary shall
22 determine the applicable rate of interest under
23 this paragraph after consultation with the Sec-
24 retary of the Treasury and shall publish such

1 rate in the Federal Register as soon as prac-
2 ticable after the date of determination.

3 “(F) RATE.—The applicable rate of inter-
4 est determined under this paragraph for a Fed-
5 eral Direct Stafford Loan, a Federal Direct Un-
6 subsidized Stafford Loan, or a Federal Direct
7 PLUS Loan shall be fixed for the period of the
8 loan.”.

9 (b) IN SCHOOL DEFERMENT.—Section 455(f) of the
10 Higher Education Act of 1965 (20 U.S.C. 1087e(f)) is
11 amended—

12 (1) in paragraph (1), in the matter preceding
13 subparagraph (A), by striking “A borrower” and in-
14 serting “Except as provided in paragraph (5), a bor-
15 rower”; and

16 (2) by adding at the end the following new
17 paragraph:

18 “(5) SPECIAL RULE FOR IN SCHOOL
19 DEFERMENT.—Notwithstanding any other provision
20 of this Act, a borrower described in paragraph
21 (2)(A) shall be eligible for a deferment, during which
22 periodic installments of principal need not be paid,
23 and interest—

24 “(A) shall not accrue, in the case of a bor-
25 rower with an expected family contribution of

1 not more than \$10,000 (computed in accord-
2 ance with part F of this title); and

3 “(B) shall accrue at the rate equal to the
4 high yield of the 10-year Treasury note applica-
5 ble to such loan under subsection (b)(9), in the
6 case of a borrower of an unsubsidized loan with
7 an expected family contribution of more than
8 \$10,000 (computed in accordance with part F
9 of this title).”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 subsections (a) and (b) shall take effect as if enacted on
12 July 1, 2017.

13 **SEC. 4. ELIMINATION OF ORIGINATION FEES FOR FEDERAL**
14 **DIRECT LOANS.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that no origination fees should be charged on any
17 future Federal Direct Loans.

18 (b) REPEAL OF ORIGINATION FEES.—Subsection (c)
19 of section 455 of the Higher Education Act of 1965 (20
20 U.S.C. 1087e(c)) is repealed.

21 (c) EFFECTIVE DATE.—The amendment made by
22 subsection (b) shall apply with respect to loans made
23 under part D of title IV of the Higher Education Act of
24 1965 (20 U.S.C. 1087a et seq.) for which the first dis-
25 bursement of principal is made, or, in the case of a Fed-

1 eral Direct Consolidation Loan, the application is received,
2 on the first July 1 after the date of enactment of this
3 Act.

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