

DEPARTMENT OF EDUCATION

34 CFR Part 685

RIN 1840-AC43

William D. Ford Federal Direct Loan Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: These regulations contain revised income percentage factors for the income contingent repayment plan, a repayment plan available in the William D. Ford Federal Direct Loan (Direct Loan) Program. In addition, these regulations contain updated sample income contingent repayment amounts for single and married or head-of-household borrowers at various income and debt levels.

EFFECTIVE DATE: These regulations take effect July 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Rachel Edelstein, Program Specialist, Direct Loan Policy, Policy Development Division, U.S. Department of Education, Room 3053, ROB-3, 600 Independence Avenue, SW, Washington, D.C. 20202-5400. Telephone: (202) 708-8242.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The regulations are amended to revise the income percentage factors and sample repayment amount information in final regulations in Appendix A to 34 CFR Part 685, published on June 19, 1996 (61 FR 31358).

The Secretary has revised the table in the appendix showing income percentage factors to reflect changes based on inflation. The revised table was developed by changing the dollar amounts shown by a percentage equal to the estimated percentage changes in the Consumer Price Index for all Urban Consumers from December 1996 to December 1997. In addition, the examples of the calculation of monthly repayment amounts and the charts showing sample repayment amounts have been amended to reflect the updated income percentage factors.

Under the updated income percentage factors, at any given income, borrowers' payments will be slightly lower than under the income percentage factors published in the June 19, 1996 regulations. These updated income percentage factors more accurately reflect a borrower's current ability to repay than those previously published

because these factors are based on more recent data.

Waiver of Proposed Rulemaking

In accordance with section 437 of the General Education Provisions Act, 20 U.S.C. 1232, and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the changes in this document do not establish any new rules but simply update the income percentage factors used in the income contingent repayment plan, as required under 34 CFR 685.209(a)(8), and revise sample repayment information accordingly. Therefore, the Secretary has determined that publication of a proposed rule is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B). For the same reasons, the Secretary waives the 30-day delayed effective date under 5 U.S.C. 553(d).

Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have significant economic impact on a substantial number of small entities. The regulations will affect borrowers who are in repayment and will not affect institutions participating in the Direct Loan Program. The Regulatory Flexibility Act does not include individuals in its definition of "small entities". Thus, the changes will not have a significant economic impact on any small entities under the Regulatory Flexibility Act.

Assessment of Educational Impact

The Secretary has determined that the regulations in this document would not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 685

Administrative practice and procedure, Colleges and universities, Education, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

(Catalog of Federal Domestic Assistance Number 84.268 William D. Ford Federal Direct Loan Program)

Dated: June 25, 1997.

Richard W. Riley,
Secretary of Education.

The Secretary amends Part 685 of title 34 of the Code of Federal Regulations as follows:

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

1. The authority citation for part 685 continues to read as follows:

Authority: 20 U.S.C. 1087a *et seq.*, unless otherwise noted.

2. Appendix A to part 685 is revised to read as follows:

Appendix A to part 685—Income Contingent Repayment*Examples of the Calculation of Monthly Repayment Amounts*

Example 1. A single borrower with \$12,500 of Direct Loans, 8.25 percent interest rate, and an adjusted gross income (AGI) of \$22,791.

Step 1: Determine annual payments based on what the borrower would pay over 12 years using standard amortization. To do this, multiply the principal balance by the constant multiplier for 8.25 percent interest (0.1315452). The constant multiplier is a factor used to calculate amortized payments at a given interest rate over a fixed period of time. (See the constant multiplier chart below to determine the constant multiplier you should use for the interest rate on the loan. If the exact interest rate is not listed, use the next highest for estimation purposes.)

■ $0.1315452 \times 12,500 = 1,644.315$

Step 2: Multiply the result by the income percentage factor shown in the income percentage factor table that corresponds to the borrower's income (if the income is not listed, you can calculate the applicable income percentage factor by following the instructions under the interpolation heading below):

■ $80.33\% (0.8033) \times 1,644.315 = 1,320.8782$

Step 3: Determine 20 percent of discretionary income. For a single borrower, subtract the poverty level for a family of one, as published in the **Federal Register** on March 10, 1997 (62 FR 10856), from the borrower's income and multiply the result by 20%:

■ $\$22,791 - \$7,890 = \$14,901$

■ $\$14,901 \times 0.20 = \$2,980.20$

Step 4: Compare the amount from step 2 with the amount from step 3. The lower of the two will be the borrower's annual payment amount. This borrower will be paying the amount calculated under step 2. To determine the monthly repayment amount, divide the annual amount by 12.

■ $1,320.8782 \div 12 = \$110.07$

Example 2. Married borrowers repaying jointly under the income contingent repayment plan with a combined AGI of \$28,627. The husband has a Direct Loan balance of \$5,000, and the wife has a Direct Loan balance of \$15,000. The interest rate is 8.25 percent. This couple has no children.

Step 1: Add the Direct Loan balances of the husband and wife together to determine the aggregate loan balance.

■ $\$5,000 + \$15,000 = \$20,000$

Step 2 Determine the annual payments based on what the couple would pay over 12 years using standard amortization. To do this, multiply the aggregate principal balance by the constant multiplier for 8.25 percent interest (0.1315452). (See the constant multiplier chart to determine the constant multiplier you should use for the interest rate on the loan. If the exact interest rate is not listed, choose the next highest rate for estimation purposes.)

■ $0.1315452 \times 20,000 = 2,630.904$

Step 3 Multiply the result by the income percentage factor shown in the income percentage factor table that corresponds to the couple's income (if the income is not listed, you can calculate the applicable income percentage factor by following the instructions under the interpolation heading below):

■ $87.61\% (0.8761) \times 2,630.904 = 2,304.9350$

Step 4 Determine 20 percent of the couple's discretionary income. To do this,

subtract the HHS poverty level for a family of 2, as published in the **Federal Register** on March 10, 1997 (62 FR 10856), from the couple's income and multiply the result by 20 percent:

■ $\$28,627 - \$10,610 = \$18,017$

■ $\$18,017 \times 0.20 = \$3,603.40$

Step 5 Compare the amount from step 3 with the amount from step 4. The lower of the two will be the annual payment amount. The married borrowers will be paying the amount calculated under step 3. To determine the monthly repayment amount, divide the annual amount by 12.

■ $2,304.9350 \div 12 = \$192.08$

Interpolation: If your income does not appear on the income percentage factor table, you will have to calculate the income percentage factor through interpolation. For example, assume you are single and your income is \$26,000. To interpolate, you must first find the interval between the closest income listed that is less than \$26,000 and the closest income listed that is greater than \$26,000 (for this discussion, we'll call the result "the income interval"):

■ $\$28,627 - \$22,791 = \$5,836$

Next, find the interval between the two income percentage factors that are given for these incomes (for this discussion, we'll call the result, the "income percentage factor interval"):

■ $88.77 - 80.33 = 8.44$

Subtract the income shown on the chart that is immediately less than \$26,000 from \$26,000:

■ $\$26,000 - \$22,791 = \$3,209$

Divide the result by the number representing the income interval:

■ $\$3,209 \div \$5,836 = 0.5499$

Multiply the result by the income percentage factor interval:

■ $0.5499 \times 8.44 = 4.64$

Add the result to the lower income percentage factor used to calculate the income percentage factor interval for \$26,000 in income:

■ $4.64 + 80.33 = 84.97\%$

The result is the income percentage factor that will be used to calculate the monthly repayment amount under the income contingent repayment plan.

BILLING CODE 4000-01-P

Income Percentage Factors (Based on Annual Income)

<u>Single</u>		<u>Married and Head of Household</u>	
Income	% Factor	Income	% Factor
7,483	55.00%	7,483	50.52%
10,297	57.79%	11,808	56.68%
13,249	60.57%	14,073	59.56%
16,270	66.23%	18,397	67.79%
19,154	71.89%	22,791	75.22%
22,791	80.33%	28,627	87.61%
28,627	88.77%	35,903	100.00%
35,903	100.00%	43,180	100.00%
43,180	100.00%	54,096	109.40%
51,898	111.80%	72,287	125.00%
66,453	123.50%	97,756	140.60%
94,118	141.20%	136,716	150.00%
107,916	150.00%	223,403	200.00%
192,217	200.00%		

CONSTANT MULTIPLIER CHART FOR 12-YEAR AMORTIZATION

Interest Rate	7.00%	7.25%	7.43%	7.50%	7.75%	8.00%	8.25%	8.38%	8.50%	8.75%	9.00%
Annual Constant Multiplier	0.1234056	0.1250112	0.126174	0.1266276	0.1282548	0.129894	0.1315452	0.132408	0.1332072	0.13488	0.1365636

**Income Contingent Repayment Plan
Sample First-Year Monthly Repayment Amounts for a Single Borrower at Various Income and Debt Levels**

Income	Initial Debt																								
	\$2,500	\$5,000	\$7,500	\$10,000	\$12,500	\$15,000	\$17,500	\$20,000	\$22,500	\$25,000	\$30,000	\$35,000	\$40,000	\$45,000	\$50,000	\$55,000	\$60,000	\$65,000	\$70,000	\$75,000	\$80,000	\$85,000	\$90,000	\$100,000	
\$1,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8,000	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
9,000	15	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19
10,000	16	32	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35
12,500	16	33	49	66	77	77	77	77	77	77	77	77	77	77	77	77	77	77	77	77	77	77	77	77	77
15,000	17	35	52	70	87	105	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119	119
17,500	19	38	56	75	94	113	132	150	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160	160
20,000	20	40	61	81	101	121	142	162	182	196	202	202	202	202	202	202	202	202	202	202	202	202	202	202	202
22,500	22	44	65	87	109	131	153	175	196	218	244	244	244	244	244	244	244	244	244	244	244	244	244	244	244
25,000	23	46	69	92	114	137	160	183	206	229	275	285	285	285	285	285	285	285	285	285	285	285	285	285	285
30,000	25	50	75	100	125	149	174	199	224	249	299	349	369	369	369	369	369	369	369	369	369	369	369	369	369
35,000	27	54	81	108	135	162	189	216	243	270	324	378	432	452	452	452	452	452	452	452	452	452	452	452	452
40,000	27	55	82	110	137	164	192	219	247	274	329	384	438	493	535	535	535	535	535	535	535	535	535	535	535
45,000	28	56	84	112	140	168	197	225	253	281	337	393	449	505	562	618	618	618	618	618	618	618	618	618	618
50,000	30	60	90	120	150	180	210	239	269	299	359	419	479	539	599	659	659	659	659	659	659	659	659	659	659
55,000	31	63	94	125	157	188	219	251	282	313	376	439	501	564	626	689	689	689	689	689	689	689	689	689	689
60,000	32	65	97	130	162	195	227	259	292	324	389	454	519	584	648	713	713	713	713	713	713	713	713	713	713
65,000	34	67	101	134	168	201	235	268	302	335	402	469	536	603	671	738	738	738	738	738	738	738	738	738	738
70,000	34	69	103	138	172	207	241	276	310	345	414	483	551	620	689	758	758	758	758	758	758	758	758	758	758
80,000	36	72	109	145	181	217	254	290	326	362	435	507	580	652	724	797	797	797	797	797	797	797	797	797	797
85,000	37	74	111	148	185	223	260	297	334	371	445	519	594	668	742	816	816	816	816	816	816	816	816	816	816
90,000	38	76	114	152	190	228	266	304	342	380	456	532	608	684	759	835	835	835	835	835	835	835	835	835	835
95,000	39	78	117	155	194	233	272	311	350	389	466	544	622	699	777	855	855	855	855	855	855	855	855	855	855
100,000	40	79	119	159	199	238	278	318	358	397	477	556	636	715	794	874	874	874	874	874	874	874	874	874	874

Sample repayment amounts are based on an interest rate of 8.25%.

**Income Contingent Repayment Plan
Sample First-Year Monthly Repayment Amounts for a Married or Head-of-Household Borrower at Various Income and Debt Levels
(Family Size = 3)**

Income	Initial Debt																								
	\$2,500	\$5,000	\$7,500	\$10,000	\$12,500	\$15,000	\$17,500	\$20,000	\$22,500	\$25,000	\$30,000	\$35,000	\$40,000	\$45,000	\$50,000	\$55,000	\$60,000	\$65,000	\$70,000	\$75,000	\$80,000	\$85,000	\$90,000	\$100,000	
\$1,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12,500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15,000	17	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28	28
17,500	18	36	54	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70
20,000	19	39	58	77	97	111	111	111	111	111	111	111	111	111	111	111	111	111	111	111	111	111	111	111	111
22,500	20	41	61	82	102	123	143	153	153	153	153	153	153	153	153	153	153	153	153	153	153	153	153	153	153
25,000	22	44	66	88	109	131	153	175	195	195	195	195	195	195	195	195	195	195	195	195	195	195	195	195	195
30,000	25	49	74	99	123	148	173	197	222	247	278	278	278	278	278	278	278	278	278	278	278	278	278	278	278
35,000	27	54	81	108	135	162	189	216	243	270	324	361	361	361	361	361	361	361	361	361	361	361	361	361	361
40,000	27	55	82	110	137	164	192	219	247	274	329	384	438	445	445	445	445	445	445	445	445	445	445	445	445
45,000	28	56	84	111	139	167	195	223	251	278	334	390	445	501	528	528	528	528	528	528	528	528	528	528	528
50,000	29	58	87	116	145	174	203	232	261	290	348	406	464	522	580	611	611	611	611	611	611	611	611	611	611
55,000	30	60	91	121	151	181	211	242	272	302	362	423	483	543	604	664	695	695	695	695	695	695	695	695	695
60,000	31	63	94	125	157	188	220	251	282	314	376	439	502	565	627	690	753	778	778	778	778	778	778	778	778
65,000	33	65	98	130	163	195	228	260	293	325	391	456	521	586	651	716	781	846	861	861	861	861	861	861	861
70,000	34	67	101	135	169	202	236	270	303	337	405	472	540	607	674	742	809	877	944	945	945	945	945	945	945
75,000	35	69	104	139	174	208	243	278	312	347	417	486	555	625	694	764	833	903	972	1,028	1,028	1,028	1,028	1,028	1,028
80,000	36	71	107	142	178	213	249	284	320	356	427	498	569	640	711	782	853	924	995	1,067	1,111	1,111	1,111	1,111	1,111
85,000	36	73	109	146	182	218	255	291	328	364	437	509	582	655	728	801	873	946	1,019	1,092	1,164	1,195	1,195	1,195	1,195
90,000	37	74	112	149	186	223	261	298	335	372	447	521	596	670	745	819	894	968	1,042	1,117	1,191	1,266	1,278	1,278	1,278
95,000	38	76	114	152	190	228	266	305	343	381	457	533	609	685	761	838	914	990	1,066	1,142	1,218	1,294	1,361	1,361	1,361
100,000	39	77	116	155	193	232	271	309	348	387	464	542	619	696	774	851	928	1,006	1,083	1,160	1,238	1,315	1,392	1,445	1,445

Sample repayment amounts are based on an interest rate of 8.25%.