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## DEPARTMENT OF EDUCATION

**Docket No. ED-2015-ICCD-0076**

### **Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Borrower Defenses Against Loan Repayment**

**AGENCY:** Department of Education (ED), Federal Student Aid (FSA)

**ACTION:** Notice

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**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before [INSERT THE 30TH DAY AFTER PUBLICATION OF THIS NOTICE].

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2015-ICCD-0076. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or e-mail and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue, SW, LBJ, Room 2E103, Washington, D.C. 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beth Grebeldinger (202) 377-4018.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity

of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Borrower Defenses Against Loan Repayment

*OMB Control Number:* 1845-0132

*Type of Review:* An extension of an existing information collection.

*Respondents / Affected Public:* Individuals or Households,

*Total Estimated Number of Annual Responses:* 150,000

*Total Estimated Number of Annual Burden Hours:* 150,000

*Abstract:* This is a request to for an extension of the emergency clearance that was granted on this collection on June 5, 2015 to facilitate the continued collection of information from borrowers who believe they have cause to invoke the borrower defenses against repayment of a student loan as noted in regulation. The regulations for borrower defenses are specified in 34 CFR 685.206(c). The regulation states, in part, "(c)(1) [i]n any proceeding to collect on a Direct Loan, the borrower may assert as a defense against repayment, an act or omission of the school attended by the student that would give rise to a cause of action against the school under applicable State law." Prior to 2015, the borrower defense identified above was rarely asserted by any borrowers and no specific methods of collecting information was defined or found necessary.

These processes are being offered to aid in preserving borrowers rights and to meet the fiduciary responsibilities of the federal student loan programs. These collections will allow the Department of Education to inform borrowers and loan servicers of the information needed to review and adjudicate requests for relief under borrower defenses regulations.

Dated: September 14, 2015.

Kate Mullan, Acting Director,  
Information Collection Clearance Division,  
Office of the Chief Privacy Officer,  
Office of Management.

**[BILLING CODE 4000-01-P]**

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