

July 24,2023

TO: Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Strategic Collections and Clearance
Governance and Strategy Division
Office of Chief Data Officer
Office of Planning, Evaluation and Policy Development
U.S. Department of Education

FROM: Melanie E. Storey, Director
Policy Implementation and Oversight
Federal Student Aid
U.S. Department of Education

RE: Request for emergency clearance by July 28, 2023 for the collection (1845-0102) associated with the Income Driven Repayment Plan Request for the William D. Ford Federal Direct Loans and Federal Family Education Loan Programs.

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 C.F.R. part 1320, the U.S. Department of Education (Department) requests that the information collection 1845-0102, Income Driven Repayment (IDR) Plan Request form, be processed in accordance with 5 C.F.R. § 1320.13 Emergency Processing. We are also requesting that the full clearance package be filed at the same time and note that the Department will initiate the 60-day public comment period upon notification of emergency approval.

In 2021, the Department initiated a negotiated rulemaking process to create a new IDR plan. As a result of these negotiations, a final Rule was published July 10, 2023 introducing the Saving on an Affordable Education (SAVE) Plan as a replacement for the REPAYE Plan. While the Final Rule is not fully effective until July 1, 2024, certain provisions were identified for early implementation on July 30, 2023. To meet the early implementation timeline, we are requesting an emergency approval of the updated IDR Plan Request Form by July 28, 2023.

The final rule includes revisions to the regulations for the IDR program (34 CFR 685.209). These regulations require a borrower who wishes to repay under an IDR plan to annually provide their Adjusted Gross Income (AGI) reported to the Internal Revenue Service (IRS). A borrower must also annually certify their family size.

The Fostering Undergraduate Talent by Unlocking Resources for Education (FUTURE) Act ([Public Law 116 - 91](#)) allows the borrower to consent to the use of their tax information for the purpose of applying for or recertifying their participation in an IDR plan. If a borrower's AGI is not available, or if the borrower believes that their current AGI does not reasonably reflect their current income, regulations allow that they may provide alternative documentation of

income for purposes of determining whether they qualify for the repayment plan requested, qualify to continue making income-driven payments, and calculate their monthly payment amount.

The Department updated the IDR Request Form that is used by a borrower to enroll, recertify, or change their IDR plan to support the provisions identified for early implementation in the final rule published July 10, 2023 and the provisions in the FUTURE ACT related to borrower consent to use tax information for IDR participation.

Specifically, the form is being updated to include a new section related to the borrower's consent to use tax information for this application on an ongoing basis and to reflect the name change of the REPAYE Plan to the SAVE Plan. The form has also been updated to remove the need for spousal income information in the situation where a borrower files taxes separately from their spouse. This removes the need to collect the signature of the spouse as the spouse's information is no longer necessary to participate in any IDR plan. Additional updates were made to improve readability and the borrower experience.

At the time of the Final Rule's publication, the Paperwork Reduction Act of 1995 (PRA) section indicated that the regulatory changes would require updates to the current IDR Form, which is cleared through Information Collection Request (ICR) 1845-0102. The PRA indicated that a full public clearance opportunity would be made for the updated form, allowing the public a full 60 and 30 day comment periods to review and provide comments on the changes to the form.

If the Department were required to put the collection through the normal clearance process, we would be unable to implement the required regulatory changes by July 30, 2023 resulting in several months of delays in providing eligible borrowers financial relief and not meeting the requirements of the Master Calendar. Any delay in discharging loans for eligible borrowers would increase the potential for public harm through delayed financial relief to borrowers who have been employed in public service, and the possibility of additional interest accrual and an increase in overall debt by affected borrowers being unable to receive the relief that is allowed to them under the new regulations, causing them further financial harm. As a result, in order to meet the July 30, 2023 implementation requirement, the Department is requesting that OMB approve the collection associated with the implementation of the IDR form process using the emergency clearance procedures by July 28, 2023.