

Borrower Defense to Repayment Application
Response to Comments from Vol. 90. No. 8, page 3194

Comment Number	Name of Commenter	Excerpt of Comment	Department Response
ED-2025-SCC-0002-0005	Veterans Education Success	“The instructions at the beginning of the section (3) would strongly benefit from including an explicit acknowledgement that not all of the categories need to be completed in order to have a complete application.”	The Department appreciates this comment however the Department believes the instructions are clear that not all categories need to be completed. In addition, over 90% of the applications are filled out on the online form which is a dynamic tool that only displays the selections the borrower has indicated are relevant to the borrower.
ED-2025-SCC-0002-0005	Veterans Education Success	“We also think that the categories should be numbered or otherwise divided (such as with letters or Roman numerals) on the PDF form in order to clearly distinguish each category as set off from the others.”	The Department appreciates this comment. However, the Department does not think this edit will clarify the application because the sections are broken out with headers. Also, the

			majority of borrowers fill out the dynamic online application. Sequential headers are not appropriate on the online application.
ED-2025-SCC-0002-0005	Veterans Education Success	“The Department could consider stating more directly how the information in this section (Sec. 4) may be different from or in addition to the information already provided in Section 3, as that is not readily apparent with the current instructions.”	The Department appreciates this comment. However, the Department believes the instructions are clear that the harm questions in section three pertain to the checked allegations. The section 4 harm section relates to overall harm.
ED-2025-SCC-0002-0005	Veterans Education Success	“Borrowers should be able to save their work and come back to it later (when filling out online)”	The Department appreciates this comment. This capability will be implemented.
ED-2025-SCC-0002-0005	Veterans Education Success	“All of the questions on the Borrower Defense to Repayment form should appear on both the online version and the PDF version, in the same order.”	The Department appreciates this comment. The pdf application and the online system are the same questions and general order. However, the

			online application includes additional tool tips and aid boxes. Also, borrowers who fill out the online form only see the sections that they indicate are relevant to them.
ED-2025-SCC-0002-0005	Veterans Education Success	The online form should allow borrowers to see a preview of all of the questions on the online form or point borrowers to the PDF version of the form for review in advance of filling out the application.	The Department appreciates this comment. If borrowers want to preview the application they can download the pdf. The guidance states to read the pdf prior to filling out the application.
ED-2025-SCC-0002-0006	Anonymous 1	“The form fails to define “parent PLUS borrower”, “materially complete”, and “enough harm”, rendering the subsequent text unpurposed and deficient for public comment.”	The Department appreciates this comment. The only term that is on the updated application is Parent Plus borrower. The definition for Parent Plus loans is on studentaid.gov.
ED-2025-SCC-0002-0006	Anonymous 1	“This ICR mistakenly limits the borrower’s defense against student debt repayment to Title 34,	The Department appreciates this

		Sections 685.400-499. However, there are more instances permitting student loan discharge. For example, 34 CFR 30.24, 682.410(b)(5)(ii)(C), 682.410(b)(5)(vi)(I), and 682.609(a)."	comment. However, the additional regulations do not pertain to borrower defense to repayment and so no changes have been made to the application.
ED-2025-SCC-0002-0006	Anonymous 1	"ED will generally make a decision on your application within three years." It implies that some applications may take longer than three years to decide on. ED needs to provide justification for reserving this preposterously long decision time."	The Department appreciates this comment and has updated the language.
ED-2025-SCC-0002-0006	Anonymous 1	"ED applies unrealistic expectations to student-borrowers (the applicants under this proposal): - A school's verbal statements made "directly to" an individual as well as a school's omissions are difficult to prove unless the school would choose to confirm it. - The examples of a school's "untruthful or misleading statements" are weak and unrealistic. For example, no school would publish guarantees of employment or salary of its graduates, or else attribute fault to the student."	The Department appreciates this comment. However, the application accurately reflects the current regulations.
ED-2025-SCC-0002-0006	Anonymous 1	"The term 'enough harm' in justifying a full discharge and refund is not defined in this proposal."	The Department appreciates this comment and has removed this language.
ED-2025-SCC-0002-0006	Anonymous 1	"Is there a partial "discharge and refund"? How is it calculated? "	The Department appreciates this comment. However this comment is not

			related to the application.
ED-2025-SCC-0002-0007	Anonymous 2	“The following section of the proposed application should be removed...”(cites privacy act language at bottom of application)	The Department appreciates this comment. However, this notice is required by the Privacy Act and so will not be changed.
ED-2025-SCC-0002-0007	Anonymous 2	“If this information, either alone or with other information, indicates a potential violation of law, ED may send it to the appropriate authority for action.” (in both proposed forms) - is outside the purpose of the application. ED should not take time to mix-and-match values of an individual’s record to see how it could appear as a potential wrongdoing”	The Department appreciates this comment. However, this notice is required by the Privacy Act and so will not be changed.
ED-2025-SCC-0002-0007	Anonymous 2	“In circumstances involving employment complaints, grievances, or disciplinary actions, ED may disclose relevant records to adjudicate or investigate the issues.” (in both proposed forms) ED needs to explain the relevance of this to an application for Defense to Loan Repayment or its Borrower Defense To Repayment Individual Reconsideration Form.”	The Department appreciates this comment. However, this notice is required by the Privacy Act and so will not be changed.
ED-2025-SCC-0002-0007	Anonymous 2	“Whose ‘collective bargaining agreement’ (in both proposed forms) is being considered? Is it the loan holder’s, the applicant’s, the ed institution’s, or another third-party’s? This is not made clear for the target audience: individual-applicant signatory and member of public commentor.”	The Department appreciates this comment. However, this notice is required by the Privacy Act and so will not be changed.
ED-2025-	Anonymous 2	“Matters related to Borrower Defense to	The

SCC-0002-0007		Loan Repayment and Reconsideration applications are important and choices of format delivery for related communications should to be made available, instead of categorically limiting them to voice and text messages. (There is no federal or state mandate to have a phone, including a voice- or text-enabled one.) Mailed hard copy and email formats should be options, so that the clarity and the meaning is not distorted and for accountability and ability to review/reproduce.”	Department appreciates this comment. Applications may be mailed, however, it is not feasible for the Department to accept emailed applications.
ED-2025-SCC-0002-0007	Anonymous 2	“The following items should be included as a part of both forms: - a disclosure statement notifying of Artificial Intelligence (AI) technology’s involvement in the form’s processing - an option for the applicant’s consent to her information being subject to AI for conclusions or decisionmaking, because of the burden of having to undo AI-made mistakes (an already published issue).”	The Department appreciates this comment. AI is not used by the Department to process borrower defense applications at this time.
ED-2025-SCC-0002-0007	Anonymous 2	“ED also uses your SSN as an account identifier and to permit you to access your account information electronically.” The practice of using SSN as an account identifier is controversial because it increases vulnerability of social security numbers and inherently the account information – enabling security breaches. It is an avoidable risk ED takes on individuals’ behalf. ED should offer to provide alternative identifiers to individuals whose records are being kept in ED databases.”	The Department appreciates this comment. However, the Department has chosen to use SSN as an identifier consistent with applicable laws
ED-2025-SCC-0002-0004	Larrysmithag@yahoo.com	DO YOU WANT A PERSONAL/BUSINESS/INVESTMENT LOAN? Here comes an Affordable Legit	The Department appreciates this comment.

		<p>Loan that will change your life forever. We</p> <p>offer loan to individual and public sector that are in need of financial Assistance in a low interest rate of 5%. Bad credit acceptable, The Terms and</p> <p>Conditions are very simple and considerate. (Email : larrysmithag@yahoo.com) Have you been looking for a quick and legit loan?</p> <p>Note, getting a loan from this company is 100% assured and guaranteed</p>	<p>However, the additional regulations do not pertain to borrower defense to repayment and so no changes have been made to the application.</p>
--	--	---	---