

**(2) Collection charges.** Whether or not provided for in the borrower's promissory note and subject to any limitation on the amount of those costs in that note, the guaranty agency shall charge a borrower an amount equal to reasonable costs incurred by the agency in collecting a loan on which the agency has paid a default or bankruptcy claim. These costs may include, but are not limited to, all attorney's fees, collection agency charges, and court costs. Except as provided in §§ 682.401(b)(18)(i) and 682.405(b)(1)(iv)(B), the amount charged a borrower must equal the lesser of

**(i)** The amount the same borrower would be charged for the cost of collection under the formula in 34 CFR 30.60; or

**(ii)** The amount the same borrower would be charged for the cost of collection if the loan was held by the U.S. Department of Education.