



Trustees

## U.S. Department of Justice

Executive Office for United States

---

Office of the Director

Washington, D.C. 20530

June 17, 2009

### MEMORANDUM

TO: Lynn Bryant  
DOJ Clearance Officer

FROM: Clifford J. White III  
Director

SUBJECT: Request for Renewal Approval by the Office of Management and Budget of the "Application for Approval as a Nonprofit Budget and Credit Counseling Agency"

This memorandum and the attached materials are submitted under the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*, to authorize the United States Trustee Program (Program) to continue to use the information collection request (ICR) utilizing the "Application for Approval as a Nonprofit Budget and Credit Counseling Agency" (Application). This ICR was previously approved by OMB for 3 years under 1105-0084; the expiration date is June 30, 2009.

On April 20, 2005, amendments to the Bankruptcy Code were enacted, which were effective on October 17, 2005. Under the Bankruptcy Code, an individual debtor is required to meet with an approved nonprofit budget and credit counseling agency (agency) to receive credit counseling and a budget analysis within 180 days prior to filing for bankruptcy relief. 11 U.S.C. § 109(h)(1). The Program must approve agencies with which debtors will consult. 11 U.S.C. § 111(a)-(e). Before an agency can be approved, a United States Trustee is required to review the agency's qualifications under the standards set forth in the statute, and the United States Trustee may require the agency to provide information needed for this review. 11 U.S.C. § 111(b)-(c). Approved agencies are named on a publicly available list in each federal judicial district where they are deemed qualified to counsel debtors. 11 U.S.C. § 111(a). Agencies are approved for a probationary period not to exceed six months. The Program may approve an agency for an additional one year period, or for successive one year periods thereafter if the agency demonstrates it meets the standards set forth under 11 U.S.C. § 111 and can satisfy such standards in the future.

The ICR as provided in the Application is necessary to carry out the Program's statutory mandate in determining whether an agency is in compliance with statutory standards and should

be approved for an additional one year period pursuant to 11 U.S.C. § 111. The collected information will enable the Program to assess each applicant's eligibility for approval under statutory standards that include providing qualified counselors; maintaining adequate provision for the safekeeping and payment of client funds; providing adequate counseling with respect to client credit problems; and dealing responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides.

The following documents are contained in the attached ICR package:

1. OMB Form 83-I, Paperwork Reduction Act Submission.
2. Supporting Statement for the Paperwork Reduction Act Submission.
3. Application and instructions used to collect the information.
4. Law or authority mandating the information collection.
5. 60-day ICR Notice for publication in the Federal Register.
6. 30-day ICR Notice for publication in the Federal Register.

Your favorable consideration of this request will be greatly appreciated. If there are any questions concerning the ICR, please contact Wendy Tien at 202-307-3698.

Attachments