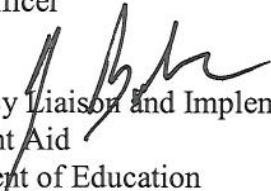


MEMORANDUM

To: Sharon Mar
OMB Desk Officer

From: Jeff Baker 
Director, Policy Liaison and Implementation
Federal Student Aid
U.S. Department of Education

Through: James Hyler
Information Collection Coordinator
Regulatory Information Management Services
U.S. Department of Education

Subject: Request for emergency clearance of the Application to Participate and Service Agreement and Annual Certification of Employment forms for the Civil Legal Assistance Attorney Loan Repayment Program

Date: May 7, 2010

The U.S. Department of Education (the Department) requests that OMB grant an emergency clearance of the Application to Participate and Service Agreement and Annual Certification of Employment forms that will be used in the Civil Legal Assistance Attorney Loan Repayment Program. This program was authorized by the Higher Education Opportunity Act (HEOA) (Pub. L. 110-315), enacted on August 14, 2008, under Section 428L of the Higher Education Act of 1965, as amended.

Under the Civil Legal Assistance Attorney Loan Repayment Program, Federal Perkins Loan, Federal Family Education Loan, and William D. Ford Federal Direct Loan program borrowers who agree to serve for three years as full-time civil legal assistance attorneys may have a portion of the outstanding balance of their eligible loans repaid after each year of qualifying employment. The program requires an annual appropriation by the Congress. Award commitments for loan repayment are made on a first-come, first-served basis and a borrower must fulfill a three-year service period as a civil legal assistance attorney to retain any funds awarded under the program, even if the Congress does not appropriate funds for all three years of a borrower's required service period.

Congress did not appropriate funding for the Civil Legal Assistance Attorney Loan Repayment Program until December 16, 2009, when \$5,000,000 was made available for fiscal year 2010 as part of the Consolidated Appropriations Act of 2010. The Department did not learn of the appropriation until January 2010. Because the law does not provide detailed information with regard to how the program is to be implemented, the Department required additional time to prepare a Federal Register Notice announcing the details of the program and develop the Application to Participate and Service Agreement and Annual Certification of Employment forms.

The Application to Participate and Service Agreement will serve as the means for an eligible borrower to apply to participate in the Civil Legal Assistance Attorney Loan Repayment Program and to agree to the terms and conditions of the three-year service period. The Annual Certification of Employment will serve as the means for a borrower who has completed a year of service as a full-time civil legal assistance attorney to request loan repayment and to provide the Department with verification of the qualifying employment. The Notice announcing the program will soon be finalized and will be published after the forms have been approved.

As the \$5,000,000 in appropriated funds is for fiscal year 2010 only, the funds must be committed by the Department to eligible borrowers by the close of the fiscal year on September 30, 2010. To allow sufficient time for the Department to review applications submitted by borrowers and make commitments of funds by the close of the fiscal year, the Department intends to require borrowers to submit applications to the Department no later than August 16, 2010.

The Department requests emergency clearance of the Application to Participate and Service Agreement and Annual Certification of Employment forms by June 1, 2010. Such approval will allow for these forms to be available when the Notice announcing the Civil Legal Assistance Attorney Loan Repayment Program is published, and will provide sufficient time for borrowers to submit the Application to Participate and Service Agreement by the August deadline. Upon receiving emergency clearance of the Application to Participate and Service Agreement and Annual Certification of Employment, the Department will submit the forms for approval under the regular clearance process.

Please let me know if you have questions related to this emergency clearance request. I may be reached at (202) 377-4009 or by e-mail at jeff.baker@ed.gov.

Enclosures:

Final draft of the Application to Participate and Service Agreement

Final draft of the Annual Certification of Employment