

## SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

### Information Collection for the Civil Legal Assistance Attorney Student Loan Repayment Program and Application to Participate and Service Agreement and Annual Certification of Employment forms

#### A. Justification

**1. Necessity of Information Collection. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Higher Education Opportunity Act (HEOA) (Pub. L. 110-315) enacted on August 14, 2008, established the Civil Legal Assistance Attorney Student Loan Repayment Program under Section 428L of the Higher Education Act of 1965, as amended. This program is intended to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys. Subject to annual appropriations by Congress, 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 Federal Perkins Loan, Federal Family Education Loan, and William D. Ford Federal Direct Loan program loans repaid after each year of qualifying employment. 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.

The changes made to Office of Management and Budget (OMB) No. 1845-0104 result from:

- (1) changes to estimated completion times for the *Annual Certification of Employment* form; and
- (2) the fact that the Department does not anticipate funding being available for more applications, meaning that the application itself is no longer needed.

**2. Purpose and Use of Information Collected. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The *Annual Certification of Employment* form will allow the 833 approved borrower/participants, who have completed the required year of service as a full-time civil legal assistance attorney, to request loan repayment from the Department, as well as provide the required employer signature as verification of the qualifying employment.

**3. Consideration of Improved Information Technology. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration given to using technology to reduce burden.**

The Department makes the forms available for downloading at [www.studentaid.ed.gov](http://www.studentaid.ed.gov) . The use of this Web site allows for equal access to all interested parties to participate in the program. Electronic collection is not viable with these documents due to the need for “wet” or pen and ink signatures of the applicant and processing for date and time for the first come, first served selection process. Employment verification also requires “wet” signatures.

**4. Efforts to Identify Duplication. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

There is no duplication of data as a result of the collection of this information. Each of these forms requires new information not on file with the Department in conjunction with the loans identified by the borrower.

**5. Burden Minimization as Applied to Small Businesses. If the collection of information impacts small businesses or other small entities (Item 8b of IC Data Part 2), describe any methods used to minimize burden.**

No small businesses are affected by this information collection.

**6. Consequences of Less Frequent Data Collection. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

A Civil Legal Assistance Attorney Student Loan Repayment Program participant must complete the *Annual Certification of Employment* form for each of the three years of eligibility to retain eligibility and confirm the eligible employment was maintained in order to allow the Department to make the repayment to the student’s loan(s). Without these forms, the program could not ensure that the eligible funds were properly paid out to the program participants.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The information collection requirements require no special circumstances.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

The Department published the applicable 60-day and 30-day notices inviting public comment, although none were received. The timing of the appropriations for fiscal year 2010 did not allow opportunity for extensive consultations with outside entities.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payments or gifts will be provided to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The Agreement includes a Privacy Act Notice that (1) informs the applicant of the statutory authority for the information collection, (2) explains that disclosure of the information is voluntary, but is required in order to determine the applicant's eligibility to participate in the Civil Legal Assistance Attorney Student Loan Repayment Program, and (3) identifies the third parties to whom the information may be disclosed, and explains the circumstances under which such disclosures may occur.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

The Agreement does not require a borrower to provide any information that would be considered sensitive.

**12. Provide estimates of the hour burden of the collection of information. The statement should :**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in item 16 of IC Data Part 1.**

**Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

The Department received and processed, on a first-come, first-served basis, a total number of 833 applications for the initial year of the Civil Legal Assistance Attorney Student Loan Repayment Program. The Department does not anticipate receiving additional funding for new applications and therefore we have removed the 142 hours of burden associated with the application process.

These approved program participants are now required to annually submit the Annual Employment Certification form for the three years following acceptance into the repayment program. The estimated time required for the borrower to access and complete the Annual Employment Certification form is 0.20 hours (12 minutes), a total reporting burden of 167 hours. The estimated time required for the employer to review and complete the Annual Employment Certification form is 0.25 hours (15 minutes), a total reporting burden of 208 hours.

Based on two part response required for each Annual Employment Certification form, the total estimated annual reporting burden is 375 hours.

AFFECTED PARTIES:

<u># of Respondents</u>	<u># of Responses</u>	<u>Hrs/Response</u>	<u># of Burden Hours</u>
<u>CLAASLRP Annual Certification of Employment Form</u>			
Individuals			
833	833	.20	167
Employers			
833	833	.25	208
TOTAL			
1,666	1,666		375

The only costs to respondents will be annual first class U.S. postage stamp, 833 respondents X .44 = \$366.52 per form. This cost may change with any increase in first class U. S. postage.

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and acquiring and maintaining record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

<b>Total Annualized Capital/Startup Cost</b>	<b>:</b>	<b>\$0</b>
<b>Total Annual Costs (O&amp;M)</b>	<b>:</b>	<b>\$0</b>

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**Total Annualized Costs Requested : \$0**

There are no start-up costs related to this collection.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

The total estimated annual cost to the Federal government for administrative costs for this information collection is \$400,000.

**15. Explain the reasons for any program changes or adjustments to #16f of the IC Data Part 1 Form.**

The 375 hours of increased burden results from a program change based on statutory requirements -- the Civil Legal Assistance Attorney Student Loan Repayment Program under Section 428L of the Higher Education Act of 1965, as amended -- that allows civil legal assistance attorneys who meet certain qualifications to have a portion of their eligible federal student loans repaid based on qualifying full-time employment of at least three years. The 375 hours of additional burden results from the burden for individuals and businesses completing the annual employment certification form. The 142 hour burden subtraction adjustment results from the fact that the maximum of 833 applications have been received; therefore, no additional applications will be approved without additional funding, which is not anticipated. This is the first time that the accepted borrower/participants are being required to complete and submit the Employment Certification after having their employer certify that the borrower has met the required employment conditions in each of the three years of required service. The Employment Certifications will create the new burden for the participants and their employers.

**Total:**

<b># of Respondents</b>	<b># of Responses</b>	<b># of Annual Burden Hours</b>
1,666	1,666	375

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The results of this information collection will not be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The Department is not seeking this approval.

**18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.**

The Department is not requesting any exceptions to the “Certification for Paperwork Reduction Act Submissions.” The OMB control number and expiration date will be displayed on the *Annual Certification of Employment*.


<b>Justification of Data Elements</b>
<b>Civil Legal Assistance Attorney Student Loan Repayment Annual Certification of Employment</b>

<u>Data Element</u>	<u>Justification</u>
<b>Section 1: Borrower’s Information</b>	
Name and Address	Used for record identification and for servicing/collection.
Social Security Number	Used for record identification and for matching records in the Civil Legal Assistance Attorney Student Loan Repayment Program.
Area Code/Telephone Number	Used to contact the student in connection with eligibility to participate in the Civil Legal Assistance Attorney Student Loan Repayment Program.
E-mail Address (optional)	Used to contact the student in connection with monitoring eligibility to participate in the Civil Legal Assistance Attorney Student Loan Repayment Program.

<b>Section 2: Borrower's Certification of Eligibility For Payment of Eligible Loan(s)</b>	
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Borrower's Signature	Used to document the student's certification of compliance with the terms and conditions of the Civil Legal Assistance Attorney Student Loan Repayment Program and eligibility of payment of loans under the program.
Date	Used to document the date the student signs the Annual Certification of Employment.

<b>Section 3: Employer's Certification</b>	
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Dates of Employment	Used to certify that the length of employment meets the requirements of the Civil Legal Assistance Attorney Student Loan Repayment Program.
Name and Address of Employer	Used to confirm that the employer meets the statutory requirements.
Name and Title of Authorized Certifying Official	Used to document the student's certification of compliance with the terms and conditions of the Civil Legal Assistance Attorney Student Loan Repayment Program.
Area Code/Telephone Number	Used to contact the employer in connection with eligibility to participate in the Civil Legal Assistance Attorney Student Loan Repayment Program.
Signature of Authorized Certifying Official	Used to document the student's certification of compliance with the terms and conditions of the Civil Legal Assistance Attorney Student Loan Repayment Program.
Date	Used to document the date the authorized certifying official signs the Annual Certification of Employment.