

## **SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

### **A. Justification**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section<sup>1</sup>. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.

Section 455(a)(1) of the Higher Education Act of 1965, as amended (the HEA) provides that unless otherwise specified, loans made under the William D. Ford Federal Direct Loan (Direct Loan) Program are to have the same terms, conditions, and benefits as loans made under the Federal Family Education Loan (FFEL) Program. The benefits available to borrowers under the FFEL Program include provisions for forbearance based on service in a medical or dental internship or residency program, national guard duty, and having loans repaid under the Department of Defense's Student Loan Repayment Program and federal education loan debt burden (see §428(c)(3) of the HEA and 34 CFR 682.211(h)(1) or 685.205(a)(3), 682.211(h)(2)(iii) or 685.205(a)(7), or 682.211(h)(2)(ii)(B)).

The HEA requires borrowers to agree to the terms of internship/residency or loan debt burden forbearances in writing. In addition, the Direct Loan and FFEL Program regulations require borrowers to provide sufficient documentation to establish that they meet the statutory and regulatory criteria for a forbearance. The Internship/Residency/National Guard/DOD Repayment Plan Forbearance Request and Loan Debt Burden Forbearance Request forms serve as the means by which Direct Loan and FFEL borrowers fulfill these requirements.

The Department is requesting a revision of the currently approved collection. The Department is expanding the forms' use to include borrowers in the FFEL Program. Additionally, the Department is adding the National Guard Duty and Department of Defense Repayment Plan forbearances to the collection that was formerly used for only the Internship/Residency Forbearance.

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<sup>1</sup> Please limit pasted text to no longer than 3 paragraphs.

2. 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 Department and FFEL Program lenders and servicers will use the collection of information on the currently approved Internship/Residency, National Guard Duty, and Department of Defense Student Loan Repayment Program Forbearance Request and Loan Debt Burden Forbearance Request forms to collect the information needed to determine that a Direct Loan or FFEL borrower is eligible for forbearance based on service in a medical or dental internship or residency program, national guard duty, or participation in the Department of Defense Student Loan Repayment Program or based on federal education loan debt burden. The collection of information on the revised forms in this clearance package continues to be necessary and will be used for the same purpose. If the Department and FFEL Program lenders and servicers did not collect this information, a Direct Loan or FFEL borrower would not be able to request and agree to the forbearances.

3. 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.

This collection of information does not involve the use of technological processes such as electronic submission of requests. The Department continues to examine the extent to which automated or technological collection techniques are feasible.

4. 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 information already available from other sources that can be used to establish a borrower's eligibility for a deferment.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.

No small businesses are affected by this information collection.

6. 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.

The frequency with which a borrower must request a forbearance is determined in accordance with statutory and regulatory requirements that are explained on each forbearance request form. Less frequent data collection would not allow loan holders to process borrower requests for forbearance.

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.

This information collection does not involve any of the conditions listed in 5 CFR 1320.5(d)(2).

8. As applicable, state that the Department has published the 60 and 30 Federal Register notices as 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.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The forbearance request forms included with this submission were originally developed with input from schools that participated in the first year of the Direct Loan Program. In developing the revised forms included with this submission, the Department considered recommendations from its Direct Loan servicers and representatives of the FFEL community.

A Federal Register notice was published for this collection on February 22, 2012, which solicited comments from the public over the course of 60 days.

The Department has accepted nearly all of the comments that were proposed by those who submitted them, with nearly all of such comments being related to formatting and language.

In addition to the 60-day comment period, the Department published on May 21, 2012 in the Federal Register, a second notice, soliciting public comments on the revised deferment request forms for a period of 30 days. The Department accepted many of the comments received during that comment period.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.

No payments or gifts were or 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. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.<sup>2</sup> If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If

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<sup>2</sup> Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information)

there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.

Each forbearance request form includes a Privacy Act Notice that (1) informs the borrower of the statutory authority for the information collection, (2) explains that providing the requested information is voluntary, but is required in order to be granted a deferment, and (3) identifies the third parties to whom the information collected on the form 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.

None of the forms request information of a sensitive nature.

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

- Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in item 12. 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 the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)
- 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 estimates the total annual number of respondents for this collection to be 25,842. The estimated response time for the internship/residency, National Guard duty, and DOD repayment plan forbearance is .25 hours (15 minutes) with one response per respondent. The estimated response time for the student loan debt burden forbearance is .2 hours (12 minutes) with one response per respondent. This equates to a total estimated reporting burden of 5,814 hours. The burden estimate for each form was calculated as follows:

Internship/Residency Forbearance,  
National Guard Duty, DOD Repayment  
Plan

Estimated annual number of respondents:		19,689
Number of responses per borrower:	x	1
Hours per response:	x	0.25
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		4,922.25 hours

Loan Debt Burden Forbearance

Estimated annual number of respondents:		6,153
Number of responses per borrower:	x	1
Hours per response:	x	0.2
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		1,230.6 hours

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. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12

There are no capital/startup costs to respondents, nor are there any annual costs to respondents associated with operating or maintaining systems or purchasing services.

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.

There is no significant annualized cost to the Federal government. For the Direct Loan Program, the government's contracts with its Direct Loan servicers is not based on a fee-for-service model; rather, the Department pays its servicers based on performance metrics. For the FFEL Program, there is no significant cost associated with this collection, since FFEL Program loan holders distribute the forms, collect the information, and process the deferment requests. The government incurs no additional cost merely as a result of this information collection.

15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).

The burden associated with this submission is increasing for two reasons, both of which expand the reporting universe.

First, the forms associated with this submission are going to be used for both the Direct Loan and FFEL Programs, whereas prior versions were only used in the Direct Loan Program.

Second, the forms associated with this submission cover a broader array of mandatory forbearances than the previous version; namely, the Mandatory Forbearance Request for Internship/Residency now also includes applicable sections for those entitled to a forbearance during periods of National Guard Duty and those participating in the Department of Defense's Student Loan Repayment Program.

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 collection of information 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 of OMB Form 83-1.