



U.S. Department of Justice

Executive Office of United States Trustees


Office of Oversight

Washington, D.C. 20530

April 29, 2013

MEMORANDUM

TO: Lynn Murray
DOJ Clearance Officer

FROM: Doreen Solomon 
Assistant Director

SUBJECT: Request for Approval by the Office of Management and Budget of the
“Application for Approval as a Provider of a Personal Financial Management
Instructional Course”

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 revise the information collection request (ICR) entitled, “Application for Approval as a Provider of a Personal Financial Management Instructional Course” (Application). This ICR was previously approved by the Office of Management and Budget for three years under 1105-0085. Although the expiration date for this Application is February 29, 2016, it must be revised now to bring it into conformity with regulations the Program recently promulgated on March 14, 2013, that are effective April 15, 2013. *See* 78 Fed. Reg. 16,159 – 16,177 (March 14, 2013).

By way of background, on April 20, 2005, Congress enacted certain amendments to the Bankruptcy Code that took effect on October 17, 2005. Under the 2005 amendments to the Bankruptcy Code, individual debtors must complete an approved instructional course concerning personal financial management after filing for bankruptcy before they may receive a discharge of their debts. 11 U.S.C. § 727(a)(11). The Program has responsibility for approving the providers of the personal financial management instructional courses that debtors must complete. 11 U.S.C. § 111(a)-(e). Before the Program can approve such a provider, a United States Trustee must review the provider’s qualifications under the standards set forth in the statute, and the United States Trustee may require the provider to submit information needed for this review. 11 U.S.C. § 111(d). Approved providers are named on a publicly available list in each federal judicial district where they are approved to educate debtors. 11 U.S.C. § 111(a). Providers are approved for a probationary period not to exceed six months. The Program may approve a provider for an additional one year period, or for successive one year periods thereafter, if the

provider 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 revised Application is necessary to carry out the Program's statutory mandate to determine whether a provider is in compliance with statutory standards and should be approved for a six-month period or 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 trained personnel with adequate experience and training in effective instruction and services; using learning materials and teaching methodologies designed to assist debtors in understanding personal financial management; and maintaining adequate records.

The attached Application has been revised so that it conforms to the Program's regulations governing the approval process. The main difference between the revised Application and the current Application is that the revised Application explicitly details the supporting documentation an applicant is required to submit and requires the applicant to aver that he or she has read certain portions of the revised Application. In addition, some of the questions in the current Application have been divided into separate questions in the revised Application. Please note, however, that although the revised Application is longer in form than the current Application, the time to complete the revised Application should remain substantially the same as the current Application.

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, instructions and appendices 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