



U.S. Department of Justice

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May 27, 2016

MEMORANDUM

TO: Lynn Murray
DOJ Clearance Officer

FROM: Doreen Solomon
Assistant Director

SUBJECT: Request for Renewal 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 extend and 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.

By way of background, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) enacted amendments to the Bankruptcy Code that took effect on October 17, 2005. The BAPCPA requires individual debtors to 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 such a provider is approved, a United States Trustee is required to 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 standard 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 in determining 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 providing effective instruction and services; using learning materials and teaching methodologies designed to assist debtors in understanding personal financial management; and maintaining adequate records.

Several changes have been made to the forms, none of which substantially affect the time to complete the Application. First, the No Change or "NC" boxes have been removed from Section 5 (Fees and Fee Waivers) and Section 7 (Appendices). The information contained in these sections needs to be the most current and accurate as possible, and removing the boxes will ensure that applicants affirmatively review the information every year. Second, a few questions have been added to Section 2 (Provider Names and Personnel) and Section 5 (Fees and Fee Waivers) in order to obtain better information about the employment relationships and/or compensation arrangements between Providers, their directors and officers, and any attorneys who make referrals to them. Third, there were a few revisions to existing questions to make them more clear or to be consistent with the language in the rule

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 Carrie Weinfeld at (202) 305-0550.

Attachments