



U.S. Department of Justice

Executive Office for United States Trustees

Office of Oversight

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August 1, 2019

MEMORANDUM

TO: Melody Braswell
Department Clearance Officer for Paperwork Reduction Act

FROM: Robert S. Gebhard
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, and is set to expire on November 30, 2019.

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). Procedures and criteria to be used by the Program when determining whether applicants seeking to become and remain approved agencies satisfy all the statutory prerequisites are set forth in final rule. 28 C.F.R. §§ 58.25 - 58.36 (Rule). Approved providers are identified 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.

The attached Application and the corresponding instructions have been revised to ensure that the documents conform to the text of the Rule as written, and to make additional minor changes. The revisions will have no impact on the time required to complete the Application.

The following documents are contained in the attached ICR package:

1. OMB Form 83-I, Paperwork Reduction Act Submission.
2. Supporting Statement A 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 Juliet Drake at (202) 307-3698.

Attachments