

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
Application and Employment Certification for Public Service Loan Forgiveness**

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 section¹. 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.

The College Cost Reduction and Access Act of 2007 (Pub. L. No. 110-84) and the Higher Education Opportunity Act of 2008 (Pub. L. No. 110-315) amended Section 455 of the Higher Education Act of 1965, as amended, (the HEA) (20 USC 1087(e)(m)) to provide for the forgiveness of the outstanding balance of a borrower's William D. Ford Federal Direct Loan (Direct Loan) Program loan(s) after the borrower has made 120 on-time, monthly payments under a qualifying repayment plan after October 1, 2007 while working for a qualifying public service organization.

Final regulations for the Public Service Loan Forgiveness (PSLF) Program were published in the Federal Register on October 23, 2008 (73 FR 63256) and were codified in 34 CFR 685.219. These regulations require a borrower to submit an application for loan forgiveness to the U.S. Department of Education (the Department). To determine whether a borrower is eligible for loan forgiveness, the Department must confirm that the borrower was employed full-time by a qualifying public service organization at the time each of the required 120 payments was made.

The Consolidated Appropriations Act, 2018 (Pub. L. No. 115-141) provided limited, additional conditions under which a borrower may become eligible for loan forgiveness if some or all of the payments made on their Direct Loan loan(s) were under a non-qualifying repayment plan for PSLF. The Department is referring to this reconsideration as the Temporary Expanded Public Service Loan Forgiveness (TEPSLF) opportunity. There are no regulations for the TEPSLF opportunity.

This program opportunity has limited funding and is evaluated on a first come, first served basis. Previously a borrower interested in pursuing the TEPLSF opportunity would send an email request to the Department through FedLoan Servicing to have their TEPSLF eligibility considered after having submitted a PSLF Application which had been denied solely because the payments were not made under a qualifying repayment plan as well as meeting other qualifications.

¹ Please limit pasted text to no longer than 3 paragraphs.

The Department is consolidating the forms that borrowers must complete if they want to ultimately receive PSLF or TEPSLF. There will now be a single form for these programs. The form is being renamed the *Public Service Loan Forgiveness (PSLF) & Temporary Expanded PLSF (TESPLF) Certification and Application*. This revised form includes the Employment Certification Form which is already part of this collection. Pages 2 through 6 of the current Employment Certification Form will be embedded in the application for ease of use for borrowers.

This consolidation of forms will remove the need for borrowers to separately complete the PSLF application and submit a separate email for the TEPSLF program. This combining will also aid the Department in streamlining the forgiveness determination process.

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 its Direct Loan Program servicers will use the information collected on the newly consolidated Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification & Application form to determine whether a borrower has worked for a qualified employer during the certification period and whether payments made against a borrower's outstanding Direct Loan balance were qualifying payments for the purpose of the PSLF program or TEPSLF program.

The continued submission of the Employer Certification Form prior to applying for loan forgiveness is done at the borrower's discretion. While the Department recommends that a borrower submit the Employer Certification Form annually, the borrower could submit the form when changing jobs, or could wait until he or she is eligible to submit an application for loan forgiveness and provide all Employment Certifications at that time.

If the borrower submits Employment Certifications prior to the submission of an application for forgiveness, the borrower's Direct Loan servicer will retain the form on the borrower's behalf and notify the borrower how many payments made during the certification period of employment count toward the required 120 payments.

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.

The Department is currently working to, in calendar year 2020, provide the ability for borrowers and employers to digitally sign PSLF-related forms and submit them electronically.

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 similar information already available from other sources that can be used for the purposes described in Item 2. Additionally, the regulations require a borrower to submit an application to determine eligibility to participate in the forgiveness program.

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.

If this collection of information were not conducted, the Department would be unable to determine whether borrowers are eligible for Public Service Loan Forgiveness.

As explained in Item 2 of this Supporting Statement, the frequency of submission of the Employment Certification Form is determined by the borrower, and may be as frequent as the borrower determines necessary.

If borrowers were not allowed to submit employment certifications until after they have made all 120 required payments and are eligible to apply for loan forgiveness, there would be a greater likelihood that borrowers would be unable to obtain the required documentation of employment that ended years in the past, and it would be more difficult for them to track their progress toward making their 120th qualifying payment.

Further, by soliciting the Employment Certification section of the application less frequently, the Direct Loan servicers would receive a large number of forms at the same time, which would lead to delays in processing borrowers' loan forgiveness applications.

In summary, if the Department did not allow for Employment Certification section of the form to be submitted annually or more frequently, this would increase burden on borrowers and delay the Department's determination of the borrower's eligibility for Public Service Loan Forgiveness.

The Application section of the form, however, is submitted when the borrower believes that he or she qualifies for forgiveness and wants to request that forgiveness. If the borrower has not already done so, the borrower must submit Employment Certifications that cover the period or periods of time during which the borrower made the necessary payments.

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 above conditions.

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.

On January 30, 2020, a notice was published in the Federal Register (Vol.85, No.20, pages 5405-5406) requesting public comment on this information collection. 24 comments were received, and responses are available in the attached matrix. Some changes have been made to the form based on these comments and an updated copy of the form is also attached. There is no change to the anticipated number of respondent or burden hours. The Department is now requesting a 30-day public comment period be published in the Federal Register. One additional comment was received during the 30-day comment period. The attached revised form has been updated to include the suggested edits and minor spacing reorganization to accommodate the suggested edits.

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 have been 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.² If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.

The form includes a Privacy Act Notice that (1) informs borrowers of the statutory authority for the information collection; (2) explains that the disclosure of the information is voluntary, but is required in order to qualify for a loan discharge; and (3) identifies the third parties to whom the information may be disclosed and explains the circumstances under which those 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

² 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)

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 form does not require borrowers to provide information such as that listed above.

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 estimated time required to complete the form remains 0.5 hours (30 minutes).

Based on one response per respondent, this equates to a total estimated annual reporting burden of 400,631 hours, calculated as follows:

Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF)
Certification & Application

Estimated annual number of respondents:		801,261
Number of responses per borrower:	x	1
Hours per response:	x	0.5
Annual hour burden:		<u>400,631</u> hours

This revision represents an increase of 36,421 burden hours. This increase is the result of two factors. First, there is a new combined form for borrowers to submit. Second, more borrowers have been submitting the form for employment considerations and to have TEPSLF eligibility determined than when the collection was previously approved.

There are no annual costs to respondents associated with operating or maintaining systems or purchasing services.

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

Total Annualized Capital/Startup Cost :
 Total Annual Costs (O&M) : _____
 Total Annualized Costs Requested :

There are no capital/startup costs to respondents.

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 cost to the federal government related to these forms from Direct Loan borrowers, since servicers distribute and process the loan discharge applications, and the Department's servicers do not specifically charge the government for distributing these forms.

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).

This adjustment is a revision that represents an increase of 36,421 burden hours and 72,842 respondents/responses. This increase is the result of two factors. First, there is a new combined form for borrowers to submit. Second, more borrowers have been submitting the form for employment considerations and to have TEPSLF eligibility determined than when the collection was previously approved.

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".