


Federal Student Aid

An OFFICE of the U.S. DEPARTMENT of EDUCATION

March 14, 2022

TO: Shagufta I. Ahmed
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Kate Mullan, Management and Program Analyst
Strategic Collections and Clearance
Governance and Strategy Division
Office of Chief Data Officer
Office of Planning, Evaluation and Policy Development
U.S. Department of Education

FROM: Ian Foss, Director 
Policy Implementation and Oversight
Federal Student Aid
U.S. Department of Education

RE: Request for emergency clearance with comments by March 29, 2022, and approval by March 31, 2022 for the collection (1845-0000) associated with the implementation of an interim PSLF and TEPSLF reconsideration process required by the settlement in the matter of *Weingarten v. Cardona*.

On October 12, 2021, the U.S. Department of Education (the Department) entered into a settlement agreement in the case of *Weingarten v Cardona* concerning the Public Service Loan Forgiveness (PSLF) and Temporary Expanded Public Service Loan Forgiveness (TEPSLF) programs. Part of the settlement agreement requires the establishment of a formal, if “interim” reconsideration process open to all PSLF and TEPSLF applicants whose applications were denied.

Section IV.B of the settlement agreement specifically provides, “As soon as practicable but no later than April 30, 2022, the Department will establish an interim reconsideration process that will be available to any borrower whose application for PSLF or TEPSLF has been or is denied.” The Department is working toward complying with this section of the agreement and is developing a process which would allow all such parties access to an online reconsideration process. However, the implementation of any standardized reconsideration process triggers the requirement to receive approval to collect the necessary information under the Paperwork Reduction Act of 1995.

Due to the limited time from the approval of the settlement and to be able to meet the agreed-to timeline, we request that OMB allow the Department to clear the collection associated with the implementation of the reconsideration process using the emergency clearance procedures of the

Paperwork Reduction Act of 1995, outlined in 42 U.S.C. 3507(j). If this request were not granted, the Department would be unable to lawfully comply with the settlement agreement, and could be found in contempt of court for failure to comply therewith. Additionally, we are requesting that the full clearance package be filed at the same time and that the 60-day public comment period be initiated at the same time.

Because collections that have been cleared under the emergency procedures are cleared immediately (even if temporarily), the Department would not be required to delay its implementation of the terms of the settlement and would be able to avoid further litigation. If the Department were required to put the collection through the normal clearance process, we could not begin to implement the reconsideration process as required until after the collection was cleared and such a delay would result in a violation of the agreement.

Please let me know if you have any questions related to this emergency clearance request. If you have any questions regarding this matter, please contact Beth Grebledinger of my staff at Beth.Grebeldinger@ed.gov.

Attachment: Settlement Agreement & Release, October 10, 2021, *Weingarten v. Cardona*.