DEPARTMENT OF EDUCATION – JUSTIFICATION LETTER FOR EMERGENCY APPROVAL

DATE: July 7, 2026

TO: Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Office of Chief Data Officer
Office of Planning, Evaluation and Policy Development
U.S. Department of Education

FROM: Policy Implementation Division
Federal Student Aid (FSA)
U.S. Department of Education

SUBJECT: Request for emergency processing for a revision to an existing information collection, 1845-0110 Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification and Application form.

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR Part 1320, the U.S. Department of Education (Department) requests that the information collection 1845-0110, Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification and Application form, be processed in accordance with 5 CFR 1320.13 Emergency Processing. The Department will open the 60-day comment period upon approval of the emergency in order to maintain the ability to use the form after the expiration of the emergency approval.

On March 7, 2025, President Trump signed an executive order titled Restoring Public Service Loan Forgiveness (E.O. 14325) making individuals employed by organizations whose activities have a substantial illegal purpose ineligible for PSLF.

The Department held public hearings on April 29 and May 1, 2025, and engaged in the negotiated rulemaking process by convening a committee of higher education stakeholders and experts in July of 2025. On August 18, 2026, the Department published a Notice of Proposed Rulemaking (FR 90 FR 40154) and collected public comments on the proposed regulations until September 17, 2025.

As explained in the Final Regulations published on October 31, 2025 (90 FR 48966), 34 CFR 685.219(i) required an update to the approved Public Service Loan Forgiveness Certification and Application, OMB # 1845-0110. To comply with E.O. 14325, a revision to the form was made to include the addition of an attestation statement, under penalty of perjury, that the employer has not engaged in any activity that has a substantial illegal purpose on or after July 1, 2026.

On Tuesday, June 30, 2026, a Federal judge vacated the Final Rule; one day prior to the rule becoming effective.

The Department is now requesting emergency processing and approval of 1845-0110 to remove the attestation from the PSLF form to comply with the court order. We are requesting approval for a period of six months to stay in compliance with the court order while the Department seeks full OMB approval of the collection. No other changes have been made at this time.

Information is Essential to the Mission of the Agency

Borrowers must complete this form to have their qualifying employment certified and their progress toward forgiveness recorded in our system. They are encouraged to submit this form annually but are only required to submit it at the point that they have reached the requisite 120 qualifying months of repayment. Specifically, the information collected through the form will support borrowers' ability to apply and qualify for loan forgiveness benefits under the Federal Direct Loan program.

The Information is Needed Prior to the Expiration of Time Periods Established Under PRA

The Federal Judge's ruling on June 30, 2026, requires the Department to remove the attestation language about substantive illegal activities from the PSLF form. If normal procedures were to be followed under the PRA, there would not be a correct, approved version of the PSLF form available for borrowers, potentially for weeks during the statutorily required comment periods. This would likely prevent and disrupt the collection of information during that time.

Public Harm is Reasonably Likely to Result if Normal Clearance Procedures are Followed

Eligible borrowers must be able to apply for the benefits of the PSLF program, as established under the Higher Education Act of 1965, as amended (HEA). Absent this collection of information, the Department would not have sufficient or accurate information required to make eligibility determinations for these borrowers which may result in such borrowers being obligated to make unnecessary additional payments beyond the required 120 qualifying months of repayments. Without the immediate approval of this collection, there would be delays in processing loan forgiveness for borrowers who are otherwise eligible for this benefit.

An Unanticipated Event Has Occurred

A Federal Judge vacated the Final Rule for PSLF on June 30, 2026; one day before the regulations were supposed to be implemented. This requires the Department to remove the recently added attestation from 1845-0110 Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification and Application.

Conclusion

Following the normal clearance procedures for this information collection will delay the ability of the Department to provide an updated form that is compliant with the court's June 30, 2026, ruling regarding Public Service Loan Forgiveness.

Thank you for your consideration.