

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
Temporary Expansion of Public Service Loan Forgiveness (PSLF) Program**

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 Department of Education (Department) is requesting an extension of the clearance for the collection to be used to obtain information from federal student loan borrowers who believe that they are eligible for loan forgiveness. This loan forgiveness is only available to Direct Loan borrowers who otherwise qualify for Public Service Loan Forgiveness (PSLF) and meet other new requirements, but who have not made 120 qualifying payments solely because some or all of their payments were made on non-qualifying repayment plans.

Section 315 of Title III in Division H of the Consolidated Appropriations Act, 2018, (Pub. L. No. 115-141) included a provision for the Department to implement “. . . a simple method for borrowers to apply for loan cancellation. . .” under a temporary expansion of the PSLF program. The Consolidated Appropriations Act, 2018, required the Department to implement an application process within 60 days of enactment. That date is May 23, 2018.

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 information collected would be used by the Department to make a determination of borrower eligibility for participation in the loan forgiveness mandated by the new appropriations law. Interested borrowers will be able to email a request for a reconsideration review. A borrower may also call into the PSLF call center and indicate they do not have the ability to send email and the call center can create and send an email on the borrower’s behalf.

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.

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

There are two sets of information to be submitted to the Department: a request for consideration for the loan forgiveness, and, for some borrowers, income documentation. The request for consideration may be submitted electronically (in the form of an email) or collected via phone. The income documentation can be submitted either through a secure upload to the Department's loan servicer's website, mail, fax, or email.

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.

The appropriations law requires a borrower to specifically request the new loan forgiveness, so the borrower's active request for participation is necessary. However, to the extent that the Department already has a borrower's income information, a borrower will not be required to submit it again.

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.

Absent this proposed data collection form, the Department's loan servicer would not have sufficient or accurate information required to make eligibility determinations for loan forgiveness.

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.

A request for an emergency clearance was approved by OMB on May 22, 2018. The notice sent to the Federal Register also requested a 60-day comment period for the full 3 year clearance package.

In response to the 60 day public comment period the Department received 6 comments. 2 supported the effort to expand the PSLF program. 3 comments were not relevant to the topic or burden calculations. 1 comment though filed anonymously was substantive and is replicated below with the Departments response.

Anonymous comment: “U.S. Department of Education (ED) should leverage use of its current Public Service Loan Forgiveness (PSLF) systems and processes for the Temporary Expanded Public Service Loan Forgiveness (TEPSLF) program. Under the TEPSLF program, ED is requesting that borrowers send an email that includes their name and date of birth (DOB). Name and DOB are considered Personally Identifiable Information (PII). ED should not be requesting that borrowers send PII by way of email and borrowers should not be required to submit PII by way of email. PII should only be transmitted in a secure environment such as the one ED has already established for PSLF on the myfedloan.org website. In addition, sending information by way of email leaves an opportunity for items not to be appropriately managed or tracked. The requested process

also lacks transparency for the borrower. If ED uses its current system, borrowers would be able to log into myfedloan.org and view the documents they submitted and track its current status. Currently, borrowers who have submitted emails are simply waiting and have zero knowledge of their application status for TEPSLF. ED should also be required to disclose to the public, on its website, how much of the \$350 million remains.”

Response: Federal Student Aid considers information security a serious matter. We continually balance information security with program requirements, operational efficiency and effectiveness, and impact on students. By law, Congress required the Temporary Expanded Public Service Loan Forgiveness (TEPSLF) program to be available within 60 days of its enactment. We weighed multiple options and determined the process we set forth minimized the burden on, and information to be collected from, TEPSLF applicants, regardless of which FSA contractor presently services their loan. Further, the limited information collected over a temporary period of time for a limited set of borrowers will be received and stored within the existing security boundaries of an established federal student loan servicer. As we continue fully implementing the TEPSLF process, we will leverage, where feasible, FedLoan’s Public Service Loan Forgiveness system, which serves only those borrowers for whom FedLoan is the responsible servicing contractor. For example, as potentially eligible applicants transition through the process, they will be able to securely upload any required income documentation through the FedLoan processing system.

This is the request for the 30-day public comment period to be published in the Federal Register in order to allow for public comment on the proposed process.

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.

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)

The collection will include 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 forgiveness; and (3) identifies the third parties to whom the information may be disclosed and explains the circumstances under which those disclosures may occur. This information will be provided to a borrower when they open the email request from the Department's webpage. If the borrower makes the request for consideration via telephone, an email will be sent to them confirming their request and providing the Privacy Act information at that time.

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 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 application process does not require borrowers to provide information of a sensitive nature.

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 collection of information will utilize two processes for two populations of borrowers. For borrower population one, for whom the Department has necessary

income documentation, all that will be necessary for a determination of forgiveness to be made will be a request. For borrower population two, for whom the Department does not have the necessary income documentation, in addition to a request for a determination of forgiveness, the borrower will also be required to supply income documentation.

For population one, the estimated time required to complete the collection of information is 5 minutes per request.

For population one, based on one response per respondent, this equates to a total estimated annual reporting burden of 214 hours, calculated as follows:

Estimated annual number of respondents:		2,567
Number of responses per borrower:	x	1
Hours per response:	x	0.08333 (5 minutes)
Annual hour burden:		<hr/> 214 hours

For population two, the estimated time required to complete the collection of information is 30 minutes per request.

For population two, based on one response per respondent, this equates to a total estimated annual reporting burden of 4,166 hours, calculated as follows:

Estimated annual number of respondents:		8,332
Number of responses per borrower:	x	1
Hours per response:	x	0.5 (30 minutes)
Annual hour burden:		<hr/> 4,166 hours

The total estimated burden is 4,380 hours for 10,899 individual borrowers.

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 processes for its loan portfolio and the Department includes this type of information collection in its contracts for these services.

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).

There is no change; the burden continues to be estimated at total 4,380 hours based on an estimated 10,899 borrowers.

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".