

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

- 1. Explain the circumstances that make the collection of information necessary. What is the purpose for this information collection? Identify any legal or administrative requirements that necessitate the collection. Include a citation that authorizes the collection of information. 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, list the sections with a brief description of the information collection requirement, and/or changes to sections, if applicable.**

The Department of Education (Department) is requesting an emergency clearance for this renewal of the revision of the information collection, 1845-0110. Additionally, we are requesting that the full clearance package be filed at the same time and that the Department will initiate the 60-day public comment period upon notification of emergency approval.

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.

Regulations for the Public Service Loan Forgiveness (PSLF) Program were initially published in the Federal Register on October 23, 2008 (73 FR 63256) and were codified in 34 CFR 685.219. The 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 refers 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.

The Department consolidated the previously separate forms that borrowers had to complete if they want to ultimately receive PSLF or TEPSLF. The form named the *Public Service Loan Forgiveness (PSLF) & Temporary Expanded PLSF (TESPLF) Certification and Application* has been used for for these programs since 2020. This consolidated form removed the need for borrowers to separately complete the PSLF application and submit a separate email for the TEPSLF program. This combined form also aided the Department in streamlining the forgiveness determination process.

The PSLF program was revised during the Negotiated Rulemaking process in 2021 resulting in Final Rule for the Public Service Loan Forgiveness (PSLF) Program that were published in the Federal Register on November 1, 2022 (87 FR 65904) and continue to be codified in 34 CFR 685.219. These regulations defined or redefined many terms in the PSLF program including the definition of "full-time" and "employee or employed" and further streamlined the application process by relying more directly on the employer database to determine employer eligibility data rather than requesting the employer eligibility information to be collected on the application itself resulting in those questions being removed from the form. The form was also updated to provide clearer instructions for questions that have proven to be confusing or produce conflicting information in the past.

Concurrent with these new regulations, the Department implemented the ability for the borrower and employer to digitally sign and submit the PSLF Form electronically through our Digital Platform. The PSLF form was redesigned to encourage the use of the new signature options and align the instructions on the form to mimic the user experience connected to the online submission. This new form will become effective on July 1, 2023.

- 2. In addition to the PSLF changes, the Final Rule included substantial changes to several federal student aid programs that required the Department to assess the implementation impacts and system change requirements necessary to implement the new regulations. Developing the system requirements across multiple systems must be done in lockstep with the development of forms to support the changes. As a result, in order to meet the July 1 implementation requirement, the Department is requesting that OMB approve the collection associated with the implementation of the PSLF form process using the emergency clearance procedures of the Paperwork Reduction Act of 1995, outlined in 44 U.S.C. 3507(j). 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 use the information collected on the 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. General information about the PSLF/TEPSLF program is available at studentaid.gov/publicservice. And the application is available electronically and can be electronically submitted at studentaid.gov/pslf. A physical version of the form can be printed in a pdf format at <https://studentaid.gov/forms-library/>

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.

If a borrower opts to have their employer digitally sign their form, the information provided on the form is compared to employer eligibility information stored in the Department's employer database for the dates of employment provided on the form and the result is electronically submitted to the Direct Loan Program servicer to store and compare to loan payment information they have for the borrower to provide a count of qualifying payments to the borrower based on that review.

- 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. Please identify systems or websites used to electronically collect this information. Also describe any consideration given to using technology to reduce burden. If there is an increase or decrease in burden related to using technology (e.g. using an electronic form, system or website from paper), please explain in number 12.**

As discussed in item 2, studentaid.gov/pslf allows for the completion of the form(s) on-line and electronic direct submission to the PSLF servicer, MOHELA, if the borrower opted for their employer to provide a digital signature. If they do not request a digital signature, the pre-filled form is produced as a pdf that the borrower can upload through the MOHELA servicer website.

When a borrower uses the on-line form flow, their employer eligibility data is gathered and pre-populated on the form from the Department's employer database. If an employer is not in the database, the borrower is notified and the form is not produced

until an employer eligibility review has been performed. This reduces the instances of forms being produced with conflicting or incomplete data.

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.

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.**

Include a citation for the 60 day comment period (e.g. Vol. 84 FR ##### and the date of publication). Summarize public comments received in response to the 60 day notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. If only non-

substantive comments are provided, please provide a statement to that effect and that it did not relate or warrant any changes to this information collection request. In your comments, please also indicate the number of public comments received.

For the 30 day notice, indicate that a notice will be published.

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.

This is a request for a six-month emergency clearance of the information collection process to allow the Department to collect information from borrowers to determine eligibility for loan discharge through the PSLF program.

An emergency notice has been sent to the Federal Register including a request for a 60-day public comment period as is required for the full 3 year clearance package.

The updated clearance package will be submitted to OMB after the 60 day public comment period has ended and a 30-day Federal Register notice has been published in order to allow for full public comment on the process.

The updated package will include a description of public comments received, the Department's response to those comments, and a discussion of whether the public feedback was adopted, and why or why not.

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.¹ 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. If no PII will be collected, state that no assurance of confidentiality is provided to respondents. If the Paperwork Burden Statement is not included physically on a form, you may include it here. Please ensure that your response per respondent matches the estimate provided in number 12.

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.

The information is part of data collected under the Systems of Record Notice Common Services for Borrowers (CSB), 18-11-16, published September 13, 2022 (Vol. 87, No. 176).

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

- 12. Provide estimates of the hour burden for this current information collection request. The statement should:**

- **Provide an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. Address changes in burden due to the use of technology (if applicable). Generally, estimates should not include burden hours for customary and usual business practices.**
- **Please do not include increases in burden and respondents numerically in this table. Explain these changes in number 15.**
- **Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-**

¹ 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)

profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden. 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 this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burden in the table below.**
- **Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. [Use this site](#) to research the appropriate wage rate. 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. If there is no cost to respondents, indicate by entering 0 in the chart below and/or provide a statement.**

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:		913,713
Number of responses per borrower:	x	1
Hours per response:	x	0.5
Annual hour burden:		<u>456,857</u> hours

This revision represents an increase of 56,226 burden hours. This increase is the result of three factors. First, the introduction of the PSLF Limited Waiver was initiated on October 6, 2021 and was in effect until October 31, 2022. During this period, borrowers who were previously ineligible for PSLF because they had ineligible FFEL Program Loans could consolidate into a Direct Consolidation Loan and maintain their underlying payment count. This resulted in more borrowers gaining eligibility to the PSLF program who will submit forms to have past periods of employment not previously considered and continue to submit forms to monitor their employment progress going forward. Second, we anticipate that more borrowers will submit the form for employment considerations as a result of regulatory changes to the definition of “full-time” and “employee or employed”. Borrowers who previously did not meet these definitions because they worked fewer hours than their employer’s determination of full-time but now meet the 30 hour minimum to be considered full-time or were employed as a contract employee performing services that under applicable state law could not be performed by an employee of the organization may

now submit a form for review. Third, as a result of the Limited PSLF Waiver granting more forgiveness than has been seen in the past and highly public conversations of debt forgiveness, there has been an increased interest in the PSLF program in general.

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

Estimated Annual Burden and Respondent Costs Table

Information Activity or IC (with type of respondent)	Number of Respondents	Number of Responses	Average Burden Hours per Response	Total Annual Burden Hours	Estimated Respondent Average Hourly Wage	Total Annual Costs (hourly wage x total burden hours)
Individual	913,713	913,713	.5 hours	456,857	\$22.00	\$10,050,854
For-Profit Institutions						
Private Institutions						
Public Institutions						
Annualized Totals	913,713	913,713	.5 hours	456,857	\$22.00	\$10,050,854

Please ensure the annual total burden, respondents and response match those entered in IC Data Parts 1 and 2, and the response per respondent matches the Paperwork Burden Statement that must be included on all forms.

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).

Provide a descriptive narrative for the reasons of any change in addition to completing the table with the burden hour change(s) here.

	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate
Total Burden		56,226	
Total Responses		112,452	
Total Costs (if applicable)			

This program change is a revision that represents an increase of 56,226 burden hours and 112,452 respondents/responses. This increase is the result of three factors. First, there was the temporary waiver that allowed underlying payments to count when an ineligible loan is consolidated into a Direct Consolidation Loan. Second, we expect more borrowers to submit the form for employment considerations as a result of regulatory changes to certain definitions. And third, a greater awareness of the PSLF program in general created additional interest in applying for the loan forgiveness.

- 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".