

Commenter – Center for Regulatory Freedom (CRF)

Comment #1. CRF urged the Department to withdraw this ICR and revisit regulations implementing the HEA’s 10% revenue requirement. CRF also recommended that the Department revisit these rules to ensure they align with the intent of the HEA, and the broader federal policy articulated in Executive Order 14235.

Department’s Response

The non-Federal revenue calculation is explicitly required under section 487(a)(24) and section 487(d) of the Higher Education Act. Therefore, the Department must continue to collect information in order to comply with the law.

Changes: None

Comment #2. CRF recommended the Department remove 34 C.F.R. § 668.28(a)(3)(ii)(D). 34 C.F.R. § 668.28(a)(3)(ii)(D) states “Related directly to services performed by students,” and this activity is not listed in the Higher Education Act and is exclusive to the regulation.

Department’s Response

As stated in 87 FR 65426 (Oct. 28, 2022), requiring that allowable revenues from these activities be related directly to services performed by students more closely aligns with the statutory intent of 90/10.

Changes: None