

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACT SUBMISSION
Student Assistance General Provisions**

- 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.**

Section 84001 of the One Big Beautiful Bill Act (OBBB), signed into law by President Trump on July 4, 2025, established an accountability framework for all postsecondary programs of study that participate in the Direct Loan Program, modifying the Higher Education Act of 1965, as amended (HEA). The proposed framework would compare the median earnings of graduates to median earnings of a comparison group and would discontinue a program's Direct Loan eligibility if its graduates earn less than the comparison group.

On January 5, 2026, the Department of Education (the Department) convened a negotiated rulemaking committee to consider the new institutional accountability framework to develop regulations that improve institutional accountability by increasing transparency on program costs, aid, and outcomes.

This is a request for a revision of the currently approved collection 1845-0022 Student Assistance General Provisions. Revisions to this collection will allow the Department to obtain the required information to implement the accountability framework as outlined in OBBB.

- 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 revisions provide the Department with information to determine if an institution continues to meet the eligibility requirements for participation in the Direct Loan program.

- 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.**

There are no prohibitions to the use of technology.

- 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.**

This information is not duplicated on any other information collection.

- 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.**

The Department does not believe the regulations will adversely impact any institution that may meet the small entity designation.

- 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 the requirements in these regulations do not occur, the Department will lack information to protect the integrity of the title IV, HEA programs and to protect students and taxpayers from abusive behaviors.

- 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 require any of the noted special circumstances.

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.

The Department developed these proposed regulations after conducting negotiated rulemaking with affected entities and other interested parties. The public comment period for this information collection will run concurrently with the Notice of Proposed Rulemaking.

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 will be 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.

There are no assurances of confidentiality provided to States regarding this information.

- 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.**

There are no questions of a sensitive nature in this collection.

- 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-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.**

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)

- **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.**

This supporting statement covers the information collection requirements for the regulatory changes from the Accountability in Higher Education and Access Through Demand-Driven Workforce Pell: Student Tuition and Transparency System (STATS) and Earnings Accountability Notice of Proposed Rulemaking (91 FR 21088). OMB Control #1845-0022 includes burden for regulations outside of the scope of the NPRM. Existing, unchanged regulatory burden in 1845-0022 currently totals 2,738,785 annual burden hours and 2,046,660 responses.

§ 668.14 Program Participation Agreement

Summary

An institution would be permitted to appeal the Secretary's determination that a program is a low-earning outcome program under § 668.603(b) based on the data used in the calculation. An institution would also be permitted to appeal the Secretary's determination that the institution has failed to meet the proposed administrative capability conditions at proposed § 668.16(t) in two out of three consecutive award years.

Burden

The Department estimates that approximately 6,520 programs could fail the earnings premium measure the first year the calculation becomes effective. We believe that most programs that fail in the first year will fail in the next. For that reason, we anticipate that institutions will choose to do an orderly shutdown of 40 percent of programs that failed the earnings premium measure.

Of the remaining 3,912 we anticipate that 50 percent of programs would seek an appeal. It is very common for an institution to appeal an action similar to the one proposed in 668.14(h) (2). However, the Department is also proposing to limit an institution's ability to appeal individual program results under § 668.603(b) only for Department calculation errors. These regulations also propose an opportunity for an orderly program closure the first year a program fails the earnings premium metric.

Taking these factors into consideration, we expect about half of the institutions with a program that has lost Direct Loan eligibility may appeal the decision. If it takes an institution three hours to file an appeal, we anticipate that this would increase 5,868 burden hours assigned to 1845-0022 Student Assistance General Provisions.

1,956 programs x 3 hours = 5,868 total burden hours.

Entity	Respondents	Hours	Burden Hours
Public	1,065	3	3,195
Private	387	3	1,161
For Profit	504	3	1,512
Total	1,956	N/A	5,868

§ 668.16 Standards of administrative capability

Summary

Proposed § 668.16 would require an institution to demonstrate that they have administrative capability by maintaining that at least half of the institution's students and half of institutions' total title IV, HEA funds do not come from students enrolled in low-earning outcome programs. Failure to do so would cause the institution to be placed on a provisional Program Participation Agreement.

Burden

The Department does not believe proposed changes to 668.16(t) will increase burden on institutions, as administrative capability is an existing requirement of eligibility for title IV, HEA funds. However, we believe it may take institutions time to acknowledge and understand the new requirements. For that reason, we are adding 1 hour of burden per institution.

$5,626 \times 1 \text{ hour} = 5,626 \text{ burden hours}$

Entity	Respondents	Hours	Burden Hours
Public	1,869	1	1,869
Private	1,674	1	1,674
For Profit	2,083	1	2,083
Total	5,626		5,626

§ 668.43 Institutional and programmatic information

Summary

The proposed regulation would limit the requirements for providing a prominent link to the program information website to only pages containing cost, financial aid, or admissions information. This will reduce burden on institutions.

Burden

When the Department proposed § 668.43 in 2023, it was estimated that these requirements would add an additional 5,230 responses and 261,500 hours of burden to 1845-0022. We propose to remove half of the burden for this regulation while retaining the current assessment of 5,230 responses.

$261,500 \text{ hours} / 2 = 130,750$

5,626 responses

Entity	Respondents	Hours	Burden Hours
Public	1,869	23.24	-43,439
Private	1,674	23.24	-38,904
For Profit	2,083	23.24	-48,409
Total	5,626		-130,752

Estimated Annual Burden and Respondent Costs Table

For institutions, we used the median hourly wage for Education Administrators, Postsecondary (11-9033) from the U.S. Bureau of Labor Statistics. In 2024 this was \$49.98. To account for overhead costs and benefits, the Department has multiplied by this wage by two, resulting in hourly costs of \$99.96.

Information Activity or IC (with type of respondent)	Number of Responses	Number of Respondents	Average Burden Hours per Response	Total Annual Burden Hours	Estimated Respondent Average Hourly Wage	Total Annual Costs (hourly wage x total burden hours)
For-Profit Institutions	4,670	2,083	27	126,090	\$99.96	\$12,603,956
Private Institutions	3,735	1,674	27	100,845	\$99.96	\$10,080,466
Public Institutions	4,803	1,869	27	129,601	\$99.96	\$12,954,916
Annualized Totals	13,208	5,626		356,536		\$35,639,338

The total request for 1845-0022 is 2,059,868 responses and 3,095,321 burden hours. Existing burden under control #1845-0022 plus the burden hours and number of responses described above are broken down as follows:

Type of Respondent	Number of Responses	Annual Burden (Existing + NPRM)
For-Profit	461,418 + 4,670 = 466,088	842,903 + 126,090 = 968,993
Private	530,929 + 3,735 = 534,664	727,248 + 100,845 = 828,093
Public	629,238 + 4,803 = 634,041	849,828 + 129,601 = 979,429
Individuals*	425,075 + 0 = 425,075	318,806 + 0 = 318,806

TOTAL	2,059,868	3,095,321
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*Individual respondents were not affected by the NPRM or the revision of this collection.

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 is no additional cost.

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 additional cost to the Federal government.

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	356,536		
Total Responses	13,208		
Total Costs (if applicable)			

This request is to revise the currently approved information collection due to new statute. We are requesting an additional 356,536 burden hours and an additional 13,208 responses.

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.

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" of OMB Form 83-I.