

ED-2024-SCC-0096

This is to the question whether “the estimate of burden [is] accurate”.

It is not. Any ED directive to education entities will trickle down and have an applicant, student, their families and personal information as objects. Impositions on the latter IS a burden resulting from the proposed rule. Entities’ actions to fulfill Department’s directive have to be identified and evaluated for necessity and imposition in order to count the burden; public input is essential to this evaluation to factor in the objects’ incurred personal impact.

Ignoring burden to the rule’s objects lowers the cost of the rule, making it easier to get approved.

To further decrease the cost of the proposed rule, the Department excludes pro-active oversight over users’ access to FSA systems, feedback mechanism from the rule’s objects, and consistent investigative action response to signs of inappropriate use.

Therefore, this rule is incomplete and needs to be amended.