



May 15, 2026

The Honorable Linda E. McMahon
Secretary of the U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Madam Secretary:

We submit this letter as official public comment for **Docket ID ED-2026-OPE-0100, RIN 1846-AE06**. Thank you for the opportunity to comment on the proposed regulations titled "Student Transparency System (STATS) and Earnings Accountability."

These comments are from the entire State Legislative Delegation representing Lancaster County, Pennsylvania, including both Republican and Democrat Members. We collectively represent over 560,000 citizens throughout our diverse county. Lancaster County includes a city core in Lancaster City, many small and large suburban communities, and a world-famous agricultural community.

We have significant concerns for the impact this proposed rule will have on postsecondary students who attend several institutions located within Lancaster County and also concerns for Lancaster County residents who attend postsecondary institutions located outside our county. We also have concerns about the economic impact that could result if specific industries lose countless future employees due to students losing access to financial aid in the career field of their choice.

In our county, this proposed regulation could directly harm students attending programs in culinary arts, allied health and medical assisting, massage therapy, cosmetology & beauty programs, barbering, and multiple art programs. This proposed regulation would have future negative impacts on Lancaster County's restaurants, medical facilities, salons, barber shops, massage locations, and many businesses that rely on professionals in creative arts.

It is our understanding some aspects of the proposed regulation are out of the hands of the Department due to statutory requirements in the "One Big Beautiful Bill" (OB BB). However, the OB BB provided the Department with significant discretion to implement the statute. Here are just a few areas of concern where we understand the Department has discretion and should apply that discretion to fix the concerns.

- The OBBB only requires the earnings metric be applied to degree programs. The statute does not apply it to shorter-term non-degree programs. However, the Department has chosen to also apply it to non-degree programs. The Department should reverse this decision entirely. Or if the Department chooses to apply the metrics on non-degree programs, then use it as a transparency tool. Students in these programs should not have their financial aid in jeopardy when the OBBB did not authorize this.
- The OBBB requires undergraduate degrees to be compared to “high school only” graduates using data from the U.S. Census Bureau. The U.S. Department of Education proposes to use the “American Community Survey (ACS)” as the data source from the Census Bureau. In addition, the U.S. Department of Education’s decision to also apply the rule to non-degree programs, is subsequently also proposing to use the ACS. However, it is our understanding this data source does not comply with the statutory requirement in the OBBB to compare earnings of postsecondary graduates to earnings of adults with only a “high school diploma or its recognized equivalent.” It is our understanding that the ACS earnings data includes adults with some postsecondary education and vocational training. The Department should either use a different data source from the U.S. Census Bureau that complies with the intent and statutory requirement of the OBBB, or it should delay the rule from taking effect on undergraduate degree programs and on non-degree programs until the U.S. Census Bureau can produce earnings data for adults with only a high school education.
- The Department should also use its discretion to determine a way to accommodate for part-time employment. Some of the career programs at most risk of losing student financial aid are heavily female dominated careers (medical assistants, dental support technicians, massage therapists, cosmetologists, estheticians, etc...). Many of them choose to work part-time so they can help raise a family or for other reasons. The proposed rule makes the assumption everybody is working full-time. The Department should add a weighted adjustment to their earnings according to the number of hours individuals or cohorts of graduates actually work, so their earnings are aligned to a 40-hour work week.
- Some of the programs at high-risk to fail the proposed rule are heavily tip-based careers (barbering, cosmetology, massage, and esthetics) and/or are often services paid through cash or through personal cash payment apps. These industry factors often lead to under-reporting of earnings, but the schools have no ability to control what earnings their graduates report. The Department should use its discretion to determine an appropriate additional weight in the metric for careers that can demonstrate under-reported earnings.
- We understand the OBBB requires earnings of postsecondary degree graduates to be calculated at 4 years after program completion, while the earnings of “high school only” graduates are calculated 7-16 years after completion. A period of 7-16 years provides significantly more opportunity for growth, to advance within a company, grow a client list and so on, over a span of only four years. This is an unfair comparative measure. Although

the Department does not appear to have flexibility to adjust this for degree programs based on the OBBB, there is no such requirement in the OBBB to use this same unfair comparison with non-degree programs. Thus, the Department should consider an equal number of years for the comparative data between non-degree programs and high school completers.

Thank you for your consideration of our comments.

Sincerely,



Representative Steven C. Mentzer
97th Legislative District



Representative Nikki Rivera
96th Legislative District



Representative Ismail Smith-Wade-El
49th Legislative District



Senator Chris Gebhard
48th Senatorial District



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