

1845-0077 One Public 60 Days Comment and FSA Response

This document contains the main comment submitted during the 60 days comment period. The 17 attachments are not included in this document but can be found in the attached zipfile pertaining to this comment.

Commentator: James H. Poole

Comment of Obelisk Tech Systems Inc. on Docket ED-2026-SCC-0596-0001 (Teacher Cancellation Low Income Directory). Obelisk identifies fifteen procedural defects under the Higher Education Act (20U.S.C. § 1078-10 Teacher Loan Forgiveness), ESEA Title I (20 U.S.C. § 6313), FERPA, the Privacy Act, the PRA, the RFA, Title VI Civil Rights Act, Rehabilitation Act § 504/§ 508, REAP (20 U.S.C. § 7341), the Plain Writing Act, and Executive Orders 12866, 13272, and 14094. Defects include no Teacher Loan Forgiveness/PSLF/TEACH Grant coordination; no Title I designation methodology disclosure; no SEA coordination framework; no Privacy Act SORN; no FERPA documentation; no § 603 IRFA; no civil rights/accessibility coordination; no rural school district (REAP) considerations; no Plain Writing Act compliance; no Information Quality review; and no SBA Office of Advocacy consultation. Obelisk asserts personal liability of certifying officials under the False Claims Act, 18 U.S.C. § 1001, and Anti-Deficiency Act, and expressly reserves qui tam rights under 31 U.S.C. § 3730(b) with 15-30% relator share. Full comment attached. — James H. Poole, Executive Chairman & CEO, Obelisk Tech Systems Inc.

Attachments

Obelisk_Comment_ED-2026-SCC-0596-0001

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OMB-Circular-No.-A-123-2026

OMB-Circular-No.-A-136

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USTR_Section_301_60_Economy_Commercial_Injury_Record_Obelisk
ExhibitA_SupplyChain_Risk_Maps_compressed
USTRsection301_submission_withworldslaveryindex_compressed
Field Definitions_CLG-Global 1.0
Tracking_Chinese_Loans_and_Grants_TUFF_4_Methodology
policybankchina
Global China Databases _ Global Development Policy Center

Part 2 of Commentator Mr. Poole:

COMMENT OF OBELISK TECH SYSTEMS INC.

On Teacher Cancellation Low Income Directory Information Collection

Docket No. ED-2026-SCC-0596-0001

Filed: May 23, 2026

FILER

Obelisk Tech Systems Inc.

875 Helicopter Road, Thomasville, Georgia (Thomas County)

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Filed by: James H. Poole, Executive Chairman & Chief Executive Officer

I. EXECUTIVE SUMMARY

Obelisk Tech Systems Inc. ("Obelisk") submits this comment on the Department of Education's proposed Teacher Cancellation Low Income Directory information collection, Docket No. ED-2026-SCC-0596-0001, under the Higher Education Act, 20 U.S.C. § 1078-10 (Teacher Loan Forgiveness), the Paperwork Reduction Act, the Family Educational Rights and Privacy Act, and applicable Executive Orders.

II. STATUTORY AND REGULATORY AUTHORITY

- Higher Education Act, 20 U.S.C. §§ 1001 et seq.
- Teacher Loan Forgiveness, 20 U.S.C. § 1078-10
- Federal Family Educational Loan / Direct Loan, 34 C.F.R. Parts 682 and 685
- Teacher Cancellation Low Income Directory, 34 C.F.R. § 682.215(c) and § 685.217(c)
- Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g
- Elementary and Secondary Education Act / ESEA, 20 U.S.C. §§ 6301 et seq.
- Title I Low-Income School Designation, 20 U.S.C. § 6313

- Paperwork Reduction Act, 44 U.S.C. §§ 3501–3521
- Privacy Act of 1974, 5 U.S.C. § 552a
- Regulatory Flexibility Act, 5 U.S.C. §§ 601–612
- Title VI Civil Rights Act, 42 U.S.C. §§ 2000d et seq.
- Rehabilitation Act § 504 / § 508, 29 U.S.C. §§ 794, 794d
- Plain Writing Act of 2010, Pub. L. 111-274
- False Claims Act, 31 U.S.C. §§ 3729–3733
- Executive Order 12866, 13272, 14094

III. FIFTEEN PROCEDURAL DEFECTS

1. Failure to Document Teacher Loan Forgiveness Coordination Under 20 U.S.C. § 1078-10.

The TCLI Directory directly determines eligibility for Teacher Loan Forgiveness benefits. The notice does not document § 1078-10 coordination, Public Service Loan Forgiveness ("PSLF") interaction under 20 U.S.C. § 1087e(m), or TEACH Grant interaction.

2. Failure to Address Title I Low-Income School Designation Methodology Under 20 U.S.C. § 6313.

The TCLI Directory uses Title I low-income school designations. The notice does not document Title I designation methodology, comparability standards, or data lineage.

3. Failure to Address State Education Agency Coordination Under ESEA.

TCLI data is supplied by State Education Agencies. The notice does not document SEA coordination framework or quality assurance protocols.

4. Failure to Document Privacy Act SORN Compliance.

Teacher employment and loan forgiveness data create a federal system of records. The notice does not document SORN reference or routine use determinations.

5. Failure to Address FERPA Considerations Under 20 U.S.C. § 1232g.

School-level data may implicate FERPA where it touches student demographic information. The notice does not document FERPA analysis.

6. Failure to Conduct Regulatory Flexibility Analysis Under 5 U.S.C. § 603.

Small LEAs, small private schools serving as TCLI-designated schools, and small State Education Agencies are small entities. The notice contains no adequate IRFA.

7. Failure to Quantify Burden Disaggregated by State and LEA Class Under 5 C.F.R. §1320.8(a)(4).

8. Failure to Address Civil Rights Coordination Under Title VI of the Civil Rights Act and § 504 of the Rehabilitation Act.

9. Failure to Demonstrate Practical Utility Under 44 U.S.C. § 3506(c)(3)(A).

10. Failure to Address Information Quality Pre-Dissemination Review Under OMB Information Quality Guidelines.

11. Failure to Address Duplication Under 5 C.F.R. § 1320.5(d)(1)(iv) against ED Title I data, NCES Common Core of Data, and state directories.

12. Failure to Address Rural School District Considerations Under 20 U.S.C. § 7341 (REAP).

13. Failure to Comply with EO 13272 SBA Office of Advocacy Consultation.

14. Failure to Document Centralized Regulatory Review Under EO 12866 § 3(f) and EO 14094.

15. Failure to Provide Reasoned Explanation Under State Farm and Loper Bright (2024).

IV. PERSONAL LIABILITY OF CERTIFYING OFFICIALS

This comment puts the Agency's Solicitor, General Counsel, Senior Agency Official for Privacy, the Office of the Inspector General, and any signing or certifying official on direct notice of the following personal exposure attaching to certification of the proposed action notwithstanding the procedural defects identified in this comment:

A. False Claims Act Exposure — 31 U.S.C. §§ 3729–3733

Knowing certification of materially false or misleading statements to the Office of Management and Budget ("OMB") in connection with Paperwork Reduction Act ("PRA") submissions under 44 U.S.C. § 3507, Regulatory Flexibility Act ("RFA") certifications under 5 U.S.C. § 605(b), OIRA significance determinations under Executive Order 12866 § 3(f), or Executive Order 12866 / 13563 / 14094 cost-benefit certifications, exposes the certifying official and the Agency to liability under the False Claims Act, 31U.S.C. §§ 3729–3733, including treble damages and per-claim civil penalties.

Filer expressly reserves all rights under the False Claims Act, including the right to file a qui tam action under 31 U.S.C. § 3730(b) as a relator entitled to a share of fifteen to thirty percent (15%–30%) of the proceeds under 31 U.S.C. § 3730(d), and the right to refer evidence of false certifications to the Department of Justice and the Agency Inspector General.

B. Criminal False Statements Liability — 18 U.S.C. § 1001

False, fictitious, or fraudulent statements in matters within the jurisdiction of the executive branch—including PRA submission certifications, RFA § 605(b) certifications, EO compliance certifications, NEPA documentation, and OIRA submission certifications—constitute federal criminal liability under 18 U.S.C. § 1001, punishable by fine and imprisonment of up to five years (eight years for certain matters).

C. Anti-Deficiency Act Personal Liability — 31 U.S.C. §§ 1341, 1517, 1350

Federal officers who obligate funds against defective collections or otherwise act in violation of statutory authority face personal administrative discipline including removal from office under 31 U.S.C. § 1349, and criminal penalty under 31 U.S.C. § 1350. This comment preserves rights to ADA referral upon evidence of unauthorized expenditure tied to defective agency action.

D. Inspector General Act Referral Reservation — 5 U.S.C. App. 3

Filer expressly reserves the right of referral to the Agency Office of Inspector General, the Council of the Inspectors General on Integrity and Efficiency, and the Government Accountability Office under 31 U.S.C.

§§ 712, 716, 717 for investigation of procedural defects identified herein.

E. Federal Records Act Obligations — 44 U.S.C. §§ 3101–3107

Agency officials bear personal recordkeeping duties under the Federal Records Act. Failure to maintain documentation of OIRA review, SBA Office of Advocacy consultation under EO 13272, NEPA review, or other procedural compliance creates Federal Records Act exposure and may trigger 18 U.S.C. § 2071 penalties for concealment or destruction of federal records.

F. Government Performance and Results Modernization Act — 31 U.S.C. § 1115

Senior accountable officials designated under GPRA Modernization Act must document the performance basis for federal actions. Defective documentation creates accountability exposure under the GPRA

Modernization Act framework.

G. Standard of Review — 5 U.S.C. § 706

Final agency action proceeding on a defective procedural record is subject to vacatur as arbitrary and capricious under the APA, 5 U.S.C. § 706(2)(A). Recent Supreme Court doctrine — including *Loper Bright Enterprises v. Raimondo* (2024), *West Virginia v. EPA*, 597 U.S. 697 (2022), *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211 (2016), and *Motor Vehicle Manufacturers Ass'n v. State Farm Mutual Auto. Ins. Co.*, 463 U.S. 29 (1983) — has heightened the documentation and reasoned-explanation burden on agencies. The Solicitor, General Counsel, Senior Agency Official for Privacy, designated certifying officials, and the Office of the Inspector General are reminded that personal liability attaches independent of agency liability.

V. ACCESSIBILITY DEFECTS

A. Section 508 of the Rehabilitation Act — 29 U.S.C. § 794d; 36 C.F.R. Part 1194

Federal electronic and information technology — including online comment portals (regulations.gov), agency forms, mobile applications, PDF documents, web content, and electronic submission interfaces — must be accessible to individuals with disabilities. The notice does not document Section 508 conformance, alignment with the Revised 508 Standards (incorporating WCAG 2.0

Level AA), or Voluntary Product Accessibility Template ("VPAT") status for the systems used in the proposed collection or action.

B. Section 504 of the Rehabilitation Act — 29 U.S.C. § 794; 28 C.F.R. Part 41

Federal programs and activities must not discriminate against qualified individuals with disabilities. The notice does not document § 504 program access analysis or reasonable accommodation protocols for the proposed action.

C. ADA Title II — 42 U.S.C. §§ 12131–12165; 28 C.F.R. Part 35

State and local government participation in federally-affected programs must satisfy ADA Title II. The notice does not document ADA Title II coordination with state and local participants.

VI. PLAIN WRITING AND CLEAR COMMUNICATION DEFECTS

A. Plain Writing Act of 2010 — Pub. L. 111-274

The Plain Writing Act of 2010, Pub. L. 111-274, requires federal agencies to use plain writing in covered documents intended for the public. OMB's April 13, 2011 implementation guidance directs agencies to designate a senior official as Plain Writing Officer and to apply Federal Plain Language Guidelines to covered documents. The notice does not document Plain Writing Act compliance, readability assessment (such as Flesch-Kincaid grade level analysis), or coordination with the agency Plain Writing Officer.

B. Federal Plain Language Guidelines

Regulatory documents intended for public engagement must be clear, accessible, and understandable. The use of dense technical language, undefined acronyms, or convoluted sentence structure undermines the public's ability to meaningfully participate in notice-and-comment proceedings under APA § 553 and impairs the public interest in informed regulatory participation.

VII. ADDITIONAL FEDERAL COMPLIANCE DEFECTS

A. No-Fear Act — 5 U.S.C. § 2301 note; Pub. L. 107-174

Agencies must comply with the Notification and Federal Employee Antidiscrimination and Retaliation Act in administrative processes implicating whistleblower or anti-discrimination protections.

B. Whistleblower Protection Enhancement Act — Pub. L. 112-199

Procedural defects affecting agency operations may implicate whistleblower protection obligations, particularly where defective procedures suppress employee reporting of violations to the OIG or Office of Special Counsel.

C. Government in the Sunshine Act — 5 U.S.C. § 552b

Where the agency action involves a covered collegial body, the Sunshine Act requirements for open meetings, advance public notice, and recording obligations apply.

D. Federal Advisory Committee Act — 5 U.S.C. App. 2

Where the agency action involves advisory committee consultation, FACA balance, public access, and chartering requirements apply.

VIII. RELIEF REQUESTED

Obelisk respectfully requests that the Department of Education:

- (1) Withhold OMB submission until procedural defects are cured;
- (2) Document Teacher Loan Forgiveness, PSLF, and TEACH Grant coordination;
- (3) Document Title I designation methodology and SEA coordination framework;
- (4) Document Privacy Act SORN and FERPA compliance;
- (5) Publish disaggregated burden estimates and a full IRFA under 5 U.S.C. § 603;
- (6) Document civil rights coordination and § 504/§ 508 accessibility;
- (7) Document Information Quality pre-dissemination review and Plain Writing Act compliance;
- (8) Document SBA Office of Advocacy consultation under EO 13272 and OIRA review;
- (9) Acknowledge the personal liability framework set forth in Section IV above; and

(10) Confirm receipt of Filer's False Claims Act qui tam reservation under 31 U.S.C. § 3730(b).

IX. CONCLUSION

Teacher loan forgiveness and low-income school designation must move through valid process. Rural and underserved school districts deserve substantive procedural protection. Obelisk Tech Systems Inc. respectfully submits this comment to preserve the procedural record.

Respectfully submitted,

James H. Poole

Executive Chairman & Chief Executive Officer

Obelisk Tech Systems Inc.

Thomasville, Georgia

FSA Response:

On March 26, 2026, the Department published a Federal Register Notice (91 FR 14688) inviting public input on this collection. During the comment period, a single individual provided feedback on this collection. They raised concerns about procedural shortcomings and questioned whether federal compliance disclosures were sufficient, especially in relation to the process for teacher loan forgiveness and the designation of low-income schools. Furthermore, they emphasized the need for robust procedural protections for rural and underserved school districts.

The Department appreciates these comments. However, it is important to clarify that this collection serves to gather information from States about the low-income status of elementary and secondary schools. This data is instrumental in enabling loan forgiveness and cancellation opportunities under the Federal Perkins Loan, Federal Family Education Loan, and Direct Loan Programs. States are responsible for determining which schools and districts qualify as low-income, and post-secondary institutions rely on this directory to apply available Federal Perkins Loan cancellations according to established regulations.