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Federal Government Update - 2.20.26 [1]

February 20, 2026 by Riley Black [2]

Dear Colleagues,

Please find a federal government update from our teams.

Government Funding Update
The Department of Homeland Security (DHS) has shut down. According to *Politico* [3], while lawmakers were on a weeklong recess, Democratic Congressional leaders and the White House submitted counterproposals on potential DHS funding, however, they remain "far apart." Approximately 96 percent of federal agencies are funded through Sept. 30, 2026, including the Departments of Commerce, Education, Energy, Health and Human Services and War, as well as the National Science Foundation, National Aeronautics and Space Administration and more.

Reports: NSF Director Nominated and Acting CDC Director Named
The President plans to nominate Jim O'Neill as the new director for the National Science Foundation (NSF), reports [4] *Politico*. O'Neill resigned [5] as the Deputy Secretary for Health and Human Services (HHS) and as Acting Director of the Centers for Disease Control and Prevention (CDC) on Feb. 16. Once formally nominated, O'Neill must be approved by the Senate.

National Institutes of Health (NIH) Director Jay Bhattacharya, MD, PhD, will serve [6] as Acting Director of the CDC until a permanent director is confirmed by the Senate. Bhattacharya will maintain his role as NIH director.

Colorado Joins Lawsuit Challenging Energy Grant Cancellations
Colorado and a dozen states filed a lawsuit [7] on Feb. 18 challenging the cancellation of hundreds of clean energy projects by the U.S. Department of Energy (DOE) last fall. Colorado lost over $600 million in federal funding, and one of the affected projects is from CU Boulder. CU provided information about its cancelled grant to Colorado's Attorney General for inclusion in the lawsuit.

Many of the awards were funded by the *Bipartisan Infrastructure Law* and the *Inflation Reduction Act,* reports [8] *CPR*. A U.S. district court ruled [9] against DOE in a similar lawsuit [10] last month, vacating the termination notices for seven plaintiffs from Minnesota, finding DOE violated the Fifth Amendment's equal protection clause by terminating clean energy grants in Democratic-led but not Republican-led states.

Rumored NIST Policy Targets Foreign-Born Scientists
The National Institute of Standards and Technology (NIST) is rumored to have begun implementing a policy to curb foreign-born researchers on its campuses. NIST began limiting

after-hours lab access for noncitizens last month and may prohibit access by country of origin on a rolling basis starting March 31, reports [11] *The Colorado Sun*. NIST officials told *The Colorado Sun*, which first reported on the rumored changes, that the policy is not final but is aligned with federal administration priorities.

CU has many important partnerships with NIST, including the NIST Professional Research Experience Program (PREP) [12], which allows hundreds of CU students, postdocs and research associates to work and train directly in NIST labs alongside NIST scientists. CU Boulder [13] and CU Denver [14] both have current NIST PREP awards. Democrats on the House Science, Space and Technology Committee wrote [15] to NIST on Feb. 19 to inquire about the policy, which they called "vague" and "cloaked in secrecy." The letter seeks answers to six questions, including whether NIST is implementing, or plans to implement, a policy to limit collaboration with foreign nationals. CU Federal Relations is actively engaged on this issue, working with the Congress and others to seek clarification about the policy and communicate potential impacts to the university.

NSF Transitions NCAR-Wyoming Supercomputer Center Operations
The National Science Foundation (NSF) announced [16] on Feb. 12 it will transition management and operations of the NCAR-Wyoming Supercomputer Center [17] to a third-party operator. NSF has reportedly invited the University of Wyoming to submit a proposal to operate the supercomputer, reports [18] the *Wall Street Journal.*

ED Plans to Rewrite Eligibility Requirements for McNair TRIO Program
The U.S. Department of Education (ED) plans to eliminate race-based eligibility criteria for the McNair Post- Baccalaureate Achievement TRIO grant program. ED's voluntary agreement settles a lawsuit in which the plaintiffs argued the current eligibility criteria for the McNair TRIO Program are discriminatory, reports [19] *Inside Higher ED.* Any changes to grant eligibility will be made through the federal rule-making process.

This agreement follows the DOJ's December 2025 opinion memo [20] stating a number of minority-serving institution programs unconstitutional. The memo also stated that ED should create new criteria for TRIO programs.

DOW Considers Restricting Access to Military Tuition Assistance at 35 Institutions
The Department of War (DoW) is considering barring service members from using military tuition assistance for graduate and professional degree programs at 35 institutions due to "alleged antimilitary bias and troublesome partnerships with foreign adversaries," reports [21] *CNN*. The report follows a Feb. 6 announcement [22] by Secretary Pete Hegseth that the DoW will discontinue military graduate education programs at Harvard University.

The Federal Relations and General Counsel teams are actively monitoring developments at the federal level.?We are working closely with the President and Chancellors, as well as the Colorado congressional delegation to champion CU priorities. We are committed to keeping you informed. Please visit the CU System Federal Updates and Actions [23] page for up-to-date communications and federal memos.?

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