

## **Federal Government Update - 8.21.26** <sup>[1]</sup>

August 21, 2026 by [Riley Black](#) <sup>[2]</sup>

Dear Colleagues,

Please find a federal government update from our teams.

### ***CU Boulder Submits Comments on Proposed Recission of International Education and Fulbright-Hays Regulations***

CU Boulder submitted [comments](#) <sup>[3]</sup> to the U.S. Department of Education (ED) on July 31 on a [proposed rule](#) <sup>[4]</sup> that would rescind regulations governing Title VI International Education Programs and Fulbright-Hays. CU Boulder urged ED to withdraw the proposed rule as the existing regulatory framework fulfills the objects of the *Higher Education Act* and provides excellent clarity for applicants and grantees. CU Boulder's Center for Asian Studies has merited Title VI funds over its 25 years of service to Colorado.

The American Council on Education (ACE) also led multi-association [comments](#) <sup>[5]</sup> urging the Department to withdraw the proposal and APLU submitted [comments](#) <sup>[6]</sup> encouraging ED not to rescind current regulations without a replacement.

### ***ED Issues Accreditation Proposed Rule***

The U.S. Department of Education (ED) issued a [proposed rule](#) <sup>[7]</sup> for public comment on Aug. 19 to reform the nation's higher education accreditation system. U.S. colleges and universities must be accredited by a federally-recognized accrediting agency to receive federal student aid.

The regulation largely mirrors the consensus proposal [advanced](#) <sup>[8]</sup> by the Accreditation, Innovation and Modernization negotiated rulemaking committee in May. The regulation seeks to "break up entrenched accreditation monopolies and reorient the sector to prioritize innovation, academic excellence, and student outcomes," [says](#) <sup>[9]</sup> the Department. Comments are due Sept. 21, 2026. ED must consider public input before issuing final regulations, which are expected to take effect July 1, 2027. CU Federal Relations is working with the campuses to assess whether to respond.

### ***Coalition Challenges DHS Regulations Ending Duration of Status***

A coalition of higher education associations and unions, including [NAFSA](#) <sup>[10]</sup>, filed a [lawsuit](#) <sup>[11]</sup> on Aug. 18 in the U.S. District Court of Massachusetts challenging new [final regulations](#) <sup>[12]</sup> issued by the U.S. Department of Homeland Security (DHS) that change how international student and exchange visitors are admitted into the U.S. The new policy, effective Sept. 15, 2026, eliminates "duration of status" admissions for F-1 and J-1 visas and limits international admissions to four years with limited exceptions.

The complaint alleges the rule violates the Administrative Procedure Act, and DHS did not provide adequate time for public comment or meaningfully respond to public input. The

plaintiffs are requesting a preliminary injunction to halt implementation of the policy. For more information, here is NAFSA's [press release](#) [13].

Each of CU's campuses submitted comments urging DHS to rescind the policy last fall: [CU Anschutz](#) [14], [CU Boulder](#) [15], [CU Denver](#) [16], [UCCS](#) [17]. DHS issued [Quick Facts](#) [18] and [FAQs](#) [19] on the final regulations last month.

### ***DOW Orders University Research Security Audits***

The U.S. Department of War (DOW) [directed](#) [20] 30 U.S. academic institutions on Aug. 17 to "initiate immediate and comprehensive reviews of their academic, financial and research collaborations with foreign entities of concern." Universities must report their audit findings to DOW no later than Aug. 31, 2026, to maintain eligibility for future federal research funding. CU was not among the institutions contacted by DOW. See the full list of institutions as reported by *Defense Scoop* [here](#) [21].

### ***NIH Proposes Changing Peer Review Results in Grant Applications***

The National Institutes of Health (NIH) [issued](#) [22] a request for information on Aug. 14 regarding proposed changes to how peer review results are reported for grant applications. NIH is proposing to replace numerical impact scores and percentiles with three categories: "Most Competitive," "Competitive" and "Not Discussed." Under the proposal, peer reviewers would continue to score applications numerically, but final scores would no longer be shared with applicants, institutions, NIH program staff or advisory councils. Written critiques and individual criterion scores would continue to be provided. CU Federal Relations is working with the campuses to assess whether to respond on behalf of the University.

### ***DOJ Issues Opinion Memo on Constitutionality of NSF STEM Programs***

The U.S. Department of Justice (DOJ) released an [opinion memo](#) [23] on Aug. 12, which identifies three National Science Foundation (NSF) STEM programs, the Improving Undergraduate STEM Education: Hispanic-Serving Institutions (IUSE-HSI) program, the Alliances for Graduate Education and the Professoriate (AGEP), and the Louis Stokes Alliances for Minority Participation (LSAMP), as unconstitutional due to race-based eligibility criteria. DOJ deemed that the qualifications cannot be severed from the programs, so NSF may no longer administer the programs. The funds may be redirected to other STEM education programs deemed lawful.

Additionally, DOJ found the Advanced Technological Education (ATE) and ADVANCE Program contain some unconstitutional but severable criteria. Both programs may continue so long as race- or sex-based criteria are not used. All remaining NSF STEM programs, including the Graduate Research Fellowship Program (GRFP), DOJ deemed constitutional.

### ***Confirmations and Nominations***

The Senate voted 51-47 on Aug. 7 to confirm [74 nominations](#) [24] in one bloc including [Michael McDonald](#) [25] as Chairman of the National Endowment for the Humanities and Adam Cassady as Ambassador for Cyber and Digital Policy.

The White House [announced](#) [26] on Aug. 19 Heidi Overton as its nominee for Commissioner of the Food and Drug Administration.

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 page](#) <sup>[27]</sup> for up-to-date communications and federal memos.

Danielle Radovich Piper, Sr. VP External Relations and Strategy  
Kerry Tipper, Vice President, University Counsel

Federal Weekly Updates <sup>[28]</sup>

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[1] <https://www.cu.edu/blog/government-relations/federal-government-update-82126>

[2] <https://www.cu.edu/blog/government-relations/author/167081> [3]

<https://www.regulations.gov/comment/ED-2026-OPE-0991-0181>

[4] [https://www.federalregister.gov/documents/2026/07/01/2026-13248/international-education-programs-and-fulbright-hays-program-recission-of-regulations?mkt\\_tok=NjAzLVVSVy0xMjcAAAGjcff-LQSKeYEdWYad0W5E5\\_85ztLk4GYTP0zxlylod0o7DEKqLlaYadQGOQIXn9yndLBJQZHomRA6ibPXEX4bqMiKBE](https://www.federalregister.gov/documents/2026/07/01/2026-13248/international-education-programs-and-fulbright-hays-program-recission-of-regulations?mkt_tok=NjAzLVVSVy0xMjcAAAGjcff-LQSKeYEdWYad0W5E5_85ztLk4GYTP0zxlylod0o7DEKqLlaYadQGOQIXn9yndLBJQZHomRA6ibPXEX4bqMiKBE)

[5] <https://www.acenet.edu/Documents/Comments-on-Title-VI-Intl-Ed-Programs.pdf>

[6] [https://www.aplu.org/wp-content/uploads/APLU-Comments-International-Education-Programs-and-Fulbright-Hays-Program-Recission-of-Regulations.pdf?mkt\\_tok=NjAzLVVSVy0xMjcAAAGjcff-LTW0AiDlt54dFKp18ZyBqtlmJrHGTJYpz5\\_7\\_U7ZR1nmemX76UQeG-TOgf8ywwqiw2s\\_paDYy6E1Hi21-TOUmxPHRGG09vAh\\_49JIGw](https://www.aplu.org/wp-content/uploads/APLU-Comments-International-Education-Programs-and-Fulbright-Hays-Program-Recission-of-Regulations.pdf?mkt_tok=NjAzLVVSVy0xMjcAAAGjcff-LTW0AiDlt54dFKp18ZyBqtlmJrHGTJYpz5_7_U7ZR1nmemX76UQeG-TOgf8ywwqiw2s_paDYy6E1Hi21-TOUmxPHRGG09vAh_49JIGw)

[7] [https://public-inspection.federalregister.gov/2026-17001.pdf?utm\\_campaign=pi+subscription+mailing+list&utm\\_medium=email&utm\\_source=federalregister](https://public-inspection.federalregister.gov/2026-17001.pdf?utm_campaign=pi+subscription+mailing+list&utm_medium=email&utm_source=federalregister)

[8] <https://www.ed.gov/about/news/press-release/us-department-of-education-reaches-consensus-reform-and-strengthen-americas-higher-education-accreditation-system> [9] <https://www.ed.gov/about/news/press-release/us-department-of-education-issues-proposed-rule-overhaul-and-improve-americas-higher-education-accreditation-system> [10] <https://www.nafsa.org/sites/default/files/media/document/DS%20complaint%206.18.26.pdf>

[11] <https://www.nafsa.org/sites/default/files/media/document/DS%20complaint%206.18.26.pdf>

[12] <https://www.federalregister.gov/documents/2026/07/17/2026-14439/establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-for-nonimmigrant> [13] <https://www.nafsa.org/press-release-lawsuit-challenging-rule-ending-duration-status> [14] <https://www.regulations.gov/comment/ICEB-2025-0001-13339> [15] <https://www.regulations.gov/comment/ICEB-2025-0001-18388>

[16] <https://www.regulations.gov/comment/ICEB-2025-0001-16562>

[17] <https://www.regulations.gov/comment/ICEB-2025-0001-20854> [18]

<https://studyinthestates.dhs.gov/final-rule-establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-quick> [19] <https://studyinthestates.dhs.gov/final-rule-establishing-a-fixed-time-period-of-admission-and-an-extension-of-stay-procedure-faq>

[20] <https://www.war.gov/News/Releases/Release/Article/4575019/departments-war-orders-research-security-audits-at-30-academic-institutions/> [21] <https://defensescoop.com/2026/08/17/pentagon-probes-30-u-s-academic-institutions-for-potential-ties-to-adversaries/> [22] <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-26-088.html>

[23] [https://www.justice.gov/olc/media/1457731/dl?mkt\\_tok=NjAzLVVSVy0xMjcAAAGjtW5kViQ7qPeEqy8u5kKO-I17mVrNUMc\\_ZT9AoG7BVfjBMHtJKfi6co3Jcw7TImtLWfC3uLChMIN8ZTzOriPSeZo3oFqWETDI8WDEPjIzHTk](https://www.justice.gov/olc/media/1457731/dl?mkt_tok=NjAzLVVSVy0xMjcAAAGjtW5kViQ7qPeEqy8u5kKO-I17mVrNUMc_ZT9AoG7BVfjBMHtJKfi6co3Jcw7TImtLWfC3uLChMIN8ZTzOriPSeZo3oFqWETDI8WDEPjIzHTk)

[24] [https://www.senate.gov/pagelayout/legislative/one\\_item\\_and\\_teasers/nom\\_conf.htm](https://www.senate.gov/pagelayout/legislative/one_item_and_teasers/nom_conf.htm)

[25] <https://www.neh.gov/news/senate-confirms-michael-mcdonald-chairman-neh>

[26] <https://www.axios.com/2026/08/19/trump-heidi-overton-fda-commissioner> [27]

<https://www.cu.edu/office-government-relations/federal-relations/federal-updates-and-actions>

[28] <https://www.cu.edu/blog/government-relations/tag/federal-weekly-updates>