

Federal Government Update - 8.28.26 ^[1]

August 28, 2026 by [Riley Black](#) ^[2]

Dear Colleagues,

Please find a federal government update from our teams.

ED Issues Proposed Rule on Grant Administration

The U.S. Department of Education (ED) issued a [proposed rule](#) ^[3] for public comment on Aug. 24 to amend the Education Department General Administrative Regulations (EDGAR), which govern how ED grants are issued. The proposal would give a competitive advantage to grant applicants that agree to lower indirect cost rates. It would also allow ED to cancel grants that are inconsistent with program goals or administration priorities. In addition, ED would stop publishing grant funding opportunities in the Federal Register and instead only publish them on grants.gov. Comments are due Sept. 23, 2026. Federal Relations is working with the campuses to assess whether or not we respond.

DHS Issues Proposed Rule on H-1B Visa Fees for Cap-Subject Petitions

The U.S. Department of Homeland Security (DHS) issued a [proposed rule](#) ^[4] for public comment on Aug. 25 that would create a \$103,265 fee for H-1B visa applications for employers subject to the annual cap, including those eligible for the advanced degree exemption. Employers who are currently cap exempt, including institutions of higher education, government research organizations and certain non-profit organizations, would not be required to pay the fee. Comments are due on Sept. 24, 2026. National organizations are assessing whether they might respond.

The federal administration previously instituted a \$100,000 fee for all H-1B visa petitions through a [Presidential Proclamation](#) ^[5] last September. However, the fee is currently unenforceable as litigation plays out. In July, the U.S. Court of Appeals for the First Circuit [declined to stay the ruling](#) ^[6] of a lower court that struck down the federal administration's request to impose a \$100,000 fee on H-1B visa petitions on the basis that the fee is a tax and therefore outside of DHS's authority. The court also found DHS had violated the Administrative Procedure Act.

NIH Bio Safety Update

The National Institutes of Health (NIH) [issued](#) ^[7] on Aug. 19 a request for public comment on a proposed biosafety policy for research involving biohazards. The draft policy would replace the nearly 50-year-old *NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules*, expand NIH biosafety oversight to a broader range of biohazards, establish risk-based oversight requirements and strengthen the role of Institutional Biosafety Committees.

OSTP Releases National Security Science and Technology Strategy

The White House Office of Science and Technology Policy (OSTP) on Aug. 20 released the National Security Science and Technology Strategy ^[8] to enable the 2025 National Security Strategy (NSS) called for by the CHIPS and Science Act.

The paper directs federal agencies to collaborate to implement the national science and technology (S&T) strategy in areas including building our S&T workforce, enhancing R&D infrastructure, targeting federal R&D funding, fostering partnerships with non-federal stakeholders and leveraging ally and partner capacities.

Second Lawsuit Filed to Block NCAR Dismantling

The Environmental Defense Fund filed a lawsuit ^[9] on Aug. 20 challenging the federal government's efforts to dismantle National Center for Atmospheric Research (NCAR). The lawsuit challenges the government's attempt to eliminate certain Earth science functions at NCAR and contends that the government failed to assess the impacts of the policy or consult the public before attempting to close NCAR's Mesa Laboratory in Boulder. It is the second lawsuit challenging the policy. The University Corporation for Atmospheric Research (UCAR), which manages NCAR for the National Science Foundation (NSF), filed a separate lawsuit ^[10] in March, which resulted in a preliminary injunction ^[11] that temporarily blocks the restructuring.

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 ^[12] for up-to-date communications and federal memos.

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Kerry Tipper, Vice President, University Counsel

Federal Weekly Updates ^[13]

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[3] [https://www.federalregister.gov/documents/2026/08/24/2026-17239/education-department-general-administrative-](https://www.federalregister.gov/documents/2026/08/24/2026-17239/education-department-general-administrative-regulations?utm_campaign=subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov)

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[5] https://www.whitehouse.gov/presidential-actions/2025/09/restriction-on-entry-of-certain-nonimmigrant-workers/?mkt_tok=NjAzLVVSVy0xMjcAAAGj2ZWJj9vMeeBbpbk1k9wCYmtR6H4usOilgPFuwoD0wjX_UQH3rAesUp891UVLvxZ_HzE2eiKqGT01l-qNRe9JwUEck44V1qE

[6] <https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/26-1699O-01A.pdf>

[7] <https://grants.nih.gov/grants/guide/notice-files/NOT-OD-26-112.html>

[8] https://www.whitehouse.gov/wp-content/uploads/2026/08/NSSTS-082026.pdf?mkt_tok=NjAzLVVSVy0xMjcAAAGj2ZWJj2oYC2N-vFE4asVWzhxxkdHYbNfMjxld_tANc9Xv_gfnrXUjmkzQf_ALm8Gn2puRMnZM70H4dQGdK_ICUKEqBzw4DpnG6SM

[9] <https://nam02.safelinks.protection.outlook.com/?url=https%3A%2F%2Flibrary.edf.org%2FAssetLink%2Ffhf6c456q2c>

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

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