July 13, 2026

Office of Management and Budget
Executive Office of the President
725 17th Street, NW
Washington, DC 20503

Re: Comments on Proposed Regulation for Federal Financial Assistance,
(Docket No. OMB-2026-0034)

We respectfully submit these comments in response to the Office of Management and Budget's (OMB's) proposed rule, "Regulation for Federal Financial Assistance," published in the Federal Register on May 29, 2026.

This comment is submitted on behalf of 20 research associations and societies comprising over 85,000 individual members that are committed to high-quality research to improve education and science policy and practice and to building a thriving scientific and education workforce. Our individual members are faculty, researchers, practitioners, and students; most are employed by or studying at research universities, other academic and research organizations and scientific societies, and think tanks.

We submit these comments because the proposed rule, if finalized as written, would fundamentally undermine the conditions necessary for rigorous, independent education research in the United States. The proposal would inject political control into what has been an independent research and development program that has led the world in scientific innovation and discovery and is lauded largely because of its rigorous scientific peer review protections. The proposed rule would also prohibit entire categories of legitimate scholarly inquiry, impose vague compliance obligations with no clear standards, and create a chilling effect on new lines of research inquiry, including research the nation depends upon to improve educational outcomes for all students. It would also conflict with multiple existing federal statutes—including the General Education Provisions Act (GEPA), the Education Sciences Reform Act (ESRA), the CHIPS and Science Act of 2022, the America COMPETES Act, Title VI of the Civil Rights Act, and Title I of the Elementary and Secondary Education Act (ESEA)—and would violate the Paperwork Reduction Act.

We urge OMB to withdraw this proposed rule in its entirety.

The proposed rule makes two sweeping categories of change. First, it would impose substantive restrictions on what topics and activities federal funds may support, effectively prohibiting entire areas of legitimate education research and practice that the Administration disfavors. Second, it would restructure grant-making procedures to give political appointees decisive control over which proposals receive funding and to allow termination of active awards without notice, explanation, or appeal.

As detailed in Part I, the substantive restrictions are overly broad, vague, and in direct conflict with law. They would prohibit, suppress, and chill education research from examining topics including diversity, equity and inclusion (DEI), gender identity, and immigration and from conducting disparate impact studies — areas where statutory mandates independently require, or courts have protected, the very research and activities OMB seeks to ban. They impose undefined prohibitions on research related to "anti-American values," and privilege Presidential policy priorities in contradiction to federal laws and in violation of the separation of powers. Finally, the viewpoint neutrality provision exceeds the scope of a funding regulation. These provisions conflict with GEPA § 427, ESRA, the CHIPS and Science Act, the America COMPETES Act, Title VI of the Civil Rights Act, and Title I of ESEA.

Part II addresses the proposed procedural changes, which compound the harm. These include (1) requiring political-appointee pre-issuance review of research findings in direct conflict with IES's statutory independence mandate; (2) vague "Gold Standard Science" requirements that distort the methodological diversity essential to education research; (3) elimination of publication and conference costs that many grants explicitly require as deliverables; (4) broad termination and suspension authority without meaningful due process; (5) new payment-justification mandates that violate the Paperwork Reduction Act; (6) low indirect cost rate preferences penalizing research infrastructures; and (7) domestic-first research requirements which would isolate American education research.

Finally, Part III acknowledges that while OMB offered some rationale for the rule, none of the 41 co-signing agencies provided the agency-specific reasoned explanation that the Administrative Procedure Act (APA) independently requires — a deficiency that alone warrants withdrawal and remand.

I. The Proposed Substantive Restrictions Would Directly Harm Education Research

A. Topic Prohibitions on DEI Research Are Overbroad, Would Chill Lawful Scholarship, and Contradict Existing Law

[200.205(b)(2)(i)] [200.300(b)(1)]

The proposed regulation would bar recipients from using federal funds to "fund, promote, encourage, subsidize, or facilitate" diversity, equity, inclusion, and accessibility (DEI(A)) policies that violate federal anti-discrimination law. We acknowledges that prior public comment narrowed this provision from the original proposal, which would have broadly prohibited DEI without qualification. The current text's limitation to “unlawful” DEI represents a meaningful improvement. However, serious problems remain, and this provision should be removed.

First, the Administration has repeatedly and demonstrably characterized lawful DEI activities as unlawful, even when federal courts have held otherwise.[1] The vague reference to “unlawful” DEI will not give education researchers meaningful guidance. Moreover, OMB’s own proposed rule acknowledges that agencies must apply the DEI prohibition "to the maximum extent permitted by law" — language that provides no meaningful limit when the Administration's interpretation of what the law permits is itself contested. For instance, a researcher studying racially disaggregated outcome data, examining achievement gaps by race or ethnicity, or evaluating the effectiveness of diversity-focused interventions cannot know whether their work “promotes” or “facilitates” DEI in ways the agency will characterize as unlawful. The predictable result is self-censorship across all research, including critically important inquiry into educational equity.

Second, the terms "promote" and "encourage" sweep far beyond conduct to reach speech and scholarship. A federally funded researcher who publishes findings showing that diverse learning environments improve outcomes for all students is arguably “promoting” DEI within the plain meaning of this provision. The Supreme Court has long held that conditions on federal funding cannot require recipients to relinquish First Amendment protections they would otherwise enjoy. See *Agency for Int'l Dev. v. Alliance for Open Society Int'l, Inc.*, 570 U.S. 205 (2013).

Third, this proposed provision directly contradicts several federal education-related statutes. For instance, the CHIPS and Science Act of 2022 explicitly directs NSF and other federal science agencies to "broaden participation of groups historically underrepresented in STEM and rural students, in the STEM workforce," including through targeted programs and funding priorities (see, e.g., 42 U.S.C. § 1862q). This mandate is woven through the Act and forms a fundamental pillar to funding priorities pursuant to the Act. Grant recipients implementing CHIPS-funded programs to broaden STEM participation could find themselves violating this proposed rule’s DEI provisions even while fulfilling a statutory directive. The America COMPETES Act of 2010, which governs NSF's merit review process, established "broader impacts" criteria that expressly include improving STEM education, teacher development, and broadening

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[1] *See, e.g., AFT v. Dep’t of Educ.*, 796 F. Supp. 3d 66, 107 (D. Md. 2025) (“[T]he administration is entitled to its own views . . . . But it is not entitled to misrepresent the law’s boundaries . . . . It cannot blur the lines between its viewpoint and existing law.”); *Martin Luther King, Jr. Cnty. v. Turner,* 798 F. Supp. 3d 1224, 1249 (W.D. Wash. 2025) (appeal docketed No. 25-3664, 9th Cir., June 10, 2025) (explaining that U.S. Department of Justice’s July 29, 2025 DEI-related guidance “is inconsistent with Supreme Court precedent” and leaves recipients “at the mercy of [the Administration’s] interpretation of federal antidiscrimination laws, regardless of how those laws are interpreted by the courts”)*; Nat’l Educ. Ass’n v. U.S. Dep’t of Educ.*, 779 F. Supp. 3d 149, 199 (D.N.H. 2025) (“Defendants’ argument that the [U.S. Department of Education’s] 2025 Letter merely interprets Title VI obligations announced in the *Students for Fair Admissions* case is not persuasive. While the Supreme Court held in *Students for Fair Admissions* that the use of racial preferencing in admissions failed to satisfy strict scrutiny, the Court did not hold that the Constitution commands color-blindness.”).

participation — again, a congressional mandate that this rule could effectively prohibit.

Section 427 of the General Provisions Education Act (GEPA) states that “[t]he Secretary [of Education] shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in such applicant’s application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.” (20 U.S. §1228a(b)). The proposed anti-DEI provisions run contrary to the requirements of GEPA for recipients of the U.S. Department of Education’s funding.

B. The Gender Identity Provision Is Overbroad and Would Suppress Lawful Education Research

[200.205(b)(2)(ii), 200.300(b)(2)-(3)]

The proposed rule bars use of federal funds to "fund, promote, encourage, subsidize, or facilitate" the notion that sex is a mutable characteristic, the denial of the sex binary, or gender transition in someone under the age of 19. Unlike the DEI provision, this restriction does not limit itself to "unlawful" conduct. It reaches lawful speech, lawful research, and lawful scholarly publication.

This is viewpoint discrimination in its most direct form. The government is declaring that one set of conclusions about a contested empirical and social question may be funded, while the other may not. The First Amendment bars the government from suppressing speech based on the viewpoint it expresses, and the unconstitutional conditions doctrine extends that prohibition to funding. The government cannot condition a grant on a researcher's agreement to reach only government-approved conclusions. These principles apply with full force here.

The provision is also unconstitutionally vague. The rule nowhere defines what it means to "promote" or "encourage" the "denial . . . of the sex binary." An education researcher who receives a federal grant and publishes a study on transgender youth's educational experiences, mental health outcomes, or school climate may be found to have "promoted" or "encouraged" a disfavored view of sex. Education researchers have an obligation to follow the evidence wherever it leads. A federal funding regime that declares in advance which conclusions researchers may reach is incompatible with independent scholarly inquiry and likely void for vagueness.

C. The Immigration Provisions Conflict with Constitutional Obligations to Students

[200.205(b)(2)(iii)]

The proposed rule bars the use of federal funds to "facilitate illegal immigration." This provision raises particular concerns for education researchers and the institutions they work with. The provision's language seems to bar grantees receiving federal funding from programming and research that supports undocumented persons. This provision flies in the face of the constitutional mandate, affirmed by *Plyler v. Doe*, 457 U.S. 202 (1982), that requires states to provide equal public education access to undocumented children. School districts have an affirmative constitutional obligation to serve all students, regardless of immigration status. Consequently, requiring school districts or researchers conducting research to screen research participants for immigration status as a condition of receiving federal education research funding violates *Plyler*.

D. "Anti-American Values" Is Unconstitutionally Vague

[200.205(b)(2)(iv)]

Proposed section 200.205(b)(2) prohibits the use of federal monies "to fund, promote, encourage, subsidize or facilitate . . . initiatives that . . . promote anti-American values." "Anti-American values" is wholly undefined and unconstitutionally vague. The rule provides no examples, no limiting principles, and no regulatory history explaining what conduct falls within the term. For education researchers studying the history of racial segregation in American schools, the role of religion in public education, immigration and national identity, the political socialization of young people, or critical perspectives on American history, this vagueness is not a technical defect but a fatal one: the chilling effect is the inevitable and predictable result of imposing an undefined standard on a community that depends on federal funding. Courts have long held that regulatory standards must be sufficiently clear that those subject to them can conform their conduct accordingly. *Grayned v. City of Rockford*, 408 U.S. 104 (1972). OMB must either define this term with sufficient specificity to provide meaningful guidance or remove it entirely.

E. The Prohibition on Disparate Impact Research Strikes at the Heart of Education Research

[200.218]

The proposed prohibition on "disparate-impact studies" at Section 200.218 directly targets the methods and questions at the center of the education research field. Moreover, it is inconsistent with numerous Congressionally mandated activities and laws. The lack of clarity in the regulation's definition, its potential sweeping scope, and its inconsistency with existing law are reasons that it should be removed from the regulation.

First, education research – and education policy decisions – depend fundamentally on the ability to examine whether programs, policies, and interventions have differential effects across student populations. Whether a reading intervention works differently for English language learners, whether a discipline policy falls more heavily on students of color, whether a gifted education program under-identifies students with disabilities — these are not fringe questions. They are central empirical questions of education policy research. Section 200.218 seems to prevent, and at the very least chill, this critical research.

Second, OMB's proposed definition of "disparate-impact studies" is unclear and potentially sweeping. The rule includes what appears to be an exception for "conducting statistical or demographic analysis for internal program evaluation, research, or other purposes" — but immediately clarifies that the exception applies only to non-federally-funded analysis. Since the rule's restrictions generally apply only to federally-funded activity in the first place, this "exception" creates more confusion than clarity and may lead some recipients to read the prohibition on disparate-impact research even more broadly than OMB intended.

Third, this prohibition directly conflicts with numerous federal statutes, including the Education Sciences Reform Act (ESRA), the CHIPS and Science Act, and GEPA. Pursuant to ESRA, the National Center for Education Research (NCER) within Institute of Education Sciences (IES) has as part of its Congressionally-mandated mission to sponsor research that leads to knowledge to “close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects.” (20 U.S.C. § 9531(b)(1)(C)). The research needed to understand the extent of the achievement gap and what interventions are successful in improving student outcomes – including closing achievement gaps – requires consideration of demographics in data collection, analysis, and reporting that this regulation seeks to prevent.

As noted above, the CHIPS Act's broadening participation mandate applies directly to NSF-funded education research. Education research examining disparities in STEM achievement, barriers to STEM participation, or the effectiveness of equity-focused interventions would be simultaneously mandated by the CHIPS Act (see, e.g., 42 U.S.C. §§ 18991-18993) and prohibited by this proposed rule's disparate impact and DEI restrictions. Similarly, as noted above, GEPA mandates equity considerations in funding; the precise work of examining how programs are responding to and overcoming barriers “based on gender, race, color, national origin, disability, and age” (20 U.S.C §1228a(b)) seems to be in direct conflict with OMB’s disparate impact prohibitions.

Title VI of the Civil Rights Act (42 U.S.C. § 2000d et seq.) creates two independent problems for the proposed disparate-impact and DEI prohibitions. First, Title VI in certain contexts affirmatively requires race-conscious remedies. Court-ordered desegregation compliance plans, language education programs, and Title VI compliance agreements all require grantees to take race and national origin into account. A federal grantee cannot design, implement, or evaluate a court-ordered desegregation plan, or assess whether its language access programs are meeting the affirmative obligation established by *Lau v. Nichols*, 414 U.S. 563 (1974), without conducting the kind of demographic analysis that the proposed DEI and disparate-impact prohibitions would make impermissible. This is not a hypothetical conflict: many Department of Education grantees currently operate under Title VI compliance agreements or court orders that require race-conscious programming. The proposed rule provides no exception for compliance with existing legal obligations.

Second, and independently, disparate-impact studies are a necessary predicate for Title VI compliance even under the Administration's own position that Title VI prohibits only intentional discrimination. In *Village of Arlington Heights v. Metropolitan Housing Corp.*, 429 U.S. 252 (1977), the Supreme Court held that statistical evidence of differential impact on a protected group is a relevant factor in proving intentional discrimination. A school district that cannot study the racial distribution of its disciplinary referrals, graduation rates, or program placements cannot determine whether those patterns reflect facially neutral policies applied with discriminatory intent — nor can it demonstrate Title VI compliance to a federal agency monitoring its programs. The Administration cannot coherently insist that only intentional discrimination matters under Title VI while simultaneously prohibiting the demographic research that provides evidence of whether intentional discrimination is occurring. Section 200.218 would leave federal grantees legally obligated to comply with Title VI but stripped of the empirical tools necessary to know whether they are doing so.

Title I of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (20 U.S.C. § 6311), presents a direct statutory conflict with the proposed rule's disparate-impact and DEI prohibitions. As a condition of Title I funding — the federal government's largest K-12 grant program, funded at approximately $17 billion annually — states and local educational agencies must collect and publicly report disaggregated student achievement data broken out by race, ethnicity, income, disability status, and English learner status. 20 U.S.C. § 6311(h)(1)(C)(ii). They must also identify and support “consistently underperforming” student subgroups — a determination that requires exactly the kind of demographic outcome analysis that proposed Section 200.218 would prohibit. The statute does not make this disaggregated analysis optional: it is a condition of receiving Title I funds. OMB's proposed disparate-impact prohibition does not repeal or supersede Title I's requirements, and the proposed rule cannot override a statutory obligation that Congress has imposed on every Title I recipient. An LEA that complied with Section 200.218 by discontinuing demographic outcome analysis would simultaneously be in violation of its Title I obligations. OMB has provided no explanation of how it proposes to resolve this irreconcilable conflict.

F. The President's Policy Priorities Requirement Conflicts with Existing Laws and Raises Separation of Powers Concerns

[200.202(a), 200.205(b)(1)]

Section 200.205(b)(1) requires that all “discretionary awards must, where applicable, demonstrably advance the President's policy priorities." Similarly, 200.202(a) requires that all federal funding programs “align with administration policies and priorities.” This unnecessarily politicizes all federally funded programs and research. It directly conflicts with existing statutes. And, it conflicts with the separation of powers by inserting presidential priorities into all Congressional law.

This provision directly contradicts existing law. For instance, in the education context, ESRA, which established IES, requires that IES research and evaluation activities be "objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias." (20 U.S.C. § 9511(a)(2)(B)). This is not precatory language — it is a congressional mandate governing how IES research funds are to be distributed. Requiring IES-funded proposals to "demonstrably advance the President's policy priorities" as a condition of funding directly conflicts with ESRA's mandate of freedom from partisan political influence.

Third, the provision raises separation-of-powers concerns. Congress appropriates funds for specific purposes — reading research, STEM education, special education, teacher preparation — with the expectation that the funds be distributed based on scientific merit and statutory objectives, not executive preference. Requiring all discretionary awards to also "demonstrably advance the President's policy priorities" superimposes an executive preference that has no statutory basis and that subordinates Congressional mandates to presidential discretion. This concern is not theoretical. Adding a requirement that all awards "demonstrably advance the President's policy priorities" superimposes an executive condition that has no basis in those authorizing statutes and that will, as a practical matter, enable the executive branch to redirect Congressionally-appropriated funds away from the purposes Congress intended. This is not a legitimate exercise of executive discretion in grant administration — it is the substitution of presidential preference for statutory purpose, which the separation of powers does not permit. See *Train v. City of New York*, 420 U.S. 35 (1975) (executive branch may not impound congressionally appropriated funds for programs based on policy disagreement).

G. The Viewpoint Neutrality Provision Exceeds the Appropriate Scope of a Funding Regulation

[200.219]

The proposed rule would require recipients to treat events neutrally with respect to viewpoint, including in the administration of fees and security costs — and notably, this provision would apply even to non-federally-funded events at public institutions. For public research universities bound by the First Amendment, this extends a federal funding condition into territory that the Supreme Court's spending power jurisprudence does not reach. The Court has held that conditions on federal funds must be germane to the federal program and may not effectively coerce recipients into relinquishing constitutional rights in non-funded activities. *South Dakota v. Dole*, 483 U.S. 203 (1987). A provision that reaches all events at a recipient institution — regardless of funding source — exceeds what that framework permits.

There is also an important practical ambiguity: the provision is silent on how institutions should handle differential security costs for speakers who — due to the nature of their views, not institutional preference — require substantially higher security detail. The proposed regulation's blanket viewpoint neutrality requirement does not address this complexity. For education researchers who study free speech, campus climate, or political polarization, a regulation this vague — applied to activities that have nothing to do with their federal research grant — creates an unworkable compliance obligation.

II. The Proposed Procedural Changes Would Undermine Scientific Integrity and Research Continuity

Beyond the prohibitions on *what* agencies can fund, OMB’s proposal includes a long list of revisions to *how* agencies can award and manage federal financial assistance. Like the substantive prohibitions discussed above, many of these procedural changes improperly and unworkably elevate the Administration’s preferences as the decisive factor in federal grant-making and management. Doing so will undermine congressional mandates, the stability of federally-funded services, and rigorous scientific research and development.

A. Pre-Issuance Political Review Directly Conflicts with Existing Law and Executive Orders and Will Erode Public Trust in Research

[200.205(b)]

Section 200.205(b) would add a “pre-issuance review process” for all discretionary grants that would require the approval of a senior political appointee before funding any proposal, regardless of how that proposal scored in a peer review process, explicitly designating peer review recommendations as advisory and non-binding. A vague screening for alignment with “agency priorities” and “the national interest” will force all grant proposals to first pass a political litmus test that is antithetical to responsible governmental decision-making informed by agencies' and peer reviewers' subject matter expertise and the values of rigor and merit.

First, this directly conflicts with ESRA's requirement that IES research be "free of partisan political influence." A pre-issuance review by a political appointee who may override peer review recommendations based on a proposal's alignment with "the national interest" or "Agency priorities" is, by definition, partisan political influence over the IES research portfolio. The proposed rule does not repeal ESRA and cannot override it. Any final rule that retains this provision as applied to IES-funded education research would be unlawful on its face.

Second, President Trump's Executive Order 14303, "Restoring Gold Standard Science," specifically calls for "unbiased peer review." Such peer review is what federal agencies such as IES, NSF, and NIH currently use for grant proposals, but this regulation calls for the replacement of that judgment with that of political appointees, who cannot be experts in the vast areas of government funding.

Beyond these conflicts, the pre-issuance review provision would fundamentally compromise the integrity of peer-reviewed education science. For decades, federal investment in education research has been grounded in the principle that funding decisions should be made by independent experts who assess scientific merit, methodological rigor, and practical significance — not by political officials assessing alignment with the Administration's current priorities. Substituting political judgment for scientific judgment will distort the education research portfolio over time: researchers will anticipate the review and self-censor before submitting proposals, and entire areas of inquiry that the field most needs will go unstudied. The reputational harm to U.S. education research — in international standing and in the public's confidence in the integrity of research findings — would be severe and lasting.

B. Gold Standard Science Requirements Are Undefined and Risk Distorting Education Research Methods

[200.202(g)] [200.205(b)]

The proposed rule would require that discretionary science awards demonstrate adherence to a nine-factor "Gold Standard Science" framework drawn from Executive Order 14303. We support rigorous scientific standards. The nine factors include reproducibility, transparency, communication of error and uncertainty, collaborative and interdisciplinary approaches, falsifiability of hypotheses, and unbiased peer review. These are broadly shared values in the scientific community.

However, the proposed rule does not define how these factors apply to education research, which encompasses a wide range of methodologies — randomized controlled trials, quasi-experimental designs, longitudinal observational studies, ethnographic studies, qualitative research, mixed-methods research, systematic reviews, and more. Each methodology has legitimate applications and recognized standards of rigor within the field. A vague "Gold Standard Science" requirement, applied by political appointees, risks being used to systematically disfavor research methodologies or topic areas that the Administration prefers not to fund.

There is also a sharp internal contradiction worth noting: the Gold Standard Science framework explicitly emphasizes reproducibility and transparency — yet the proposed rule simultaneously prohibits using federal funds for publication costs and article processing fees (Section 200.461), which are the primary mechanism for making federally funded research publicly available. The White House Office of Science and Technology Policy memorandum, "Ensuring Free, Immediate, and Equitable Access to Federally Funded Research," requires that federally funded research be made publicly accessible upon publication. Both IES and NSF have implemented public access policies consistent with that directive. Prohibiting publication fees directly contradicts these policies and undermines the very transparency that Gold Standard Science requires. This internal contradiction further highlights the problematic nature of this massive proposed regulation.

C. Publication Costs and Conference Attendance Restrictions Would Create Unfunded Mandates

[200.432(b)] [200.461]

The proposed rule would make publication and printing costs unallowable (Section 200.461) and require prior agency approval for conference attendance (Section 200.432(b)). For education researchers, these are not peripheral expenses — they are core components of the research enterprise and, in many cases, express conditions of existing federal awards.

Many federally funded education research grants explicitly require principal investigators and their teams to disseminate findings at professional conferences and in peer-reviewed publications as conditions of the award. If federal funds may no longer be used for these purposes, grant recipients face an impossible choice: either breach the dissemination conditions of their awards or cover publication and conference costs from non-federal sources that may not exist. The result is effectively an unfunded mandate that will make federally funded education research harder to complete in compliance with award terms.

The publication cost restriction has a particularly disproportionate impact on graduate students and early-career education researchers, for whom publication in peer-reviewed journals is both a professional imperative and often a condition of dissertation completion and academic advancement. OMB should retain the existing allowability of publication and conference costs for federally funded education research.

D. Termination and Suspension Provisions Endanger Research Without Due Process

[200.340] [200.341] [200.342]

The proposed rule would authorize agencies to terminate discretionary awards whenever doing so is "in the interest of the Federal agency," including when an award no longer aligns with “the national interest as they exist at the time of the termination” (200.340) — even if the recipient is fully in compliance with their grant or award. Critically, the proposed rule includes no meaningful notification or appeal rights for affected recipients, procedures available for other termination reasons (see 200.341 and 200.342). Similarly, these provisions allow for suspensions for up to 90 days for the vague reasons of no longer aligning with the interests of the agency or administration.

For education research, the harms of mid-study termination and 90-day suspension are particularly severe and often irreversible. For instance, longitudinal studies that track student outcomes over months or years can be permanently destroyed by an interruption in data collection. A 90-day suspension in the middle of an academic year eliminates an entire year of data. Intervention studies lose participants who cannot be re-enrolled. The scientific value of work already completed — and the federal funds already invested in it — may be lost entirely. This is not hypothetical: this community has already experienced these harms, as the Administration attempted to terminate, terminated, or froze numerous education research grants in early 2025. Courts subsequently enjoined some of these efforts and more are currently under judicial review, but even the temporary destabilization of billions of dollars in federal funding creates real harm to education and research.

Moreover, allowing all federal funding to be terminated for such arbitrary reasons significantly disrupts researchers, institutions, partnerships, and communities. Without knowing if they can rely on the full funding of grants, institutions and researchers will have a difficult time with long-range planning and budgeting. Moreover, the practical effects of arbitrary termination extend throughout the research ecosystem: graduate students who depend on grant-funded stipends lose support mid-degree; community partners in research-practice partnerships lose promised services to the students and schools they serve; and clinical or field-based interventions may be halted in ways that harm participating schools and students. Researchers who have invested years in building community trust to conduct federally funded research in schools find that trust destroyed, often permanently, by arbitrary federal action. The cumulative cost — financial, scientific, and human — of this kind of instability far outweighs any administrative flexibility OMB gains from unconstrained termination authority.

Of particular concern is the complete absence of meaningful notice and procedural protections for affected recipients under proposed Sections 200.341 and 200.342. Under the current framework in 2 CFR Part 200, termination procedures include written notice to the recipient with an explanation of reasons. The proposed rule would allow terminations and suspensions for misalignment with shifting agency priorities without requiring any meaningful notification and no appeal rights. This denial of notice and appeal is not a technical defect — it fundamentally compromises recipients' ability to challenge improper terminations, to wind down research in an orderly way that preserves the scientific value of completed work, or to seek judicial review of unlawful agency action. The Administrative Procedure Act's basic procedural requirements, and the constitutional guarantee of due process for recipients who have performed substantial work and thereby acquired a legally protected interest in their awards, both demand more than this regulation provides.

We urge OMB to remove this provision for terminations and suspensions in its entirety.

E. Payment Justification and Administrative Burden Violate the Paperwork Reduction Act

[200.305]

The proposed rule would require non-state recipients to submit written justification for every payment draw-down. For research institutions managing hundreds of active federal grants, this would impose a substantial and recurring administrative burden. OMB's own Regulatory Impact Analysis acknowledges that this requirement "will necessitate the development of new monitoring systems and financial review procedures" and lists "payment justification requirements" as a category of administrative costs.

The Paperwork Reduction Act (PRA), 44 U.S.C. §§3501-3521, requires agencies to justify imposing new information collection burdens on the public — including estimating the aggregate burden and providing opportunities for public comment on proposed collections. The proposed rule dismisses the PRA's applicability by asserting that it "streamlines requirements in specific sections."

First, the PRA contains no "streamlining" exemption. Even if changes reduced existing burdens — which this one does not — revising an information collection request is still subject to the PRA's requirements. Second, the proposed rule imposes new requirements, including the payment justification mandate, revised mandatory disclosure requirements, modified reporting requirements, and requirements to submit materials in English. The rule's own supporting analyses acknowledge these new burdens while its text simultaneously denies they exist. OMB must comply with the PRA before finalizing any provision that imposes new or revised information collection requirements.

F. Low Indirect Cost Rate Preference Penalizes Research Infrastructure

[200.205(b)]

The proposed regulation would give merit preference to applicants with lower indirect cost rates. Research universities, which are the primary institutions conducting federally funded education research, maintain higher indirect cost rates because of their research infrastructure — libraries, computing systems, human subjects protection programs, compliance offices, and the administrative support necessary to conduct rigorous federally compliant research. A preference for lower indirect cost rates systematically penalizes these institutions and would over time redirect federal education research funding away from the major research universities and toward institutions with less capacity to conduct rigorous inquiry. If OMB has concerns about indirect cost rates, the appropriate mechanism is the existing federal cost accounting negotiation process, not a funding preference that disadvantages higher-infrastructure institutions irrespective of scientific merit.

G. The Domestic-First Research Requirement Would Isolate American Education Research

[200.202(e)] [200.220]

The current framework imposes no categorical restriction on international research collaboration. The proposed rule would change that fundamentally by generally limiting research and development awards to U.S. entities and prohibiting federal funds from supporting covered foreign collaborations. For education research, this would sever partnerships essential to comparative and translational work. U.S. participation in the large-scale international assessments that benchmark American educational performance — PISA, administered by the OECD, and TIMSS, administered by the IEA — depends on federal funding of activities that the proposed rule would prohibit outright: contracting with those foreign entities for U.S. participation, subcontracting data collection to foreign national research institutes, co-developing assessment instruments with international research teams, and funding the collaborative analysis that gives the data meaning. Restricting education research to domestic actors would deprive U.S. policymakers and researchers of the comparative data they need to understand what works in other contexts. To the extent national security concerns animate this provision, they are more appropriately addressed through targeted restrictions that already exist under the CHIPS and Science Act's "foreign entities of concern" framework, not through a blanket restriction on international education research collaboration.

III. Absence of Agency-Specific Explanations Contradicts the Administrative Procedure Act

Although this proposed rule is joined by 41 agencies in addition to OMB, the NPRM provides no agency-specific explanation for why each agency has statutory authority to adopt the proposed regulations or why the proposal is reasonable as applied to each agency's programs. That omission deprives the public of the meaningful opportunity to comment the Administrative Procedure Act requires. Joint rulemaking is permissible, but agencies must still disclose the reasoning that supports the proposed rule in a sufficiently concrete and focused form to permit meaningful public comment. See *Home Box Office, Inc. v. FCC*, 567 F.2d 9, 35-36 (D.C. Cir. 1977) (notice "must disclose in detail the thinking that has animated the form of a proposed rule and the data upon which that rule is based").

Here, the critical question is not generic grant-management policy, but whether each adopting agency may lawfully impose these requirements consistently with its own organic statutes and program-specific mandates, including ESRA, GEPA, the CHIPS and Science Act, and other governing statutes. The NPRM does not articulate that agency-specific reasoning. The regulated community cannot respond to an argument the agency has not made. As a result, commenters are left to guess at the legal and factual basis for each agency's action, and therefore cannot meaningfully address the rationale the agency intends to rely on. See *United States v. Nova Scotia Food Prods. Corp.*, 568 F.2d 240 (2d Cir. 1977) (failure to disclose the material basis for a rule deprived interested parties of a meaningful opportunity to comment and was procedurally erroneous).

These deficiencies cannot be cured after the fact. If the agencies intend to rely on agency-specific statutory interpretations or program-specific judgments in the final rule, the APA requires those rationales to be disclosed for public comment before finalization. Otherwise, any later explanation would come too late to serve the notice-and-comment function and would risk violating the APA's prohibition on post-hoc rationalization. See 5 U.S.C. §§ 553(b)–(c), 706(2); *SEC v. Chenery Corp.*, 332 U.S. 194 (1947).

Conclusion

The proposed rule is unlawful, unworkable, and would cause serious and in many cases irreversible harm to American education research. Its substantive restrictions conflict with multiple federal statutes, impose unconstitutionally vague content-based prohibitions on federally funded scholarship, and would deprive policymakers of the independent evidence base they depend on for sound decisions. Its procedural changes compound those harms, subjecting peer-reviewed research to political review, eliminating required dissemination activities, and authorizing termination of in-compliance awards without due process. Moreover, the failure of 41 co-signing agencies to provide any agency-specific reasoned explanation independently renders the rule procedurally defective under the APA.

We urge OMB to withdraw the proposed rule in its entirety.

We and our members stand ready to work with OMB and the co-signing agencies to develop grant management reforms that improve efficiency and accountability without compromising the independence, rigor, and integrity that make American education research a public asset worth investing in.

Thank you for your consideration. If you have any questions about this, please contact Amy I. Berman, Deputy Director, National Academy of Education, aberman@naeducation.org.

Respectfully submitted,

Acoustical Society of America
American Association of Biological Anthropologists

American Association of Directors of Psychiatric Residency Training
American Association of Physics Teachers
American Educational Research Association
Association for Education Finance and Policy
Association for Women in Science
Graduate Fellowships for STEM Development
InnovateEDU
Institute for Higher Education Policy (IHEP)
Mathematical Association of America
NARST: A global organization for improving science education through research
National Academy of Education
National Council On Measurement In Education
Out to Innovate
Society for Research in Child Development (SRCD)
Society for Research on Educational Effectiveness
Society for the Study of Evolution
Society of General Internal Medicine
The International Society of the Learning Sciences