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September 23, 2026

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Zachary Rogers
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

RE: Comments on Proposed Rule: Education Department General Administrative Regulations, Docket ID ED-2026-OPEPD-2542

Dear Mr. Rogers,

The Committee for Education Funding (CEF), a coalition of more than 110 education organizations and institutions representing the entire continuum of education—from early childhood, K-12 public schools, and afterschool programs to higher education and research institutions— appreciates the opportunity to submit comments on the Department of Education's (ED) proposed changes to the Education Department General Administrative Regulations (EDGAR). We write to express our deep concerns and reservations with this proposed rule as currently structured and urge the Department to reverse course on this rulemaking. As the nation's largest and oldest education coalition, our member organizations represent the millions of students, teachers, researchers, administrators, and parents who rely directly on federal financial assistance to support educational progress, academic excellence, scientific achievement, and economic success. As such, our members have a deep appreciation for the power of the federal investment in education and the importance of the wider federal grantmaking process.

As constructed, this proposed rulemaking would inject substantial new uncertainty into a grantmaking system that schools, colleges, community organizations, and other education stakeholders rely on to plan budgets, hire staff, and sustain critical services for students. It would expand ED's discretion to withdraw funding already awarded to projects currently serving learners, attach open-ended and continuously shifting conditions to funds lawfully appropriated by Congress, erode the reliability of multiyear commitments on which grantees have built their programs, penalize grantees

for using the indirect cost rates the federal government itself negotiated with them, and reduce critical public transparency that has historically been a feature of all federal education grant competitions. Taken together, these changes would leave grantees unable to plan for multiyear hiring and make wider program commitments that federal education programs are designed to support, with the heaviest burden falling on the smallest, most rural, and under-resourced grantees serving students with the greatest needs. A rule that makes these funds harder to rely on works against the underlying purpose for which Congress appropriated them.

Since January 2025, federal grantees in the education community have endured grant terminations, withholdings, and suspensions, creating an uncertain future and landscape for federal education funding. Our community was further confronted with that uncertainty on June 30, 2025, when, without warning, the Administration announced it was withholding roughly $7 billion in K-12 funding. This improper withholding created disruption, spread confusion, and disrupted services to states, local communities, families, and students throughout the country. While Members of Congress from both sides of the aisle voiced their concerns and the Administration ultimately reversed course on this decision, needless damage was done to the American education system in the process. This rulemaking would give ED broader authority to repeat these mistakes, with far fewer constraints in the future.

When the Office for Management and Budget proposed similarly troubling changes to the federal grantmaking system in its Uniform Guidance, Congress stepped in again to delay such efforts through a recently passed continuing resolution. Much like the Office of Management and Budget's proposed Uniform Guidance changes, this proposal has the same potential to exacerbate the uncertainty that still lingers in the federal grant making system and is likely to harm the same services upon which students, families, schools, and communities rely.

For instance, proposed § 76.700 would add Executive Orders (EOs) to the authorities with which formula grantees must comply and against which their use of funds would be measured. As others have suggested, EOs do not go through notice-and-comment rulemaking and may be issued, amended, or revoked without notice. The proposal does not explain how a grantee would know which EOs apply, when a new one attaches to an existing award, or how a grantee would monitor subrecipients against a mercurial standard.

In addition, § 75.901 would allow the Department of Education to terminate grants, in whole or in part, for convenience. As such, this provision expands the grounds for which the Department may terminate or suspend an award beyond grantee performance or noncompliance and would allow terminations driven by political consideration to move forward without stated justification. Also, it is not clear whether there would be any transparency as to why or how those decisions were made. This would undermine the strength of current regulations, where terminations are based on objective standards such as noncompliance with "the U.S. Constitution, Federal statutes, regulations, or terms and conditions of the Federal award."

Further, provisions regarding multiyear awards could further breed uncertainty in the federal award and grantmaking process. For example, the changes to § 75.253 would remove language prioritizing continuation awards over new awards. And the changes in § 75.230 around continuations and "deobligating the excess" of awards based on an unspent balance could lead to uncertainty amongst grantees as to whether they may count on future funding as part of a multi-year award and how much of that award they will receive. As the execution of a federal grant takes time, planning, and resources, these changes could negatively impact grantees, especially

under-resourced grantees who may not be able to accommodate disruptions in federal funding over time.

The Department's provisions around indirect costs rates are also troubling. Proposed § 75.228 would create a competitive preference for applicants that agree to charge below their negotiated rate, undermining the certainty that negotiated rates provide to institutions seeking funding across federal sources. Indirect costs are real costs that the Department would shift onto grantees, regardless of whether they can bear those added costs. Public sector grantees already operate under restricted rates in the low single digits and this provision could disadvantage them unnecessarily.

Creating a competitive preference for applicants with indirect cost rates below their negotiated rate would negatively disrupt that system and the budgets of many institutions. The negotiated indirect cost rate provides a level of certainty for institutions who seek federal funding across federal sources. This provision would undermine that certainty by requiring institutions to lower their indirect cost rate for a competitive advantage in grant competitions–even if at their own disadvantage. Moreover, indirect cost rates are irrelevant for the purposes of determining the merit of an application.

ED also proposes to eliminate Federal Register publication of application notices, maximum award amounts, annual priorities, and the list of programs subject to intergovernmental review, moving all of this to Grants.gov. The Federal Register is a trusted record and source of information for the public when it comes to the actions of the federal government, including each of its agencies. While there may be savings associated with the posting of grant information and opportunities elsewhere, the cost to public transparency is far too high.

The examples used in this comment do not comprise an exhaustive list of the concerns with this rule. They merely highlight that there are serious concerns with this regulatory undertaking. As stated earlier, the education community has already been subject to widespread uncertainty and this proposed rule risks adding to that uncertainty. CEF believes this regulation, if adopted, will hinder federal grantmaking and erode the value of the federal investment in education. Instead, we urge ED to withdraw this proposed rule and invite the Department of Education to work with the education community in strengthening the federal grantmaking system for education grantees and strengthening the services provided through it to students, families, schools, and communities throughout the United States.

Sincerely,

Steve Voytek
Acting President

Jared Bass
Executive Director