



DEPARTMENT OF EDUCATION

34 CFR Parts 655, 656, 657, 658, 660, 661, 662, 663, 664, and 669.

RIN 1875-AA18

[Docket ID ED-2026-OPE-0991]

International Education Programs and Fulbright-Hays Program; Rescission of Regulations

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary of Education proposes to rescind the International Education Programs regulations and the Fulbright-Hays Program Regulations to provide the Department of Education (ED) with greater flexibility in carrying out its statutory authority to implement these programs and to enable the Department to align such programs with current and evolving priorities and needs, such as workforce readiness, national competitiveness, and returning education to the States. These changes will enable ED to more effectively achieve the statutory intent of the programs authorized under Title VI of the Higher Education Act of 1965, as amended, and Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, respectively. The Department seeks comments on this rescission of regulations.

DATES: We must receive your comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at Regulations.gov. See the **SUPPLEMENTARY INFORMATION** section for more details.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202. Telephone: (202) 453-6150. Email:

Stacey.Slijepcevic@ed.gov.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding these proposed regulations. Comments must be submitted via the Federal eRulemaking Portal at Regulations.gov. However, if you require an accommodation or cannot otherwise submit your comments via Regulations.gov, please contact the program contact person listed under **FOR FURTHER INFORMATION CONTACT**. ED will not accept comments by fax or by email, or comments submitted after the comment period closes. To ensure that ED does not receive duplicate copies, please submit your comments only once. Additionally, please include the Docket ID at the top of your comments.

Federal eRulemaking Portal: Go to www.Regulations.gov to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “FAQ.” Also included on Regulations.gov is a commenter checklist that addresses how to submit effective comments and a plain language summary of the proposed rule.

Comments containing personal threats will not be posted to Regulations.gov and may be referred to the appropriate authorities.

During and after the comment period, you may inspect public comments about the proposed regulations by accessing Regulations.gov. To inspect comments in person, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Privacy Note: ED’s policy is to generally make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at Regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this document. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Title VI and Fulbright–Hays Act Deregulatory Overview: The purpose of programs authorized under Title VI of the Higher Education Act of 1965, as amended (HEA), is to support centers, programs, and fellowships in institutions of higher education in the United States for producing increased numbers of trained personnel and research in foreign languages, area studies, and other international studies; to develop a pool of international experts to meet national needs; to develop and validate specialized materials and techniques for foreign language acquisition and fluency, emphasizing the less commonly taught languages; and to promote access to research and training overseas, including through linkages with overseas institutions. The purpose of the statute is also to advance the internationalization of a variety of disciplines throughout undergraduate and graduate education; to support cooperative efforts promoting access to and the dissemination of international and foreign language knowledge, teaching materials, and research, throughout education, government, business, civic, and nonprofit sectors in the United States, through the use of advanced technologies; and to coordinate the programs of the Federal Government in the areas of foreign language, area studies, and other international studies, including professional international affairs education and research.

The implementation of these programs was further codified in parts 655 (International Education Programs—General Provisions), 656 (National Resource Centers Program for Foreign Language and Area Studies), 657 (Foreign Language and

Area Studies Fellowships Program), 658 (Undergraduate International Studies and Foreign Language Program), 660 (International Research and Studies Program), 661 (Business and International Education Program), and 669 (Language Resource Centers Program). These regulations were last amended in 1982, 1984, 1990, 2005, and 2024, and sought to codify or create specific program requirements related to eligibility, program activities, selection criteria, applicable regulations and definitions, and procedures for the Secretary to award a grant. The changes within each of those years focused on distilling interpretations of the statutory language into prescriptive implementation for grantees.

However, adopting prescriptive regulations conflicts with the purpose of the Title VI programs, which require a nimbler approach as implementation of the program can shift over time. For example, the 2024 regulatory action defined areas of national need, which is not static in interpretation. The need for training in specific languages, areas of national need and security, and overall project creation and implementation will evolve based on the current geopolitical context. Given the ever-changing nature of international affairs, it is crucial to review existing regulations and reform the program to allow applicable entities to prepare their applications with more creativity, less prescription, and in a manner that is responsive to current events and administration priorities.

Further, the Department notes that Title VI of the HEA does not affirmatively require the Department to engage in rulemaking for the implementation of these programs and appropriations, with the exception of 20 U.S.C. 1132-6, which is not currently funded or administered. These codified regulations are more rigid than the HEA in their interpretation of authorized activities, and they restrict the ability of grantees to fulfill the statutory purposes of the program by setting tighter parameters around statutorily permissible activities. The Department has determined that the existing regulatory provisions governing uses of Title VI appropriations duplicate government-wide grant requirements, impose unnecessary administrative burden, and reduce institutional

flexibility. For example, the selection criteria, regulated in 34 CFR 655.31, were intended to standardize the peer review process. The Department has found that using prescriptive program-specific selection criteria in grant competitions can be burdensome for both applicants and peer reviewers. Further it can provide unintended advantages to prior grantees in the application process. For these programs, we believe that it is more appropriate to align with the selection criteria found in the Education Department General Administrative Regulations (EDGAR). This would eliminate the prescriptive nature of the criteria, reduce the burden on applicants and peer reviewers, and improve alignment with the statute that guides the program. The removal of the prescriptive language will also allow for more consistent messaging on priorities for international and foreign language education. This change will align the Title VI, HEA programs with other Departmental programs that provide discretion to the Secretary to select among the regulated selection criteria when deciding which criteria to emphasize in a competition year. Eliminating these provisions will allow institutions to devote more resources to foreign language and area studies activities while maintaining accountability through statutory requirements, 2 CFR 200, and competitive grant oversight.

The Department did consider alternatives to rescinding the regulations, such as partial deregulation and not rescinding at all and waiting until next fiscal year. However, after considering these alternatives, the Department has tentatively concluded that the proposed rule is best aligned to meet the goals of maximizing flexibility based on current need and return to the original statutory authority of the program. Partial removal or not removing at all would not achieve the Department's goal of having the option to pursue other more flexible means of delivery authorized by statute. Issuing new regulations to replace the current regulations is not necessary to achieve the Department's goals and would conflict with the Administration's policy to support deregulation and move away from issuing burdensome regulations that hinder effective government services. *See, e.g.,*

“Unleashing Prosperity Through Deregulation” Executive Order 14192, January 31, 2025 (90 FR 9065). The Department believes a full rescission of the regulations is necessary in order for the Department to have the flexibility to pursue other vehicles for service delivery beyond regional grants and to ensure that the services are responsive to recipient needs while meeting the statutory purposes of the program.

Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright–Hays Act) authorizes what are commonly known as the Fulbright-Hays programs. The Department codified these programs in parts 662, 663, and 664 of the CFR. These regulations were last amended in 2023 and codify programs that are not named in statute, including program names, eligible entities, program activities, selection criteria, applicable regulations and definitions, and procedures for the Secretary to award a grant. These regulations are overly burdensome and place unnecessary restrictions on ED’s ability to support the activities named in the Fulbright–Hays Act in a manner that achieves the statutory intent while also addressing current national priorities and needs of the field. Accordingly, ED proposes to rescind all regulations under parts 662, 663, and 664.

Without the restrictions currently in the regulations, the Department could pursue other approaches to increasing flexibility and potentially reducing administrative burden, while maintaining the goals of the international education program. This rescission would allow greater and more grantee-driven interpretation of statutory language, to better align the implementation of these programs with the most contemporary practices of the field. Because the Fulbright–Hays Act and the Title VI programs both operate as discretionary, competitive grant programs, ED believes any potential reliance interest in future competitions under these Acts to be minimal. This is particularly so since ED’s proposed deregulation would not affect the eligibility of prior grant recipients under these programs to compete under future competitions, as eligibility will continue to be governed by the

underlying statutory framework applicable to such programs.

Procedural Issues and Regulatory Review

Executive Orders 12866, 13563, and 14192

Regulatory Impact Analysis

This proposed rule is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866 as it grants greater flexibility in carrying out the statutory authority for these programs which enables ED to align international and foreign language education with current and evolving national priorities. This rule is expected to be considered an “Executive Order 14192 deregulatory action.”

We have also reviewed this proposed rule under Executive Order 13563. This proposed rule would rescind regulations that are not in alignment with current Department priorities. We are issuing this proposed rule on a reasoned determination that the deregulatory benefit of removing unnecessary provisions from the Code of Federal Regulations justifies its minimal cost. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions. As discussed above, the Department does not believe that this rescission will negatively affect the Department’s ability to meet the statutory purposes of the program. None of the existing grantees are state, local, or tribal governments, further suggesting that this rescission and the potential changes in service delivery it will enable would not unduly interfere with State, local, and Tribal government functions.

Discussion of Costs and Benefits

In addition to the non-monetary benefits previously outlined, allowing the Department to administer the program with more statutory fidelity and with less burden,

another potential cost reduction is if the Department pursues non-grant options to administer some of the programs, such as through contracts and subgrants. This would eliminate grant-specific costs such as peer review and grantees' indirect costs. Additionally, the Department believes this regulatory action will not impose significant new cost-bearing requirements on IHEs or other entities. We believe that the benefits of implementing this regulatory action outweigh any associated costs.

Over the last five years (FYs 2022-2026), the amount of funding appropriated annually for programs within the Title VI and Fulbright Hayes portfolio has ranged from a low of \$80.664 million in FY 2026 to a high of \$85.664 million in FY 2025, with an average of 525 grant applications received per year in which IFLE awards were made, and an average of 55 percent of applications ultimately receiving grant awards. With the changes to the regulation, the Department expects a small increase in applications per year due to the flexibility that would be provided within the competition portfolio.

An increase in the number of applicants or awards granted could result in some additional costs to the Department in securing readers to review applications, but if additional costs arise, they would be minimal, and probably only emerge as the increase in costs to secure additional readers. We anticipate no additional costs to grant recipients, as we will continue to pay for grant activities with program funds. We also note that program participation is voluntary.

The Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

These changes would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. We also have determined that this rescission would not unduly interfere with State, local, and Tribal governments in the

exercise of their governmental functions.

Regulatory Flexibility Act Certification

This section considers the effects that the final regulations may have on small entities in the educational sector as required by the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. The Department estimates that the proposed rule would not have a significant economic impact on a substantial number of small entities, as the proposed rule would rescind existing regulations and does not contain any new mandates. Accordingly, an Initial Regulatory Flexibility Analysis is not required, and the Secretary certifies that this proposed rescission would not have a substantial economic impact on a substantial number of small entities.

The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below \$7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The Department does not have a Department-specific, SBA-approved definition of a “small entity”; as such, the Department would default to the aforementioned definitions of what would constitute a “small entity.” While some applicants and awardees under the existing IFLE programs might qualify as small entities (in the case of these programs, a nonprofit institution or a community college), they constitute less than 5 percent of the cohort that received grant funding in FY 2024. The vast majority would not qualify as small as almost all IHEs that apply for and secure grants are either well-known, well-resourced, non-profit IHEs or public institutions, which are operated by governments overseeing populations much larger than 50,000.

The proposed action would result in all applicants being required to respond to competition framework elements that are used as a default menu across the Department's competitive grant programs (e.g., the general selection criteria found in 34 CFR § 75.210)—elements which applicants are very likely to be familiar with if they have interacted with other competitive funding streams administered by the Department. Additionally, the alignment of the Department's efforts in the international sphere with efforts being made at other Departments engaged in this work creates efficiencies for applicants that might otherwise be unavailable under the current regulations.

Congress has never appropriated more than \$100 million (the current threshold deemed "economically significant") to support the programs governed by the regulations proposed for elimination, and a cost-benefit-analysis by applicants would strongly suggest that applicants would not invest resources in excess of any amount they might reasonably attain as a result of the competitive process. In fact, they are likely to only invest a small fraction of what they might reasonably obtain if they succeed in the competitive process. Furthermore, this proposed action does not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

Changes in the costs of administering the program would be minimal, and primarily inclusive of additional readers for the anticipated increase in applications, which would be paid for using appropriated funds and in an amount provided for by the governing statute.

Paperwork Reduction Act

The proposed rescission does not contain any information collection requirements.

Accessible Format: On request to the program contact person listed under **FOR**

FURTHER INFORMATION CONTACT, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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List of Subjects in 34 CFR Parts 655, 656, 657, 658, 660, 661, 662, 663, 664, and 669.

Colleges and universities, Cultural exchange programs, Educational research, Educational study programs, Grant programs-education, Scholarships and fellowships

David Barker,
Assistant Secretary for Postsecondary Education.

For the reasons set forth in the preamble and under the authority of 42 U.S.C. 2000c—2000c-2, 2000c-5, and Section 102(b)(6) of the Fulbright-Hays Act, 22 U.S.C. 2452(b)(6), unless otherwise noted, the Department of Education is proposing to remove parts 655, 656, 657, 658, 660, 661, 662, 663, 664, and 669 of chapter VI of subtitle B of title 34 of the Code of Federal Regulations.