

To Whom It May Concern,

Thank you for the opportunity to comment on the proposed revisions to the Uniform Guidance for Federal Financial Assistance, 2 CFR Part 200 (OMB-2026-0034; 91 FR 32198).

TESOL International Association (www.tesol.org) respectfully submits these comments regarding the Office of Management and Budget's (OMB) notice of proposed rulemaking (NPRM) on Regulation for Federal Financial Assistance.

TESOL International Association (TESOL) is an individual member organization advancing English language teaching at all levels of education to support English learners at all levels and at all ages. Our members number over 8,000 and include language instructors, professors, and teachers; teacher educators and trainers; program administrators, coordinators, and supervisors; and students.

TESOL has a direct interest as a federal award recipient and an indirect interest as educators, institutions, and award recipients use federal funds to access TESOL's professional learning, membership, convention, research, and publications.

TESOL supports OMB's efforts of transparency, accountability, and stewardship of federal funds; however, we have concerns that several of the proposed provisions may unintentionally restrict access to necessary professional learning, research dissemination, conference participation, memberships, technical assistance, and international exchange, all of which serve award recipients in achieving award objectives.

TESOL appreciates the opportunity to submit the following comments addressing these concerns to the OMB's proposed changes in regulation.

Specific Requests:

- Preserve the allowability of professional association memberships, subscriptions, and professional activity costs when they are necessary to meet award objectives.
- Allow prior approval for such costs through an approved budget, budget narrative, work plan, Notice of Funding Opportunity, or award terms and conditions.
- Allow categorical or programmatic approval of conference participation directly related to award performance.
- Allow publication costs when those costs are included in the approved budget, budget narrative, work plan, Notice of Funding Opportunity, or award terms and conditions.

- Clarify that 200.111 does not restrict multilingual outreach, interpretation, translation, family engagement, participant supports, or instructional materials when such activities are necessary to meet program objectives.
- Clarify that lawful English learner services, language access activities, educator preparation, family communication, and culturally and linguistically responsive professional learning are not prohibited DEI, issue advocacy, or improper disparate impact activity when tied to statutory, regulatory, or award objectives.
- Clarify “reputational harm” in the monitoring of Pass-through and subrecipients, providing prime objective and auditable criteria OR remove the subjective language from the monitoring requirements.

[200.454 and 200.407] Memberships, Subscriptions, Professional Activity; Prior Written Approval

TESOL requests that OMB clarify that professional memberships, subscriptions, and professional activity costs within associations are allowable during the period of performance when they are necessary to meet award objectives. The proposed change contains language that may unintentionally restrict access to these low-cost access points to standards, communities of practice, research, publication, professional development discounts, journal, and practitioner resources.

As a 501(c)(3) professional association advancing expertise in the English language teaching (ELT) profession, TESOL routinely educates members and non-members regarding education policy impacting the learners, schools, and communities that ELT professionals serve. TESOL is concerned that this activity, under the proposed change, could be construed as “issue advocacy” - a term that is not defined and subject to broad interpretation beyond its intended or perceived scope.

TESOL does not use federal award funds for lobbying. Like many 501(c)(3) professional associations, TESOL may engage in lawful, non-federally funded advocacy consistent with federal tax law. Such activity should not cause an organization whose primary purpose is professional learning, research, standards, publications, and field development to be treated as an organization whose primary purpose is lobbying or issue advocacy.

We ask that OMB clarify that professional associations are not disqualified merely because they engage in lawful, non-federally funded advocacy, such as allowable under existing Internal Revenue Code and as reported on Form 990. We further ask that OMB define “primary purpose” based on an organization’s predominant activities and clarify that 501(c)(3) professional associations whose primary purpose is professional learning and development, research, standards, and networking remain eligible under the proposed provisions.

Additionally, the proposed change would add 200.454 under 200.407, Prior Written Approval. For TESOL, this change would add administrative burden and create delay and uncertainty for recipients and subrecipients who need timely access to content, memberships, professional learning, journals, and communities of practice in carrying out award activities.

TESOL asks OMB to allow prior approval through the approved budget, work plan, Notice of Funding Opportunity, or award terms rather than through separate individual requests. By implementing pre-approval through cost category, oversight is preserved, uncertainty avoided, and administrative burden eased.

[200.432] Conferences.

TESOL requests that OMB clarify that conference participation may be expressly approved through the approved budget, work plan, Notice of Funding Opportunity, or award terms and conditions, and that such approval may be categorical or programmatic rather than event specific.

Such clarification would preserve federal agency oversight while avoiding unnecessary award amendments each time a recipient or subrecipient identifies a relevant professional conference, institute, or training opportunity that directly advances award objectives.

Under the current rule, conference attendance must be necessary and reasonable for award performance. As conferences are planned months, and many times, years in advance, adopting the proposed change in rule without clarification would force administrative *and* agency burden by forcing award recipients through a continuous, an uncertain, and a burdensome amendment filing process. For example, TESOL's annual convention is planned three to five years in advance and requires an 11-month content development process, including session and workshop submissions, peer review, acceptance notices, keynote planning, invited speakers, and program development. The content spans PreK–12, adult education, higher education, teacher preparation, research, assessment, program administration, and English language teaching practice. Requiring event-by-event amendments would create uncertainty for recipients and subrecipients and impose unnecessary administrative burden on both award recipients and federal agencies.

[200.461] Publication and Printing Costs

TESOL requests that OMB clarify that publication and dissemination costs are allowable when they are necessary to meet award objectives, including the dissemination of research, evaluation findings, instructional resources, practitioner guidance, and professional learning materials developed or supported under a federal award.

TESOL recognizes OMB's interest in ensuring that publication costs are directly tied to award performance. However, in the field of English language teaching, publication and dissemination are often central, not ancillary, to the purpose of federal awards. Educators, institutions, adult education providers, teacher educators, researchers, and program administrators rely on peer-reviewed research, practitioner publications, standards-based resources, and evaluation findings to improve services for English learners and multilingual learners.

TESOL asks OMB to revise § 200.461 to allow publication costs when they are included in the approved budget, budget narrative, work plan, Notice of Funding Opportunity, or award terms and conditions, rather than requiring separate case-by-case approval where dissemination is already integral to the award.

TESOL also asks OMB to clarify that dissemination of grant-supported research, evaluation findings, instructional resources, and professional learning materials is not treated as unallowable advertising or public relations when such dissemination is necessary to meet award objectives.

[200.111] Language Access

TESOL recognizes that the OMB's proposed provision that federal announcements, applications, and award notification be in English aligns with Executive Order 14224; however, as over 26 million individuals, of which 14 million are *U.S. citizens*, are classified as Limited English Proficient (LEP)¹, TESOL asks OMB to clarify that this provision does **not** restrict recipients or subrecipients from using federal funds, when otherwise allowable, for multilingual outreach, translation, interpretation, family engagement, participant supports, or instructional materials necessary to meet program objectives.

Such clarification is especially important for programs serving English learners, adult English learners, multilingual families, immigrant communities, and international exchange participants, where language access and English language development activities are often central to the award's purpose.

[200.218 and 200.300] Disparate Impact, DEI, and Nondiscrimination Provisions

TESOL represents English language teachers at all levels of education, serving English learners at all levels of proficiency. English learner services, language access, educator professional development and preparation, culturally and linguistically responsive pedagogy, family communication, and program evaluation are often necessary to meet federal program objectives and nondiscrimination obligations. Such activities help ensure

¹ <https://www.migrationpolicy.org/data/state-profiles/state/language/US#>

that English learners are not unlawfully excluded from, denied the benefits of, or otherwise subjected to discrimination in federally supported programs².

TESOL asks OMB to clarify that lawful activities designed to ensure meaningful access for English learners and multilingual families are not prohibited DEI, issue advocacy, or improper disparate-impact activity when such activities are tied to statutory obligations, federal program objectives, or award performance requirements.

[200.331 and 200.332] Pass-through, Subrecipient Obligations

TESOL recommends that OMB clarify the scope and standard of any subrecipient provision tied to "reputational" concerns. The phrase "reputational harm" is broad and could create uncertainty for prime recipients working with subrecipients. Prime recipients, such as associations, universities, and nonprofits, need objective, auditable criteria to know what triggers liability for reputational harm. OMB should either (a) define "reputational harm" by reference to existing standards (e.g., fraud, misuse of funds, statutory noncompliance), or (b) remove subjective reputational language from monitoring requirements altogether.

TESOL extends its appreciation to OMB for the opportunity to provide comments to the NPRM and for taking into consideration these recommendations for clarification the role of and engagement with professional associations and their importance to award recipients, and especially for the considerations surrounding the field of English language teaching and the learners, schools, and communities these educators serve.

TESOL may be reached by contacting the director of public affairs, Jeff Hutcheson, at jhutcheson@tesol.org

Respectfully Submitted,

TESOL International Association

² <https://www.justice.gov/crt/fcs/TitleVI> and applied in the 1974 SCOTUS decision of *Lau v Nichols* (414 U.S. 563), <https://supreme.justia.com/cases/federal/us/414/563/>