

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SECULAR STUDENT ALLIANCE, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION, *et al.*,

Defendants.

CASE NO.: 1:21-cv-00169-ABJ

DEFENDANTS' STATUS REPORT

Defendants hereby submit the following status report in accordance with the Court's November 26, 2024 Minute Order:

1. In Defendants' May 10, 2024 motion for partial summary judgment, Defendants provided the Court with the following update on Defendants' progress towards completing the rulemaking proposed by the February 23, 2023 Notice of Proposed Rulemaking ("NPRM"), entitled "Direct Grant Programs, State-Administered Formula Grant Programs." 88 Fed. Reg. 10,857: "Since the comment period closed, the Department has continued to work towards issuance of a final rule but has not finalized it as of this date of this filing." ECF No. 47-1 at 7.
2. Since that filing, Defendants have continued to work toward issuance of a final rule, including reviewing and analyzing public comments. In light of other regulatory packages and limited resources, Defendants do not anticipate publication of a final rule prior to the change in presidential administration on January 20, 2025. Defendants are currently in the process of finalizing the Fall 2024 Unified Agenda with information about all regulations under development or review, including the nature and timetable of any activities related

to the rule at issue in this case.

3. Defendants propose to file a further status report by January 17, 2025 to update the Court on regulatory activities related to the rulemaking at issue in this case.

Dated: December 6, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

EMILY NESTLER
Assistant Branch Director

/s/ Rachael L. Westmoreland
RACHAEL L. WESTMORELAND
Trial Attorney (GA Bar No. 539498)
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20005
Tel: (202) 514-1280
rachael.westmoreland@usdoj.gov