

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASSOCIATION OF AMERICAN
MEDICAL COLLEGES, *et al.*,

Plaintiffs,

v.

NATIONAL INSTITUTES OF
HEALTH, *et al.*,

Defendants.

Civil Action No. 25-CV-10340-AK

STATUS REPORT

On February 10, 2025, this Court entered an *ex parte* temporary restraining order (TRO, Doc No. 8) in the above captioned matter. The TRO provides (among other things):

- The Defendants and their officers, employees, servants, agents, appointees, and successors are hereby enjoined from taking any steps to implement, apply, or enforce the Supplemental Guidance to the 2024 NIH Grants Policy Statement: Indirect Cost Rates (NOTOD-25-068), issued by the Office of the Director of the National Institutes of Health on February 7, 2025 (the “Rate Change Notice”), in any form with respect to institutions nationwide until further order is issued by this Court.
- This Court further orders that counsel for the Defendants shall file a status report with the Court within 48 hours of the entry of this Order, and at biweekly intervals thereafter, confirming the regular disbursement and obligation of federal financial assistance funds and reporting all steps that Defendants and their officers, employees, servants, agents, appointees, and successors have taken to comply with the Court’s TRO.

In accordance with the TRO, Defendants respectfully submit this status report, along with the attached Declaration of Dr. Michael S. Lauer.

The Department of Justice received notice of the TRO yesterday and forwarded the TRO to Acting General Counsel for the Department of Health and Human Services (HHS), along with agency contacts at HHS Office of General Counsel and the National Institutes of Health (NIH). As indicated in Dr. Lauer's attached declaration, Defendants have not yet implemented or enforced the Rate Change Notice. Dr. Lauer's declaration explains that Defendants will not implement or enforce the Rate Change Notice until further order is issued by this Court. Dr. Lauer also confirms that NIH has instructed all HHS components responsible for disbursement, including the Program Support Center, which manages the disbursement of NIH grant award funding, not to implement the Rate Change Notice. As a result, the regular disbursement and obligation of federal financial assistance funds will continue as required under the TRO, again pending further order of this Court.

Respectfully submitted,

BRETT A. SHUMATE
Acting Assistant Attorney General

LEAH B. FOLEY
United States Attorney

BRIAN C. LEA
Deputy Associate Attorney General

Dated: February 12, 2025

/s/ Marc S. Sacks
BRIAN C. LEA (Ga. Bar No. 213529)
Deputy Associate Attorney General
MARC S. SACKS (Ga. Bar No. 621931)
Deputy Director
KEVIN P. VANLANDINGHAM (NY Reg
No. 4741799)
Assistant Director
THOMAS PORTS (Va. Bar No. 84321)

Trial Attorney
U.S. Department of Justice
Civil Division
Corporate/Financial Section
P.O. Box 875
Ben Franklin Stations
Washington D.C. 20044-0875
Tel: (202) 307-1104
Email: marcus.s.sacks@usdoj.gov
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: February 12, 2025

/s/ Marc S. Sacks

Marc S. Sacks