

No. 25-1529

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, AMERICAN
FEDERATION OF TEACHERS,

Plaintiffs - Appellants,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
(For Continuation of Caption, See Inside Cover)

Defendants - Appellees.

On Appeal from the United States District Court for the
Southern District of New York
Case No. 1:25-cv-02429-MKV (Hon. Mary Kay Vyskocil)

JOINT APPENDIX (JA879 – JA936)
VOLUME 7 OF 8

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(Caption Continued) PAMELA BONDI, in her official capacity as the U.S. Attorney General, LEO TERRELL, in his official capacity as Senior Counsel to the Assistant Attorney General for Civil Rights and head of the DOJ Task Force to Combat Anti-Semitism, UNITED STATES DEPARTMENT OF EDUCATION, LINDA MCMAHON, in her official capacity as the U.S. Secretary of Education, THOMAS E. WHEELER, in his official capacity as Acting General Counsel of the U.S. Department of Education, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, ROBERT F. KENNEDY, JR., in his official capacity as the U.S. Secretary of Health and Human Services, SEAN R. KEVENEY, in his official capacity as Acting General Counsel of the U.S. Department of Health and Human Services, NATIONAL INSTITUTES OF HEALTH, MATTHEW J. MEMOLI, in his official capacity as the Acting Director of the National Institutes of Health, UNITED STATES GENERAL SERVICES ADMINISTRATION, STEPHEN EHIKIAN, in his official capacity as Acting Administrator of the U.S. General Services Administration, JOSH GRUENBAUM, in his official capacity as Commissioner of the Federal Acquisition Service,

Defendants - Appellees.

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Case No. 1:25-cv-02429-MKV

Declaration of Teresa Janevic (Witness O)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

Case No. 1:25-cv-02429-MKV

DECLARATION OF TERESA JANEVIC

I, Teresa Janevic, hereby declare as follows:

1. I am an Associate Professor of Epidemiology at Columbia University's Mailman School of Public Health. I have been a member of the Columbia faculty since 2023.

2. I have a bachelor's degree in social sciences from the University of Michigan, a Master of Public Health degree in epidemiology and biostatistics from the University of California, Berkeley, and a Ph.D. in epidemiology from Columbia University. Prior to joining the Columbia faculty, I was an associate professor at the Icahn School of Medicine at Mount Sinai. I will be under review for tenure this coming year.

3. I am a member of the American Association of University Professors (AAUP).

4. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.

5. I am a perinatal epidemiologist with a focus on the social and structural determinants of health and health care. My research examines the influence of various

factors—including government policies, racial discrimination, and stress—on perinatal and reproductive health and health care outcomes.

6. I lead the enVironmental Impact on Birth Equity (VIBE) Research Lab at Columbia, which studies maternal and infant health equity. Our lab is currently studying a range of issues related to perinatal and reproductive health.

7. On March 10, 2025, I received notice from Columbia that the National Institutes of Health (NIH) had terminated two of the R01 grants that fund my research. I am a principal investigator on both of those grants. I still have not received a revised notice of award reflecting that either grant has been terminated. However, I understand that both grants were on the list that the government sent to Columbia of grants that NIH had terminated, and that both the government and Columbia consider the grants terminated.

8. The first terminated R01 grant funded a research project studying the impact of extending Medicaid coverage in the postpartum period. Under longstanding federal law, pregnancy-related Medicaid coverage is only guaranteed for the first 60 days postpartum. Postpartum Medicaid extensions have been passed in 49 states and are a key feature of recent policy attempts to address the maternal mortality and morbidity crisis in the United States, which is particularly acute for Black women. Our project is among the first to evaluate if access to health care improved for women after implementation of postpartum Medicaid extensions. Our research sought to provide concrete evidence about the impact of these changes on maternal health equity. The project employed a mixed methods approach, using both quantitative data analysis and, importantly, qualitative interviews with postpartum women, healthcare providers, community-based organizations, and policymakers.

9. This grant was expected to last five years and provide approximately \$800,000 of funding per year. We had just begun our third year of research. If the grant is not reinstated, two full years of work on this project will be effectively wasted. For example, we had spent much of year two working together with data centers at the University of Texas and New York University to create and harmonize the necessary datasets for analysis, and were soon to start analyses that

would have provided answers to policymakers about the effectiveness of the Medicaid extension policies. That work will be wasted if funding for the project is not restored.

10. This grant was also the result of a tremendous amount of pre-award work. I began working on the grant application in 2021 and spent two years on the grant-writing and submission process before receiving the award in 2023.

11. The termination of this project is causing considerable immediate harm. The grant provided at least some salary support for approximately 10 faculty and staff members at Columbia and our partner institutions, as well as three students. My understanding is that the university has agreed to pay the Columbia staff on terminated grants through the new NIH appeal deadline of May 23, 2025, but there is no continued salary support after that date. Two student part-time research assistants were immediately asked to stop reporting hours after March 10, and we are in the highly stressful process of trying to find funding for other staff so that they will not lose their jobs.

12. Columbia is not providing any financial support to faculty or staff at our partner/subaward institutions who were collaborating on the project and are no longer receiving grant funds. Because they are no longer receiving funds, the subaward institutions, including the University of Texas, New York University, and Mount Sinai, have reassigned their researchers and staff to other projects. I worry that the abrupt termination of the grant will damage our relationships with external partner institutions like these, making them less willing to work with Columbia researchers or submit grants with Columbia as the prime awardee.

13. The project also involved a collaboration with community-based organizations in Texas and New York, who have been working to identify individuals for qualitative interviews. Building those relationships and bringing organizations together to work with us took an entire year, and those organizations have now had to stop work as well. I am very concerned that the abrupt termination of the project has caused significant damage to our reputation with these external collaborators and will make it harder to conduct this type of work in the future.

14. If the funding is not restored until several months from now, it would be extraordinarily difficult to restart this project. Our external partners will either have moved on to other projects or will be hesitant to work with us again.

15. The second terminated R01 grant funded a research project on the relationship between gestational diabetes (a common pregnancy complication) and subsequent development of type 2 diabetes. Prior research shows that the risk of progressing to type 2 diabetes after gestational diabetes is 2 to 4.5 times higher for Black, Latina, and South Asian women compared to non-Latina White women, but very little is known about the causes of these disparities. Most research focuses on individual risk factors. By contrast, our project focuses on structural and neighborhood-level risk factors, with the goal of identifying policy interventions during the postpartum period that could help prevent progression to type 2 diabetes and reduce racial and ethnic inequities. This project is also a mixed methods study, involving quantitative data analysis, qualitative interviews with postpartum women, and an innovative modeling approach to assess policy scenarios.

16. This project was also funded for five years, with approximately \$800,000 in funding per year, and we had just started our third year of work. This grant was also the result of an approximately two-year grant writing process.

17. The grant provided at least some salary support for approximately eight faculty and staff members at Columbia and the Icahn School of Medicine at Mount Sinai, as well as two students. Again, Columbia is not providing any financial support to our collaborators and is only temporarily supporting the Columbia staff members on this grant. One Columbia postdoctoral researcher supported by the project received a Letter of Non-Renewal on May 7, 2025, terminating her position in three months.

18. This project primarily involved collaborating with the New York City Department of Health and Mental Hygiene (NYC DOHMH), which is an important partner for Columbia's Mailman School of Public Health. The staff at NYC DOHMH working on this project had

already spent years creating the database to be used in this study. I am concerned that the abrupt termination of the project will damage this important relationship.

19. The termination of both these grants at the same time has been devastating for my lab, particularly in the context of the overall depletion of resources for research at Columbia. These two grants provided the vast majority of my grant funding. And the sum in this case is worse than its parts: Columbia's research funding has taken a severe hit overall, the Mailman School of Public Health has been among the hardest-hit, and Columbia has put immediate cost-saving measures in place in response to the mass termination of funding (e.g., by prohibiting faculty from using their start-up funds). As a result, not only is my federal funding gone, but I also cannot use my start-up funds to run my lab, fund salaries, buy equipment, software, and books, and support career development. The large immediate hit to not only my grants but a huge portion of the School of Public Health means that my budget has been reduced to near zero.

20. This environment has made it particularly difficult to save the jobs of researchers in my lab. For example, the postdoctoral researcher who has now received a Letter of Non-Renewal ordinarily would have been likely to find another postdoc position at Columbia, but the government's mass termination of federal grants to Columbia has made that possibility much less likely. In addition, academic jobs are usually advertised and filled six to ten months in advance, and her position will now end in three months. The application process for private research grants is also lengthy and unlikely to be complete before her position ends. The unexpected grant termination thus puts her career at risk.

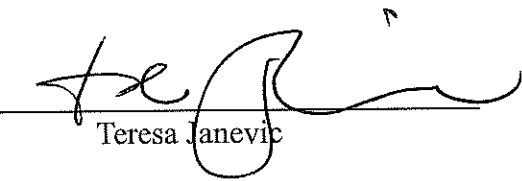
21. Other mentees in my lab have been harmed as well, including from the loss of important career development opportunities that would have been funded by the terminated grants. For example, one staff person is early in her career and submitted her first abstract to a conference in June. These conferences are excellent opportunities to network and advance one's career, particularly early on. Because the grant has been terminated, it can no longer pay for this staff member's travel to attend the conference, and there are no alternative sources of funding that can cover the costs.

22. The amount of effort required to try to save people's jobs and scramble to find new funding has detracted from the mentorship time I can spend with students and the time I can spend focusing on teaching. I was planning on making major improvements to an upcoming course, but now I will not have the time. I also would normally have summer interns, but I do not have any money to fund them or any time to devote to them.

23. The government's actions also affect my own career options. The grant terminations make it near-impossible for me to change jobs if needed, effectively making me powerless to leave Columbia. I would not want to abandon my research projects, but I also would not be able to transfer the grants in their current terminated state. It would be very difficult for me to find a job under these circumstances, since it is a prerequisite for hiring at most research-focused universities to be the principal investigator of large federal grants. As my terminated grants demonstrate, developing research proposals and applying for these types of grants is a significant undertaking that can take years.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 8 day of May 2025.


Teresa Janevic

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Case No. 1:25-cv-02429-MKV

Supplemental Declaration of Joseph Slaughter (Witness C)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et al.*,

Defendants.

Case No.1:25-cv-02429-MKV

Supplemental Declaration of Joseph R. Slaughter

I, Joseph R. Slaughter, declare as follows:

1. I am an Associate Professor of English and Comparative Literature at Columbia. I am also the Director of the Institute for the Study of Human Rights (“ISHR”) at Columbia. I previously submitted a sealed declaration in this action describing my background. *See* Declaration of Witness C (signed March 31, 2025).

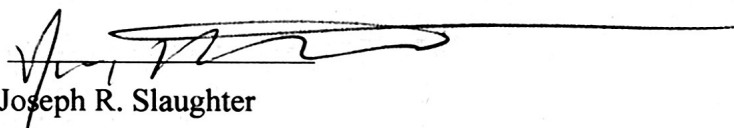
2. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

3. I initially filed my declaration in this action under seal, and with some trepidation I now submit it unsealed. I am concerned that simply attesting to the facts contained therein exposes me to potential harassment and retaliation from the administration, the university, or outside actors. However, the very fear of such unwarranted consequences itself testifies clearly to the chilling

effects of the administration's actions. As such, I conclude that it is important to document both the chilling effects and the fear of retaliation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: 23 May 2025

Signed: 

Joseph R. Slaughter

Associate Professor of English
& Comparative Literature

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Case No. 1:25-cv-02429-MKV

Supplemental Declaration of Andrew Geneslaw (Witness K)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

Case No. 1:25-cv-02429-MKV

SUPPLEMENTAL DECLARATION OF ANDREW GENESLAW

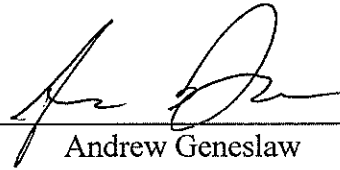
I, Andrew Geneslaw, hereby declare as follows:

1. I am an Assistant Professor of Pediatrics at the Columbia University Irving Medical Center (CUIMC), where I also serve as the Program Director for the Pediatric Critical Care Medicine Fellowship. I previously submitted a sealed declaration in this action describing my background. *See* Declaration of Witness K (May 8, 2025).
2. I have personal knowledge of the facts set forth in this declaration, and if called as a witness in this action, I could and would testify competently to these facts.
3. I initially sought to submit my declaration in this action under seal because I am frightened of the personal and professional risk that I may incur by speaking out about the harms caused by the government's actions, including the chilling of speech. But I believe that it is my duty as a citizen and physician to speak about these issues, and the fact that I am frightened highlights all the more clearly why it is necessary to speak. Although I continue to be afraid of the risks, I am willing to make my declaration public in light of the Court's decision on sealing,

as I understand the only alternative is to withdraw the submission. Others in my field may legitimately feel the risk is too great for them depending on their appearances, religious/cultural backgrounds, or family situations, and I hope that my own speech can be of service to them.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 22 day of May 2025.



Andrew Geneslaw

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Case No. 1:25-cv-02429-MKV

Amended Declaration of Melanie Wall (Witness A)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. et
al.,

Defendants.

Case No.1:25-cv-02429-MKV

Amended Declaration of Melanie M. Wall

I, Melanie M. Wall, declare as follows:

1. I am a Professor of Biostatistics with tenure in the Department of Biostatistics at the Mailman School of Public Health. I am also the Director of Mental Health Data Science in the Department of Psychiatry at the Columbia University Irving Medical Center (“CUIMC”) and the New York State Psychiatric Institute.

2. I have a PhD in statistics from Iowa State University and a B.S. in mathematics from Truman State University. I have been a member of the Columbia faculty since 2010.

3. My research focuses on modeling complex multilevel and multimodal data on a wide array of psychosocial public health and psychiatric research questions in both clinical studies and large epidemiologic studies. My current research mission is improving the accessibility and application of state-of-the-art and reproducible statistical methods across different areas of psychiatric research.

4. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

5. I am a member of the American Association of University Professors (“AAUP”) and American Federation of Teachers (“AFT”).

6. My salary – similar to many faculty at CUIMC– is nearly 100 percent covered by grant funding. There is a direct relationship between my salary and grant funding, hence if I lose grant funding, I may lose whatever portion of my salary that grant funded unless I can find something else to replace it.

7. As Director of Mental Health Data Science in the Department of Psychiatry at CUIMC, I am the co-investigator on 20 federal grants. In total, at least 6 of the grants I am a co-investigator on have been terminated. These grants account for 35 percent of my salary.

8. I am aware of two grants on which I am a co-investigator which have been officially terminated by NIH “due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and well-being of Jewish students.” The notices state that termination of these grants was a “final decision of the NIH.”

9. The first grant is a 2 year approximately \$ 3 million grant which began in 2024 to study the relationship between U.S. adolescent brain structure development and acute and chronic stresses experienced when living in harmful, chronically adverse environments and how these ultimately are associated with development of substance use disorders. The second grant is a 4 year approximately \$ 790,000 grant which began in 2021 to study trust in and trustworthiness of precision medicine research among disability and scientific communities. This important topic aims to ensure medical progress in precision medicine is widely acceptable and reaches all types of communities, including people with mobility, vision and hearing disabilities (the most common

disabilities in the U.S.). Terminations of these grants affect all members of the research teams who rely on the grants for their salaries and also affects the study subjects, who now must be told their involvement is no longer needed. It is extremely challenging to recruit subjects to research studies like these and ending abruptly breaks trust with the community, reducing the likelihood subjects will want to enroll with Columbia researchers in the future.

10. I am also a co-investigator on one grant which Columbia administration officials have notified investigators is terminated as part of the \$ 400 million funding cuts. The grant is a 6-year approximately \$ 520,000 grant which began in 2019 to study the impact of stress on heavy drinking and intimate partner aggression in women. Similar to the projects above where I am co-investigator, this project also funds a portion of my salary.

11. I also am a mentor to many young researchers including graduate students and post-doctoral health science researchers. Four NIH T32 training programs which support these young and future health scientists that I serve as a mentor for have been terminated – three were informed by Columbia officials their grants were on a list of grants that were cancelled by the administration as part of the \$ 400 million in funding terminations. One received notice from the NIH that it was cancelled “due to unsafe antisemitic actions that suggest the institution lacks concern for the safety and well-being of Jewish students.”

12. These NIH T32 training grants are essential for training the next generation of health scientists and provide critical funding for training and skill development in addition to pure research. Additionally, NIH T32 grants are specifically designed to develop American scientific expertise and only citizens or lawful permanent residents are eligible to apply. By terminating these grants, it makes recruiting American students to health science even more difficult than it is already.

13. The termination of these federal grants is already causing substantial hardship for myself and those I supervise.

14. We are required to map out financial resources needed to cover next fiscal year salaries for ourselves and our teams. Now, with the abrupt termination of federal NIH grant funding, I have had to resort to using unrestricted financial resources that I had been saving at CUIMC for a future sabbatical in order to cover my salary. With the current amount of grant terminations, that unrestricted money is already projected to not be enough for the next fiscal year.

15. Without additional external funding, it is likely that staff on the various terminated grants will have to be let go, and some faculty will either have to take salary reductions or be reduced to part time.

16. None of the work funded by these grants was related to Israel, Palestine, Judaism, or any topic related in any way to antisemitism. To my knowledge, the research teams I collaborate with on these grants have never faced any investigation or complaint related to antisemitism.

17. I sought to submit my initial declaration under seal because I was afraid that filing it publicly might lead to negative consequences. I am still afraid of those consequences, but I am willing to make this amended declaration public in light of the Court's decision on sealing, as I understand the only alternative is to withdraw the submission. Others in my field may feel the risk is too great for them to participate publicly, and I hope my participation can support them.

18. I am aware that the current administration has taken a series of actions targeting Columbia. In particular, I am aware that on February 3, 2025, the U.S. Department of Education announced an investigation into Columbia. I am aware that on February 28, the federal Task Force to Combat Anti-Semitism announced that it would visit the Columbia campus. I am aware that on March 3, 2025, several federal agencies announced that they would review funding to Columbia.

I am aware that on March 7, 2025, several federal agencies announced \$ 400 million in grant cancellations to Columbia, and stated that that “[t]hese cancellations represent the first round of action and additional cancellations are expected to follow.” Most recently, I am aware that on March 13, 2025, officials from the General Services Administration (GSA), the Department of Health and Human Services (HHS), and the Department of Education (ED) sent a letter to Columbia that was made public, and demanded that Columbia immediately take a long list of actions as a precondition of further negotiations regarding federal funding. I am aware that Columbia adopted numerous of these policy demands on March 21, 2025.

19. I understand that Title VI and its implementing regulations require the government to provide notice and opportunity for a hearing, followed by a finding on the record, before terminating federal funding to any program or part thereof based on a violation of Title VI. I was not provided any such notice, and I am not aware of any such notice having been provided or any such hearing occurring prior to the termination of \$ 400 million in federal funding to Columbia.

20. I understand that Title VI requires federal agencies to provide a full report to Congress thirty days before terminating federal funds under Title VI. I am not aware of any federal agencies providing any such report to Congress regarding funding to Columbia. If any such report had been filed, I likely would have contacted my congressional representatives to express my opposition to termination of the federal funding that supports my work.

I declare under penalty of perjury under the laws of the United States of America that the foregoing
is true and correct.

Dated: 5-22-2025

Signed: Melanie M. Wall

Melanie M. Wall

Professor of Biostatistics

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Case No. 1:25-cv-02429-MKV

Amended Declaration of Safia Southey (Witness E)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE. *et*
al.,

Defendants.

Case No. 1:25-cv-02429-MKV

AMENDED DECLARATION OF SAFIA SOUTHEY

I, Safia Southey, declare as follows:

1. I am a J.D. candidate at Columbia Law School, where I serve as Co-President of the Human Rights Association, Professional Development Chair of the International Law Society, and a member of the Philip C. Jessup International Law Moot Court team. I submit this declaration in support of the plaintiffs in the above-captioned case.

2. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.

3. My academic work and professional training center on international law, transitional justice, and human rights. Through Columbia's Human Rights Clinic, I work under the supervision of clinical faculty on legal advocacy and research, including environmental accountability in transitional justice processes and international humanitarian law.

4. My legal education and professional development depend on an academic environment that protects intellectual freedom, open inquiry, and rigorous debate. The sudden withdrawal of federal funding and the threat of further financial penalties have directly harmed that environment. Projects that once benefited from cross-institutional collaboration have slowed down, and the loss of support for interdisciplinary work has had a noticeable impact.

5. More damaging than the loss of funding, however, is the climate of fear and self-censorship that has followed the federal government's punitive measures. I have witnessed peers and faculty grow increasingly reluctant to participate in academic discussions that touch on contested legal or policy issues. In my own experience, I have faced subtle but clear signals that my legal research—despite its grounding in international law—is now seen as risky or politically charged. Faculty have hesitated to support projects they once encouraged, and students have withdrawn from conversations that previously would have been commonplace in classrooms and working groups.

6. As a Jewish student, I have also found myself afraid to voice my opinions, even in spaces that should be open to nuanced discussion. The current climate has made it difficult for me to speak openly as a liberal Jew—especially when my views do not fit neatly into dominant narratives. I fear professional consequences, alienation, or backlash for expressing perspectives that do not align with institutional responses or government rhetoric. Instead of fostering open dialogue, Columbia's handling of these issues has deepened divisions and left many Jewish students, including myself, feeling isolated in conversations about identity, justice, and human rights.

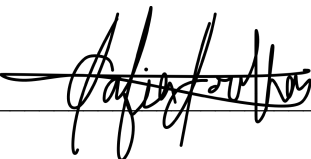
7. This chilling effect undermines not only our ability to engage in free academic inquiry but also our capacity to be trained as lawyers in a global legal landscape that demands exposure to controversial and politically sensitive topics. I have felt compelled to alter the framing of my work, remove references in public presentations, and self-censor in academic settings out of concern for institutional or reputational consequences. I now routinely consider whether my speech could result in administrative scrutiny or jeopardize opportunities I've worked hard to earn.

8. The fear of retribution is especially acute for students like me who are visible leaders in human rights and international law spaces. The pressure to appear apolitical, even when engaging in legal analysis grounded in precedent and treaty law, has distorted what should be a space of critical learning. That pressure is compounded by the uncertainty surrounding what kinds of speech or academic work might provoke administrative attention, especially when institutional responses appear to be shaped by federal directives.

9. The federal government's approach—demanding sweeping changes to university policy under threat of continued funding withdrawal—has not only chilled expression but has also encouraged institutional behavior that prioritizes risk-aversion over academic freedom. I have experienced a heightened sense of scrutiny and professional isolation, despite working within well-established legal frameworks. In spaces that once encouraged difficult questions and honest disagreement, many students and faculty now speak in guarded terms or choose silence.

10. The constitutional harm here is not abstract. It has altered how I approach my education, how I participate in legal scholarship, and how I imagine my role as an advocate. That harm is ongoing—and, unless remedied, it will fundamentally reshape higher education into a space defined by compliance with political orthodoxy rather than academic inquiry and intellectual courage.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed: 

Date: 5/23/25

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS,

and

AMERICAN FEDERATION OF
TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

Case No. 1:25-cv-02429-MKV

Amended Declaration of Anne Li (Witness I)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE, et
al.,

Defendants.

Case No. 1:25-cv-02429-MKV

Amended Declaration of Anne Li

I, Anne Li, hereby declare as follows:

1. I am over the age of eighteen and competent to testify as to the matters set forth in this affidavit based on my own personal knowledge.
2. I submit this declaration in support of AAUP and AFT against the United States Department of Justice and other Defendants.
3. I recently graduated from Columbia Law School. I was a student in good standing during the 2024-2025 academic year.
4. The March 13 letter from Defendants made me feel threatened by the government's demand that Columbia target unfavorable political speech through escalated disciplinary measures.
5. On March 21, Melanie J. Bernitz, who is a the Interim Executive Vice President of University Live at Columbia sent a message to all students stating that Columbia's

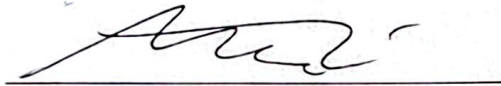
response to the March 13 demands had been misconstrued by the media. This message undermined my confidence in the rule of law because it directs students to credit Columbia's own claims about the Trump administration's actions above any independent reporting. Specifically, it states that independent news reports "can create distress and anxiety, and don't always tell the full story. I encourage you to continue to refer to University communications to stay updated." This message further undermined my confidence in Columbia's commitment to free speech because it also emphasizes that students should focus on their own studies and ignore current events, which is responsive to the Trump administration's demands. This instruction is completely at odds with how I pursue my education at Columbia Law School—an institution dedicated to free inquiry and a rich understanding of current events.

6. Classmates have noted that they fear being targeted and having their visas revoked based on political involvement, including mere membership on student organization boards. Several classmates have stated that they choose to not engage in any further visible political speech due to fear of reprisal.
7. At a student group meeting I attended, the group elected to moderate its speech on Palestine explicitly out of fear that the law school administration would bow to pressure from the Trump administration and target board members to revoke their visas.
8. When speaking about the Trump administration's actions, I constantly weigh the visibility, content, and tone of my speech specifically for fear of reprisal. I am still willing to make bland, public critiques only due to my good academic records.
9. In choosing to sign this affidavit, I consulted with family over the possible repercussions of doing so, because I sincerely believe that the Trump administration will make

Columbia retaliate against students who engage in direct criticism of its recent choices. I initially sought to submit the declaration under seal because of that concern, as I had not yet graduated when I submitted my original declaration.

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 5/23/25

A handwritten signature in black ink, appearing to read 'Anne Li', is written over a horizontal line.

Anne Li

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS., et al.

*

Plaintiffs

*

Civil Case No. 25-cv-02429 (MKV)

v.

*

U.S. DEPARTMENT OF JUSTICE, et al.

*

*

Defendants

*

* * * * *

AMENDED DECLARATION OF JON LORSCH, Ph.D.

I, Jon Lorsch, Ph.D., hereby declare that my testimony below is true and correct to the best of my knowledge and belief and is given under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am the Acting Deputy Director for Extramural Research at the National Institutes of Health (NIH), an operating division of the U.S. Department of Health and Human Services (HHS). I have held this position since April 7, 2025.

2. In addition to my current role, I am the Director of the National Institute of General Medical Sciences (NIGMS), a position I have held since 2013, where I oversee NIGMS's mission-related activities, supporting basic research that increases understanding of biological processes and lays the foundation for advances in disease diagnosis, treatment, and prevention. I am also a Senior Investigator in the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), a position I have held since 2014.

3. As Acting Deputy Director for Extramural Research, I am the principal scientific

advisor to the NIH Director on all matters relating to the substance, quality, and effectiveness of the NIH extramural research program. I am responsible for overseeing the Office of Extramural Research under the Office of the NIH Director. The Office of Extramural Research “provides the corporate framework for the NIH research administration and works to ensure the scientific integrity, public accountability, and effective stewardship of the NIH research grant portfolio.” Office of the Director, NIH, <https://www.nih.gov/about-nih/what-we-do/nih-almanac/office-director-nih> (last visited April 22, 2025).

4. I make this declaration based on personal knowledge acquired by me in the course of performing my official duties, information contained in the records of the relevant HHS components, and information supplied to me by current employees of the relevant HHS components.

5. The NIH funds biomedical and behavioral research. Its mission is “to seek fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to enhance health, lengthen life, and reduce illness and disability.” *See* <https://www.nih.gov/about-nih/what-we-do/mission-goals> (last accessed April 28, 2025). As one of eight agencies of the U.S. Public Health Service, 42 U.S.C. 281(b), the NIH is an operating division of HHS. The NIH’s authority to conduct and sponsor research and set research priorities arises from the Public Health Services Act (PHSA), 42 U.S.C. § 241, et seq.

6. Section 301 of the PHSA, 42 U.S.C. § 241, sets forth the general authority of the Secretary of Health and Human Services to conduct and support “research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man. . . .” This authority has been

delegated to the Director of the NIH, and further delegated to the Directors of each institute within the NIH.

7. Section 402 of the PHSA, 42 U.S.C. § 282, is the foundational authority of the NIH Director which includes authority to conduct “priority-setting reviews,” “assess research priorities,” and “ensure that the resources of the [NIH] are sufficiently allocated” *See, e.g.*, Section 402(b)(4),(5), and (6). This is consistent with the NIH’s inherent authority to determine funding priorities in awarding discretionary grants within a finite amount of appropriations.

8. The NIH exercises broad discretion in awarding and administering grants. The Secretary awards grants “to those applicants whose approved projects will in the Secretary’s judgment best promote the purposes of the statute authorizing the grant and the regulations of this part.” 42 CFR § 52(a). The applicants for and recipients of NIH grant awards are institutions, which designate a principal investigator to lead the scientific and technical direction of research projects funded under the grant. 2 CFR § 200.1, 42 CFR § 52.2.

9. Consistent with the discretionary nature of NIH grants, and the finite amount of the NIH’s appropriations, the process of selecting and awarding grants is highly competitive. Due to finite resources, the NIH is only able to fund approximately 20% of grant applications. *See* <https://report.nih.gov/nihdatabook/category/10> (last accessed April 28, 2025). Accordingly, one of the NIH’s core functions is to serve as an effective steward of the extramural research portfolio by ensuring that the limited available funding is directed to only the most promising science consistent with agency priorities.

10. Through the NIH grant award, the NIH agrees to support the recipient with a specified level of funding for a specific period. The award document, in turn requires recipients

of NIH grant funds to comply with all Federal statutes, regulations, policies, and terms and conditions stated in the Notice of Award (NOA). The NOA is the governing legal document.

11. The NIH Grants Policy Statement (GPS) is a term and condition applicable to all NIH grant awards. Since 2021, the NIH GPS has stated that its grant terms and conditions, including terms and conditions in 2 CFR Part 200, are incorporated into NIH NOAs. A copy of the relevant sections of the current NIH GPS are attached as Exhibit A. Recipients accept the terms of the NOAs when they draw down funds from the Payment Management System (PMS). One term and condition of the NOA is therefore 2 CFR § 200.340, which allows the Government to terminate a grant “pursuant to the terms and conditions of the Federal award, including, to the extent authorized by law, if an award no longer effectuates the program goals or agency priorities.” 2 CFR § 200.340; *see also* GPS 8.5.2 (stating “NIH may also terminate the grant in whole or in part as outlined in 2 CFR Part 200.340”).

12. As a grantee, Columbia University was subject to the above laws, regulations, policies, and terms and conditions.

13. On January 29, 2025, President Trump issued Executive Order 14188, entitled “Additional Measures to Combat Anti-Semitism,” which instructed agencies to combat antisemitism vigorously. In February 2025, a multi-agency task force was created for purposes of combatting antisemitism.

14. On February 10, 2025, Dorothy A. Fink, M.D., HHS Acting Secretary, issued a Secretarial Directive on DEI-Related Funding (Secretarial Directive). Exhibit B. This Secretarial Directive was issued pursuant to HHS authorities “to ensure that taxpayer dollars are used to advance the best interests of the government . . . [which] includes avoiding expenditure of federal funds on programs . . . that discriminate on the basis of race, color, religion, sex,

national origin, or another protected characteristic.” *Id.* The Secretarial Directive directed the “review of. . . grants to determine whether those . . . grants are in the best interest of the government and consistent with current policy priorities.” *Id.*

15. Consistent with the Secretarial Directive, on February 21, 2025, the Acting Director for the NIH issued a Directive on NIH Priorities, Restoring Scientific Integrity and Protecting the Public Investment in NIH Awards (“Directive”). Exhibit C. This Directive expressed that the NIH is “committed to promoting only the highest level of scientific integrity, public accountability, and social responsibility in the programs it funds.” *Id.* The Directive stated, “[g]rants, contracts, cooperative agreements, and other transactions deemed inconsistent with the NIH’s mission may, where permitted by applicable law, be subject to funding restrictions, terminated or partially terminated, paused, and/or not continued or renewed, in compliance with all procedural requirements.” *Id.*

16. On March 7, 2025, HHS placed a hard funds restriction on all Columbia awards HHS-wide. A “hard funds restriction” means that if Columbia tried to draw down funds from the PMS for expenses incurred after the restriction was put in place, they would not be able to do so without further approval. The payment restriction is an operational mechanism and does not terminate or otherwise cancel grant awards.

17. On March 10, 2025, the NIH Director of the Office of Policy for Extramural Research Administration (OPERA) sent Columbia University correspondence notifying the University that approximately 233 grants would be terminated for nonalignment with agency priorities of funding safe research environments. The NIH sent a second letter on March 14, 2025, regarding an additional 29 grants. The grants in the letters were identified as inconsistent with NIH policy and requirements, as outlined in the NIH GPS and 2 CFR § 200.340(a)(4), which provides for

termination “if any award no longer effectuates the program goals or agency priorities.” A copy of the March 10 correspondence to Columbia University is attached as Exhibit D, and a copy of the March 14 correspondence is attached as Exhibit E. Each letter stated that the identified awards no longer effectuated agency priorities and failed to satisfy NIH stewardship obligations and criteria to ensure taxpayer funds are used in ways “that benefit the American people and improve their quality of life.” *Id.* The letters further stated that it is the NIH’s policy that funded institutions should foster “safe, equal, and healthy working and learning conditions conducive to high-quality research and free inquiry.” *Id.* Recent events, including antisemitism and actions concerning the safety and wellbeing of Jewish students taking place at Columbia University and Columbia University’s inaction, contradict that policy. *Id.* The letters also indicated that the NIH considered alternatives to terminating the funding but concluded that there were no viable alternatives. *See id.* at. 2. The NIH did not terminate the grants pursuant to Title VI of the Civil Rights Act.

18. The NIH is the only division or sub-agency within HHS to terminate grant awards with Columbia University due to antisemitic conduct on Columbia’s campus.

19. To effectuate the March 10, 2025 and March 14, 2025 termination letters, the NIH began the process of issuing a revised NOA for each grant. Of the grants listed on the spreadsheets attached to the NIH’s March 10 and March 14 letters, the NIH issued revised NOAs for approximately 148 before pausing that process pending negotiations with Columbia University about restoring the funding. On April 11, 2025, the NIH notified Columbia University that a number of the grants referenced in the March 10 and March 14 letters would be reinstated because of progress made in the negotiations. Seven of these had already had termination NOAs

sent out; the NIH sent further revised NOAs reinstating those seven. Negotiations regarding restoring the grant funding are ongoing.

20. The NIH has established a first-level grant appeal procedure for Columbia University and its affiliate institutional grant recipients to challenge these terminations. As reflected in the March 10, 2025 and March 14, 2025 letters, NIH policy provides for an administrative appeal to object and provide information and documentation challenging the terminations. Though the letters stated that appeals had to be submitted to the NIH as directed “no later than 30 days after” the letters were received, *id*, the deadline for appeals submission has been extended until June 23, 2025, with the potential for further extensions.

21. Additionally, on or after March 7, 2025, HHS components, including NIH, terminated contracts with Columbia for convenience. A copy of a sample termination notice is attached as Exhibit F.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of May, 2025.

JON LORSCH

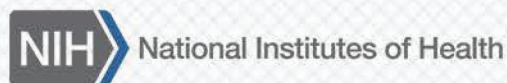
EXHIBIT A



NIH GRANTS POLICY STATEMENT

US DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH



APRIL 2024

PART II: TERMS AND CONDITIONS OF NIH GRANT AWARDS

Subpart A: General

3 OVERVIEW OF TERMS AND CONDITIONS

Part II includes the terms and conditions of NIH grants and cooperative agreements and is incorporated by reference in all NIH grant and cooperative agreement awards. Subpart A (IIA) includes those terms and conditions that apply, in general, to NIH awards. Subpart B (IIB) either expands on IIA coverage or specifies additional or alternate terms and conditions for particular types of awards, recipients, or activities.

These terms and conditions are not intended to be all-inclusive. All awards or a specified subset of awards also may be subject to additional requirements, such as those included in executive orders and appropriations acts.

NIH recipients are responsible for complying with all requirements of the Federal award. NIH grants awards are based on the application submitted to, and approved by, the NIH and are subject to the terms and conditions incorporated either directly or by reference in the following:

- The grant program legislation and program regulation cited in the NoA.
- The NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
- Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts. This also includes any recent legislation.
- 2 CFR Part 200.
- The NoA including all terms and conditions cited on the document or attachments.

Notice of requirements not specified in the NIHGPS generally will be provided in the NoA, but such notice is not required for the award to be subject to the requirements of pertinent statutes and regulations. An individual award also may contain award-specific terms and conditions. For example, the GMO may include terms or conditions necessary to address concerns about an applicant's management systems.

Program and administrative policies and the terms and conditions of individual awards are intended to supplement, rather than substitute for, governing statutory and regulatory requirements. Thus, the requirements of the NIHGPS apply in addition to governing statutory and regulatory requirements not cited herein, and award-specific terms apply in addition to the requirements of the NIHGPS.

This NIHGPS is an aid to the interpretation of statutory and regulatory requirements. These terms and conditions are intended to be compliant with governing statutes and the requirements of 2 CFR Part 200, as modified by previously approved waivers and deviations. However, in the case of a conflict, the statutes and regulations govern.

If there is a perceived conflict between or among these three categories of requirements—statutory and regulatory requirements, the terms and conditions in the NIHGPS, and award-specific terms and conditions—or if the recipient has other questions concerning award terms and conditions, the recipient

should request written clarification from the GMO. This may be done at any time; however, if the inclusion of the term or condition would cause the recipient not to accept the award or to be unable to comply, the question should be raised before funds are requested from the HHS payment system. By drawing funds from the HHS payment system, the recipient agrees to the terms and conditions of the award.

3.1 FEDERALWIDE STANDARD TERMS AND CONDITIONS FOR RESEARCH GRANTS

In order to create greater consistency in the administration of Federal research awards, all Federal research agencies now utilize a standard core set of administrative terms and conditions on research and research-related awards that are subject to 2 CFR Part 200, to the extent practicable. The core set of administrative requirements for participating Federal research agencies and other pertinent documents are posted on the [National Science Foundation's web site](#). Recipients are encouraged to review the companion documents which include a Prior Approval Matrix, National Policy Requirement Matrix, Subaward Requirement Matrix, and Agency-Specific Requirements. NIH implementation of these Federalwide research terms and conditions is also known as the "NIH Standard Terms of Award".

See [Administrative Requirements—Changes in Project and Budget—NIH Standard Terms of Award](#) for more details.

before taking action unless public health or welfare concerns require immediate action. However, even if a recipient is taking corrective action, NIH may take proactive actions to protect the Federal government's interests, including placing specific conditions on awards or precluding the recipient from obtaining future awards for a specified period, or may take action designed to prevent future non-compliance, such as closer monitoring.

8.5.1 Specific Award Conditions: Modification of the Terms of Award

During grant performance, the GMO may include specific award conditions in the grant award to require correction of identified financial or administrative deficiencies as a means of protecting NIH's interests and effecting positive change in a recipient's performance or compliance. When specific conditions are imposed, the GMO will notify the recipient in writing of the nature of the conditions, the reason why they are being imposed, the type of corrective action needed, the time allowed for completing corrective actions, and the method for requesting reconsideration of the conditions. See 42 CFR Part 52.9 and 2 CFR Part 200.339.

The NIH awarding IC may withdraw approval of the PD/PI or other senior/key personnel specifically referenced in the NoA if there is a reasonable basis to conclude that the PD/PI and other such named senior/key personnel are no longer qualified or competent to perform the research objectives. In that case, the awarding IC may request that the recipient designate a new PD/PI or other named senior/key personnel.

Generally, the decision to modify the terms of an award (e.g., by imposing specific award conditions) is discretionary on the part of the NIH awarding IC and is not appealable.

8.5.2 Remedies for Noncompliance or Enforcement Actions: Suspension, Termination, and Withholding of Support

If a recipient has failed to comply with the terms and conditions of award, NIH may take one or more enforcement actions which include disallowing costs, withholding of further awards, or wholly or partly suspending the grant, pending corrective action. NIH may also terminate the grant in whole or in part as outlined in 2 CFR Part 200.340. The regulatory procedures that pertain to suspension and termination are specified in 2 CFR Parts 200.340 through 200.343.

Part II: Terms and Conditions of NIH Grant Awards - Subpart A

- a. NIH or the pass-through entity must provide the non-Federal entity a notice of termination
- b. If the award is terminated for the non-Federal entity's material failure to comply with the Federal statutes, regulations, or terms and conditions of the Federal award, the notification must state that:
 1. The termination decision will be reported to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS);
 2. The information will be available in the OMB-designated integrity and performance system for a period of five years from the date of the termination, then archived;
 3. Awarding agencies that consider making a Federal award to the non-Federal entity during that five year period must consider that information in judging whether the non-Federal entity is qualified to receive the Federal award, when the Federal share of the Federal award is expected to exceed the simplified acquisition threshold over the period of performance;
 4. The non-Federal entity may comment on any information the OMB-designated integrity and performance system contains about the non-Federal entity for future consideration by HHS awarding agencies. The non-Federal entity may submit comments to the recipient integrity and performance portal accessible through CPARS.
 5. Federal awarding agencies will consider the non-Federal entity comments when determining whether the non-Federal entity is qualified for a future Federal award.
- c. Upon termination of an award, NIH must provide the information required under FFATA to the Federal web site established to fulfill the requirements of FFATA and update or notify any other relevant government-wide systems or entities of any indications of poor performance as required by 41 U.S.C. 417b and 31 U.S.C. 3321. See also the requirements for Suspension and Debarment at 2 CFR Part 180.

NIH generally will suspend (rather than immediately terminate) a grant and allow the recipient an opportunity to take appropriate corrective action before NIH makes a termination decision. However, NIH may decide to terminate the grant if the recipient does not take appropriate corrective action during the period of suspension. NIH may immediately terminate a grant when necessary, such as to protect the public health and welfare from the effects of a serious deficiency. Termination may be appealed under NIH and HHS grant appeals procedures (see [Administrative Requirements—Grant Appeals Procedures](#)).

A grant also may be terminated, partially or totally, by the recipient or by NIH with the consent of the recipient. If the recipient decides to terminate a portion of a grant, NIH may determine that the remaining portion of the grant will not accomplish the purposes for which the grant was originally awarded. In any such case, NIH will advise the recipient of the possibility of termination of the entire grant and allow the recipient to withdraw its termination request. If the recipient does not withdraw its request for partial termination, NIH may initiate procedures to terminate the entire grant.

See [Cost Considerations—Allowability of Costs/Activities—Selected Items of Cost](#) for the allowability of termination costs. Allowability of these costs does not vary whether a grant is terminated by NIH, terminated at the request of the recipient, or terminated by mutual agreement.

Withholding of support is a decision not to make a non-competing continuation award within the current competitive segment. Support may be withheld for one or more of the following reasons:

- Adequate Federal funds are not available to support the project.
- A recipient failed to show satisfactory progress in achieving the objectives of the project.
- A recipient failed to meet the terms and conditions of a previous award.

- For whatever reason, continued funding would not be in the best interests of the Federal government.

The recipient may appeal NIH's determination to deny (withhold) a non-competing continuation award because the recipient failed to comply with the terms and conditions of a previous award.

8.5.3 Other Enforcement Actions

Depending on the nature of the deficiency, NIH may use other means of promoting recipient compliance. Other options available to NIH include, but are not limited to conversion from an advance payment method to a reimbursement method or disallow (deny) all or part of the cost of the activity or action not in compliance. Other actions may include suspension or debarment of an organization or individual under Government-wide Debarment and Suspension rules provided at 45 CFR Part 76, and other available legal remedies, such as civil action. Suspension under 45 CFR Part 76, implementing E.O.s 12549 and 12689, "Debarment and Suspension," is a separate action from the "suspension" of an award as a post-award remedy, as described in [Suspension, Termination, and Withholding of Support](#) above. The subject of debarment and suspension as an eligibility criterion is addressed in [Completing the Pre-Award Process—Determining Eligibility of Individuals](#) and [Public Policy Requirements and Objectives—Debarment and Suspension](#).

8.5.4 Recovery of Funds

NIH may identify and administratively recover funds paid to a recipient at any time during the life cycle of a grant. Debts may result from cost disallowances, unobligated balances, unpaid share of any required matching or cost sharing, funds in the recipient's account that exceed the final amount determined to be allowable, or other circumstances. NIH guidance on the repayment of grant funds that are unrelated to audit findings can be found on the [OER Web site](#).

8.5.5 Debt Collection

The debt collection process is governed by the Federal Claims Collection Act, as amended (Public Law [P.L.] 89-508, 80 Stat. 308, July 19, 1966); the Federal Debt Collection Act of 1982 (P.L. 97-365, 96 Stat. 1749, October 25, 1982); the Debt Collection Improvement Act (P. L. 104-134, 110 Stat. 1321, April 26, 1996); and, the Federal Claims Collection Standards (31 CFR Parts 900-904), which are implemented for HHS in 45 CFR 30. NIH is required to collect debts due to the Federal government and, except where prohibited by law, to charge interest on all delinquent debts owed to NIH by recipients.

When NIH determines the existence of a debt under a grant, written debt notification will be provided to the recipient. Unless otherwise specified in law, regulation, or the terms and conditions of the award, debts are considered delinquent if they are not paid within 30 days from the date the debt notification is mailed to the recipient. Delinquent debts are subject to the assessment of interest, administrative cost charges, and penalties. The interest on delinquent debts accrues on the amount due beginning on the date the debt notification is mailed to the recipient.

If a recipient appeals an adverse monetary determination under 42 CFR Part 50, Subpart D, or 45 CFR Part 16, interest will accrue but assessment will be deferred pending a final decision on the appeal. If the appeal is not successful, interest will be charged beginning with the date the debt notification was mailed to the recipient, not the date of the appeal decision. Interest charges will be computed using the prevailing rate in effect on the date the debt notification is mailed, as specified by the Department of the Treasury and 45 CFR Part 30.13(a)(2).

EXHIBIT B



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Washington, D.C. 20201**SECRETARIAL DIRECTIVE ON DEI-RELATED FUNDING**

February 10, 2025

The Department of Health and Human Services has an obligation to ensure that taxpayer dollars are used to advance the best interests of the government. This includes avoiding the expenditure of federal funds on programs, or with contractors or vendors, that promote or take part in diversity, equity, and inclusion (“DEI”) initiatives or any other initiatives that discriminate on the basis of race, color, religion, sex, national origin, or another protected characteristic. Contracts and grants that support DEI and similar discriminatory programs can violate Federal civil rights law and are inconsistent with the Department’s policy of improving the health and well-being of all Americans.

These contracts and grants can cause serious programmatic failures and yet it is currently impossible to access sufficient information from a centralized source within the Department of Health and Human Services to assess them. Specifically, there is no one method to determine whether payments the agency is making to contractors, vendors, and grantees for functions related to DEI and similar programs are contributing to the serious problems and acute harms DEI initiatives may pose to the Department’s compliance with Federal civil rights law as well as the Department’s policy of improving the health and well-being of all Americans. It is also currently impossible to assess whether payments the Department is making are free from fraud, abuse, and duplication, as well as to assess whether current contractual arrangements, vendor agreements, and grant awards related to these functions are in the best interests of the United States. *See* FAR 12.403(b), 49.101; 45 C.F.R. § 75.371-372. Finally, it is also impossible to determine with current systems whether current contracts and grant awards are tailored to ameliorate these specific problems and the broader problem of DEI and similar programs rather than exacerbate them. The Department has an obligation to ensure that no taxpayer dollars are lost to abuse or expended on anything other than advancing the best interests of the nation.

For these reasons, pursuant to, among other authorities, FAR 12.403(b) and 49.101 and 45 C.F.R. § 75.371- 372, the Secretary of Health and Human Services hereby DIRECTS as follows:

Agency personnel shall briefly pause all payments made to contractors, vendors, and grantees related to DEI and similar programs for internal review for payment integrity. Such review shall include but not be limited to a review for fraud, waste, abuse, and a review of the overall contracts and grants to determine whether those contracts or grants are in the best interest of the government and consistent with current policy priorities. In addition, if after review the Department has determined that a contract is inconsistent with Department priorities and no longer in the interest of the government, such contracts may be terminated pursuant to the Department’s authority to terminate for convenience contracts that are not “in the best interests of the Government,” see FAR 49.101(b); 12.403(b). Furthermore, grants may be terminated in accordance with federal law.

This Directive shall be implemented through the Department's contracts and payment management systems by personnel with responsibility for such systems who shall, in doing so, comply with all notice and procedural requirements in each affected award, agreement, or other instrument. Whenever a DEI or similar contract or grant is paused for review, Department personnel shall immediately send such payment to Scott Rowell, Deputy Chief of Staff for Operations, for prompt review to determine whether or not the payment is appropriate and should be made. Payments on paused contracts shall remain paused and already terminated contracts shall remain terminated pending completion of that review to the maximum extent permitted by law and all applicable notice and procedural requirements in the affected award, agreement, or other instrument.

I thank you for your attention to this matter, as well as your efforts to ensure that no taxpayer dollars are misspent.



Dorothy A. Fink, M.D., Acting Secretary

EXHIBIT C

Directive on NIH Priorities

Agency: National Institutes of Health

Office of the Director

Action: Directive

FOR FURTHER INFORMATION CONTACT:

National Institutes of Health

Office of the Director

EFFECTIVE DATE: February 21, 2025

Restoring Scientific Integrity and Protecting the Public Investment in NIH Awards

The National Institutes of Health (NIH) is the largest public funder of biomedical and behavioral research in the world. The public trusts NIH with substantial funds to foster creative discoveries that will improve health and prevent disease in this Country. Accordingly, NIH is committed to promoting only the highest level of scientific integrity, public accountability, and social responsibility in the programs it funds. And NIH promises to prioritize the funding of projects that will generate a high return on the public's investment, so that taxpayer dollars are not going to waste. Every dollar should be used to make Americans live longer, healthier lives.

This mission requires NIH to ensure that it is not supporting low-value and off-mission research programs, including but not limited to studies based on diversity, equity, and inclusion (DEI) and gender identity. While this description of NIH's mission is consistent with recent Executive Orders issued by the President, I issue this directive based on my expertise and experience; consistent with NIH's own obligation to pursue effective, fiscally prudent research; and pursuant to NIH authorities that exist independently of, and precede, those Executive Orders.

Research programs based primarily on artificial and non-scientific categories, including amorphous equity objectives, are antithetical to the scientific inquiry, do nothing to expand our knowledge of living systems, provide low returns on investment, and ultimately do not enhance health, lengthen life, or reduce illness. Worse, DEI studies are often used to support unlawful discrimination on the basis of race and other protected characteristics, which harms the health of Americans. Therefore, it is the policy of NIH not to prioritize such research programs.

Likewise, research programs based on gender identity are often unscientific, have little identifiable return on investment, and do nothing to enhance the health of many Americans. Many such studies ignore, rather than seriously examine, biological realities. It is the policy of NIH not to prioritize these research programs either.

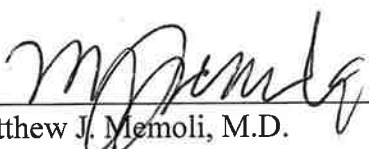
For these reasons and pursuant to, among other authorities, 42 U.S.C. § 282(b) and 45 C.F.R. Part 75 (45 C.F.R. §§ 75.207, 75.210, 75.371–373),¹ the Director of NIH hereby directs:

NIH personnel shall conduct an internal review of all contract solicitations and notices of funding opportunities; applications pending Type 1 and Type 2 awards; existing awards; cooperative agreements; and other transactions. Such review shall be aimed at ensuring NIH grants, contracts, cooperative agreements, and other transactions do not fund or support low-value and off-mission research activities or projects – including DEI and gender identity research activities and programs. NIH personnel should also ensure grants, contracts, cooperative agreements, and other transactions are free from fraud, abuse, and duplication, and are being implemented consistent with federal law.

This Directive shall be implemented by all relevant NIH personnel, including but not limited to those in the Office of Extramural Research, Office of Intramural Research, and the Division of Program Coordination, Planning, and Strategic Initiatives. Grants, contracts, cooperative agreements, and other transactions deemed inconsistent with NIH’s mission may, where permitted by applicable law, be subject to funding restrictions, terminated or partially terminated, paused, and/or not continued or renewed, in compliance with all procedural requirements.

Notwithstanding this Directive, and consistent with any court orders that may apply, no open award disbursements may be paused in reliance upon Office of Management and Budget Memorandum M-25-13 or any Executive Order underlying that Memorandum. Previous instructions ordering the immediate release of such funds remain in effect. Also, consistent with any court orders that may apply, this Directive does not instruct personnel to condition or withhold federal funding pursuant to Section 4 of Executive Order 14,187 (Protecting Children from Chemical and Surgical Mutilation) based on the fact that a healthcare entity or health professional provides care or treatment.

Dated: February 21, 2025


Matthew J. Memoli, M.D.
Acting Director of NIH

¹ To be clear, these citations are illustrative, not exhaustive. Further explanation of the range of statutory and regulatory authorities that support actions taken pursuant to this Directive will be issued as appropriate.

EXHIBIT D



National Institutes of Health
Office of Extramural Research

March 10, 2025

Angela V. Olinto, Ph.D.
Provost, Columbia University
Email: provost@columbia.edu

Dear Dr. Olinto:

NIH is hereby providing notice that funding for the projects in the attached spreadsheet will be terminated pursuant to the National Institutes of Health ("NIH") Grants Policy Statement (GPS),¹ and 2 C.F.R. § 200.340(a)(4).

As reflected in the Notices of Award for the most recent budget period of these projects, the NIH Grants Policy Statement is incorporated as a term and condition of award. The GPS "includes the terms and conditions of NIH grants and cooperative agreements and is incorporated by reference in all NIH grant and cooperative agreement awards."² According to the GPS, "NIH may ... terminate the grant in whole or in part as outlined in 2 CFR Part 200.340."³ At the time the Notices of Award were issued for the most recent budget period, 2 C.F.R. § 200.340(a)(4) permitted termination "[b]y the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities."

These awards no longer effectuate agency priorities. NIH is obligated to carefully steward grant awards to ensure taxpayer dollars are used in ways that benefit the American people and improve their quality of life. Your project does not satisfy these criteria.

NIH is responsible for ensuring that its limited resources are appropriately allocated. NIH policy is that grant dollars should support institutions that foster safe, equal, and healthy working and learning conditions conducive to high-quality research and free inquiry⁴—and should not subsidize institutions that are not built on American values of free speech, mutual respect, and open debate. In this vein, NIH is aware of recent events at Columbia University involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Columbia's ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students has ground day-to-day campus operations to a halt, deprived Jewish students of learning and research opportunities to which they are entitled, and brought shame upon the University and our nation as a whole. Supporting research in such an

¹ <https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>.

² NIH GPS, Section 3.

³ *Id.* at Section 8.5.2.

⁴ NIH GPS, Section 4.

environment is plainly inconsistent with NIH's priorities and *raison d'être* of funding and championing the very best American research and educational institutions.

Although "NIH generally will suspend (rather than immediately terminate) a grant and allow the recipient an opportunity to take appropriate corrective action before NIH makes a termination decision,"⁵ no corrective action is possible here. The actions described above are incompatible with agency priorities, and no modification of the projects could align the projects with agency priorities.

Costs resulting from financial obligations incurred after termination are not allowable.⁶ Nothing in this notice excuses either NIH or you from complying with the closeout obligations imposed by 2 C.F.R. §§ 200.344. NIH will provide any information required by the Federal Funding Accountability and Transparency Act or the Office of Management and Budget's regulations to *USAspending.gov*.⁷

Administrative Appeal

You may object and provide information and documentation challenging these terminations. NIH has established a first-level grant appeal procedure that must be exhausted before you may file an appeal with the Departmental Appeals Board.⁸

You must submit a request for such review to Director Memoli no later than 30 days after this letter is received, except that if you show good cause why an extension of time should be granted, Dr. Memoli may grant an extension of time.⁹

The request for review must include a copy of this decision, must identify the issue(s) in dispute, and must contain a full statement of your position with respect to such issue(s) and the pertinent facts and reasons in support of your position. In addition to the required written statement, you shall provide copies of any documents supporting your claim.¹⁰

Sincerely,

Michelle G. Bulls -S

Digitally signed by Michelle G.
Bulls -S
Date: 2025.03.10 16:01:39 -04'00'

Michelle G. Bulls
Director, Office Policy for Extramural Administration
Chief Grants Management Officer - National Institutes of Health
Email: michelle.bulls@nih.gov

cc:

William Berger, Assistant Vice President for Sponsored Projects Administration, Columbia University

⁵ NIH GPS, Section 8.5.2.

⁶ See 2 C.F.R. § 200.343.

⁷ 2 C.F.R. § 200.341(c).

⁸ See 42 C.F.R. Part 50, Subpart D.

⁹ *Id.* § 50.406(a).

¹⁰ *Id.* § 50.406(b).

EXHIBIT E



National Institutes of Health
Office of Extramural Research

March 14, 2025

Angela V. Olinto, Ph.D.
Provost, Columbia University
Email: provost@columbia.edu

Dear Dr. Olinto:

Effective today, March 14, 2025, NIH is hereby providing notice that funding for the projects in the attached spreadsheet will be terminated pursuant to the National Institutes of Health ("NIH") Grants Policy Statement (GPS),¹ and 2 C.F.R. § 200.340(a)(4).

As reflected in the Notices of Award for the most recent budget period of these projects, the NIH Grants Policy Statement is incorporated as a term and condition of award. The GPS "includes the terms and conditions of NIH grants and cooperative agreements and is incorporated by reference in all NIH grant and cooperative agreement awards."² According to the GPS, "NIH may ... terminate the grant in whole or in part as outlined in 2 CFR Part 200.340."³ At the time the Notices of Award were issued for the most recent budget period, 2 C.F.R. § 200.340(a)(4) permitted termination "[b]y the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities."

These awards no longer effectuate agency priorities. NIH is obligated to carefully steward grant awards to ensure taxpayer dollars are used in ways that benefit the American people and improve their quality of life. Your project does not satisfy these criteria.

NIH is responsible for ensuring that its limited resources are appropriately allocated. NIH policy is that grant dollars should support institutions that foster safe, equal, and healthy working and learning conditions conducive to high-quality research and free inquiry⁴—and should not subsidize institutions that are not built on American values of free speech, mutual respect, and open debate. In this vein, NIH is aware of recent events at Columbia University involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Columbia's ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students has ground day-to-day campus operations to a halt, deprived Jewish students of learning and research opportunities to which they are entitled, and brought shame upon the University and our nation as a whole. Supporting research in such an

¹ <https://grants.nih.gov/grants/policy/nihgps/nihgps.pdf>.

² NIH GPS, Section 3.

³ *Id.* at Section 8.5.2.

⁴ NIH GPS, Section 4.

environment is plainly inconsistent with NIH's priorities and raison d'être of funding and championing the very best American research and educational institutions.

Although "NIH generally will suspend (rather than immediately terminate) a grant and allow the recipient an opportunity to take appropriate corrective action before NIH makes a termination decision,"⁵ no corrective action is possible here. The actions described above are incompatible with agency priorities, and no modification of the projects could align the projects with agency priorities.

Costs resulting from financial obligations incurred after termination are not allowable.⁶ Nothing in this notice excuses either NIH or you from complying with the closeout obligations imposed by 2 C.F.R. §§ 200.344. NIH will provide any information required by the Federal Funding Accountability and Transparency Act or the Office of Management and Budget's regulations to *USAspending.gov*.⁷

Administrative Appeal

You may object and provide information and documentation challenging these terminations. NIH has established a first-level grant appeal procedure that must be exhausted before you may file an appeal with the Departmental Appeals Board.⁸

You must submit a request for such review to Director Memoli no later than 30 days after this letter is received, except that if you show good cause why an extension of time should be granted, Dr. Memoli may grant an extension of time.⁹

The request for review must include a copy of this decision, must identify the issue(s) in dispute, and must contain a full statement of your position with respect to such issue(s) and the pertinent facts and reasons in support of your position. In addition to the required written statement, you shall provide copies of any documents supporting your claim.¹⁰

Sincerely,

Michelle G. Bulls -S

Digitally signed by Michelle G. Bulls

-S

Date: 2025.03.14 09:52:52 -04'00'

Michelle G. Bulls

Director, Office of Policy for Research Administration, OER

Chief Grants Management Officer - National Institutes of Health

Email: michelle.bulls@nih.gov

cc:

William Berger, Assistant Vice President for Sponsored Projects Administration, Columbia University

⁵ NIH GPS, Section 8.5.2.

⁶ See 2 C.F.R. § 200.343.

⁷ 2 C.F.R. § 200.341(c).

⁸ See 42 C.F.R. Part 50, Subpart D.

⁹ *Id.* § 50.406(a).

¹⁰ *Id.* § 50.406(b).

EXHIBIT F



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Institutes of Health
Eunice Kennedy Shriver National
Institute of Child Health and
Human Development
Bethesda, Maryland 20892

DATE: March 7, 2025

FROM: Alice Pagán Pereira, Contracting Officer

TO: The Trustees of Columbia University in the City of New York

SUBJECT: Notification of Termination of Multiple Task Orders

Dear Contractor,

Pursuant to FAR Clause 52.249-5, Termination for Convenience of the Government (Educational and Other Nonprofit Institutions) (AUG 2016), the task orders listed below are hereby terminated for the convenience of the Government, effective immediately. No further expenses shall be incurred under the following contract and task orders:

- HHSN201300010I/HHSN27500005 – *“Pharmacokinetic/Pharmacodynamic Evaluation of Levonorgestrel Butanoate of Female Contraception”*
- 75N94020D00013 – *“Contraceptive Development Program NICHD Contraceptive Clinical Trials Network – Female Sites”*
- 75N94020D00013/75N94023F00001 – *“Ovaprene Phase 1 - Protocol Finalization, Procurement of Regulatory Approval, and Complete Start-Up Activities for the Ovaprene Vaginal Device Clinical Trial and Colposcopy Subset”*
- 75N94020D00013/75N94020F00001 - *“Contraceptive Clinical Trials Network – Female Sites - Core Function Activities”*

Additional information will follow.

Should you have any questions, please feel free to reach out.

Alice Pagán Pereira
Contracting Officer
NICHD Office of Acquisitions

JA934

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ASSOCIATION OF UNIVERSITY
PROFESSORS,

and

AMERICAN FEDERATION OF TEACHERS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE, *et*
al.,

Defendants.

Case No. 1:25-cv-02429-MKV

NOTICE OF APPEAL

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs American Association of University Professors and American Federation of Teachers in the above-captioned case appeal to the United States Court of Appeals for the Second Circuit from the order entered on June 16, 2025 denying Plaintiffs' motion for a preliminary injunction and dismissing the case without prejudice for lack of standing (ECF No. 148).

Dated: June 16, 2025

Respectfully submitted,

By: S/ Orion Danjuma
Orion Danjuma
Rachel Goodman
Protect Democracy Project
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New York, NY 10038
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JA935

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Richard Primus*
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(institutional affiliation provided for identification
purposes only; not representing the University)
625 S. State Street
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PrimusLaw1859@gmail.com

**Pro hac vice* application granted

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2025, I electronically filed the foregoing Joint Appendix with the Clerk of Court for the United States Court of Appeals for the Second Circuit using the ACMS system, which will send notice of such filing to all counsel of record in compliance with Local Rule 25.1(h)(2).

Dated: September 22, 2025

By: s/ Rachel Goodman

Rachel Goodman

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