Case: 25-1611 Document: 00118365661 Page: 1 Date Filed: 11/13/2025 Entry ID: 6764828

#### Nos. 25-1611, 25-1612

# UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

(No. 25-1611)

AMERICAN PUBLIC HEALTH ASSOCIATION; IBIS REPRODUCTIVE HEALTH;
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE, AND AGRICULTURAL
IMPLEMENT WORKERS (UAW); BRITTANY CHARLTON; KATIE EDWARDS;
PETER LURIE; NICOLE MAPHIS,

Plaintiffs-Appellees,

NATIONAL INSTITUTES OF HEALTH; JAY BHATTACHARYA, in his official capacity as Director of the National Institutes of Health; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human Services,

Defendants-Appellants. (Caption continued on inside cover)

Appeals from the U.S. District Court for the District of Massachusetts

## PLAINTIFFS' MOTION TO SUPPLEMENT THE RECORD

ANDREA JOY CAMPBELL
Attorney General of Massachusetts
DAVID C. KRAVITZ
GERARD J. CEDRONE
VANESSA A. ARSLANIAN
PHOEBE M. LOCKHART
One Ashburton Place, 20th Floor
Boston, MA 02108
(617) 963-2282

Counsel for Massachusetts
Additional counsel listed at pages 8-11

JESSIE J. ROSSMAN
SUZANNE SCHLOSSBERG
JENNIFER M. HERRMANN
American Civil Liberties Union
Foundation of Massachusetts, Inc.
One Center Plaza, Suite 850
Boston, MA 02018
617-482-3170

Counsel for APHA Plaintiffs Additional counsel listed at page 7 Case: 25-1611 Document: 00118365661 Page: 2 Date Filed: 11/13/2025 Entry ID: 6764828

\_\_\_\_\_

(No. 25-1612)

COMMONWEALTH OF MASSACHUSETTS; STATE OF CALIFORNIA; STATE OF MARYLAND; STATE OF WASHINGTON; STATE OF ARIZONA; STATE OF COLORADO; STATE OF DELAWARE; STATE OF HAWAI'I; STATE OF MINNESOTA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF WISCONSIN,

## Plaintiffs-Appellees,

 $\mathbf{v}$ 

ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human Services; United States Department of Health and Human Services; Jay BHATTACHARYA, in his official capacity as Director of the National Institutes of Health; NATIONAL INSTITUTES OF HEALTH; NATIONAL CANCER INSTITUTE; NATIONAL EYE INSTITUTE; NATIONAL HEART, LUNG, AND BLOOD INSTITUTE; NATIONAL HUMAN GENOME RESEARCH INSTITUTE; NATIONAL INSTITUTE ON AGING; NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM; NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES; NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES; NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING; EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS; NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH; NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES; NATIONAL INSTITUTE ON DRUG ABUSE; NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES; NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES; NATIONAL INSTITUTE OF MENTAL HEALTH; NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES; NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE; NATIONAL INSTITUTE OF NURSING RESEARCH; NATIONAL LIBRARY OF MEDICINE; NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES; JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES; NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH; NIH CENTER FOR SCIENTIFIC REVIEW,

Dej	ena	ants-A	lppel	llants

Plaintiffs in appeal No. 25-1611 ("APHA Plaintiffs") and appeal No. 25-1612 ("State Plaintiffs") (together, "Plaintiffs"), respectfully request leave to supplement the record in this consolidated appeal with two documents that Defendants submitted to the District Court and served on Plaintiffs: (1) Defendants' Phase 2 Certification dated August 19, 2025 ("Certification"), and (2) the spreadsheet attached to the Phase 2 Certification ("Spreadsheet"). These documents—which consist of Defendants' own sworn statements and directly relate to legal issues that Defendants have raised on appeal—are properly part of the record in the District Court. Accordingly, the Court should permit Plaintiffs to supplement the appellate record with these materials. Defendants have stated that they take no position on Plaintiffs' motion.

The appellate record should be supplemented to include copies of the Certification and Spreadsheet. Under Fed. R. App. P. 10(a), the record on appeal encompasses all "papers and exhibits filed in the district court." Here, Defendants were required to prepare and produce the Certification and Spreadsheet pursuant to a joint stipulation agreed upon with the APHA Plaintiffs and approved by the District Court. *See* ECF Nos. 163, 167, 168, D. Mass. No. 25-cv-10787. These documents

<sup>&</sup>lt;sup>1</sup> Copies of these documents are being filed contemporaneously with this motion in Volume II of Plaintiffs' Supplemental Appendix. Portions of the Spreadsheet are redacted pursuant to APHA Plaintiffs' pending Motion to Seal Portions of the Supplemental Record, also filed by hand today with the Court, along with an unredacted copy of the document.

are part of the record within the meaning of Rule 10(a) because Defendants submitted them both to the District Court. As Defendants attested in a contemporaneous Notice of Production filed on the docket, they "submitt[ed] [the Certification and Spreadsheet] electronically to the [district] court's clerk" and served the documents on the APHA Plaintiffs. Notice of Production at 1, D. Mass. No. 25-ev-10787 (ECF No. 170); see also Ex. A, Email from A. Khetarpal to K. Belmont et al. (Aug. 19, 2025)<sup>2</sup>. Defendants did not "file [the Certification and Spreadsheet] on the public docket" because "the spreadsheet includes some potentially sensitive information" and the parties had not yet negotiated an appropriate protective order. Ex. A, Email from A. Khetarpal.

Moreover, Rule 10(e) allows this Court to supplement the record with "anything material to either party" that has been "omitted from . . . the record." Fed. R. App. P. 10(e). The Certification and Spreadsheet are plainly material: as explained in the APHA Plaintiffs' and State Plaintiffs' respective answering briefs, Defendants' sworn statements in those documents directly refute their current standing and mootness arguments. *See Fellowship of Christian Athletes v. San Jose Unified Sch. Dist. Bd. of Educ.*, 82 F.4th 664, 682 n.7 (9th Cir. 2023) (allowing plaintiffs' motion to supplement to include declarations establishing standing).

<sup>2</sup> Exhibit A is attached to the Declaration of Jessie J. Rossman in Support of Plaintiffs' Motion to Supplement the Record.

It would be inequitable for the Court to consider Defendants' arguments for evading judicial review without also considering their own sworn statements in the District Court that undermine those new arguments. This is not a case where Plaintiffs failed to put forward some extant piece of evidence or declaration in advance of the District Court's findings of fact. By virtue of the phased nature of this case, the Certification and Spreadsheet did not exist until the commencement of Phase Two of the District Court proceedings. Moreover, Plaintiffs are responding to standing and mootness arguments that Defendants are raising for the first time on appeal. There is no just basis to exclude these statements, which were submitted to the District Court and attested to, under penalty of perjury, by an NIH recordkeeper. See Certification at 1-2; see also, e.g., United States v. Aulet, 618 F.2d 182, 187 (2d Cir. 1980) (identifying no "principle of law or equity [that] would be served by our thus shielding ourselves from the knowledge of what transpired below.").

Even if the Court rules that it will not supplement the record under Rules 10(a) and (e), it should nevertheless take judicial notice of the statements in those documents. As discussed above, these statements were submitted to the District Court, served upon the APHA Plaintiffs with notice filed on the docket, and attested under penalty of perjury by an NIH official. Because those statements are memorialized in sources "whose accuracy cannot reasonably be questioned," they

are susceptible to judicial notice. Fed. R. Evid. 201(b); see Unibank for Sav. v. 999 Priv. Jet, LLC, 31 F.4th 1, 5 (1st Cir. 2022).

#### **CONCLUSION**

For the reasons herein, Plaintiffs respectfully request that the Court grant their Motion to Supplement the Record.

Dated: November 13, 2025

Andrea Joy Campbell
Attorney General of Massachusetts

/s/ Gerard J. Cedrone

DAVID C. KRAVITZ

State Solicitor

GERARD J. CEDRONE

Deputy State Solicitor

VANESSA A. ARSLANIAN

State Trial Counsel

PHOEBE M. LOCKHART

Assistant Attorney General

One Ashburton Place, 20th Floor

Boston, MA 02108

(617) 963-2282

gerard.cedrone@mass.gov

Counsel for Massachusetts

Respectfully submitted,

/s/ Jessie J. Rossman (N.

Jessie J. Rossman (No. 1161236)
Suzanne Schlossberg (No. 1217988)
Jennifer M. Herrmann (No. 1201755)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS, INC.
One Center Plaza, Suite 850
Boston, MA 02018
617-482-3170
jrossman@aclum.org
sschlossberg@aclum.org

Counsel for APHA Plaintiffs

jherrmann@aclum.org

[additional counsel listed below]

## Additional Counsel for APHA Plaintiffs

Shalini Goel Agarwal\*\*
Emily Gilman (No. 1218805)
PROTECT DEMOCRACY PROJECT
2020 Pennsylvania Ave., NW,
Ste. 163
Washington, DC 20006
202-579-4582
shalini.agarwal@protectdemocracy.org
emily.gilman@protectdemocracy.org

Michel-Ange Desruisseaux
(No. 1218422)
PROTECT DEMOCRACY PROJECT
82 Nassau Street, #601
New York, NY 10038
michel-ange.
desruisseaux@protectdemocracy.org

Kenneth Parreno (No. 1218416)
PROTECT DEMOCRACY PROJECT
15 Main Street, Suite 312
Watertown, MA 02472
202-579-4582
kenneth.parreno@protectdemocracy.org

Matthew D. Brinckerhoff (No. 1218417)
Ilann M. Maazel (No. 1218419)
Max Selver (No. 1218421)
Sydney Zazzaro (No. 1218425)
EMERY CELLI BRINCKERHOFF ABADY
WARD & MAAZEL LLP
One Rockefeller Plaza, 8th Floor
New York, New York 10020
(212) 763-5000
mbrinckerhoff@ecbawm.com
imaazel@ecbawm.com
mselver@ecbawm.com
szazzaro@ecbawm.com

Olga Akselrod (No. 1218423)
Rachel Meeropol (No. 115840)
Alexis Agathocleous (No. 1158452)
Alejandro Ortiz (No. 1190415)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
212-549-2659
oakselrod@aclu.org
aagathocleous@aclu.org
rmeeropol@aclu.org
ortiza@aclu.org

Lisa S. Mankofsky (No. 1218420)
Oscar Heanue\*\*
CENTER FOR SCIENCE IN THE PUBLIC INTEREST
1250 I St., NW, Suite 500
Washington, DC 20005
202-777-8381
lmankofsky@cspinet.org
oheanue@cspinet.org

\*\* Admission forthcoming

## Additional Counsel for State Plaintiffs

Rob Bonta Attorney General of California

/s/ Emilio Varanini
EMILIO VARANINI
Supervising Deputy
Attorney General
NIMROD PITSKER ELIAS
DANIEL D. AMBAR
SOPHIA TONNU
Deputy Attorneys General
455 Golden Gate Avenue
San Francisco, CA 94102
(415) 510-3541
emilio.varanini@doj.ca.gov

Counsel for California

NICHOLAS W. BROWN
Attorney General of Washington

/s/ Andrew Hughes
ANDREW HUGHES
Assistant Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7744
andrew.hughes@atg.wa.gov

Counsel for Washington

Anthony G. Brown
Attorney General of Maryland

/s/ Adam D. Kirschner
JULIA DOYLE
Solicitor General
ADAM D. KIRSCHNER
MICHAEL DREZNER
JAMES C. LUH
Senior Assistant Attorneys General
200 Saint Paul Place, 20th Floor
Baltimore, MD 21202
(410) 576-6959
mdrezner@oag.state.md.us

Counsel for Maryland

Kristin K. Mayes
Attorney General of Arizona

/s/ Joshua G. Nomkin
JOSHUA G. NOMKIN
Assistant Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004
(602) 542-3333
joshua.nomkin@azag.gov

Counsel for Arizona

Case: 25-1611 Document: 00118365661 Page: 9 Date Filed: 11/13/2025 Entry ID: 6764828

PHILIP J. WEISER
Attorney General of Colorado

/s/ Shannon Stevenson
SHANNON STEVENSON
Solicitor General
1300 Broadway, 10th Floor
Denver, CO 80203
(720) 508-6000
shannon.stevenson@coag.gov

Counsel for Colorado

Anne E. Lopez
Attorney General of Hawai 'i

/s/ Kalikoʻonālani D. Fernandes

DAVID D. DAY

Special Assistant

to the Attorney General

KALIKOʻONĀLANI D. FERNANDES

Solicitor General

425 Queen Street

Honolulu, HI 96813 (808) 586-1360

kaliko.d.fernandes@hawaii.gov

Counsel for Hawaiʻi

Kathleen Jennings Attorney General of Delaware

/s/ Vanessa L. Kassab
IAN R. LISTON
Director of Impact Litigation
VANESSA L. KASSAB
Deputy Attorney General
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
vanessa.kassab@delaware.gov

Counsel for Delaware

KEITH ELLISON
Attorney General of Minnesota

/s/ Elizabeth Kramer
ELIZABETH KRAMER
Solicitor General
445 Minnesota Street, Suite 600
St. Paul, Minnesota, 55101
(651) 757-1010
liz.kramer@ag.state.mn.us

Counsel for the State of Minnesota

Case: 25-1611 Document: 00118365661 Page: 10 Date Filed: 11/13/2025 Entry ID: 6764828

AARON D. FORD

Attorney General of Nevada

/s/ Heidi Parry Stern
HEIDI PARRY STERN
Solicitor General
1 State of Nevada Way, Suite 100
Las Vegas, NV 89119
hstern@ag.nv.gov

Counsel for Nevada

Raúl Torrez Attorney General of New Mexico

/s/ Amy Senier
AMY SENIER
Senior Counsel,
Impact Litigation Division
408 Galisteo Street
Santa Fe, NM 87501
(505) 637-1737
asenier@nmdoj.gov

Counsel for New Mexico

MATTHEW J. PLATKIN

Attorney General of New Jersey

/s/ Angela Cai
ANGELA CAI
Executive Assistant
Attorney General
BRYCE K. HURST
Deputy Attorney General
25 Market Street
Trenton, NJ 08611
(609) 414-5954
angela.cai@njoag.gov

Counsel for New Jersey

Letitia James
Attorney General of New York

/s/ Judith N. Vale
JUDITH N. VALE
Deputy Solicitor General
28 Liberty Street
New York, NY 10005
(212) 416-6274
judith.vale@ag.ny.gov

Counsel for New York

Case: 25-1611 Document: 00118365661 Page: 11 Date Filed: 11/13/2025 Entry ID: 6764828

DAN RAYFIELD
Attorney General of Oregon

/s/ Robert Koch
ROBERT KOCH
Senior Assistant Attorney General
1162 Court Street, NE
Salem, OR 97301

Salem, OR 97301 (503) 378-4402 robert.a.koch@doj.oregon.gov

Counsel for Oregon

Joshua L. Kaul Attorney General of Wisconsin

/s/ Lynn K. Lodahl
LYNN K. LODAHL
Assistant Attorney General
17 West Main Street
P.O. Box 7857
Madison, WI 53707
(608) 264-6219
lynn.lodahl@wisdoj.gov

Counsel for Wisconsin

PETER F. NERONHA
Attorney General of Rhode Island

/s/ Jordan Broadbent
JORDAN BROADBENT
Special Assistant Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400, Ext. 2060
jbroadbent@riag.ri.gov

Counsel for Rhode Island

Case: 25-1611 Document: 00118365661 Page: 12 Date Filed: 11/13/2025 Entry ID: 6764828

**CERTIFICATE OF COMPLIANCE** 

This motion complies with the type-volume limit of Federal Rule of Appellate

Procedure 27(d)(2)(A) because it contains 770 words. This motion also complies

with the typeface and type-style requirements of Federal Rule of Appellate

Procedure 32(a)(5)-(6) because it was prepared using Word for Microsoft 365 in

Times New Roman, 14-point font, a proportionally spaced typeface.

Dated: November 13, 2025

/s/ Jessie J. Rossman

Jessie J. Rossman

Case: 25-1611 Document: 00118365661 Page: 13 Date Filed: 11/13/2025 Entry ID: 6764828

**CERTIFICATE OF SERVICE** 

I certify that on November 13, 2025, the foregoing motion was filed electronically through the Court's CM/ECF system. Notice of this filing will

be sent by email to all parties by operation of the Court's electronic filing system.

Dated: November 13, 2025 /s/ Jessie J. Rossman

Jessie J. Rossman

## UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

AMERICAN PUBLIC HEALTH ASSOCIATION, et al.,

Plaintiffs-Appellees,

v.

NATIONAL INSTITUTES OF HEALTH,  $et\ al.$ ,

Defendants-Appellants.

COMMONWEALTH OF MASSACHUSETTS, et al.,

Plaintiffs-Appellees,

v.

ROBERT F. KENNEDY, JR., et al.,

Defendants-Appellants.

USCA No. 25-1611 USDC No. 25-cv-10787

USCA No. 25-1612 USDC No. 25-cv-10814

DECLARATION OF JESSIE J. ROSSMAN IN SUPPORT OF PLAINTIFFS' MOTION TO SUPPLEMENT THE RECORD

- I, Jessie J. Rossman, an attorney admitted to practice before this Court, do hereby state the following under penalty of perjury, pursuant to 28 U.S.C. § 1746:
- 1. I am an attorney admitted to appear and practice before this court. I represent the APHA Plaintiffs in the District Court (USDC No. 25-cv-10787-WGY) and in appeal No. 25-1611, which has been consolidated with appeal No. 25-1612 (in which appellees are "State Plaintiffs") (together with APHA Plaintiffs, "Plaintiffs").
- 2. I provide this declaration in support of Plaintiffs' Motion to Supplement the Record in the consolidated appeal.
- 3. Attached hereto as **Exhibit A** is a true and correct copy of an electronic mail message titled "APHA et al v. NIH et al, 25-cv-10787" which Assistant United States Attorney Anuj K. Khetarpal sent to District Court Clerk Kellyann Belmont on August 19, 2025, copying certain counsel for Defendants and counsel for APHA Plaintiffs, including myself.
- 4. This electronic mail message conveyed two attachments, titled: "2025-08-19 Stipulation Certification for filing.pdf" and "APHA Phase 2 Stipulation Final.xlsx." Those attachments are the documents Plaintiffs have submitted with their November 12, 2025, Motion to Supplement the Record.

Case: 25-1611 Document: 00118365662 Page: 3 Date Filed: 11/13/2025 Entry ID: 6764828

Dated: November 12, 2025

Boston, MA

/s/ Jessie J. Rossman

Jessie J. Rossman (No. 1161236)
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS, INC.
One Center Plaza, Suite 850
Roston, MA 02018

Boston, MA 02018 617-482-3170

jrossman@aclum.org

Counsel for APHA Plaintiffs

## **EXHIBIT A**



#### APHA et al v. NIH et al, 25-cv-10787

From Khetarpal, Anuj (USAMA) <Anuj.Khetarpal@usdoj.gov>

Date Tue 8/19/2025 6:16 PM

- To Kellyann Belmont (USC) <kellyann\_belmont@mad.uscourts.gov>; Olga Akselrod <oakselrod@aclu.org>; Max Selver <mselver@ecbawm.com>; Jessie Rossman <JRossman@aclum.org>
- Cc Ports, Thomas (CIV) <Thomas.Ports@usdoj.gov>; Hobbs, Samuel (CIV) <Samuel.Hobbs@usdoj.gov>

2 attachments (181 KB)

2025-08-19 Stipulation Certification - for filing.pdf; APHA Phase 2 Stipulation Final.xlsx;

#### Hello Clerk Belmont,

Attached please find Defendants' Phase 2 AR Certification, along with the attached AR Spreadsheet referenced in the Certification. As a reminder, the Parties agreed upon a Joint Stipulation on July 25, 2025, which included the Defendants' production of these certifications by today. See ECF Nos. 163, 167. The Court approved that Joint Stipulation on August 14, 2025. ECF No. 168.

As detailed in the Notice of Production which I just filed, the spreadsheet includes some potentially sensitive information, and the parties are in the process of proposing a protective order to shield some of that sensitive information. Therefore, we did not want to file this information on the public docket today. However, we want to ensure that the Court and Parties have all of the information immediately.

If the Court would like us to produce the attached documents in another format (flash drive, paper copy), please let us know and we will facilitate that.

Thank you,

Anuj K. Khetarpal

Assistant United States Attorney | District of Massachusetts

Email: Anuj.Khetarpal@usdoj.gov Office Phone: (617) 748-3658 Mobile Phone: (617) 823-6325

about:blank 1/1

Case: 25-1611 Document: 00118365663 Page: 1 Date Filed: 11/13/2025 Entry ID: 6764828

### Nos. 25-1611, 25-1612

## UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

(No. 25-1611)

AMERICAN PUBLIC HEALTH ASSOCIATION; IBIS REPRODUCTIVE HEALTH;
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE, AND AGRICULTURAL
IMPLEMENT WORKERS (UAW); BRITTANY CHARLTON; KATIE EDWARDS;
PETER LURIE; NICOLE MAPHIS,

Plaintiffs-Appellees,

v.

NATIONAL INSTITUTES OF HEALTH; JAY BHATTACHARYA, in his official capacity as Director of the National Institutes of Health; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human Services,

Defendants-Appellants.

(Caption continued on inside cover)

Appeals from the U.S. District Court for the District of Massachusetts

SUPPLEMENTAL APPENDIX – VOLUME II

JESSIE J. ROSSMAN
SUZANNE SCHLOSSBERG
JENNIFERR M. HERRMANN
American Civil Liberties Union
Foundation of Massachusetts, Inc.
One Center Plaza, Suite 801
Boston, MA 02018
617-482-3170

Counsel for APHA Plaintiffs
Additional counsel for APHA Plaintiffs and
Plaintiff States listed in Answering Briefs

(No. 25-1612)

COMMONWEALTH OF MASSACHUSETTS; STATE OF CALIFORNIA; STATE OF MARYLAND; STATE OF WASHINGTON; STATE OF ARIZONA; STATE OF COLORADO; STATE OF DELAWARE; STATE OF HAWAI'I; STATE OF MINNESOTA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF WISCONSIN,

## Plaintiffs-Appellees,

V.

ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human Services; United States Department of Health and Human Services; Jay BHATTACHARYA, in his official capacity as Director of the National Institutes of Health; NATIONAL INSTITUTES OF HEALTH; NATIONAL CANCER INSTITUTE; NATIONAL EYE INSTITUTE; NATIONAL HEART, LUNG, AND BLOOD INSTITUTE; NATIONAL HUMAN GENOME RESEARCH INSTITUTE; NATIONAL INSTITUTE ON AGING; NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM; NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES; NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES; NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING; EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS; NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH; NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES; NATIONAL INSTITUTE ON DRUG ABUSE; NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES; NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES; NATIONAL INSTITUTE OF MENTAL HEALTH; NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES; NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE; NATIONAL INSTITUTE OF NURSING RESEARCH; NATIONAL LIBRARY OF MEDICINE; NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES; JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES; NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH; NIH CENTER FOR SCIENTIFIC REVIEW,

Defend	ants-A	ppel	lants.

## TABLE OF CONTENTS

### **VOLUME II – CERTIFICATION MATERIALS**

Phase 2 Administrative Record Certification, served August 19, 2025 (per 25-cv-10787,	
Dkt. Nos. 163, 167–168)	A2770
Phase 2 Administrative Record Certification Spreadsheet, served August 19, 2025	
(ner 25-cv-10787 Dkt Nos 163 167–168)	A2772

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

AMERICAN PUBLIC HEALTH ASSOCIATION, et al.,

Plaintiffs,

v.

Civil Action No. 1:25-cv-10787-WGY

NATIONAL INSTITUTES OF HEALTH, et al.,

Defendants.

#### PHASE 2 CERTIFICATION

- I, Raymond Jacobson, Ph.D., hereby declare and certify as follows:
- 1. I am employed by the National Institutes of Health (NIH) and serve as the Director, Division of Receipt and Referral, of the Center for Scientific Review. I have held this position since December 2024 and have been employed by NIH in various capacities since 2009.
- 2. As the Director, Division of Receipt and Referral, I oversee the Division of Receipt and Referral's functions regarding the receipt and scientific referral of grant applications submitted to NIH and other HHS agencies. In that capacity, I am aware of the process by which the agency conducted the certification in this case.
- 3. To the best of my knowledge, information, and belief, the information contained within the attached spreadsheet and shared with Plaintiffs on August 19, 2025, constitutes a true and accurate explanation of the status of each of the grant applications on the list that Plaintiffs provided to Defendants on June 30, 2025 (the "APHA Applications List"), and each of the Notices of Funding Opportunity ("NOFOs") on the list that Plaintiffs provided to Defendants on July 29, 2025 (the "NOFO List"). The parties have agreed that, in exchange for Defendants'

production of this Certification to complete the Phase 2 Administrative Record, Plaintiffs will not

seek further completion of the Administrative Record, subject to the reservations outlined in the

parties' agreement, or any extra-record discovery. See Doc. Nos. 163; 167.

4. In obtaining this information, NIH conducted a thorough investigation of the

status of each grant application and NOFO identified by Plaintiffs and complied with the jointly

agreed-upon procedure established in the Joint Proposed Schedule for Defendants' Completion

of Phase 2 Administrative Record, Pre-Hearing Briefs, and Trial, Doc. No. 163, Doc. No. 167,

and approved by the Court on August 14, 2025, Doc. No. 168.

In accordance with 28 U.S.C. § 1746 I hereby certify and declare under penalty of perjury that

the foregoing is true and correct to the best of my knowledge, information and belief.

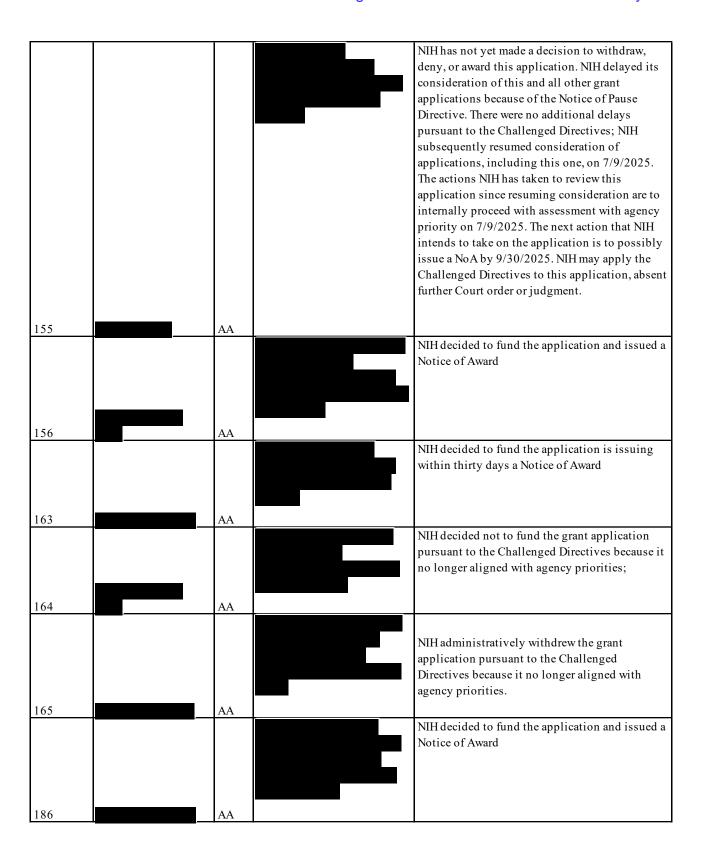
Executed on August 19, 2025 at Bethesda, MD.

/s/ Raymond Jacobson

Raymond Jacobson, Ph.D.

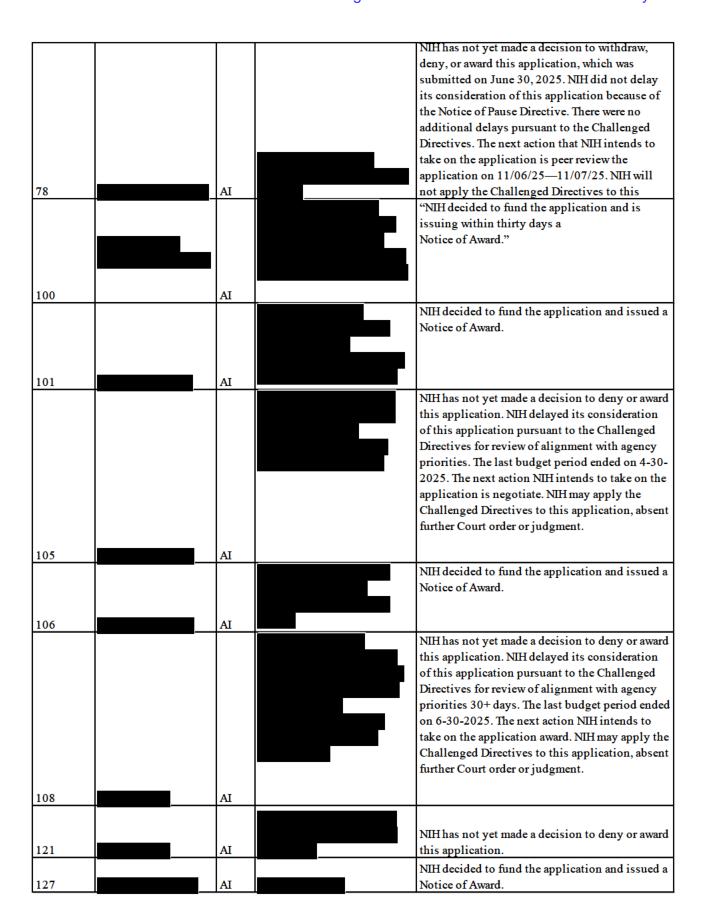
Tab 1: Applications

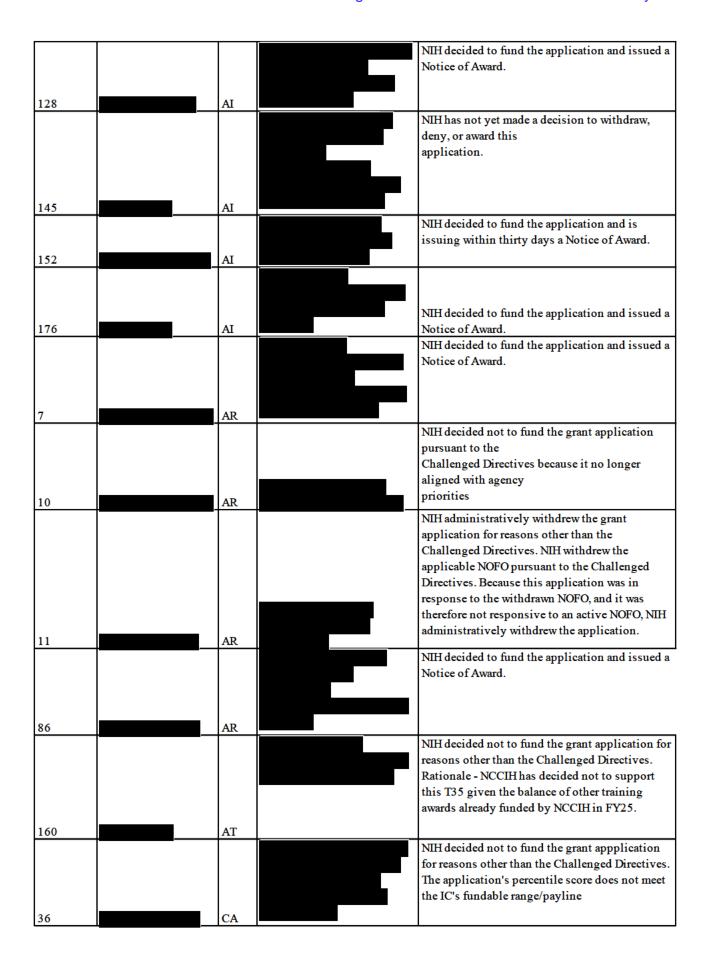
Row				
Number	Project Number	IC	Grant Title	Status
1		AA		NIH administratively withdrew the grant application for reasons other than the Challenged Directives. NIH withdrew the applicable NOFO pursuant to the Challenged Directives. Because this application was in response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH administratively withdrew the application.
2		AA		NIH decided to fund the application and issued a Notice of Award
70				NIH decided to fund the application is issuing
79		AA		within thirty days a Notice of Award  NIH has not yet made a decision to withdraw, deny, or award this application. NIH delayed its consideration of this and all other grant applications because of the Notice of Pause Directive. There were no additional delays pursuant to the Challenged Directives; NIH subsequently resumed consideration of applications, including this one, on 7/28/2025. The actions NIH has taken to review this application since resuming consideration are to internally proceed with assessment with agency priority on 7/28/2025. The next action that NIH intends to take on the application is to possibly issue a NoA by 9/30/2025. NIH may apply the Challenged Directives to this application, absent further Court order or judgment.
94		A A		



_	T		
			NIH decided to fund the application is issuing
			within thirty days a Notice of Award
187		AA	
		AG	NIH decided not to fund the grant application for
			reasons other than the Challenged Directives,
			due to high priority score.
52			
			NIH administratively withdrew the grant
			application for reasons other than the
			Challenged Directives. NIH withdrew the
			applicable NOFO pursuant to the Challenged
			Directives. Because this application was in
			response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH
			administratively withdrew the application.
104		AG	 administratively withdrew the application.
			The -04S1 award was issued on 5/28/2024 and
			never terminated. NIH has decided to fund the -
			05S1 application and is issuing within thirty
			days a Notice of Award.
117		AG	
			NIH administratively withdrew the grant
			application for reasons other than the
			Challenged Directives. NIH withdrew the
			applicable NOFO pursuant to the Challenged
			Directives. Because this application was in
			response to the withdrawn NOFO, and it was
			therefore not responsive to an active NOFO, NIH
135		AG	 administratively withdrew the application.
			NIH administratively withdrew the grant
			application for reasons other than the
			Challenged Directives. NIH withdrew the
			applicable NOFO pursuant to the Challenged
			Directives. Because this application was in
			response to the withdrawn NOFO, and it was
			therefore not responsive to an active NOFO, NIH
143		AG	administratively withdrew the application.
			NIH decided to fund the application and is
147		AG	issuing within thirty days a Notice of Award.
			NIH decided to fund the application and issued a
			Notice of Award
159		AG	
			8

	1	Ī	TI. 11 NIII
			This entry was not recognizable as an NIH
			application or NOFO.
168		AG	
			NIH has decided to fund the -04 application and
			is issuing within thirty days a Notice of Award.
175		AG	
			NIH has not yet made a decision to withdraw,
			deny, or award this application. NIH delayed its
			consideration of this and all other grant
			applications because of the Notice of Pause
			Directive. There were no additional delays
			pursuant to the Challenged Directives.NIH
			subsequently resumed consideration of applications, including this one, on 04/22/2025
			which is the date of the first National Advisory
			Council on Aging (NACA) subsequent to the
			removal of the pause. The actions NIH has taken
			to review this application since resuming
			consideration is to consider the application for
			funding during NACA which occurred on
			04/22/2025. The next action that NIH intends to
			take on the application has not been determined
			since the application was not selected for
			funding during NACA. NIH may apply the
			Challenged Directives to this application, absent
			further Court order or judgment.
191		AG	
171		710	NIH administratively withdrew the grant
			application for reasons other than the
			Challenged Directives. NIH withdrew the
			applicable NOFO pursuant to the Challenged
			Directives. Because this application was in
			response to the withdrawn NOFO, and it was
			 therefore not responsive to an active NOFO, NIH
6		AT	administratively withdrew the application.
6		AI	NIH decided not to fund the grant application for
			reasons other than the Challenged Directives
			application does not meet payline.
			application does not most paying.
20			
29		AI	NILL administrativaly with deaveth
			NIH administratively withdrew the grant application for reasons other than the
			Challenged Directives. NIH withdrew the
			applicable NOFO pursuant to the Challenged
			Directives. Because this application was in
			response to the withdrawn NOFO, and it was
			therefore not responsive to an active NOFO, NIH
l		. –	administratively withdrew the application.
45		AI	1

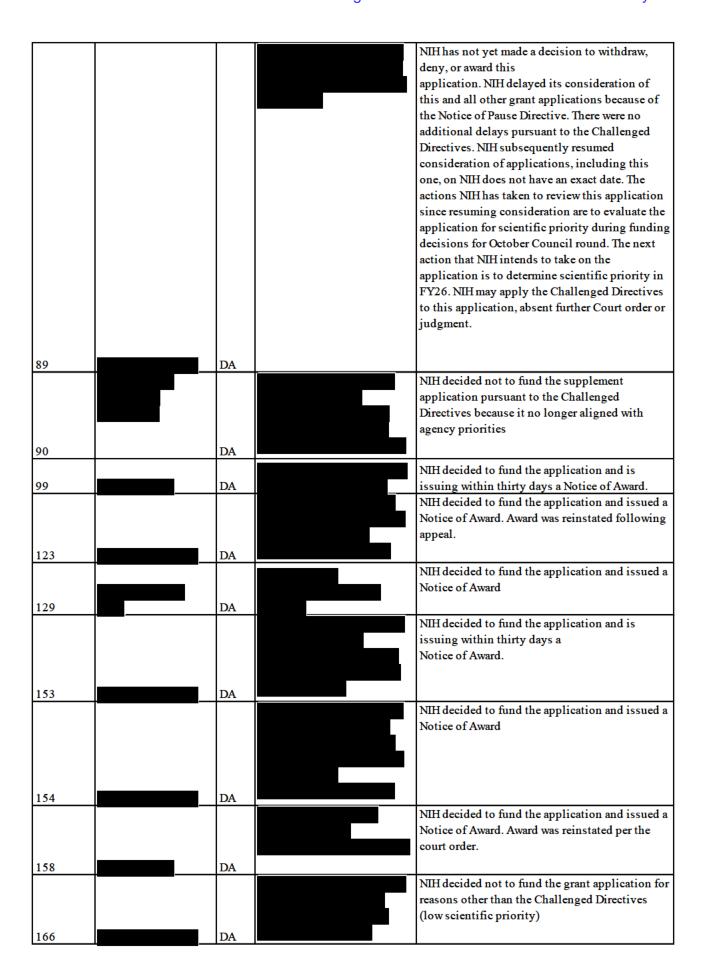




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		NIH decided not to fund the grant pursuant to the Challenged Directives because it no longer aligned with agency priorities
37	CA CA	NIH decided not to fund the grant appplication for reasons other than the Challenged Directives. The application's percentile score does not meet the IC's fundable range/payline
47	CA	NIH decided not to fund the grant application pursuant to the Challenged Directives because it no longer aligned with agency priorities
190	CA	NIH decided to fund the application and issued a Notice of Award
33	DA	NIH administratively withdrew the grant application for reasons other than the Challenged Directives. NIH withdrew the applicable NOFO pursuant to the Challenged Directives. Because this application was in response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH administratively withdrew the application.
34	DA	NIH decided not to fund the grant application for reasons other than the Challenged Directive (low scientific priority).
40	DA	NIH administratively withdrew the grant application for reasons other than the Challenged Directives. NIH withdrew the applicable NOFO pursuant to the Challenged Directives. Because this application was in response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH administratively withdrew the application.
60	DA	NIH has not yet made a decision to deny or award this application. NIH delayed its consideration of this application pursuant to the Challenged Directives for review of alignment with agency priorities. The last budget period ended on 11/30/2024. The transfer application was received 1/22/2025. The next action NIH intends to take on the application is not yet determined. NIH may apply the Challenged Directives to this application, absent further Court order or judgment.

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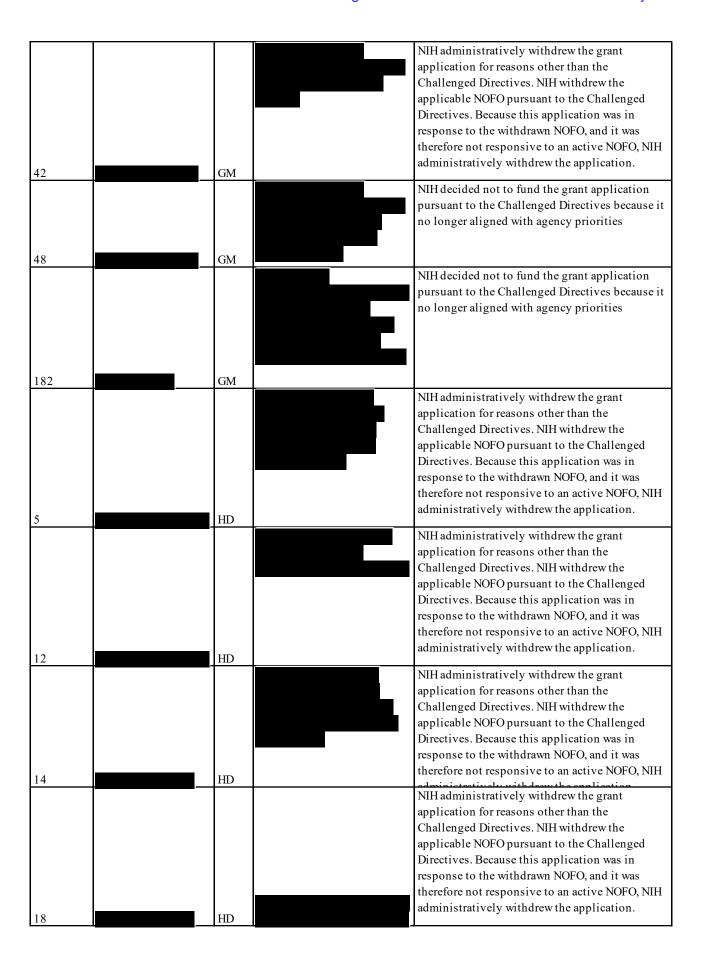


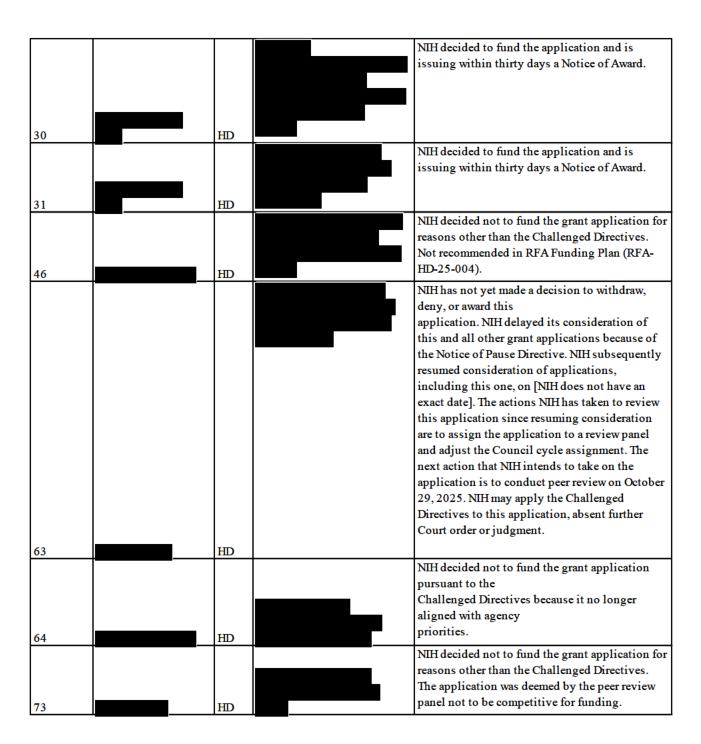
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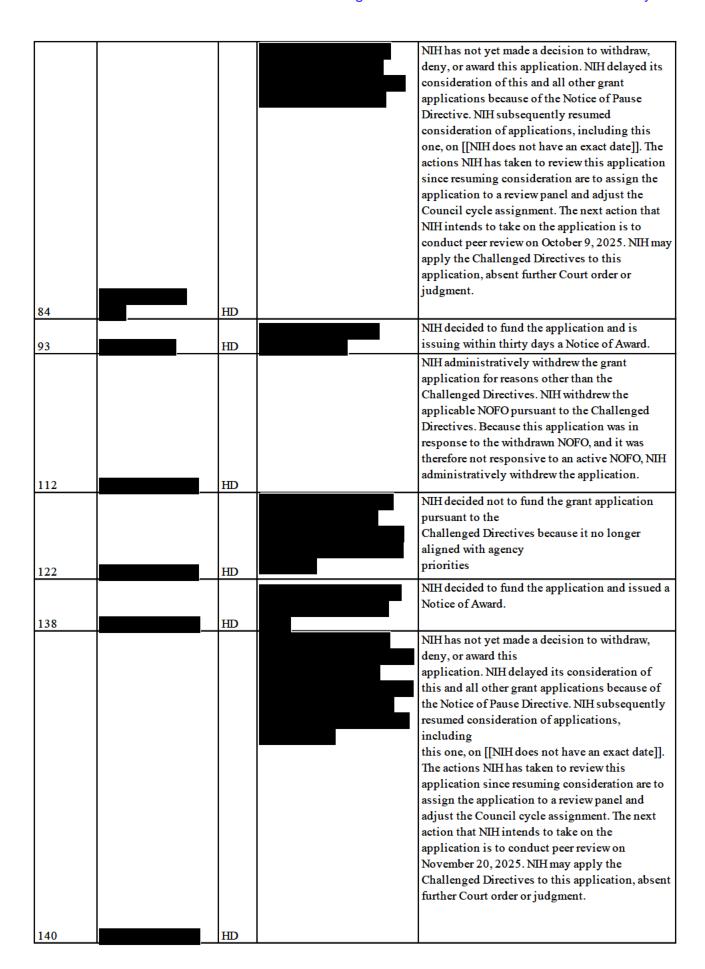
167	DA		NIH administratively withdrew the grant application for reasons other than the Challenged Directives. NIH withdrew the applicable NOFO pursuant to the Challenged Directives. Because this application was in response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH administratively withdrew the application.
			NIH has not yet made a decision to withdraw, deny, or award this application. NIH delayed its consideration of this and all other grant applications because of the Notice of Pause Directive. There were no additional delays pursuant to the Challenged Directives. NIH subsequently resumed consideration of applications, including this one, on NIH does not have an exact date. The actions NIH has taken to review this application since resuming consideration are to assign the application to a review panel and evaluate scientific priority after peer review. The next action that NIH intends to take on the application is to conduct peer review (date pending) and conisder application for FY26 funding. NIH may apply the Challenged Directives to this application, absent further Court order or judgment.
174	DA		NIH decided not to fund the grant application pursuant to the Challenged Directives because it no longer aligned with agency priorities.
179	DA DA		NIH decided to fund the application and issued a Notice of Award
192	DA		NIH decided not to fund the grant application pursuant to the Challenged Directives because it no longer aligned with agency priorities.
54	DC		NIH decided not to fund the grant application pursuant to the Challenged Directives because it no longer aligned with agency priorities.
55	DC		NIH decided not to fund the grant application pursuant to the Challenged Directives because it no longer aligned with agency priorities.
		1	i .

		<u>,                                      </u>
		NIH decided not to fund the grant application for
		reasons other than the Challenged Directives.
		The application was deemed by the peer review
		panel not to be competitive for funding.
162	DC	
		NIH administratively withdrew the grant
		application for reasons other than the
		Challenged Directives. NIH withdrew the
		applicable NOFO pursuant to the Challenged
		Directives. Because this application was in
		response to the withdrawn NOFO, and it was
		therefore not responsive to an active NOFO, NIH
21	DE	administratively withdrew the application.
		NIH administratively withdrew the grant
		application for reasons other than the
		Challenged Directives. NIH withdrew the
		applicable NOFO pursuant to the Challenged
		Directives. Because this application was in
		response to the withdrawn NOFO, and it was
		therefore not responsive to an active NOFO, NIH
9	DK	administratively withdrew the application.
,	 DIX	NIH decided to fund the application and issued a
		Notice of Award.
66	DK	
		NIH decided to fund the application and issued
		is issuing within thirty days a Notice of Award.
77	DK	
		NIH decided not to fund the grant application
		pursuant to the
		Challenged Directives because it no longer
		aligned with agency
59	EB	priorities.
		NIH decided not to fund the grant application
		pursuant to the Challenged Directives because it
56	ES	no longer aligned with agency priorities.
		NIH decided not to fund the grant application
		pursuant to the Challenged Directives because it
95	EY	no longer aligned with agency priorities
		NIH decided not to fund the grant application
		pursuant to the Challenged Directives because it
19	GM	no longer aligned with agency priorities
		NIH administratively withdrew the grant
		application pursuant to the
		Challenged Directives because it no longer
		aligned with agency priorities.
	GM	phonues.

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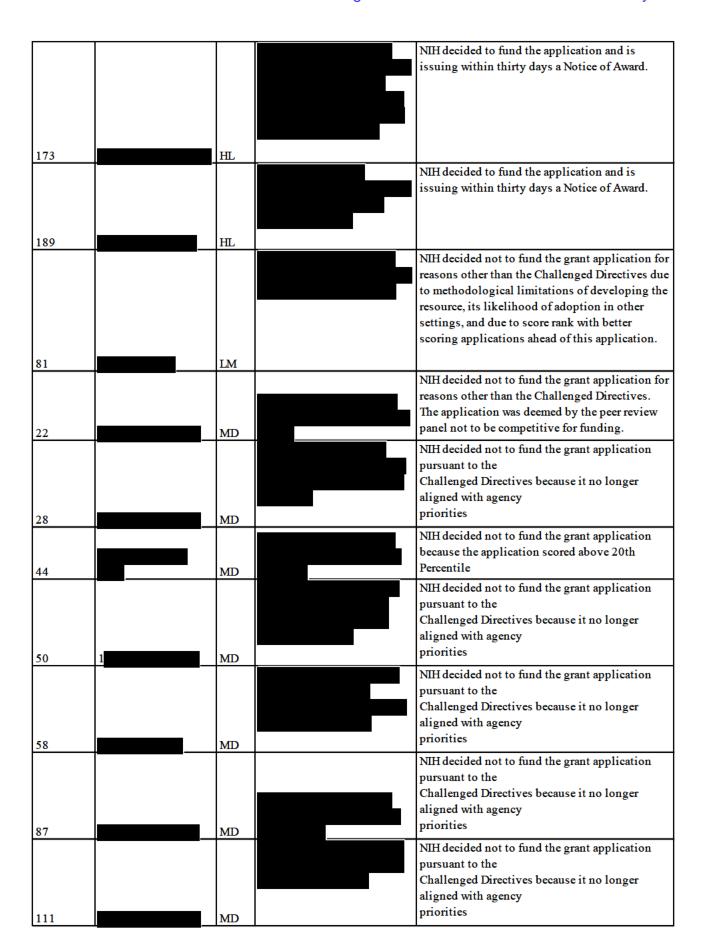


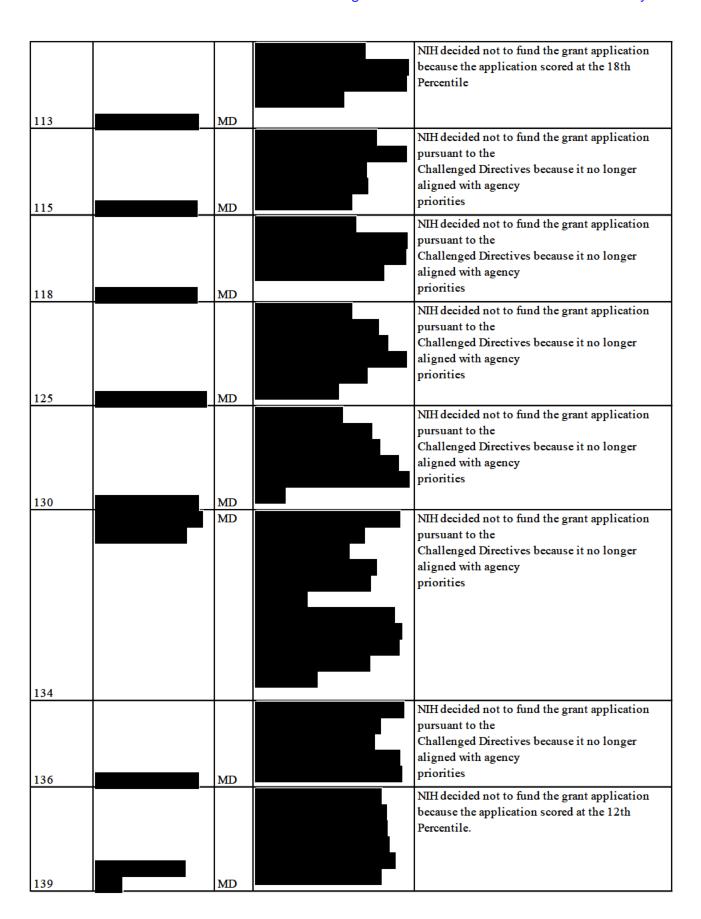




		T	1
			NIH decided to fund the application and issued a
			Notice of Award.
146	HD		
			NIH decided to fund the application and is
			issuing within thirty days a Notice of Award.
169	HD		
109	 1110		NIH has not yet made a decision to withdraw,
			deny, or award this
			application. NIH delayed its consideration of
			this and all other grant applications because of
			the Notice of Pause Directive. NIH subsequently
			resumed consideration of applications,
			including
			this one, on [NIH does not have an exact date].
			The actions NIH has taken to review this
			application since resuming consideration are to
			assign the application to a review panel and
			adjust the Council cycle assignment. The next
			action that NIH intends to take on the
			application is to conduct peer review on October
			23, 2025. NIH may apply the Challenged
			Directives to this
			application, absent further Court order or
			judgment.
170	HD		
170	ш	<del>                                     </del>	NIH decided to fund the application and issued a
			Notice of Award.
			Notice of Award.
180	HD		
			NIH decided to fund the application and is
16	HG		issuing within thirty days a Notice of Award.
			NIH decided not to fund this applications for
			reasons other than the Challenge Directive.
			Specifically, with a PS of 45, this application was
			not competitive for funding.
35	 HG		
			NIH administratively withdrew the grant
			application for reasons other than the
			Challenged Directives. NIH withdrew the
			applicable NOFO pursuant to the Challenged
			Directives. Because this application was in
			response to the withdrawn NOFO, and it was
			therefore not responsive to an active NOFO, NIH
1.42	110		administratively withdrew the application.
142	HG		

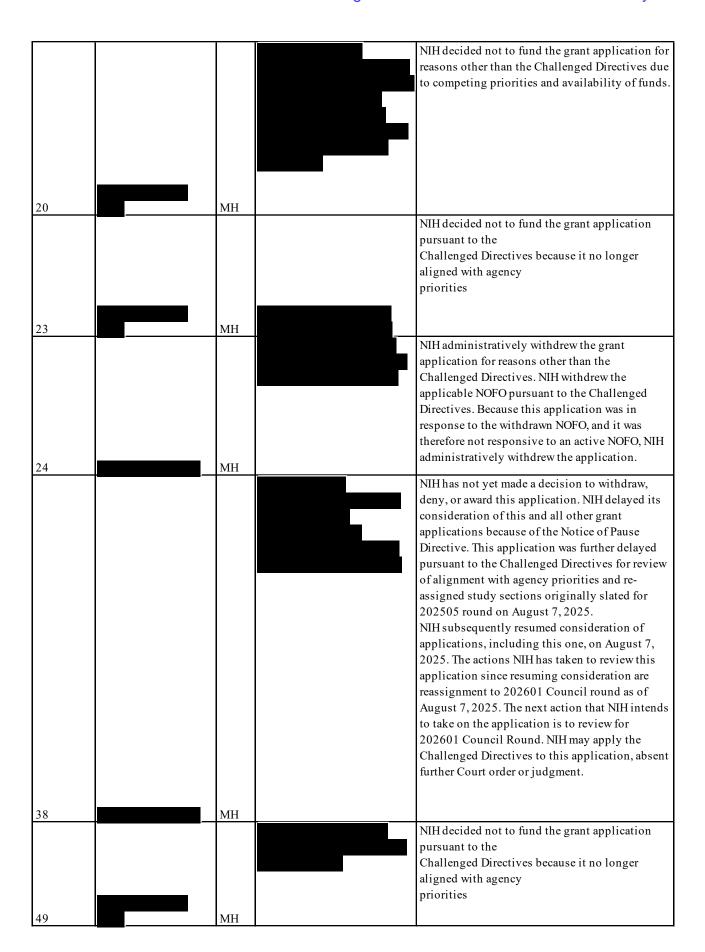
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pursuant to the Challenged Directives because it no longer aligned with agency priorities  NIH decided to fund the application and is issuing within thirty days a Notice of Award.  HL  Duplicate - see Row 27  NIH administratively withdrew the grant application for reasons other than the Challenged Directives. NIH withdrew the applicable NOFO pursuant to the Challenged Directives. Because this application was in response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH administratively withdrew the application.  NIH administratively withdrew the application was in response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH administratively withdrew the application for reasons other than the Challenged Directives. Because this application was in response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH administratively withdrew the application.  NIH decided to fund the application and is issuing within thirty days a Notice of Award.  NIH decided to fund the application and is issuing within thirty days a Notice of Award.  NIH decided to fund the application and is issuing within thirty days a Notice of favard.  NIH decided to find the application and is inconsideration of this and all other grant applications because of the Notice of Pause Directive. There were no additional delays pursuant to the Challenged Directives. NIH subsequently resumed consideration of applications, including this one, on 08/07/2025. The actions NIH has taken to review this applications inconsecution in the NIH intends to take on the application is peer review on 10/28/2025. NIH may apply the Challenged Directives to this application, absent further Court order or judgment.				NIH decided not to fund the grant application
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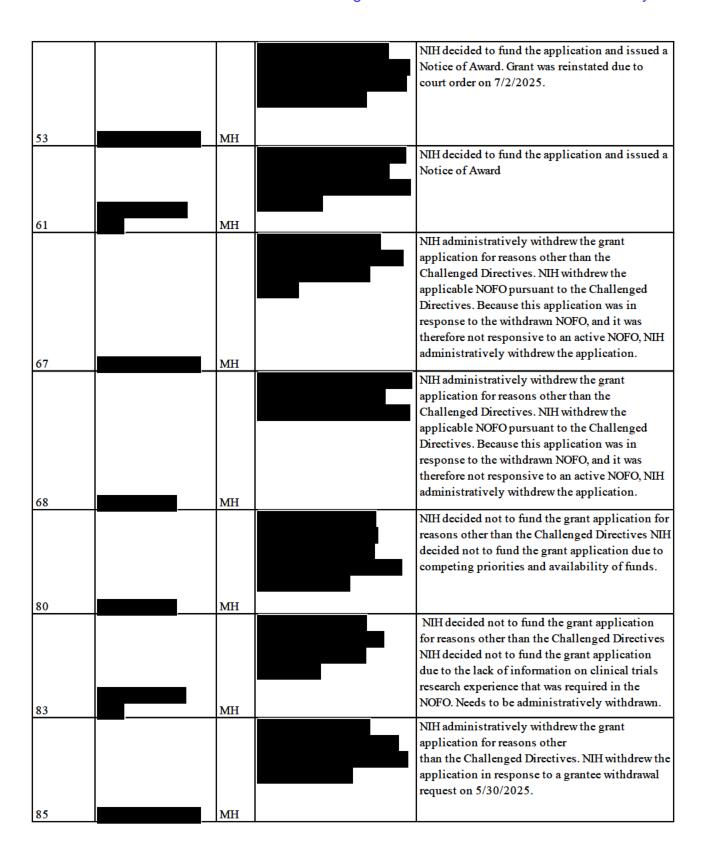




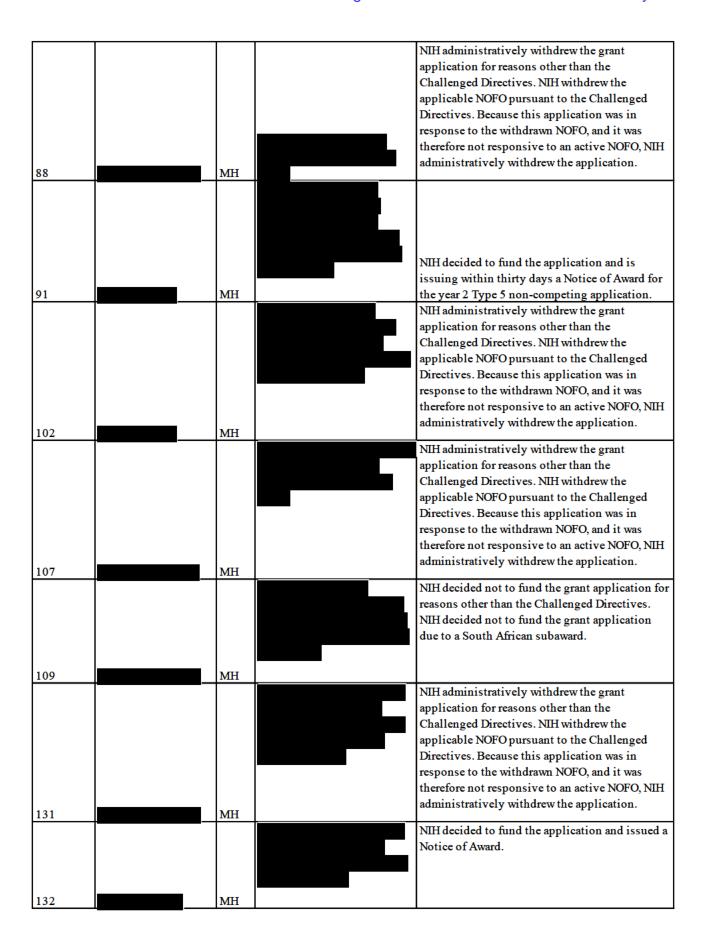
				NIH decided not to fund the grant application
				pursuant to the
				Challenged Directives because it no longer
				aligned with agency
				priorities
155				
157		MD		>===== 1
				NIH decided not to fund the grant application
				pursuant to the
				Challenged Directives because it no longer
				aligned with agency
				priorities
				1
177		MD		
				NIH decided not to fund the grant application
				because the application scored above the 25th
				Percentile
				rescentife
178		MD		
178		IVID		NIH decided not to fund the grant application
				pursuant to the
				Challenged Directives because it no longer
				aligned with agency
				priorities
102		<b>1</b> (D)		
183		MD		NTT 1 1 1 4 6 1 1 4 1 1 1 1
				NIH decided not to fund the grant application
				pursuant to the
				Challenged Directives because it no longer
				aligned with agency
				priorities
8		MH		
				NIH decided not to fund the grant application
				pursuant to the
				Challenged Directives because it no longer
				aligned with agency
				priorities
				F
13		MH		
13		14111		NIII decided not to find the court and itself
				NIH decided not to fund the grant application
				pursuant to the
				Challenged Directives because it no longer
				aligned with agency
				priorities
15		MH	1	1

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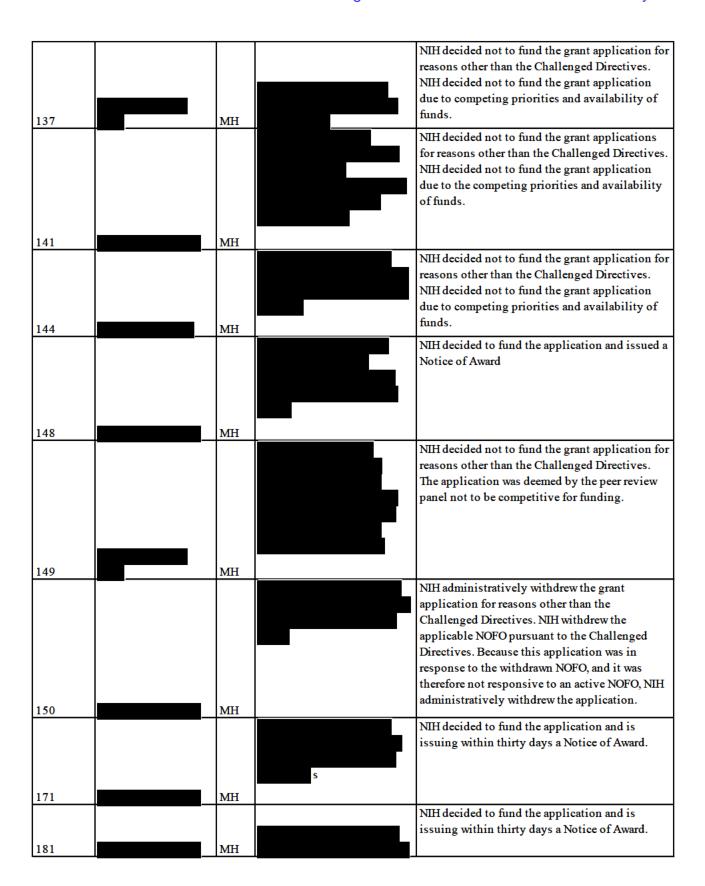


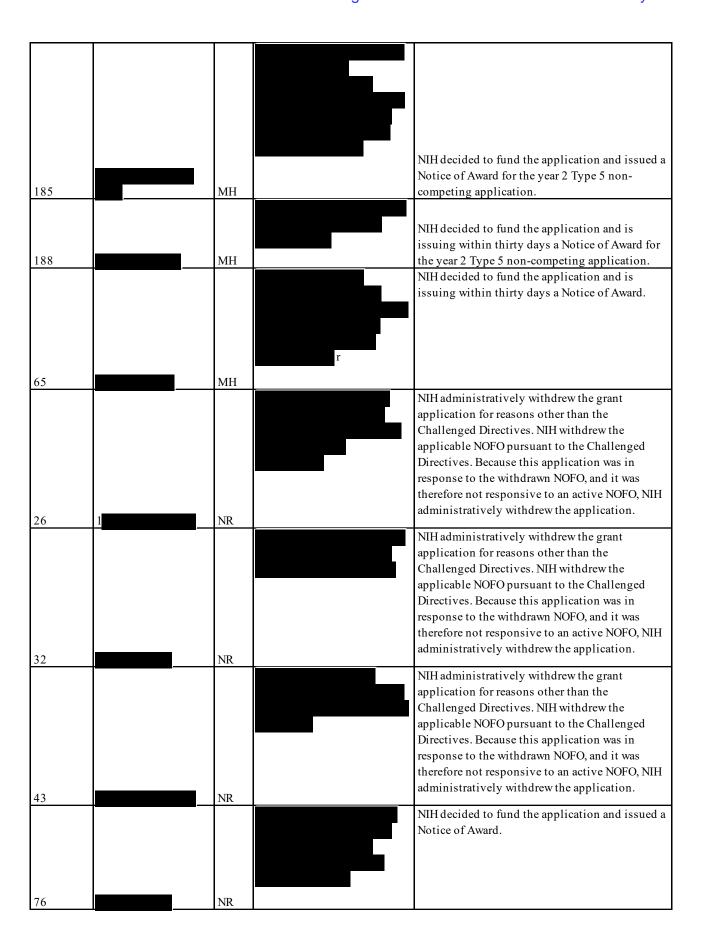


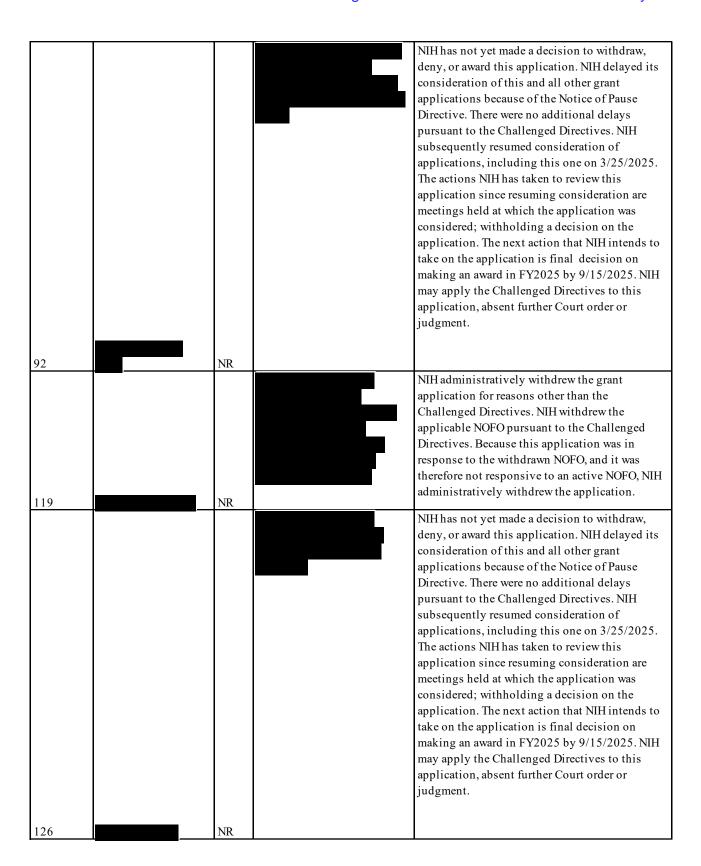
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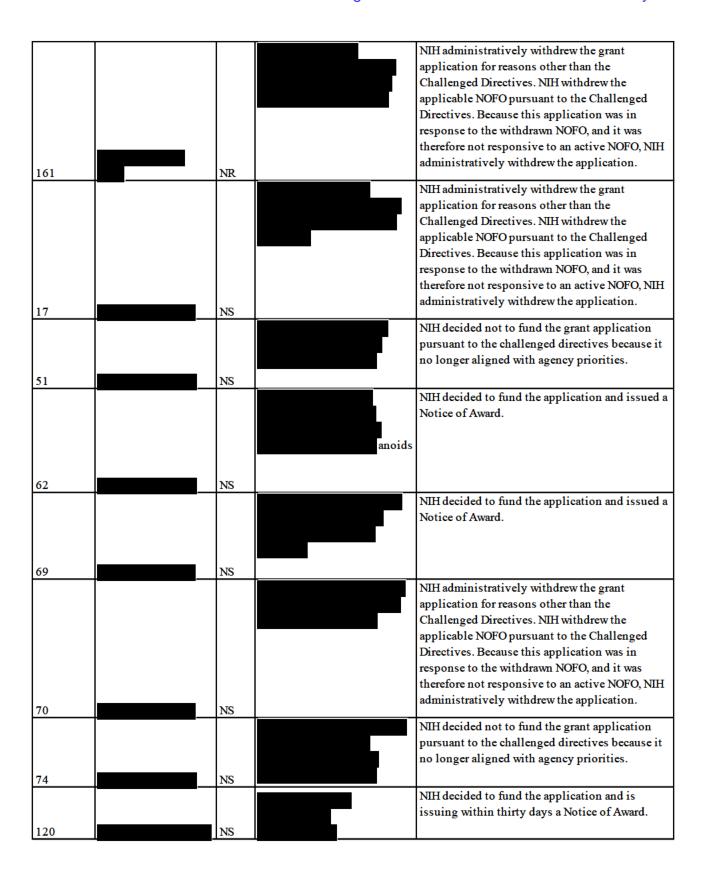
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				NIH administratively withdrew the grant
				application for reasons other than the
				Challenged Directives. NIH withdrew the
				applicable NOFO pursuant to the Challenged
				Directives. Because this application was in
				response to the withdrawn NOFO, and it was
				therefore not responsive to an active NOFO, NIH
124		NS		administratively withdrew the application.
124	_	145		 NIH decided to fund the application and is
				issuing within thirty days a Notice of Award.
				issuing within thirty days a Notice of Award.
172		NS		
		_		NIH decided to fund the 2T32OD011089-49
				application and issued a Notice of Award on
				7/18/2025
57		OD		
31		- OD	1	NIH has not yet made a decision to withdraw,
				deny, or award this application. NIH delayed its
				consideration of this and all other grant
				_
				applications because of the Notice of Pause
				Directive. This application was further delayed
				pursuant to the Challenged Directives for review
				of alignment with agency priorities by
				negotiating removal of the applicant's foreign
				monetary collaboration. NIH subsequently
				resumed consideration of applications,
				including this one, on JULY 16, 2025. The
				actions NIH has taken to review this application
				since resuming consideration are meeting with
				_
				the applicant on July 18, 2025 to negotiate
				removal of their foreign monetary collaboration
				and alignment with agency priorities. The next
				action that NIH intends to take on the
				application is awaiting revised application to
				determine if the application can be awarded. NIH
				may apply the Challenged Directives to this
				application, absent further Court order or
				judgment.
96		TW		
				 NIH decided not to fund the grant application for
				reasons other than the Challenged Directives.
				The application was deemed by the peer review
				panel not to be competitive for funding.
97		TW		

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	T	
98	TW	NIH has not yet made a decision to withdraw, deny, or award this application. NIH delayed its consideration of this and all other grant applications because of the Notice of Pause Directive. This application was further delayed pursuant to the Challenged Directives for review of alignment with agency priorities by negotiating removal of the applicant's foreign monetary collaboration. NIH subsequently resumed consideration of applications, including this one, on August 1, 2025. The actions NIH has taken to review this application since resuming consideration are completing negotiations to remove the foreign monetary subaward. The next action that NIH intends to take on the application is waiting for the JIT to determine the changes as negotiated meet HHS, NIH priorities and policies for an award to be made. NIH may apply the Challenged Directives to this application, absent further Court order or judgment.  This entry was not recognizable as an NIH application or NOFO.
3	NS	NIH administratively withdrew the grant application for reasons other than the Challenged Directives. NIH withdrew the applicable NOFO pursuant to the Challenged Directives. Because this application was in response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH administratively withdrew the application.
75		NIH administratively withdrew the grant application for reasons other than the Challenged Directives. NIH withdrew the applicable NOFO pursuant to the Challenged Directives. Because this application was in response to the withdrawn NOFO, and it was therefore not responsive to an active NOFO, NIH administratively withdrew the application.
103		This entry was not recognizable as an NIH application or NOFO.

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110		This entry was not recognizable as an NIH application or NOFO.
151		This entry was not recognizable as an NIH application or NOFO.

Tab 2: NOFOs				
NOFOs	Reason for withdrawl (challenged directives/agency priorities or provide a short explanation)			
Maximizing Opportunities for Scientific and Academic Independent Careers (MOSAIC) Postdoctoral Career Transition Award to Promote Diversity (K99/R00 Independent Clinical Trial Not Allowed), PAR-24-225	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
Ruth L. Kirschstein National Research Service Award (NRSA) Individual Predoctoral Fellowship to Promote Diversity in Health- Related Research (Parent F31-Diversity), PA-23 271	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
Advancing Research Careers (ARC) Predoctoral to Postdoctoral Transition Award to Promote Diversity (F99/K00 - Clinical Trial Not Allowed), PAR-23-222	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
NIDCR Mentored Career Development Award to Promote Broad Participation in Research, PAR-25-022	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
NIGMS LRP-REACH (Extramural Loan Repayment Program for Research in Emerging Areas Critical to Human Health) for MOSAIC, NOT-OD-24-137	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
Understanding the Intersection of Social Inequities to Optimize Health and Reduce Health Disparities: The Exes Initiative (R01 Clinical Trial Optional), RFA-NR-25-004 Research Supplements to Promote Diversity in Health-Related Research, PA-23- 189	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities  NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
Research With Activities Related to Diversity (ReWARD) (R01 Clinical Trial Optional), PAR-25-117	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer			
B-INSPIRE: Research on Behavioral Interventions that Promote Careers in the Biomedical Research Enterprise (R01 - Clinical Trial Not Allowed), PAR-24-230	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
NIMHD Exploratory/Developmental Research Grant Program (R21 - Clinical Trial Optional), PAR-23-111	NIH withdrew the NOFO for reasons other than the Challenged Directives: On May 15, 2025 NIH issued a Notice of Early Expiration of Notices of Funding Opportunities for this NOFO so that the review criteria could be updateed to the Simplified Review Framework for NIH Research Grant Applications. See Notice NOT-OD-25-113.			
Comprehensive Partnerships to Advance Cancer Health Equity (CPACHE) (Collaborative U54 Clinical Trial Optional), PAR-23-308	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
BRAIN Initiative Advanced Postdoctoral Career Transition Award to Promote Diversity, RFA- MH-23-331	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
Aging Research Dissertation Awards to Increase Diversity (R36), PAR-24-130	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			
NIH Blueprint and BRAIN Initiative Diversity Specialized Predoctoral to Postdoctoral Advancement in Neuroscience (D-SPAN) Award (F99/K00 Clinical Trial Not Allowed), RFA-NS-24-030	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities			

Environmental Health Disparities Centers (P50) Clinical Trial Optional, RFA-MD-24-010	NIH withdrew the NOFO for reasons other than the Challenged Directives: Expired naturally on January 29, 2025
Mentored Career Development Award to Promote Faculty Diversity in Biomedical Research (K01 Independent Clinical Trial Required), RFA-HL-25-008	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
NIAID Research Education Program Advancing the Careers of a Diverse Research Workforce (R25 Clinical Trial Not Allowed), PAR-23-282	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
Small Grants for New Investigators to Promote Diversity in Health-Related Research (R21 Clinical Trial Optional), PAR-25-097	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
NIAID and NIDDK Research Opportunities for New and "At-Risk" Investigators to Promote Workforce Diversity (R01 Clinical Trial Optional), PAR-23-275	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
Research Opportunities for New and "At-Risk" Investigators to Promote Workforce Diversity (R01 Clinical Trial Optional), PAR-22-181	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
NIAID, NIDDK, NIDA, and NIAAA Research Opportunities for New and "At-Risk" Investigators (R01 Clinical Trial Optional), PA- 25-249	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
Pilot and Feasibility Studies in Preparation for Substance Use Prevention Trials (R34 Clinical Trial Optional), PAR-24-060	NIH withdrew the NOFO for reasons other than the Challenged Directives: Expired January 17, 2025 via Notice NOT-DA-25-035 in order to change review criteria to align with the Simplified Review Framework.
Short-Term Research Education Program to Enhance Diversity in Health-Related Research (R25 Clinical Trial Not Allowed), RFA-HL-25- 001	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
Addressing Health and Health Care Disparities among Sexual and Gender Minority Populations (R01 - Clinical Trials Optional), PAR-24-077	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
Transformative Research to Address Health Disparities and Advance Health Equity (U01 Clinical Trial Optional), RFA-NR-25-003	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
Research Collaboration Network in Structural Racism Measurement and Modeling, RFA-AG- 25-003	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
Cancer Moonshot Scholars Diversity Program (CMSDP), RFA-CA-22-050	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities
Improving Care and Outcomes for Cancer Survivors from Sexual and Gender Minority (SGM) Populations (R01 Clinical Trial Optional), PAR-23-29	NIH withdrew the NOFO pursuant to the Challenged Directives because it no longer aligned with agency priorities