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 13 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN FRANCISCO DIVISION**  
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|----|-------------------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------|
| 16 | NEETA THAKUR, <i>et al.</i> ,                                                                   | ) | Case No. 25-cv-4737-RFL                                                              |
| 17 | Plaintiffs,                                                                                     | ) | <b>DEFENDANT NSF’S SUBMISSION<br/>REGARDING SUSPENSION OF NSF GRANTS<br/>TO UCLA</b> |
| 18 | v.                                                                                              | ) |                                                                                      |
| 19 | DONALD J. TRUMP, in his official capacity as<br>President of the United States, <i>et al.</i> , | ) |                                                                                      |
| 20 | Defendants.                                                                                     | ) |                                                                                      |
| 21 |                                                                                                 | ) |                                                                                      |
| 22 |                                                                                                 | ) |                                                                                      |

## INTRODUCTION

Defendant National Science Foundation (“NSF”) files this notice to advise the Court as to its views on a contested question regarding the preliminary injunction issued in this matter and its explanation of why it remains in compliance with this Court’s injunction.

The Court’s preliminary injunction prospectively applies to “future grant terminations by Agency Defendants meeting the . . . criteria” set out for the Equity Termination Class and Form Termination Class portions of the injunction. Preliminary Injunction ¶ 5, ECF No. 55. If a future (meaning post-injunction) grant termination falls within the criteria set out in the injunction, and the termination is as to a member of the two classes, then the agency must not “giv[e] effect” to the termination, and the agency must reinstate and restore any terminated grant. *Id.* ¶¶ 2b, 2c, 4b, 4c, 5.

Last week, NSF suspended some grants to the University of California - Los Angeles (“UCLA”) after findings by the Department of Justice that UCLA violated federal civil rights law.<sup>1</sup> The two suspension letters made detailed factual findings specific to UCLA and informed the institution that NSF was willing to work with UCLA to resolve these concerns and facilitate corrective action. NSF respectfully submits that this action does not fall within the prospective portion of the Court’s injunction. First, it is a suspension, not a grant termination. A suspension is materially different than a termination—it does not unequivocally end the grant but rather suspends it while providing the grantee with an opportunity to respond to NSF’s articulated concerns. Nor, in any event, do the suspension letters meet the criteria set out in the Equity Termination Class or Form Termination Class portions of the injunction. The suspension does not fall within the Equity Termination Class because NSF did not rely on the DEI-based content of any grant pursuant to Executive Orders 14151 or 14173. The Form Termination Class is not implicated because the letters state in detail the reason for the change to the original award decision based on conduct specific to the grantee, and the letters explicitly consider reliance interests. *See* Ex. A (Suspension Letter); Ex. B (Supplemental Letter).

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<sup>1</sup> The Department of Justice’s July 29 press release is located at <https://www.justice.gov/opa/pr/justice-department-finds-university-california-los-angeles-violation-federal-civil-rights> (last visited Aug. 4, 2025).

1 To be clear, if the Court rules that the injunction applies, NSF will not “giv[e] effect” to the  
2 suspension and will otherwise ensure compliance as the Court advises. But NSF respectfully submits that  
3 the prospective portion of the preliminary injunction does not apply to NSF’s suspension action.

#### 4 **BACKGROUND**

##### 5 *Factual Background*

6 In two letters issued last week, NSF suspended some UCLA grants because it determined that  
7 UCLA had violated federal civil rights laws. In NSF’s first letter, dated July 30, 2025, the agency informed  
8 Dr. Julio Frenk, the Chancellor at UCLA, that NSF would be suspending various grants between the  
9 agency and UCLA. Suspension Letter at 1. NSF explained that this suspension was due to NSF’s  
10 understanding that UCLA “continues to engage in race discrimination including in its admissions process,  
11 and in other areas of student life” and is “failing to promote a research environment free of antisemitism  
12 and bias.” *Id.* at 1. NSF further explained that it had “considered reliance interests and they are outweighed  
13 by the NSF’s policy concerns.” *Id.* NSF concluded that “the awards no longer effectuate program goals or  
14 agency priorities” given the issues identified. *Id.* The letter did not mention any Executive Orders. *See id.*

15 In a second letter dated August 1, 2025, NSF “supplement[ed its] previous communication.”  
16 Supplemental Letter at 1. There, NSF explained that the suspension previously communicated: “is to  
17 address concerns reported and observed in UCLA programs and ensure compliance with applicable  
18 Federal statutes and regulations, and the terms and conditions of these Federal awards.” *Id.* NSF identified  
19 several “specific examples of noncompliance”: (1) “illegal race-based preferences in admissions  
20 practices;” (2) “fail[ure] to promote a research environment free of antisemitism and bias;” and (3)  
21 “discriminat[ion] against and endanger[ing] women by allowing men in women’s sports and private  
22 women-only spaces.” *Id.* NSF subsequently dedicated a paragraph to each identified example of  
23 noncompliance with cited sources. *Id.* at 1-2. For example, NSF cited “UCLA’s own Task Force to Combat  
24 Antisemitism and Anti-Israeli Bias” which, NSF explained, “revealed that Jewish students, faculty, and  
25 staff were subjected to threats, assaults, swastika graffiti, and hostile slogans during the 2024 pro-  
26 Palestinian encampment.” *Id.* at 2. As to reliance interests, NSF reiterated that “NSF has considered  
27 UCLA’s reliance interests in continued availability of funding under the attached list of grants, and they  
28 DEFENDANT NSF’S SUBMISSION REGARDING SUSPENSION OF NSF GRANTS TO UCLA  
CASE NO. 25-CV-4737

1 are outweighed by the concerns identified.” *Id.*

2 NSF also stated its “willing[ness] to work with UCLA to identify corrective actions to bring UCLA  
3 into compliance.” *Id.* To that end, it requested a “written corrective action plan.” *Id.* NSF also set a  
4 deadline, stating “UCLA must acknowledge in writing its willingness to discuss these corrective actions  
5 by August 15.” *Id.* NSF closed by explaining “that under 2 CFR § 200.340, NSF may move to terminate  
6 an award for reasons including if the recipient has failed to comply with the terms and conditions of an  
7 award.” *Id.* at 3. The letter did not cite any Executive Order.

8 NSF has not suspended any grants reinstated pursuant to the non-prospective portion of the Court’s  
9 preliminary injunction. That is, the grants within the scope of the preliminary injunction that have  
10 previously been reinstated, which NSF has identified for Plaintiffs on a spreadsheet, have not been  
11 affected. NSF, through counsel, has also been working with Plaintiffs to investigate additional prior grant  
12 terminations that NSF was unable to identify using its search system and may be covered by the Court’s  
13 injunction—and NSF will continue to work with Plaintiffs on that ongoing compliance effort.

14 *Procedural Background*

15 On August 1, 2025, Plaintiffs’ counsel in this matter emailed undersigned counsel seeking letters  
16 sent by NSF to UCLA, in order to determine Plaintiffs’ position on whether the prospective portion of the  
17 Court’s injunction applies to NSF’s suspension. NSF, through undersigned counsel, provided the  
18 Suspension Letter and Supplemental Letter to Plaintiffs’ counsel that same day. Undersigned counsel also  
19 informed Plaintiffs’ counsel of NSF’s position that the action is not covered by the Court’s injunction  
20 because it is a suspension, not a termination, and does not meet the criteria set out in the Preliminary  
21 Injunction for the Equity Termination Class and Form Termination Class.

22 NSF’s counsel subsequently proposed that the parties file a joint notice outlining the parties’  
23 positions if there was disagreement over the applicability of the injunction. Plaintiffs’ counsel later advised  
24 that Plaintiffs viewed the injunction as applying to the suspension and proposed the parties file separate  
25 notices of their positions on Monday, August 4.

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28 DEFENDANT NSF’S SUBMISSION REGARDING SUSPENSION OF NSF GRANTS TO UCLA  
CASE NO. 25-CV-4737

## DISCUSSION

NSF respectfully submits that this suspension is not covered by the prospective portion of the Court’s preliminary injunction. First, it is a suspension, not a termination, so the injunction by its terms does not apply to this action. Only a future termination, if one were to occur, could potentially fall under the injunction’s umbrella. Nor does this action fall within either class identified in the Court’s order. The Equity Termination Class criteria do not apply because the Suspension Letter and Supplemental Letter are based on actions taken by the grantee, rather than Executive Orders 14151 or 14173. The Form Termination Class criteria do not apply either—the letters explain, in detail, and with findings specific to UCLA, the reason for the change following the agency’s original decision to fund the grants and that NSF explicitly considered reliance interests.

### **I. A Grant Suspension is Not Covered by the Injunction**

A suspension does not fall within the scope of the injunction because the injunction only applies to terminated grants. Here, NSF suspended—and has not terminated—certain awards to UCLA. Terminations and suspensions are materially different. A suspension is a temporary stop to grant activities or funding, not a permanent end to the grant. *See* NSF Proposal & Award Policies & Procedures Guide 24-1 (“PAPPG”) XII(A)(1) (“SUSPENSION means an action by NSF that temporarily withholds Federal support of a project pending corrective action by the recipient or a decision by NSF to terminate the award.”).<sup>2</sup> It is meaningfully different from a termination because it can be lifted once the grantee takes certain corrective actions. Thus, the suspension action falls outside the scope of the injunction. In fact, the Court did not adopt Plaintiffs’ broader proposed class definition which included the word “suspended” in its scope. Mem. Op. at 52 n.28. And the injunction in this case, by its term, applies solely to “terminated” grants. Preliminary Injunction ¶¶ 1, 3; *see also id.* at 5 (“future grant terminations”).

Indeed, NSF has expressed willingness “to work with UCLA to identify corrective actions to bring UCLA into compliance.” Supplemental Letter at 2. The letter requested that the grantee “acknowledge in writing its willingness to discuss [certain] corrective actions by August 15.” *Id.* The Supplemental Letter

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<sup>2</sup> [https://nsf-gov-resources.nsf.gov/files/nsf24\\_1.pdf](https://nsf-gov-resources.nsf.gov/files/nsf24_1.pdf) (last visited Aug. 4, 2025).  
DEFENDANT NSF’S SUBMISSION REGARDING SUSPENSION OF NSF GRANTS TO UCLA  
CASE NO. 25-CV-4737

1 also outlined a detailed procedure for the grantee to submit a corrective action plan to NSF, and a process  
2 for NSF to evaluate and provide feedback on the grantee’s corrective action plan. *Id.* And NSF explained  
3 that “NSF may move to terminate an award [in the future] for reasons including if the recipient has failed  
4 to comply with the terms and conditions of an award.” *Id.* at 3. Accordingly, instead of terminating the  
5 grants at issue in the suspension action, NSF has reserved its rights pending future communications with  
6 the grantee.

7 In sum, this suspension action is not a “termination” within the scope of the Court’s injunction.  
8 The Court did not include suspensions in the terms of its injunction; NSF differentiates between  
9 suspensions and terminations in its policies and terms; and the grantee may successfully be able to avoid  
10 a termination through corrective action.

## 11 **II. The Suspension Falls Outside the Equity Termination Class Criteria**

12 Even if the injunction does cover a suspension, the NSF suspension action does not meet the  
13 criteria for the Equity Termination Class aspect of the injunction. This provision applies to “[a]ll grants  
14 terminated by Agency Defendants pursuant to Executive Orders 14151 or 14173.” Preliminary Injunction  
15 ¶ 4a. As the Court explained in its opinion, Executive Order 14151 directs “to the maximum extent allowed  
16 by law” termination of “*all . . . equity-related grants or contracts.*” Mem. Op. at 18 (quoting 90 Fed. Reg.  
17 8339, 8339 (Jan. 20, 2025)) (internal quotation marks omitted). And Executive Order 14173, as relevant,  
18 directs the termination of “*all diversity, equity, . . . and like . . . programs[] or activities.*” *Id.* (quoting 90  
19 Fed. Reg. 8633, 1634 (Jan. 21, 2025) (internal quotation marks omitted).

20 The Court concluded that terminations of grants pursuant to those Executive Orders were likely  
21 unlawful under the First Amendment because, the Court held, the terminations were “for touching on  
22 prohibited topics” identified in the Executive Orders. *Id.* at 19. That is, the Court held that NSF likely  
23 “penalize[d] existing grants across the board for promoting forbidden views” in a manner forbidden by  
24 the First Amendment. *Id.* at 20; *see also id.* at 21 (“Plaintiffs have shown a substantial likelihood that their  
25 funding was terminated based on the viewpoint expressed in their grant proposals.”); *accord id.* at 22-24  
26 (looking to the content of grants to determine whether “NSF likely acted contrary to [its] enabling statute[]  
27 when terminating Plaintiffs’ funding pursuant to the Equity Termination Orders” (footnote omitted)).

1 But the Suspension Letter and Supplemental Letter cited “concerns reported and observed in  
2 UCLA programs” as the basis for suspending grants. Supplemental Letter at 1; *accord* Suspension Letter  
3 at 1 (citing race discrimination in student life and admissions and antisemitism in the grantee’s research  
4 environment). There is no suggestion that NSF acted pursuant to Executive Orders 14151 or 14173. Thus,  
5 the Equity Termination Class criteria does not apply.

6 **III. The Suspension Falls Outside the Form Termination Class Criteria**

7 The suspension does not implicate the Form Termination Class either. The Court’s injunction  
8 covers terminations “communicated by means of a form termination notice that does not provide a grant-  
9 specific explanation for the termination that states the reason for the change to the original award decision  
10 and considers the reliance interests at stake.” Preliminary Injunction ¶ 2b. NSF’s suspension letters do not  
11 fall within these criteria because the letters explain both the reason for the change based on particularized  
12 assessments specific to the grantee and consider the reliance interests involved.

13 In its preliminary injunction order, the Court found that NSF invoked a “list of priorities and  
14 reasonable causes” from which “it is impossible to determine . . . why the specific project was found to  
15 be incompatible with the Agency’s priorities.” *See* Mem. Op. at 27. Here, by contrast, NSF identified  
16 specific issues with *the grantee* that, in NSF’s view, counseled in favor of suspending certain federal grant  
17 spending. Suspension Letter at 1; Supplemental Letter at 1-3. NSF’s suspension, by its terms, is based on  
18 specific behavior for which the grantee could take corrective action. Supplemental Letter at 2-3. NSF’s  
19 communication includes a paragraph for each example of noncompliance and citations to sources—mostly  
20 the grantee’s own—supporting NSF’s assertions. *Id.* at 1-2. As a result of these findings, NSF concluded  
21 that the grantee “fail[ed] to comply with federal requirements, policies, and procedures.” *Id.* at 2; *see also*  
22 *id.* (seeking “reasonable assurance that the organization will be managing its Federal awards in compliance  
23 with Federal statutes, regulations, and award terms and conditions”). The suspension thus “states the  
24 reason for the change to the original award decision” and does not fall within that portion of the Form  
25 Termination Class criteria.

26 As to reliance interests, NSF explicitly and clearly considered the reliance interests involved. In  
27 the Suspension Letter, NSF explained that it had “considered reliance interests and they are outweighed  
28 DEFENDANT NSF’S SUBMISSION REGARDING SUSPENSION OF NSF GRANTS TO UCLA  
CASE NO. 25-CV-4737

1 by the NSF's policy concerns." Suspension Letter at 1. And in its supplement, the agency further noted  
2 "NSF has considered UCLA's reliance interests in continued availability of funding under the attached list  
3 of grants, and they are outweighed by the concerns identified." Supplemental Letter at 2.

4 It is true that the suspension here applies to multiple grants. Nonetheless, NSF understands its  
5 letters to be "grant-specific" because their reasoning applies across the grantee's grant portfolio, and the  
6 analysis is specific and detailed as to UCLA itself. As explained in the letters, NSF's concern is based on  
7 findings as to the grantee itself and the grantee's "failure to comply with federal requirements, policies,  
8 and procedures." *Id.* The letters thus include a detailed explanation for the change in decision as to all the  
9 suspended grants, and a consideration of reliance interests as to those grants. That is a "grant-specific  
10 explanation" because it properly "states the reason for the change to the original award decision and  
11 considers the reliance interests at stake."

12 In sum, the detailed letters here explain why NSF has undertaken this suspension action and NSF  
13 explicitly considered the reliance interests involved in such a suspension. The Form Termination Class  
14 criteria therefore do not apply to this suspension.

### 15 CONCLUSION

16 For the foregoing reasons, NSF respectfully requests that the Court advise the parties that the  
17 preliminary injunction does not apply to the suspension action encompassed in the Suspension Letter and  
18 Supplemental Letter.

19  
20 DATED: August 4, 2025

Respectfully submitted,

21  
22 BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division

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24 ERIC J. HAMILTON  
Deputy Assistant Attorney General

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*/s/ Jason Altabet*

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*Attorneys for the United States*

# **Exhibit A**

**U.S. National Science Foundation  
Division of Grants and Agreements  
2415 Eisenhower Avenue  
Alexandria, Virginia 22314**

July 30, 2025

Dr. Julio Frenk  
Chancellor  
University of California – Los Angeles  
2147 Murphy Hall  
Los Angeles, CA 90095

**Ref: Notice of Award Suspensions**

Dr. Frenk:

The U.S. National Science Foundation (NSF) has undertaken a review of its award portfolio. The agency has determined that suspension of certain awards is necessary because they are not in alignment with current NSF priorities and/or programmatic goals. NSF understands that the University of California – Los Angeles continues to engage in race discrimination including in its admissions process, and in other areas of student life, as well as failing to promote a research environment free of antisemitism and bias. We have considered reliance interests and they are outweighed by the NSF's policy concerns.

Effective immediately, the attached awards are suspended until further notice.

NSF is issuing this suspension to protect the interests of the government pursuant to NSF Grant General Conditions (GC-1) term and condition entitled 'Termination and Enforcement,' on the basis that the awards no longer effectuate program goals or agency priorities. This is the final agency decision and not subject to appeal.

Costs incurred as a result of this suspension may be reimbursed, provided such costs would otherwise be allowable under the terms of the award and the governing cost principles. In accordance with your award terms and conditions, you have 30 days from the suspension date to furnish an itemized accounting of allowable costs incurred prior to the suspension date.

Sincerely,

*Lisa Scott-Morring*

Lisa Scott-Morring  
Acting Division Director  
Division of Grants and Agreements  
U.S. National Science Foundation

# **Exhibit B**

August 1, 2025

Dr. Julio Frenk  
Chancellor  
University of California – Los Angeles  
2147 Murphy Hall  
Los Angeles, CA 90095

**Ref: Updated Notice of Award Suspensions**

Dr. Frenk:

I write you with an update on our prior letter of July 30, 2025. This letter supplements our previous communication.

Pursuant to 2 Code of Federal Regulations (CFR) § 200.339(c), and our previous communications, UCLA is officially notified that the National Science Foundation (NSF) is hereby suspending the attached list of grant awards to the University of California Los Angeles (UCLA). UCLA should immediately cease all activities on these award numbers. The purpose of this action is to address concerns reported and observed in UCLA programs and ensure compliance with applicable Federal statutes and regulations, and the terms and conditions of these Federal awards. This action is effective 7/30/2025.

**Noncompliance:**

NSF has identified the following specific examples of noncompliance:

- UCLA engages in racism, in the form of illegal race-based preferences in admissions practices;
- UCLA fails to promote a research environment free of antisemitism and bias;
- UCLA discriminates against and endangers women by allowing men in women’s sports and private women-only spaces.

With respect to admissions, although UCLA expressly disclaims reliance on race, NSF believes that UCLA’s “holistic review” admissions process, which considers factors such as an applicant’s neighborhood/zip code, family income, and school profile—and invites the disclosure of an applicant’s race via personal statements—is a transparent attempt to engage in race-based admissions in all but name.<sup>1</sup>

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<sup>1</sup> UCLA, Newsroom, FAQ: Supreme Court ruling on race-conscious college admissions, June 29, 2023, <https://newsroom.ucla.edu/stories/faq-supreme-court-ruling-on-affirmative-action> (last accessed July 28, 2025); UCLA, Newsroom, UCLA Experts: The Supreme Court’s affirmative action decisions, June 2, 2023, <https://newsroom.ucla.edu/advisories/ucla-experts-supreme-court-affirmative-action-decisions> (last accessed July 28, 2025); UCLA, Newsroom, How UCLA has responded to Proposition 209, June 29, 2023, <https://newsroom.ucla.edu/releases/how-ucla-has-responded-to-proposition-209> (last accessed July 28, 2025); *see generally* UCLA, Application Review Process for First-Years, <https://admission.ucla.edu/apply/first-year/first-year-requirements/application-review-process> (last accessed July 25, 2025).

With respect to antisemitism, UCLA's own Task Force to Combat Antisemitism and Anti-Israeli Bias at UCLA revealed that Jewish students, faculty, and staff were subjected to threats, assaults, swastika graffiti, and hostile slogans during the 2024 pro-Palestinian encampment.<sup>2 3</sup> The above incidents are antithetical to the safe and welcoming environment necessary for effective research, for which UCLA receives millions of dollars in taxpayer funds through NSF grants.

Finally, NSF is seriously concerned that UCLA's policy of allowing males to compete in women's sports and utilize women-only facilities has created an unsafe environment for women that further threatens the integrity of the campus research environment.<sup>4</sup>

### **Requested Action:**

Based on UCLA's failure to comply with federal requirements, policies, and procedures, NSF is suspending the attached awards. NSF has considered UCLA's reliance interests in continued availability of funding under the attached list of grants, and they are outweighed by the concerns identified above. This action is effective immediately as authorized under 2 CFR § 200.339 *Remedies for noncompliance*, and NSF Grant General Conditions (GC-1). As such, UCLA must cease all activities on the awards and immediately discontinue drawing down funds from the Award Cash Management Service (ACM\$) for any expenses incurred after receipt of this letter. For each award, please submit a draw request to ACM\$ for any expenses that occurred prior to July 30, 2025, no later than COB August 29, 2025 with the appropriate justification.

### **Corrective Actions:**

NSF is willing to work with UCLA to identify corrective actions to bring UCLA into compliance. UCLA must acknowledge in writing its willingness to discuss these corrective actions by August 15.

Please submit your written corrective action plan to NSF outlining the steps you will take to address the identified deficiencies, including responsible parties and expected completion dates, as required under NSF PAPPG Chapter XII.B.4, which states that "Corrective actions must be documented in writing and approved by NSF prior to implementation." As further outlined in 2 CFR § 200.521, your response should enable NSF to evaluate whether the proposed actions are sufficient to resolve the findings and, if applicable, determine any necessary financial adjustments or enforcement measures.

Assuming corrective actions are agreed upon by UCLA and NSF, NSF will determine whether UCLA has established effective internal control over its Federal awards by adopting procedures that provide NSF with a reasonable assurance that the organization will be managing its Federal awards in compliance with Federal statutes, regulations, and award terms and conditions. *See* 2 CFR § 200.303 (Internal controls).

<sup>2</sup> Antisemitism and Anti-Israeli Bias at UCLA, Oct. 16, 2024, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.antisemitismreport.org/ (last accessed July 25, 2025).

<sup>3</sup> *Id.* at 24.

<sup>4</sup> *See generally* UCLA Gender Recognition Taskforce: Recommendations Report, 2020, available at <https://ucla.app.box.com/s/21hdsdcnopsixi66x5fhcfcjblki243y> (last accessed July 25, 2025).

Please note that under 2 CFR § 200.340, NSF may move to terminate an award for reasons including if the recipient has failed to comply with the terms and conditions of an award.

We look forward to hearing from you. Please direct any questions or concerns to Lisa Scott-Morring, Acting Division Director, Division of Grants and Agreements, U.S. National Science Foundation.

Sincerely,

*Lisa Scott-Morring*

Lisa Scott-Morring  
Acting Division Director  
Division of Grants and Agreements  
U.S. National Science Foundation