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Federal Government Transition Update - 6.20.25 [1]

June 20, 2025 by Riley Black [2]

Dear Colleagues,

Please find a federal government update from our teams.

Court Reinstates NIH Grants Canceled Due to DEI
A U.S. District Judge ruled from the bench on June 16 that the National Institutes of Health (NIH) acted illegally when canceling grants due to diversity, equity, and inclusion (DEI) in a lawsuit brought by associations and 20 states, including Colorado. The complaint filed by the states [3] references the importance of the partnership between the NIH and CU Anschutz. The Judge ruled that NIH must restore all grants that were canceled due to DEI. The Administration announced it would appeal the decision.

Due to the court's ruling, over 800 grants nationally are in line to be reinstated. We will be closely tracking the reinstatement of any terminated NIH grants.

Associations File Lawsuit Against the Department of Defense F&A Cap, TRO Issued
AAU, APLU, ACE and 12 universities, including Colorado State University filed a lawsuit [4] in District Court, on June 16 against the Department of Defense (DoD) policy to cap facility and administrative (F&A) reimbursements at 15 percent on all grants and to renegotiate all current grants to contain a 15 percent cap. A federal judge issued a temporary restraining order (TRO) regarding this policy on June 17. The court announced it will hear the case on July 2. APLU, AAU, and ACE released the following joint statemen [5]t regarding the lawsuit.

Department of Justice Files Lawsuit Regarding In-state Tuition for Undocumented Students
The U.S. Department of Justice (DOJ) filed a lawsuit [6] against Kentucky on June 17, to bar the state from allowing undocumented students access to in-state tuition. The complaint, which was filed in the U.S. District Court for the Eastern District of Kentucky, takes issue with a policy that specifically provides undocumented graduates of Kentucky high schools who live in the state access to in-state tuition benefits. The DOJ filed a similar lawsuit [7] in Texas on June 4, 2025, challenging a two-decade-old state law that allows in-state tuition for undocumented students within the state.

Department of Energy Releases Updated Civil Rights Regulations
This week, the Department of Energy (DOE) posted multiple direct final rules (DFR) within the agency's Office of Civil Rights. The rules below are set to go into effect on July 15, 2025:

- Rescinds [8] the regulation that allows schools to take proactive steps to help overcome the effects of discrimination that have resulted in the underrepresentation of women and girls in certain educational fields, such as in STEM fields and technical training.

- Amends [9] existing Title VI regulations to eliminate the use of disparate impact.
- Rescinds [10] portions of DOE's regulations implementing Section 504 of the Rehabilitation Act. Number 2025-0015 would rescind 10 C.F.R. § 1040.73, which requires recipients to ensure that new construction and alteration is fully accessible to people with disabilities.
- Removes [11] DOE's Office of Equal Opportunity's authority to direct recipients of financial assistance to take affirmative action or remedial measures when it becomes aware of concerns of age discrimination in their program or activity.

Court Extends Block on Proclamation Banning Foreign Students at Harvard
Following a hearing on June 16, a federal judge extended a TRO [12] to block Trump's proclamation to ban international students from attending Harvard until June 23 when Harvard's request for a preliminary injunction will be heard.

State Department Resumes Visa Interviews & Begins Social Media Screening for all Student Visa Applications
U.S. consular officers are now directed to review the online presence of applicants for "any indications of hostility towards the citizens, culture, government, institutions or founding principles of the Unites States," the cable also directs the officers to flag "applicants who demonstrate a history of political activism," and whether that might continue in the U.S. according to a State Department cable issued on June 18, as reported [13] by *Politico.*

The cable also says that the embassies may resume scheduling new student visa interviews but should prioritize physicians applying for educational exchange and for applicants looking to attend universities with international student populations of 15 percent or less.

Governor Polis Releases Dashboard on Canceled and Frozen Funds to Colorado

Governor Polis announced a new dashboard on June 17 that will track the status of federal funds allocated to the state. Data presented on the dashboard reflects verified cuts to state programs and does not include funding freezes, cuts, or clawbacks to institutions of higher education, local, nonprofit, and community organizations.

We recognize our campus communities have concerns at this time of unpredictable and unprecedented change at the national level. The Federal Relations and General Counsel teams are actively monitoring developments and are committed to keeping you informed. We are likewise working closely with the President and Chancellors as well as the Colorado congressional delegation to champion CU priorities. Thank you for the important work you do and will continue to do. We encourage you to visit the CU System Federal Transitions Update page for up-to-date communications and federal memos.

Kerry Tipper, Vice President, University Counsel??
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[6] https://www.justice.gov/opa/media/1403911/dl?inline [7] https://www.justice.gov/opa/pr/justice-department-files-complaint-block-decades-old-texas-laws-providing-state-tuition
[8] https://www.federalregister.gov/documents/2025/05/16/2025-08594/rescinding-regulations-related-to-nondiscrimination-on-the-basis-of-sex-in-education-programs-or
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[13] https://www.politico.com/news/2025/06/18/social-media-screening-student-visas-00413160
[14] https://www.cu.edu/blog/government-relations/tag/federal-transition-updates