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Federal Government Update - 9.12.25 [1]

September 12, 2025 by Riley Black [2]

Dear Colleagues,

Please find a federal government update from our teams.

ED Ends Minority Serving Institution Grants
The U.S. Department of Education (ED) announced [3] on Sept. 10 that it will end $350 million in discretionary funding for several Minority Serving Institution (MSI) grants which include Hispanic-Serving Institution (HSI) and Asian American and Native American Pacific Islander-Serving Institution (AANAPISI) programs, among others. CU Denver and CU Anschutz are currently designated as an HSI and AANAPISI, while UCCS is an emerging HSI.

The decision to end MSI programs follows the Solicitor General's determination [4] that the HSI designation requirements "violate the equal-protection component of the Fifth Amendment's Due Process Clause." ED agrees with the DOJ determination that the HSIs are unconstitutional and believes the requirement thresholds of other MSI programs present issues as well. The Department has decided to end disbursing new awards in fiscal year 2025 and non-competing continuations to all MSI, allowing ED to reprogram these funds.

MSIs also receive $132 million in mandatory funding, which ED will continue to distribute to Alaska Native and Native Hawaiian Serving Institutions, Predominantly Black Institutions, AANAPISI, Native American-Serving Nontribal Institutions and Developing HSI science, technology, engineering and mathematics programs. The CU Offices of Federal Relations and University Counsel will work closely with our campuses regarding the impact of this announcement.

Federal Courts Allow Termination of NSF Grants Through Court Cases
A federal judge in the District of Columbia ruled [5] on Sept. 10 that the Administration can move forward with terminating National Science Foundation (NSF) grants related to diversity, equity, and inclusion, while a lawsuit against the agency goes forward. In the ruling, the judge concluded that the court didn't have the jurisdiction to restore the grants temporarily and that the plaintiffs failed to show they would experience "irreparable harm" from the agency's new anti-DEI policies while the case proceeds.

Additionally, the judge cited the recent Supreme Court ruling that universities and researchers facing mass federal agency cuts must pursue their monetary claims in a federal claims court. Our campus legal teams are working closely with their respective contracts and grants teams regarding this development. CU will continue to evaluate whether it makes sense to appeal terminations through the regular administrative processes. If there is ever a reason to pursue a breach of contract claim in the Court of Federal Claims, we remain prepared to do so.

NIH Launches Biosafety Initiative

The National Institutes of Health (NIH) Office of Science Policy launched a *Modernizing and Strengthening Oversight of Biosafety* [6] initiative on Sept. 9. The goal of the initiative is to strengthen biosafety policies, practices and oversight to keep pace with the evolving risks posed by today's rapidly advancing science and technology.

The Biosafety Modernization Initiative is expected to unfold over the next year, with regular opportunities for public comments. NIH stated they will prioritize "transparency in how we communicate and carry out our work; open and inclusive dialogue, including a willingness to challenge the status quo; multiple methods of engagement, actively seeking input from both experts and the public," for the initiative.

White House Releases Make Our Children Healthy Again Strategy

The White House, on Sept. 9, released a report*, Make Our Children Healthy Again Strategy* [7]*,* a plan outlining a broad strategy to improve children's health. The report focuses on four key areas: Restoring Science & Research, Historic Executive Actions, Process Reform & Deregulation, and Public Awareness & Education. The White House developed the strategy in consultation with the Departments of Health and Human Services (HHS) and Agriculture, the Environmental Protection Agency (EPA), Food and Drug Administration (FDA) and NIH.

Upon its release, HHS Secretary Robert F. Kennedy Jr. noted [8], "This strategy represents the most sweeping reform agenda in modern history—realigning our food and health systems, driving education, and unleashing science to protect America's children and families." CU will monitor any executive actions taken in line with recommendations from this strategy.

The Federal Relations and General Counsel teams are actively monitoring developments. We are working closely with the President and Chancellors, as well as the Colorado congressional delegation, to champion CU priorities. We are committed to keeping you informed. Please visit the CU System Federal Updates and Actions page [9] for up-to-date communications and federal memos.

Danielle Radovich Piper, Sr. VP External Relations and Strategy
Kerry Tipper, Vice President, University Counsel

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