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Lobos,

As we settle into the fall semester and anticipate a three-day weekend, this communication provides important updates regarding National Institutes of Health (NIH) awards and recent judicial actions that may impact our research community.

NIH Grants and Supreme Court Ruling

In our July 28 communication, we reported that all of UNM's terminated NIH grants had been reinstated following a judicial order, for which NIH filed an appeal. On August 22, the Supreme Court [delivered a closely contested ruling](#), deciding by a narrow 5-to-4 majority that the Administration is permitted to move forward with the cancellation of \$783 million in National Institutes of Health (NIH) grants. These grants pertain to vital areas of research, notably those focused on Diversity, Equity, and Inclusion (DEI), as well as critical public health topics such as COVID-19, vaccines, and transgender health. This was a divided decision, as follows:

- The Supreme Court determined that the prior District Court ruling ordering NIH to reinstate the terminated grants was not valid because the District Court, where the plaintiffs (including state attorneys general, scientists and associations) filed the case, lacked the jurisdiction to decide the matter and that the case should have been heard in the Court of Federal Claims, a special venue for contract disputes (similar to a ruling on a recent challenge to the Department of Education's termination of grants). The Court of Federal Claims cannot, however, order grant reinstatement or enjoin the terminations; it can only award damages from the termination.
- At the same time, the Supreme Court also left in place — unless ultimately reversed on appeal — the District Court's decision that the administration's underlying policy guidance directing the cuts was unlawful and should be put on hold.

The UNM Office of University Counsel is closely following these cases. Currently, it is not clear how the administration and NIH will respond to the ruling and whether reinstated grants will be terminated again or be allowed to continue through their current budget periods or through the original project periods.

We continue to encourage PIs to maintain their research activities and expenditures as stated in their grants and in compliance with federal regulations.

Other NIH Updates

- [NOT-OD-25-110](#): (released Aug. 7) NIH has re-enabled the [No-Cost Extension \(NCE\) Functionality](#) within eRA Commons.



- Recipients may resume initiating first no-cost extensions in eRA Commons, in accordance with the NIH Grants Policy Statement.
 - Requests that were previously submitted via the prior approval module that are under the Streamlined Noncompeting Award Process (SNAP) will not be reviewed, and recipients will need to initiate the first NCE within the Status module by using the Extension action.
 - The HSC Sponsored Projects Office and main campus Office of Sponsored Projects are currently reviewing outstanding first-time NCE requests and will follow up with PIs who need to resubmit an NCE to the NIH.
- NIH also released a statement this week related to international research collaborations, [Maximizing and Safeguarding NIH's Investment in Foreign Collaboration](#). The statement provides principles to help guide international research. Research at international sites should have a clear scientific rationale for not being conducted in the country and should generate knowledge applicable to the health of Americans.

Thank you immensely for your dedication and perseverance during this transformative period. Your commitment plays a crucial role in navigating the ongoing changes we face. We encourage you to keep sharing updates with us regarding any communications from agencies and program officers. We continue to diligently monitor the situation from multiple perspectives and actively collaborate with institutional leadership, university counsel, and government relations to provide robust support for your important work. Together, we will continue to adapt and thrive in this evolving landscape.

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