



STATE OF HAWAI'I
KA MOKU 'ĀINA O HAWAI'I

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**HAWAI'I LEADS LAWSUIT AGAINST ADMINISTRATION TO PROTECT
SCIENTIFIC RESEARCH AND EDUCATION PROGRAMS**

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HONOLULU – Attorney General Anne Lopez led a coalition of 15 other attorneys general in [filing a lawsuit](#) to stop illegal attempts to cut critical National Science Foundation (NSF) programs and funding that help maintain the United States' position as a global leader in science, technology, engineering and math (STEM).

On April 18, pursuant to a purported change in priorities, NSF began terminating projects focused on increasing the participation of women, minorities and people with disabilities in STEM fields. On May 2, NSF announced that it would also cap “indirect costs” of research projects like laboratory space, equipment and facility services at 15 percent. This arbitrary limit on indirect costs would slash millions of dollars for groundbreaking scientific research across the country, jeopardizing national security, the economy and public health.

“The current attack on science is unprecedented and I am seeing firsthand how it will devastate public health on both a national and local level. It’s unconscionable to threaten critically important work in this way, and it’s part of a systematic approach to

cast doubt on science in America,” said Governor Josh Green, M.D. “Now they are assaulting opportunities for talented young people in Hawai‘i to pursue careers in science. This is not only illegal but will set the nation back a generation. The administration is absolutely wrong to seek revenge against the scientists who helped change the world for the better over the last century.”

Since its creation in 1950, NSF has been an independent federal agency crucial to maintaining the United States’ dominance in STEM. From developing artificial intelligence (AI) technology to creating innovative solutions to environmental and energy challenges, NSF-funded research at American universities is vital to addressing the nation’s biggest challenges and maintaining the country’s competitive edge.

Attorney General Lopez and the coalition assert in the lawsuit that NSF’s directive to cap indirect costs at 15 percent would devastate scientific research at universities throughout the country. NSF’s new cap would mean essential research and infrastructure would be cut, leading to critical projects being abandoned, staff laid off, and the end of research essential to national security, public health and economic stability.

The University of Hawai‘i is one of the leading research universities in the nation, ranking in the top 20% of all public universities in research expenditures by the NSF Higher Education Research and Development (HERD) survey. The UH system conducts NSF-funded research in a wide range of disciplines including health sciences, microbial oceanography, volcanology and geophysics, atmospheric and climate science, renewable energy, computer science, as well as electrical, civil and mechanical engineering, to name a few.

In Fiscal Year 2023, UH received \$28.7 million from NSF for federally sponsored research. The UH faces a loss of \$5.3 million annually in indirect cost recovery as a result of NSF’s planned cap. This loss will have an immediate impact on UH’s ability to maintain staff and infrastructure critical to the NSF-sponsored research projects.

“We thank the Hawai‘i Attorney General’s Office for taking up this critical fight,” said University of Hawai‘i President Wendy Hensel. “The NSF’s proposed 15% cap on indirect cost recovery would be devastating to UH’s research and educational mission, undermining our ability to maintain the people and infrastructure that sustain our work in science, engineering and mathematics. Recovering the true costs of research is essential to advancing work that benefits Hawai‘i, drives our economy and addresses global challenges.”

NSF also has a Congressionally mandated focus on improving diversity in STEM fields. Congress has instructed in law that a “core strategy” of NSF’s work must be to increase the participation of people who have historically been left out of STEM occupations. This policy has been a success. As the coalition of attorneys general notes, between 1995 and 2017, the number of women in science and engineering occupations, or with science or engineering degrees, has doubled. During that same time, people of color went from 15 percent to 35 percent of science and engineering job or degree holders. As a result of NSF’s April 18 directive to abandon programs seeking to increase diversity in STEM, dozens of projects have been canceled. UH programs that focus on increasing representation of Native Hawaiians, women and youth in STEM will be impacted.

“Efforts to cut National Science Foundation programs are an attack on both scientific progress and the hard-won strides made toward opening doors for underrepresented communities in STEM,” said Attorney General Lopez. “NSF programs are vital for expanding access to opportunity for women, people with disabilities and people of color in STEM who have historically been left out of these fields, as Congress itself has recognized in passing federal laws saying just that. The state of Hawai‘i is committed to protecting the rule of law.”

Attorney General Lopez and the coalition argue that NSF’s directives violate the Administrative Procedure Act and the Constitution by unlawfully changing NSF policy and ignoring Congress’ intent for how NSF should function. The lawsuit seeks a court order ruling NSF’s new policies are illegal and blocking them from being implemented.

The state of Hawai‘i is represented in this case, *New York & Hawai‘i, et al. v. National Science Foundation, et al.*, by Solicitor General Kaliko‘onālani Fernandes, Special Assistant to the Attorney General Dave Day, and Deputy Solicitor General Caitlyn Carpenter.

This lawsuit was led by Attorney General Lopez and Attorney General Letitia James of New York. They were joined by the attorneys general of California, Colorado, Connecticut, Delaware, Illinois, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Washington and Wisconsin.

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