

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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June 6, 2024

The Honorable Sethuraman Panchanathan
Director
National Science Foundation
2415 Eisenhower Ave.
Alexandria, Virginia 22314

Dear Director Panchanathan:

After months of antisemitic protests across university campuses, we've witnessed Jewish students verbally abused, physically assaulted, and barred entry to schools that they paid to attend.¹ In some cases, faculty and university leadership participated in these activities.² This created a hostile environment for the Jewish students and staff that live, work, and study at these universities, a potential violation of Title VI of the Civil Rights Act.³ Many of the universities implicated receive millions of dollars from the National Science Foundation (NSF) in research grants.⁴ In

¹ See Erin Ailworth ET AL., *Hundreds of Protesters Arrested as Universities Blame Outsiders for Escalating Violence*, THE WALL ST. J. (May 1, 2024), https://www.wsj.com/us-news/education/columbia-ucla-college-protests-police-25418aa5?mod=Searchresults_pos3&page=1; Erin Ailworth ET AL., *Columbia Starts Suspending Pro-Palestinian Student Protesters in Standoff*, THE WALL ST. J. (Apr. 29, 2024), https://www.wsj.com/us-news/education/columbia-university-pro-palestinian-student-protesters-encampment-house-democrats-48b842e7?mod=Searchresults_pos8&page=1; The Editorial Board, *The 'Outside Agitators' of Campus Protests*, THE WALL ST. J. (May 1, 2024), https://www.wsj.com/articles/campus-protests-outside-groups-palestine-israel-columbia-ucla-aa2b591c?mod=Searchresults_pos2&page=1; Sabrina Siddiqui & Lindsay Wise, *Biden, Democrats Under Growing Pressure as College Protests Intensify*, THE WALL ST. J. (Apr. 30, 2024), https://www.wsj.com/us-news/education/biden-democrats-under-growing-pressure-as-college-protests-intensify-6561a2e9?mod=Searchresults_pos14&page=1/. However, some Democrats are alarmed by what they see as antisemitism emanating from the protests. For example, a group of twenty-one House Democrats wrote a letter to Columbia's board of trustees calling on the school leaders to disband the protesters' encampment, which they called "a breeding ground for antisemitic attacks." Letter from Josh Gottheimer ET AL., Members of Congress, to the Trustees of Columbia University (Apr. 29, 2024), <https://d12t4t5x3vyizu.cloudfront.net/gottheimer.house.gov/uploads/2024/04/FINAL-Letter-to-Columbia-University-Board-of-Trustees-.pdf>.

² See Mitch Smith, *University of Chicago Professors Say They Will Risk Arrest at Protest*, N.Y. TIMES (May 6, 2024), <https://www.nytimes.com/2024/05/06/us/uchicago-faculty-protest-encampment.html>; Amayya Howard, *Virginia Tech professor speaks after arrest for protesting on campus*, WBDJ7 (May 1, 2024), <https://www.wdbj7.com/2024/05/02/virginia-tech-professor-speaks-after-arrest-protesting-campus/>; Daniel Tafoya, *Rioting or Social Protest ... Old enough to know better [Reagan on Berkeley rioters]*, YOUTUBE (June 16, 2020), <https://www.youtube.com/watch?v=eU-Q9fhmrgQ>.

³ Title VI, 42 U.S.C. § 2000 *et seq.*; *Title VI of the Civil Rights Act of 1964*, DEP'T OF JUST., <https://www.justice.gov/crt/fcs/TitleVI#:~:text=Title%20VI%2C%2042%20U.S.C.,activities%20receiving%20federal%20financial%20assistance> (last visited May 14, 2024) ("Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination") (brackets in original).

⁴ See *NSF Award Search*, NATIONAL SCIENCE FOUNDATION, <https://www.nsf.gov/awardsearch/> (last visited May 21, 2024).

order to ensure the safety of students and faculty, the House Committee on Science, Space, and Technology (Committee) requests NSF review compliance with Title VI for each university receiving NSF grants; provide answers to the questions outlined below; and brief Committee staff regarding: 1) how the Foundation verifies potential grant recipients are in compliance with the law, 2) what oversight, if any, the Foundation conducts to ensure continued compliance, and 3) what consequences should be expected if a grantee is found to be in violation of the law.

Since the October 7, 2023, attacks on Israel,⁵ agitators across the country (a mix of students, faculty, and professional activists) have disrupted campus life and in some cases made it impossible for Jewish and other non-protesting students/faculty to safely attend classes or move freely through campus.⁶ Agitators expressed bigoted views, including a desire to bring an end to Israel - the only Jewish state - and blatant threats against Jewish individuals. At one university in the nation's capital, protestors chanted, "[t]here is only one solution: intifada, revolution."⁷ At another university, Jewish students were told that they are "the oppressors of all brown people," that they "didn't deserve to live," and they should consider themselves "Hamas's next target."⁸

It was more than just rhetoric. University administrators across the country allowed, and in some cases supported, these agitators to go well beyond protected speech – permitting them to commandeer university classrooms, office buildings, common areas, and other property – barring entry to Jewish students and professors.⁹ This inaction emboldened these agitators, who occupied these spaces for weeks and ultimately resulted in destruction of property, unsanitary conditions, and violence.¹⁰

⁵ See *Israeli forensic teams describe signs of torture, abuse*, REUTERS (Oct. 15, 2023), <https://www.reuters.com/world/middle-east/israeli-forensic-teams-describe-signs-torture-abuse-2023-10-15/>; Emily Rose & Herbert Villarraga, *Rescue workers recount horrors found in kibbutz attacked by Hamas*, REUTERS (Oct. 17, 2023), <https://www.reuters.com/world/middle-east/rescue-workers-recount-horrors-found-kibbutz-attacked-by-hamas-2023-10-17/>

⁶ See *Explainer: What is behind the pro-Palestinian protests at US universities?*, REUTERS (May 3, 2024), <https://www.reuters.com/world/us/what-is-behind-pro-palestinian-protests-us-universities-2024-05-03/> ("The University of Texas, Austin, for instance, said of the 79 people on its campus on April 29, 45 had no affiliation with the university"); KCAL News, *Pro-Palestinian protestors block UCLA students from entering campus*, YOUTUBE (Apr. 30, 2024), <https://www.youtube.com/watch?v=Ag51F46C0as>.

⁷ Elaine Mallon, *George Washington University erupts with pro-Palestinian protests*, THE WASH. EXAM'R (Apr. 25, 2024), <https://www.washingtonexaminer.com/policy/education/2979751/george-washington-university-erupts-with-pro-palestinian-protests/>; Jason Bedrick, *American college students chant Nazi-inspired slogan against Israel*, THE WASH. EXAM'R (Nov. 15, 2023), <https://www.washingtonexaminer.com/opinion/beltway-confidential/2712445/american-college-students-chant-nazi->

⁸ Katherine Rosman, *Columbia Bars Student Protester Who Said 'Zionists Don't Deserve to Live'*, N.Y. TIMES (Apr. 26, 2024), <https://www.nytimes.com/2024/04/26/nyregion/columbia-student-protest-zionism.html>; Isabella Ramirez & Rebecca Massel, *LionLez president comes under fire for viral email*, COLUMBIA SPECTATOR (Oct. 27, 2023),

<https://www.columbiaspectator.com/news/2023/10/27/lionlez-president-comes-under-fire-for-viral-email/>; Aviva Klompas (@AvivaKlompas), TWITTER (Apr. 20, 2024, 11:08 PM), <https://twitter.com/AvivaKlompas/status/1781882680872710148>.

⁹ See Isha Banerjee & Claire Cleary, *Business School professor Shai Davidai denied access to Morningside campus*, COLUMBIA SPECTATOR (Apr. 23, 2024), <https://www.columbiaspectator.com/news/2024/04/23/business-school-professor-shai-davidai-denied-access-to-morningside-campus-ahead-of-planned-entry-into-encampment/>; Retsef Levi (@RetsefL), TWITTER (Nov. 10, 2023, 12:42 AM), <https://twitter.com/RetsefL/status/1722852140245254559>.

¹⁰ See KATU Staff, *Portland State University faces \$750K in repairs after protest occupation of library*, KATU NEWS (May 14, 2024), <https://katu.com/news/local/portland-state-university-faces-750k-in-repairs-after-protest-occupation-of-library>; Amira McKee ET AL., *Dozens occupy Hamilton Hall as pro-Palestinian protests spread across campus*, COLUMBIA SPECTATOR (Apr. 30, 2024), <https://www.columbiaspectator.com/news/2024/04/30/dozens-occupy-hamilton-hall-as-pro-palestinian-protests-spread-across-campus/>; Jon Swaine ET AL., *Despite warnings of violence at UCLA, police didn't step in for over 3 hours*, N.Y. TIMES (May 11, 2024), <https://www.washingtonpost.com/investigations/2024/05/11/ucla-protests-police-inaction-fights/>.

By refusing to enforce school policies, and in some cases giving into the demands of agitators, university leadership charged with protecting academic environments contributed to their degradation, allowing for the continuation of a hostile environment.¹¹ An open letter signed by over 100 Jewish students at Columbia University encompassed the concerns of students across the country: “[t]hose of us living on and off campus cannot come and go from our homes to campus as we please without fear of being threatened, harassed, or assaulted.”¹²

Any university receiving federal funding has a duty to promote equal opportunity to all students and to comply with Title VI of the Civil Rights Act. A Title VI statutory violation occurs when a university discriminatorily denies participation of researchers or students in federally supported programs, activities, or laboratories, or when a university’s response to an alleged violation is deemed inadequate.¹³ Violation of Title VI makes universities ineligible to receive NSF grants. The NSF is the only federal agency that invests in fundamental, basic research and education across all science, technology, engineering, and mathematics disciplines¹⁴ and has a long history of providing research grants to universities, including those that are experiencing this unrest. In total, NSF provided \$9 billion dollars in research awards in FY23.¹⁵ This funding is an investment of taxpayer dollars subject to all federal laws, including civil rights law. Given the recent uptick in antisemitism at research institutions, NSF must hold universities accountable to Title VI requirements by ensuring recipients of financial assistance are cultivating equal opportunity for all and prohibiting discrimination.

It is critical for NSF to determine that universities are properly certifying grantees and ensuring that federal dollars are not actively funding Title VI violations. To ensure students and researchers are protected from intimidation, the Committee requests NSF review compliance with Title VI for each university receiving grants; provide Committee staff with a briefing; and answer the questions below by June 20, 2024.

1. How often does NSF audit university compliance with Title VI and what is the methodology used for these audits?¹⁶
 - a. Does NSF believe the methodology and frequency of these audits have proven to be effective? Why or why not?

¹¹ See Michael Schill ET AL., *Agreement on Deering Meadow*, NORTHWESTERN UNIV. (Apr. 29, 2024), <https://www.northwestern.edu/leadership-notes/2024/april-29-agreement-on-deering-meadow.html>; Chistina Paxson, *Agreement to end the encampment*, BROWN UNIV. (Apr. 30, 2024), <https://president.brown.edu/president/agreement-end-encampment>; Michael Casey & Steve LeBlanc, *Harvard students end protest as university agrees to discuss Middle East conflict*, AP NEWS (May 14, 2024), <https://apnews.com/article/harvard-protest-israel-hamas-81f83d2928beecda388f73e42903db9e>.

¹² Letter from Eden Yadegar ET AL., Jewish students at Columbia Univ., to the Columbia Cmty., (Apr. 19, 2024), <https://docs.google.com/document/d/1diClJvdg-G2hSc4t29b9pFgrDMlpEFLYHKZLs0FpZyM/edit>; see also Letter from Virginia Fox, House Comm. on Educ. and Workforce, to Minouche Shafik, President, Columbia Univ., and Claire Shipman and David Greenwald, Co-Chairs, Trustees of Columbia Univ. (Apr. 21, 2024), https://edworkforce.house.gov/uploadedfiles/4-21-24_columbia_april_letter.pdf.

¹³ See *supra*, note 3.

¹⁴ NATIONAL SCIENCE FOUNDATION, *FY 2023 Performance and Financial Highlights*, <https://www.nsf.gov/pubs/2024/nsf24003/nsf24003.pdf>.

¹⁵ *Id.*

¹⁶ See Compliance reviews, 10 C.F.R. § 1040.89-4 (1985).

- b. What assessments and determinations does NSF make during these audits?
2. Over the last ten years, how many universities have been found to be in violation of Title VI because of these audits and how were they brought back into compliance?¹⁷ Please provide examples.
 - a. Whether or not it was due to NSF audits, how many universities receiving NSF funding have been found to be in violation of Title VI over the last ten years? Please provide detailed information for each violation.
 - b. How many allegations and reports of Title VI violations were received?
 - c. Over the last ten years, how much money has NSF recovered because of these audits?
3. Who receives Title VI complaints for NSF?
 - a. Does NSF conduct its own investigations into Title VI violations? If so, which office?
 - b. How many FTEs are dedicated to the receipt and review of these complaints?
 - c. How many Title VI complaints has NSF received or referred?
 - d. How many of these complaints were investigated and who were they investigated by?
 - e. Has an independent third party ever verified your statistics regarding Title VI complaints? If yes, who and when? Please provide a copy of the report.
4. Over the last ten years, how many times has NSF suspended or withdrawn grant funding from a university because of an audit's findings?
 - a. How many investigations ended in a voluntary resolution agreement?
 - b. Does NSF publicly report the results and/or conditions of voluntary resolution agreements?

¹⁷ See Compliance procedure, 10 C.F.R. § 1040.89-9 (1985).

5. Please provide all the documents that detail the procedures in place at NSF for reviewing possible Title VI violations and the disciplinary actions when a violation is confirmed.
 - a. Please provide all versions and all records related to policy changes over the last 10 years.
6. Please include any guidance and policies that you provide to external entities and agencies that review potential Title VI violations on your behalf.
 - a. Please provide all versions and all records related to policy changes over the last 10 years.
7. Does NSF believe the recent protests, encampments, or threats made by agitators create a hostile environment? If not, why not?
 - a. If yes, what action, if any, has NSF taken to respond to these violations? Please explain and provide details.
8. Has NSF funded research been interrupted due to the protest activity?
9. Did NSF receive complaints that students or faculty were in fear or had concerns for their personal safety or inability to complete research because of these protests?

Pursuant to Rule X of the U.S. House of Representatives, the Committee on Science, Space, and Technology is delegated oversight jurisdiction over all laws, programs, and Government activities relating to nonmilitary research and development. Thank you for your timely attention to this important matter, should you have any questions or concerns on this matter, please contact Christopher Reutt of the Committee's staff at (202) 225-0222.

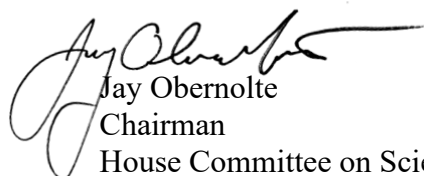
Sincerely,



Frank Lucas
Chairman
House Committee on Science,
Space, and Technology



Mike Collins
Chairman
House Committee on Science,
Space, and Technology
Subcommittee on
Research and Technology



Jay Obernolte
Chairman
House Committee on Science,
Space, and Technology
Subcommittee on
Investigations and Oversight

cc: Zoe Lofgren, Ranking Member House Committee on Science, Space, and Technology