



October 29, 2024

Via NSF PAL Portal

National Science Foundation
Attn: FOIA Officer
2415 Eisenhower Avenue
Alexandria, Virginia 22314

Freedom of Information Act Request: Social Justice Research Grants

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 296,000 followers, and the X page of our Founder and President has over 764,000 followers.

I. Background

The Senate Committee on Commerce, Science, and Transportation recently published a report showing that over \$1.6 billion in federal funding went to grants that aim to promote social justice in various scientific fields.¹ The Committee analyzed over 32,000 Prime Award grants that the National Science Foundation (NSF) awarded to entities between January 2021 and April 2024.² The Committee concluded that ten percent of all grants—a total of \$2.05 billion dollars—were given to projects that promoted diversity, equity, and inclusion (DEI) principles, including the problematic,

¹ See U.S. SENATE COMM. ON COMMERCE, SCI., & TRANSP., 118TH CONG., REPORT ON D.E.I. DIVISION. EXTREMISM. IDEOLOGY.: HOW THE BIDEN-HARRIS NSF POLITICIZED SCIENCE (2024), <https://perma.cc/Z7LC-UW9F>.

² *Id.* at 1.

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divisive tenet of social justice.³ Of the total DEI grant funding, social justice-related grants received a staggering 79 percent.⁴

II. Records Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, AFL requests the following:

- A. For Federal Award Identification Numbers (FAIN) 2140922, 2144978, 2202639, 2224595, and 2313996:
 - a. All records of the Notice of Funding Opportunity;
 - b. All records of Notices of Award;
 - c. All records of Applications submitted for which funding was awarded;
 - d. All records of grant agreements, cooperative agreements, and other agreements for assistance covered in § 200.40 Federal financial assistance of the OMB Uniform Grant Guidance;
 - e. All records of Audits conducted during the post-award phase; and
 - f. All records relating to or regarding the processing of the above items.

III. Fee Waiver

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 45 C.F.R. § 612.10(k). First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices, including the policies and practices of your agency's implementation of the administration's executive orders regarding equity and its allocation of grants, will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest.

IV. Conclusion

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.⁵ If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please contact me at FOIA@aflegal.org. To accelerate your release of responsive records,

³ *Id.*

⁴ *Id.* at 23.

⁵ U.S. DEP'T JUST. (Mar. 15, 2022), <https://perma.cc/698A-FABV>.

AFL welcomes production on an agreed-upon rolling basis. Please provide responsive records in an electronic format via email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Sincerely,

/s/ Rachel Jag

America First Legal Foundation