

Congress of the United States

Washington, DC 20515

July 10, 2026

The Honorable Russell Vought
Director
Office of Management and Budget
725 17th St., NW
Washington, DC 20503

Dear Director Vought:

Thank you for your work through the Office of Management and Budget to root out waste, fraud, and abuse and ensure that Americans' tax dollars align with federal law. We write in strong support of the proposed Rule to update Title 2 of the Code of Federal Regulations overseeing Federal Financial Assistance.

Federal financial assistance funds a vast swath of American life. Each year, the federal government distributes trillions of dollars in grants and financial assistance.¹ This assistance goes to institutions—colleges, litigation groups, nonprofits, and private businesses—that form Americans and shape the law. Many of these institutions rely on federal assistance: most non-profit organizations receive government funding, and an estimated 35,000 nonprofits receive a majority of their funding from the federal government.²

It is vital that recipients of government assistance comply with federal law. As members of the United States Congress, we have an interest in ensuring that federal funds do not flow to projects or recipients that violate laws passed by our institution—or constitutional provisions passed by Congress and ratified by the States. And as representatives of the American people, we have an interest in stopping these funds from advancing peripheral and experimental ideologies that seek to destabilize the American project and harm the American people.

For years, taxpayer dollars have supported unlawful activities. Countless federal funds have gone to organizations that engage in racial discrimination. From colleges that engage in race-based admissions to nonprofits that provide race-exclusive scholarships and private businesses that operate career advancement programs only for members of certain races, recipients of federal aid have repeatedly promoted unequal treatment based on race.³ In previous administrations, unequal treatment has even been a condition of government assistance.⁴ Neither the United States Constitution nor Title VI of the Civil Rights Act of 1964 tolerate such activities. These authorities, which prohibit discrimination on the basis of race by government

¹ See OFF. OF MGMT. & BUDGET, MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES: TEMPORARY PAUSE OF AGENCY GRANT, LOAN, AND OTHER FINANCIAL ASSISTANCE PROGRAMS at 1 (Jan. 27, 2025).

² Cathleen Clerkin, et. al, *How Reliant Are Nonprofits on Government Grants?*, CANDID (Feb. 6, 2025), <https://candid.org/blogs/how-many-nonprofits-rely-on-government-grants-data>; *Nonprofit Trends and Impacts 2021–2023*, URBAN INSTITUTE (Oct. 2024), <https://www.urban.org/partnering-understand-long-term-trends-nonprofit-organization-activities-and-needs> (“68 percent of nonprofits received at least some government funding”).

³ See, e.g., U.S. DEP'T OF ED., U.S. DEPARTMENT OF EDUCATION'S OFFICE FOR CIVIL RIGHTS SECURES 31 AGREEMENTS WITH COLLEGES AND UNIVERSITIES TO END PARTNERSHIPS WITH THE PH.D. PROJECT (Feb. 19, 2026), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-secures-31-agreements-colleges-and-universities-end-partnerships-phd-project>; Stipulation of Dismissal, *Do No Harm v. Pfizer Inc.*, No. 1:22-cv-07908 (S.D.N.Y. Jan. 31, 2025), <https://donoharmmedicine.org/wp-content/uploads/2025/01/Do-No-Harm-v.-Pfizer-As-Filed-Joint-Stipulation-of-Dismissal.pdf>.

⁴ See, e.g., Department of Agriculture Preferences for “Socially Disadvantaged” Groups, 50 Op. O.L.C. ____ (June 22, 2026), <https://www.justice.gov/olc/media/1447016/dl>.

entities and federal fund recipients, do not “permit any distinctions of law based on race or color.”⁵ The Constitution is color-blind; anyone who receives federal funding should be, too.

Another area where federal funds have enabled violations of federal law is radical gender ideology. The Supreme Court has repeatedly and consistently characterized sex as biological and has held that “[p]hysical differences between men and women are” “enduring.”⁶ Equal protection under the Constitution requires honor for men and women as different in biology and equal in citizenship.⁷ The same philosophy animates Title IX, which provides for sex-separated sports and private spaces in schools in order to advance equal opportunity for both sexes.⁸ Despite clear constitutional and statutory guidance, K-12 schools and institutions of higher education have damaged women’s safety, dignity, and opportunities to excel by letting men compete in their sports and enter their private spaces. Often, they have been aided and abetted by non-profit advocacy groups that seek to force institutions to abrogate their duties.

Aid recipients also use gender identity to facilitate the chemical and surgical mutilation of children. These procedures cause irreversible damage to healthy young children. They also have frequently been promoted, advertised, and carried out by institutions that made deceptive claims about their dangers.⁹ And both medical procedures and so-called “social transitions” have been attempted behind the backs of parents, violating parents’ right to raise children in accord with their biological sex.¹⁰

⁵ *Students for Fair Admissions v. President and Fellows of Harvard Coll.*, 600 U.S. 181, 202 (2023) (internal quotation mark omitted). For the proposition that Title VI prohibits the same conduct as the Equal Protection Clause, *see id.* at 198 n.2.

⁶ *United States v. Virginia*, 518 U.S. 515, 533 (1996) (*VMI*). *See also id.* (“[T]he two sexes are not fungible; a community made up exclusively of one [sex] is different from a community composed of both.”); *Sessions v. Morales-Santana*, 582 U.S. 47, 65 (2017) (a “mother establishes” “a biological parent-child relationship . . . by giving birth”); *Nev. Dep’t. of Hum. Res. v. Hibbs*, 538 U.S. 721, 731 (2003) (noting the “differential physical needs of men and women”); *Nguyen v. I.N.S.*, 533 U.S. 53, 73 (2001) (“the fact that a mother must be present at birth but the father need not be” is among “our most basic biological differences”); *J.E.B. v. Alabama ex rel T.B.*, 511 U.S. 127, 133 (1994) (“the two sexes are not fungible”); *Bray v. Alexandria Women’s Health Clinic*, 506 U.S. 263, 271 (1993) (“only women can become pregnant”); *UAW v. Johnson Controls, Inc.*, 499 U.S. 187, 205 (1991) (noting “female workers[’]” “capacity to bear children”); *Newport News Shipbuilding and Dry Dock Co. v. E.E.O.C.*, 462 U.S. 669, 679 n.17 (1983) (“only women can become pregnant”); *Michael M. v. Superior Ct. of Sonoma Cnty.*, 450 U.S. 464, 467 (1981) (plurality opinion) (“[o]nly women may become pregnant”); *Parham v. Hughes*, 441 U.S. 347, 351 (1979) (“gender” is an “immutable human attribute[.]”); *City of Los Angeles, Dep’t of Water and Power v. Manhart*, 435 U.S. 702, 707 (1978) (“There are . . . real . . . differences between women and men.”); *Mathews v. Lucas*, 427 U.S. 495, 506 (1976) (sex “carr[ies] an obvious badge”); *Gen. Elec. Co. v. Gilbert*, 429 U.S. 125, 134 (1976) (“only women can become pregnant”), *superseded by statute on other grounds*, Pregnancy Discrimination Act, Pub. L. 95-555, 92 Stat. 2077 (1978), *as recognized in Newport News*, 462 U.S. at 685; *Taylor v. Louisiana*, 419 U.S. 522, 532 (1975) (“the two sexes are not fungible”); *Geduldig v. Aiello*, 417 U.S. 484, 496 n.20 (1974) (“only women can become pregnant”); *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973) (plurality opinion) (“sex . . . is an immutable characteristic determined solely by the accident of birth”); *Ballard v. United States*, 329 U.S. 187, 193 (1946) (“the two sexes are not fungible”).

⁷ *VMI*, 518 U.S. at 533 (“‘inherent differences’ between men and women” mean that “sex” is not “a proscribed classification”), 532 (“neither federal nor state government acts compatibly with the equal protection principle when a law or official policy denies to women, simply because they are women, full citizenship stature”).

⁸ 20 U.S.C. § 1681(a), 1686; 34 C.F.R. § 106.32(b)(1), 33, 41(b); 45 C.F.R. § 86.32(b)(1), 33, 34(c), 34(f).

⁹ *See* Andrew Ferguson, Address to the Workshop on Unfair or Deceptive Trade Practices in Gender Affirming Care (Jul. 9, 2025).

¹⁰ *See Mirabelli v. Bonta*, 607 U.S. 492, 497 (2026) (school policies that conceal a child’s gender dysphoria “from parents and facilitate a degree of gender transitioning during school hours . . . likely violate parents’ rights to direct the upbringing and education of their children”); *Mahmoud v. Taylor*, 606 U.S. 522, 550 (2025) (school board’s “introduction of the ‘LGBTQ+-inclusive’ storybooks—combined with its decision to withhold notice to parents and to forbid opt outs—substantially interferes with the religious development of their children”); *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (plurality op.) (“The liberty interest . . . of parents in the care, custody, and control of their children[] is perhaps the oldest of the fundamental liberty interests recognized by this Court.”); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972) (“The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.”); *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 535 (1925) (“those who nurture [a child] and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations”); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923) (the Fourteenth Amendment “denotes . . . the right of the individual to . . .

Finally, government assistance has been used to exploit federal immigration law. Progressive groups across the country have long opposed immigration enforcement. The Biden administration funded a network of over 200 non-governmental organizations that facilitated the entrance of millions of illegal aliens in the United States. These groups used taxpayer dollars to supply illegal aliens with cash, housing assistance, and travel services.¹¹ Some groups coach illegal border-crossers on making fraudulent claims and help them register to vote illegally.¹² And anti-ICE groups around the country have trained protestors to physically assault law enforcement officers and unlawfully remove illegal aliens from ICE custody.¹³

OMB has clear legal authority to deny federal funding in support of these projects. Congress and the executive branch can make “value judgment[s]” about the allocation of public funds, and “selectively fund” only those programs “[they] believe[] to be in the public interest.”¹⁴ This is especially true when the federal government declines to subsidize illegal and unconstitutional activity. It would be an abuse of discretion for agencies to spend money on programs that “Congress’ expressed intent” is to forbid or discourage.¹⁵ Congress has expressed no intent to fund discrimination, to sponsor the mutilation of children and elimination of women’s sports, or to support groups that believe the United States should not have a border.

As federal officers, we all take an oath to uphold and defend the Constitution. We commend OMB for seeking to ensure that all assistance disbursed by the federal government aligns with the Constitution and with federal law. The American people deserve no less.

Thank you for your attention to this important matter.

Sincerely,



Michael Cloud
Member of Congress



Jim Banks
U.S. Senator



Randy Fine
Member of Congress



Scott DesJarlais, M.D.
Member of Congress



Barry Moore
Member of Congress

establish a home and bring up children”).

¹¹ Public Funds, Private Agendas: NGOs Gone Wild: Hearing Before the Subcomm. on Delivering on Government Efficiency, 119 Cong. 1–2 (Jun. 4, 2025) (Statement of Mark Krikorian), <https://oversight.house.gov/wp-content/uploads/2025/06/Krikorian-Written-Testimony.pdf>; Letter from Rep. Mark Green & Rep. Josh Brecheen to Angelica Salas, Exec. Dir., Coal. for Humane Immigrant Rights 1–2 (Jun. 10, 2025).

¹² See Krikorian, *supra* note 11, at 2; An Inside Job: How NGOs Facilitated the Biden Border Crisis: Hearing Before the Comm. On Homeland Security, 119 Cong. 169 (Jul. 16, 2025) (Testimony of Mike Howell).

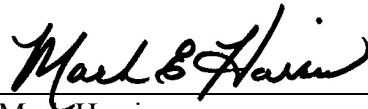
¹³ See Letter from Sen. Jim Banks to Pamela Bondi, Att’y Gen. of the U.S. 1 (Feb. 18, 2026); 18 U.S.C. § 111; 8 U.S.C. § 1324(a)(iii).

¹⁴ *Rust v. Sullivan*, 500 U.S. 173, 192–93 (1991) (quoting *Maher v. Roe*, 432 U.S. 464, 474 (1977)).

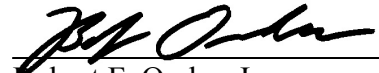
¹⁵ *Rust*, 500 U.S. at 184.



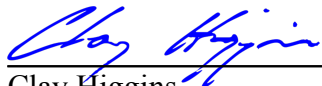
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Member of Congress



Mark Harris
Member of Congress



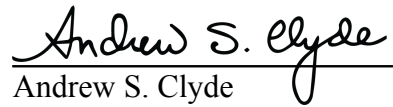
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Member of Congress



Clay Higgins
Member of Congress



Ben Cline
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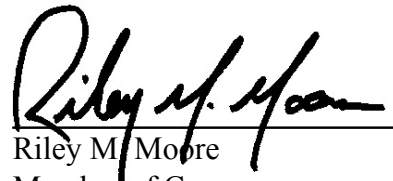
Andrew S. Clyde
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Eric Burlison
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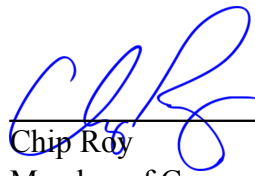
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Scott Perry
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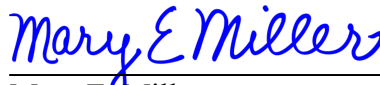
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Andy Harris, M.D.
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Sheri Biggs
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Mary E. Miller
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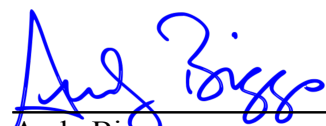
Paul A. Gosar, D.D.S.
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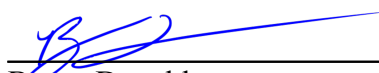
Pete Stauber
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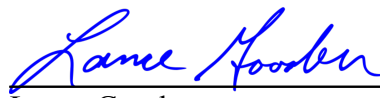
Josh Brecheen
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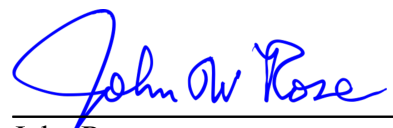
Andy Biggs
Member of Congress



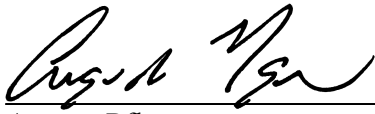
Byron Donalds
Member of Congress



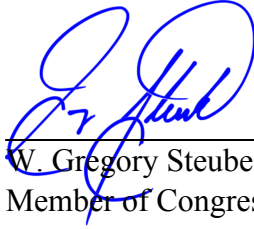
Lance Gooden
Member of Congress



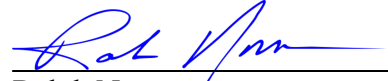
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August Pfluger
Member of Congress



W. Gregory Steube
Member of Congress



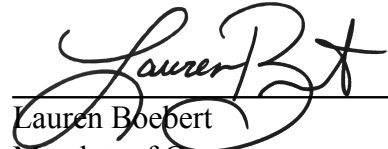
Ralph Norman
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Gary J. Palmer
Member of Congress



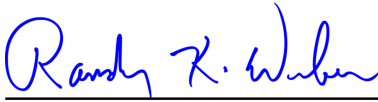
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