Dear Chairs and Ranking Members:

The undersigned organizations write to ask Congress to protect its constitutional authority over federal spending as the executive branch is actively overriding this authority despite recently passed legislation explicitly setting out congressional intent. Agencies are moving to implement the Office of Management and Budget's proposed rule on federal financial assistance (commonly referred to as "Uniform Guidance") in direct contradiction to bipartisan language in the continuing resolution which prohibited OMB from finalizing or implementing the rule through December 11, 2026.

Our coalition spans state, local, and tribal governments; nonprofit charities; hospitals; businesses; educational institutions; universities; and organizations from the agriculture, energy, housing, research, public health, transportation, and infrastructure sectors as well as other recipients of federal assistance. Together, we administer federal awards across every sector and deliver research, health care, public safety, housing, education, and community services in every state and congressional district. We are united by a shared interest in a federal grants system that is stable, lawful, and accountable to Congress.

**Congress has spoken.** Section 157 of the Continuing Appropriations and Extensions Act, 2027 (P.L. 119-103) prohibits OMB from issuing or finalizing the proposed Uniform Grants Regulation *or any substantially similar rule* through December 11, 2026. Adopted with bipartisan support, the provision preserves the current Uniform Guidance while Congress evaluates proposed changes affecting more than $1 trillion in annual federal awards.

**However, several federal agencies are proceeding in direct contravention of Congress's explicit instructions.** For example, the agencies listed below are advancing their own rules and policies that mirror key elements of the proposed OMB rule before it has been finalized.

- **National Science Foundation (NSF)**: In August, NSF attempted to align its proposed Guidance on Financial Assistance (NSF-2026-OTR-0001) with OMB's pending revised Uniform Guidance. After passage of the continuing resolution and reviewing thousands of comments, NSF recently decided to eliminate provisions that implemented the revised Uniform Guidance in an updated version of the GFA, although the agency noted that it would address changes to the Uniform Guidance once they are finalized.
- **The Department of Education (ED)**: ED has proposed revisions to its General Administrative Regulations (EDGAR) that align agency regulations with the proposed Uniform Guidance.
- **The Department of Agriculture (USDA)**: USDA's revised General Terms and Conditions for Federal Awards incorporate requirements drawn from executive orders and policy changes reflected in the proposed Uniform Guidance.
- **The Department of Housing and Urban Development (HUD)**: The agency has proposed creating the HUD Unified Grant System. HUGS is being built, using unclear authorities, to implement the Uniform Guidance. Housing organizations predict that the new HUD requirements will increase administrative burden for HUD grantees and could lead to the politicization of HUD awards. This is in addition to HUD's moves to incorporate Executive Orders into guidance and other documents (e.g. PIH 2026-12, Rev. 2) without going through the rulemaking process.
- **National Institutes of Health (NIH)**: Lawmakers were forced to step in when reports surfaced that the administration had plans to add a layer of political review of NIH applications after the merit-based review process. The reports raised concerns that the plans were similar to

provisions in the proposed Uniform Guidance revisions, in spite of Congress's explicit directive blocking the revisions in the continuing resolution.

- **NASA**: NASA revised its Grant and Cooperative Agreement Terms and Conditions to permit awards to be terminated "at the convenience of the government" – parallel to language in the proposed Uniform Guidance.
- **Department of Energy (DOE)**: DOE's Office of Science issued a notice of funding opportunity incorporating selection criteria that align with the proposed Uniform Guidance, including relevance to the President's policy priorities, lower institutional indirect cost rates, and commitment to "Gold Standard Science."

Taken together, these actions would put into practice key elements of a rule Congress has barred OMB from finalizing.

**This approach raises serious separation-of-powers concerns.** Congress possesses the sole constitutional authority to appropriate funds, establish federal programs, and determine the conditions under which federal assistance is awarded and administered. Through Section 157 of the recent continuing resolution, Congress was explicit in prohibiting OMB from proceeding with the proposed revisions to Uniform Guidance. Agencies should not be permitted to achieve through individual actions what Congress has suspended governmentwide. Allowing agencies to circumvent an appropriations directive diminishes Congress's ability to control the use of federal funds – regardless of which party controls the executive branch.

**This approach also creates uncertainty for recipients.** OMB has not finalized the proposed rule and has yet to address tens of thousands of public comments submitted in response to it. At the same time, the legal status of several executive orders underlying these agency actions remains unresolved. As a result, recipients face conflicting requirements, increased compliance costs, and uncertainty regarding the rules that will govern long-term projects and investments. Instead of creating uniformity, individual agency actions to implement OMB's rule have produced fragmentation, risk, and confusion across federal grant programs.

***We respectfully urge Congress to:***

- *Conduct oversight of agency actions that mirror or advance OMB's proposed regulation and require agencies to identify the legal authority supporting those actions and to explain whether they are consistent with Section 157.*
- *Include Section 157 in any future continuing resolutions that extend government funding beyond December 11, 2026, and clarify that it applies to any agency action implementing OMB's proposed regulation or substantially similar provisions.*
- *Include language in final FY27 appropriations legislation preventing OMB from implementing its proposed revisions to the Uniform Guidance and preventing agencies from implementing the proposed regulation or substantially similar provisions.*
- *Ensure that any future revisions of the Uniform Guidance respect Congress's constitutional authority, incorporate meaningful public participation, and are not implemented prematurely by federal agencies.*

We appreciate your leadership and welcome the opportunity to discuss these concerns with you and your staff.

Sincerely,

Association of American Medical Colleges
AASA, The School Superintendents Association
Afterschool Alliance
Alliance for Academic Internal Medicine
American Academy of Allergy, Asthma & Immunology
American Academy of Hospice and Palliative Medicine
American Academy of Neurology
American Assoc. of Chairs of Dept. of Psychiatry
American Association for the Advancement of Science
American Association of Colleges of Pharmacy
American Astronomical Society
American Cancer Society Cancer Action Network
American Chemical Society
American College of Academic Addiction Medicine
American College of Physicians
American Council on Education
American Educational Research Association
American Geophysical Union
American Historical Association
American Institute of Architects
American Institute of Biological Sciences
American Medical Women's Association
American Meteorological Society
American Physical Society
American Physiological Society
American Society for Biochemistry and Molecular Biology
American Society for Nutrition
American Society for Pharmacology and Experimental Therapeutics
American Society of Civil Engineers
American Society of Hematology
American Society of Mechanical Engineers
American Society of Neuroradiology
American Society for Microbiology
Association for Academic Pathology
Association of Academic Chairs of Emergency Medicine
Association of Academic Physiatrists
Association of American Publishers
Association of American Universities
Association of Biomolecular Resource Facilities
Association of Independent Research Institutes
Association of Psychologists in Academic Health Centers
Association of Public and Land-Grant Universities
Association of Research Libraries
Association of School Business Officials International
Association of University Presses
Bayh-Dole Coalition
Biophysical Society
Change The Chamber at the U.S. Partnership for Education for Sustainable Development
Children's Hospital Association
Clean Energy Business Network
Computing Research Association
Council of Development Finance Agencies
Council of Infrastructure Financing Authorities
Council of Large Public Housing Authorities
Council of State Community Development Agencies
Cure Alzheimer's Fund
CurePSP
Cystic Fibrosis Foundation
E2
Ecological Society of America
Education Finance Council
Endocrine Society
Entomological Society of America
Federation of American Societies for Experimental Biology
Friends of NIDA
Gerontological Society of America
Government Finance Officers Association
Heart Failure Society of America
HIV Medicine Association
Housing and Development Law Institute
Housing Partnership Network
Infectious Diseases Society of America

Information Technology and Innovation Foundation
Lupus and Allied Diseases Association, Inc.
Lupus Foundation of America
MTW Collaborative
Muscular Dystrophy Association
NAACP
Native American Finance Officers Association
National Alliance on Mental Illness
National Alliance to End Homelessness
National Association of College and University Business Officers
National Association of Housing and Redevelopment Officials
National Association of Independent Colleges and Universities
National Council of Nonprofits
National Family Farm Coalition
National Low Income Housing Coalition
National Sustainable Agriculture Coalition
National Young Farmers Coalition
Natural Science Collections Alliance
National Disease Research Interchange
North American Vascular Biology Organization
Oncology Advocates United for Climate and Health - International
Optica
Public Housing Authorities Directors Association
Research!America
Rural Coalition
Small Business Technology Council
Society for Academic Emergency Medicine
Society for Leukocyte Biology
Society for Neuroscience
Society for Scholarly Publishing
Society of Directors of Research in Medical Education
Stand Up for Science
State Science and Technology Institute, Inc.
STM
Teaching Kitchen Collaborative
The College on Problems of Drug Dependence
The Obesity Society
The Society for Advancement of Violence and Injury Research
Third Way
Tigerlily Foundation
United for Cures
United States Conference of Mayors
UsAgainstAlzheimer's
WateReuse Association