

**To:** Democracy 2025 Partners  
**From:** Democracy Forward  
**Re:** What Grantees Should Know About Grant Conditions and the Current Federal Funding Landscape—All Agencies  
**Date:** July 10, 2026

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This memorandum is the next in a series of Democracy 2025 resources designed to help the pro-democracy community, including the grantee community, understand the current legal landscape affecting federal funding. The Trump-Vance administration has used attacks on federal funding as a key tool to advance its authoritarian agenda, including targeting civil rights and our multiracial democracy, and rights for people of all genders. This series includes memoranda that explain and document in one place: (1) the conditions that have been placed on grants and the litigation challenging those conditions; and (2) the terminations of grants and withholdings of grant funds that have occurred and the litigation challenging those actions.<sup>1</sup>

This memorandum addresses conditions that have been placed on grants from the following agencies: AmeriCorps; U.S. Department of Commerce; U.S. Department of Homeland Security; U.S. Department of Defense; U.S. Department of Energy; U.S. Department of Interior; U.S. Department of Justice; U.S. Department of Labor; U.S. Department of Transportation; U.S. Department of Education; Environmental Protection Agency; U.S. Department of Health and Human Services; U.S. Department of Housing and Urban Development; National Archives and Records Administration; National Aeronautics and Space Administration; National Endowment for the Arts; National Endowment for the Humanities; National Science Foundation; Office of the Director of National Intelligence; Small Business Administration; U.S. Agency for International Development; U.S. Department of Agriculture; U.S. Department of Veteran Affairs. This memorandum addresses litigation challenges to unlawful grant conditions. It is the second memorandum in this series; [building on our memorandum that describes grant](#) conditions and certifications on grants that support services to survivors of crime, and enhance community planning, development, and health and human services.

This memorandum is for informational and educational purposes only. It is not intended to be legal advice or a substitute for legal advice for any specific organization or about a particular set of facts, and should not be relied upon as such.

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<sup>1</sup> Note that sometimes the Trump-Vance administration’s efforts to withhold or terminate grant funds include attempting to impose new conditions on grants. Those cases are generally included in the forthcoming memorandum regarding grant withholdings and terminations; not in the first two memoranda regarding grant conditions.

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## Trump's Executive Orders Justifying Grant Conditions

### Anti-Diversity, Equity, and Inclusion

Executive Order 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing* ([Jan. 20, 2025](#))<sup>2</sup>

- **Section 2(b)(i)** directs agency heads to “terminate, to the maximum extent allowed by law, . . . all ‘equity-related’ grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees.”

Executive Order 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* ([Jan. 21, 2025](#))<sup>3</sup>

- **Section 3(b)(iv)** directs each federal agency head to “include in every contract or grant award” a term that the contractor or grant recipient “certify that it does not operate any programs promoting DEI” that would violate federal antidiscrimination laws.

### Anti-Gender (including Anti-Anti-Abortion) Executive Actions

Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government* ([Jan. 20, 2025](#))<sup>4</sup>

- **Section 3(e)** directs agency heads to “take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.”
- **Section 3(g)** states that: “Federal funds shall not be used to promote gender ideology. Each agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.”

Executive Order 14182, *Enforcing the Hyde Amendment* ([Jan. 24, 2025](#))<sup>5</sup>

- **Section 1** declares: “It is the policy of the United States, consistent with the Hyde Amendment, “to end the forced use of Federal taxpayer dollars to fund or promote elective abortion.”

### Anti-Immigration Executive Actions

Executive Order 14159, *Protecting the American People Against Invasion* ([Jan. 20, 2025](#))

- **Section 17:** “*Sanctuary Jurisdictions*. The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that

<sup>2</sup> [Exec. Order No. 14151](#), 90 Fed. Reg. 8339 (Jan. 20, 2025).

<sup>3</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(B), 90 Fed. Reg. 8633 (Jan. 21, 2025).

<sup>4</sup> [Exec. Order No. 14168](#), § 3(e), (g), 90 Fed. Reg. 8615 (Jan. 20, 2025).

<sup>5</sup> [Exec. Order No. 14182](#), 90 Fed. Reg. 8751 (Jan. 24, 2025).

so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction’s practices that interfere with the enforcement of Federal law.”

**DOJ/Bondi Memo, *Sanctuary Jurisdiction Directives* ([Feb. 5, 2025](#))**

- This memo was issued by Bondi to implement EO 14159. It announced a funding freeze on all DOJ funds in order to perform a review that would eventually result in the termination of “any agreements that are in violation of law or are the source of waste, fraud, or abuse” and the initiation of “clawback or recoupment procedures, where appropriate.”

**Executive Order 14218, *Ending Taxpayer Subsidization of Open Borders* ([Feb. 19, 2025](#))<sup>6</sup>**

- **Section 2(a)(ii)** directs that: “the head of each executive department or agency (agency) shall . . . ensure, consistent with applicable law, that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.”
- **Section 2(b)** directs all agency heads to ensure “that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.”
- **Section 2(c)** directs all agencies to “enhance eligibility verification systems, to the maximum extent possible, to ensure that taxpayer-funded benefits exclude any ineligible alien who entered into the United States illegally or is otherwise unlawfully present in the United States.”

**Executive Order 14287, *Protecting American Communities from Criminal Aliens* ([Apr. 28, 2025](#))**

- **Section 2** instructed the Attorney General and Secretary of Homeland Security to “publish a list of States and local jurisdictions that obstruct the enforcement of Federal immigration laws (sanctuary jurisdictions)” and send letters to each “sanctuary jurisdiction regarding its defiance of Federal immigration law enforcement and any potential violations of Federal criminal law.”
- **Section 3(a)** directed each agency to “identify appropriate Federal funds to sanctuary jurisdictions, including grants and contracts, for suspension or termination, as appropriate.”

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<sup>6</sup> [Executive Order 14218](#), § 2(ii), 90 Fed. Reg. 10581 (Feb. 19, 2025).

## Executive Order Challenges

### Anti-Diversity, Equity, and Inclusion (including Anti-Disability) Executive Actions

#### Background

Agencies have attempted to impose anti-diversity, equity, and inclusion (“DEI” or “DEIA”) executive orders by imposing new funding conditions, including so-called “Diversity, Equity, and Inclusion-related” conditions. The below is an overview of some of the legal challenges to these executive orders and/or to the conditions that implement these executive orders.

#### 1) What is the challenged executive order?

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### What is the status of challenges to this EO?

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>7</sup>

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined select agencies<sup>8</sup> “from enforcing Executive Order 14151 section 2(b)(i)” and ordered that “[the] agenc[ies] shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14151].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT

<sup>7</sup> *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>8</sup> This injunction applies to the following agencies and their officers: U.S. Department of Justice; U.S. Department of Labor; Office of Federal Contract Compliance Programs; Office of Management and Budget; U.S. Department of Health and Human Services; U.S. Department of Housing and Urban Development; National Archives and Records Administration; and the National Endowment for the Humanities.

Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>9</sup>

In addition, the implementation and effectuation of certain provisions of EO 14151 has been challenged in the following case, although no injunctions or stays in this case are presently in effect:

- [\*National Urban League v. Trump\*](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).<sup>10</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

(A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and

(B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws<sup>11</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>12</sup>

Courts have, for the moment, enjoined the U.S. Department of Labor from enforcing or implementing this Executive Order as to certain plaintiffs.

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<sup>9</sup> [\*San Francisco AIDS Foundation v. Trump\*](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#) (June 13, 2025) (Docket #87).

<sup>10</sup> This case is challenging this Executive Order with respect to its applicability to the Department of Labor; the U.S. Department of Health and Human Services; U.S. Department of Commerce; U.S. Department of Housing and Urban Development; and United States Department of Agriculture.

<sup>11</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>12</sup> [\*Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump\*](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [\*Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump\*](#), No. 25-1189 (4th Cir. Feb. 27, 2025) [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

On April 14, 2025, the U.S. District Court for the Northern District of Illinois enjoined the Department of Labor “from requiring any grantee or contractor to make a certification pursuant to section 3(b)(iv) of Executive Order 14173.”<sup>13</sup>

Specifically, the Trump-Vance administration cannot “require **any grantee or contractor** to make any ‘certification’ or other representation pursuant to the Certification Provision (§ 3(b)(iv)) of Executive Order 14173.”<sup>14</sup>

The court also ordered that the Government “shall not initiate any False Claims Act enforcement action against [Chicago Women in Trades] pursuant to the Certification Provision of (§ 3(b)(iv)) of [Executive Order 14173].”<sup>15</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>16</sup>

In addition, the implementation and effectuation of EO 14173 has been challenged in the following cases, although there are not any injunctions or stays presently in effect from these cases:

- [\*National Urban League v. Trump\*](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).
- [\*State of Minnesota v. Trump\*](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).
- [\*City of Fresno v. Noem\*](#), No. 25-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1)

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“[T]he Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other

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<sup>13</sup> [\*Chicago Women in Trades v. Trump\*](#), No. 25-cv-02005 (N.D. Ill. Feb. 26, 2025), [Memorandum Opinion and Order](#) (Apr. 14, 2025) (Docket #68).

<sup>14</sup> [\*Chicago Women in Trades v. Trump\*](#), No. 25-cv-02005 (N.D. Ill. Feb. 26, 2025), [Order on Plaintiff’s Motion for Preliminary Injunction](#) (Apr. 15, 2025) (Docket #69) at 2.

<sup>15</sup> *Id.*

<sup>16</sup> [\*City of Seattle v. Trump\*](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>17</sup>

### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>18</sup>

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## **Anti-Gender (including Anti-Abortion) Executive Actions**

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### **Background**

Some agencies have attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions. The below describes these executive orders, related conditions, and the status of legal challenges to these executive orders and conditions:

#### **1) What is the Executive Order?**

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>19</sup>

#### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined the U.S. Department of Health and Human Services from enforcing or implementing this Executive Order as to certain plaintiffs.

On March 4, 2025, the U.S. District Court for the District of Maryland enjoined HHS and its subagencies from “conditioning, withholding or terminating federal funding under Section 3(g) of

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<sup>17</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>18</sup> [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, (4th Cir. Feb. 27, 2025) [Opinion](#) (Feb. 6, 2026) (Docket # 106).

<sup>19</sup> [Exec. Order No. 14168](#), § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

Executive Order 14,168 . . . based on the fact that a healthcare entity or health professional provides gender-affirming medical care to a patient under the age of nineteen.”<sup>20</sup>

This injunction applies nationwide to all healthcare entities or health professionals providing gender-affirming medical care to a patient under the age of nineteen.<sup>21</sup>

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined certain agencies<sup>22</sup> “as well as any subagencies . . . and any officers, agents, servants, employees, or attorneys” of agency “from enforcing Executive Order 14168 sections 3(e) and 3(g)” and ordered that agency shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14168].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>23</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>24</sup>

In addition, the implementation and effectuation of EO 14168 has been challenged in the following cases, although there are not any injunctions or stays presently in effect from these cases:

- [\*National Urban League v. Trump\*](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).
- [\*State of Minnesota v. Trump\*](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).
- [\*City of Fresno v. Noem\*](#), No. 25-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1) (challenging EO 14218 EO 14218 § 2(ii)).

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<sup>20</sup> [\*PFLAG, Inc. v. Trump\*](#), No. 8:25-cv-00337 (D. Md. Feb. 4, 2025), [Order](#) (Mar. 4, 2025) (Docket #116) at 1–2.

<sup>21</sup> [\*PFLAG, Inc. v. Trump\*](#), No. 8:25-cv-00337 (D. Md. Feb. 4, 2025), [Memorandum Opinion](#) (Mar. 4, 2025) (Docket #115) at 61–65.

<sup>22</sup> This injunction applies to: U.S. Department of Justice; U.S. Department of Labor; Office of Federal Contract Compliance Programs; Office of Management and Budget; U.S. Department of Health and Human Services; U.S. Department of Housing and Urban Development; National Archives and Records Administration; and the National Endowment for the Humanities, as well as their officers.

<sup>23</sup> [\*San Francisco AIDS Foundation v. Trump\*](#), No. 4:25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#), (June 13, 2025) (Docket #87).

<sup>24</sup> [\*City of Seattle v. Trump\*](#), No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

## 2) What is the Executive Order?

**Section 3(b) of Executive Order No. 14201, “Keeping Men Out of Women’s Sports”** directs that:

“All executive departments and agencies (agencies) shall review grants to educational programs and, where appropriate, rescind funding to programs that fail to comply with the policy established in this order.”<sup>25</sup>

### **What is the status of challenges to this Executive Order?**

The implementation and effectuation of EO 14201 has been challenged in the following case, although there are no injunctions or stays presently in effect from this case:

- [\*State of Minnesota v. Trump\*](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).

## 3) Section 4 of Executive Order No. 14187, “Protecting Children from Chemical and Surgical Mutilation”

Section 4 of the EO, titled “Defunding Chemical and Surgical Mutilation,” directs:

“The head of each executive department or agency (agency) that provides research or education grants to medical institutions, including medical schools and hospitals, shall, consistent with applicable law and in coordination with the Director of the Office of Management and Budget, immediately take appropriate steps to ensure that institutions receiving Federal research or education grants end the chemical and surgical mutilation of children.”<sup>26</sup>

### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined the U.S. Department of Health and Human Services from enforcing or implementing this Executive Order as to certain plaintiffs.

On March 4, 2025, the U.S. District Court for the District of Maryland enjoined HHS and its subagencies from “conditioning, withholding or terminating federal funding under . . . Section 5 of Executive Order 14,187, based on the fact that a healthcare entity or health professional provides gender-affirming medical care to a patient under the age of nineteen.”<sup>27</sup>

This injunction applies nationwide to all healthcare entities or health professionals providing gender-affirming medical care to a patient under the age of nineteen.<sup>28</sup>

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<sup>25</sup> [Exec. Order No. 14201](#), § 3(b), 90 Fed Reg. 9279 (Feb. 5, 2025).

<sup>26</sup> [Exec. Order No. 14187](#), § 4, 90 Fed Reg. 8771 (Jan. 28, 2025).

<sup>27</sup> [PFLAG, Inc. v. Trump](#), No. 8:25-cv-00337 (D. Md. Feb. 4, 2025), [Order](#) (Mar. 4, 2025) (Docket #116) at 1–2.

<sup>28</sup> [PFLAG, Inc. v. Trump](#), No. 8:25-cv-00337 (D. Md. Feb. 4, 2025), [Memorandum Opinion](#) (Mar. 4, 2025) (Docket #115) at 61–65.

## Anti-Immigration Executive Actions

### Background

Some agencies have attempted to implement immigration-executive orders by imposing new funding conditions. The below describes these executive orders, related conditions, and the status of legal challenges to these executive orders and conditions:

#### 1) What are the relevant Executive Orders and DOJ policies regarding “Anti-Sanctuary Jurisdiction” efforts and what is the status of challenges to these EOs and policies?

As a court in the U.S. District Court for the Northern District of California stated: “Shortly after taking office in 2025, President Trump issued Executive Orders 14,149 (‘Protecting the American People Against Invasion’) (‘EO 14,149’) and 14,218 (‘Ending Taxpayer Subsidization of Open Borders’) (‘EO14,218’) . . . EO 14,159 directs the United States Attorney General and the . . . Department of Homeland Security (‘DHS’) Secretary to withhold federal funds from ‘sanctuary jurisdictions,’ cities and counties that limit the use of local resources to enforce federal immigration law. EO 14,218 directs every federal agency to ensure that ‘federal payments’ to localities do not ‘by design or effect’ ‘abet so called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.’”<sup>29</sup> On February 5, 2005, former Attorney General Bondi released a “Sanctuary Jurisdictions Directive” Memorandum (“Bondi Directive”) “along with various memoranda and public comments about the orders and their force, provide a clear picture of what jurisdictions qualify, and of [these two EOs] intended purpose: to end or severely curtail federal funding for cities, counties and states that the Trump administration deems to be sanctuary jurisdictions.”<sup>30</sup> Cities, counties, states and other plaintiffs have challenged these EOs and the Bondi Directive “to the extent that they mandate the withholding of the Cities and Counties’ federal funding because they are sanctuary jurisdictions.”<sup>31</sup>

#### What are the challenged provisions of the related-Executive Orders and Bondi Directive?

- A) Executive Order 14159, “Protecting the American People Against Invasion”<sup>32</sup>: “The first sentence of [Section 17 of Executive Order 14159](#)”<sup>33</sup>

**Sec. 17. Sanctuary Jurisdictions.** The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of

<sup>29</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 1-2; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>30</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>31</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 5-6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>32</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443 (Jan. 20, 2025).

<sup>33</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction's practices that interfere with the enforcement of Federal law.<sup>34</sup>

B) [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders”](#)<sup>35</sup>

**Sec. 2. Preserving Federal Public Benefits.** (a) To prevent taxpayer resources from acting as a magnet and fueling illegal immigration to the United States, and to ensure, to the maximum extent permitted by law, that no taxpayer-funded benefits go to unqualified aliens, the head of each executive department or agency (agency) shall: . . . .

“(ii) ensure, consistent with applicable law, that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called “sanctuary” policies that seek to shield illegal aliens from deportation . . . .”<sup>36</sup>

C) [Attorney General Pam Bondi Memorandum Directive, “Sanctuary Jurisdiction Directives”](#) (DOJ February 5, 2025)

**Preamble, Sec. 1:** “In furtherance of that objective, the Department of Justice will ensure that, consistent with law, ‘sanctuary jurisdictions’ do not receive access to Federal funds from the Department. Consistent with applicable statutes, regulations, court orders, and terms, the Department of Justice shall pause the distribution of all funds until a review has been completed, terminate any agreements that are in violation of law or are the source of waste, fraud, or abuse, and initiate clawback or recoupment procedures, where appropriate” (footnote omitted).

D) [Executive Order 14,287, “Protecting American Communities from Criminal Aliens”](#)<sup>37</sup>

**Sec. 3. Consequences for Sanctuary Jurisdiction Status.** (a) With respect to sanctuary jurisdictions that are designated under section 2(a) of this order, the head of each executive department or agency (agency), in coordination with the Director of the Office of Management and Budget and as permitted by law, shall identify appropriate Federal funds to sanctuary jurisdictions, including grants and contracts, for suspension or termination, as appropriate.

(b) With respect to jurisdictions that remain sanctuary jurisdictions after State or local officials are provided notice of such status under section 2(b) of this order and yet remain in defiance of Federal law, the Attorney General and the Secretary of Homeland Security shall pursue all necessary legal remedies and enforcement measures to end these violations and bring such jurisdictions into compliance with the laws of the United States.

**What is the status of the challenged provisions of the related-Executive Orders and Bondi Directive?**

<sup>34</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, Sec. 17 (Jan. 20, 2025).

<sup>35</sup> [Exec. Order No. 14218](#), 90 Fed. Reg. 10581 (Feb. 19, 2025).

<sup>36</sup> [Exec. Order No. 14218](#), 90 Fed. Reg. 10581, Sec. 2(ii) (Feb. 19, 2025).

<sup>37</sup> [Exec. Order No. 14287](#), 90 Fed. Reg. 18761 (Apr. 28, 2025).

DHS, DOJ, and other defendants “are enjoined from directly or indirectly taking any action to withhold, freeze, or condition federal funds from the [Plaintiff] Cities and Counties [listed below] based on: (1) the first sentence of Section 17 of Executive Order 14,159, (2) Section 2(a)(ii) of Executive Order 14,218 (3) the Preamble and Section I of the February 5, 2025 Memorandum from the Attorney General entitled ‘Sanctuary Jurisdictions Directives; or (4) any other Executive Order or Government action that poses the same coercive threat to eliminate or suspend federal funding based on the Government’s assertion that a jurisdiction is a ‘sanctuary jurisdiction,’ on the basis that the Cities and Counties have policies that limit (i) the honoring of civil immigration detainer requests; (ii) cooperation with administrative warrants for purposes of immigration enforcement; (iii) sharing of information with federal immigration authorities other than immigration or citizenship status; (iv) the use of local law enforcement to arrest or detain individuals solely for civil immigration violations; or (v) the use of local resources to assist with civil immigration enforcement activities.”<sup>38</sup>

**Plaintiff Cities and Counties are:**

County of Alameda, City of Albany, City of Albuquerque, Allegheny County, Pennsylvania, Mayor and City of Baltimore, City of Bend, City of Benicia, City of Berkeley, City of Boston, City of Cambridge, City of Cathedral City, City of Chicago, City of Columbus, City of Culver City, County of Dane, City and County of Denver, City of Emeryville, City of Healdsburg, County of Hennepin, City of Los Angeles, County of Marin, "Martin Luther King, Jr. County", City of Menlo Park, City of Minneapolis, County of Monterey, Multnomah County, City of New Haven, City of Oakland, City of Pacifica, City of Palo Alto, City of Petaluma, Pierce County, City of Portland, City of Richmond, City of Rochester, City of Rohnert Park, City of Sacramento, City & County of San Francisco, City of San Diego, City of San José, San Mateo County, County of Santa Clara, City of Santa Cruz, City of Santa Fe, City of Santa Rosa, City of Seattle, County of Sonoma, City of St. Paul, City of Watsonville, City of Wilsonville.<sup>39</sup>

In addition to the above cases, the EOs and directives are also challenged in the following cases, although there are not any injunctions or stays presently in effect from these cases:

- [\*City of Chelsea v. Trump\*](#), No. 25-cv-10442 (D. Mass. Feb. 23, 2025), [Amended Complaint](#) (Dec. 18, 2025) (Docket #48).<sup>40</sup>
- [\*City of Fresno v. Noem\*](#), No. 25-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1) (challenging EO 14218 EO 14218 § 2(ii)).

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<sup>38</sup> [\*City & County of San Francisco v. Trump\*](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 5-6; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) (Docket #126); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) (Docket #136); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225) at 4.

<sup>39</sup> [\*City & County of San Francisco v. Trump\*](#), No. 3:25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 5-6; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) (Docket #126); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) (Docket #136); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225) at 1-2.

<sup>40</sup> This lawsuit challenges this Executive Order with respect to the Department of Justice; the Department of Transportation; the Department of Homeland Security, and the Department of Housing and Urban Development.

# AmeriCorps

In this chapter, users will find an overview of challenged AmeriCorps award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

## **A. Challenged Award Conditions, Certifications, and/or NOFOs**

The below section provides an overview of challenged AmeriCorps award conditions by topic.

### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For AmeriCorps, the challenged award conditions as of June 2026, include the following, organized by topic:

- Coercing Compliance with Executive Orders
- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if AmeriCorps can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### ***Coercing Compliance with Executive Orders***

#### **Background**

AmeriCorps has attempted to enforce compliance with current Executive Orders by entities outside of the executive branch by imposing an award condition on grantees.

#### **1) What is the challenged award condition?**

On February 13, 2025, AmeriCorps issued “[Executive Order Compliance Instructions](#),” which imposed a requirement that grant recipients attest:

“I certify that [Program Name], [application ID] complies with all administration Executive Orders and does not include any activities that promote DEI activities.”<sup>41</sup>

#### **What is the status of challenges to this award condition?**

The U.S. District Court for the Northern District of California has ordered that AmeriCorps “shall not, at any time now or in the future, pause, freeze, impede, block, cancel, or terminate existing AmeriCorps funding awards on the basis of recipients’ failure, during the pendency of this lawsuit, to certify, or execute new grants certifying, that the funded programs do not include any ‘activities that promote DEI

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<sup>41</sup> [Executive Order Compliance Instructions](#), AmeriCorps (Feb. 13, 2025) at 3.

activities’ or similar language (together with the executive order compliance condition, the ‘Enjoined Conditions’).<sup>42</sup>

Further, the court enjoined AmeriCorps from “modifying, or requiring Plaintiffs to modify, the terms of any of Plaintiffs’ extant federal grants and contracts to comply with the Enjoined Conditions, or adding or requiring Plaintiffs to add, any terms to forthcoming grants and contracts predicated on the Enjoined Conditions or similar language.”<sup>43</sup>

The injunction applies to San Francisco Unified School District & the City of Santa Fe.

### ***Diversity, Equity, and Inclusion***

#### **Background**

AmeriCorps has attempted to implement the anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>44</sup>

#### **2) What is the challenged executive order?**

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<sup>42</sup> [San Francisco Unified School District v. Americorps](#), No. 3:25-cv-02425 (N.D. Cal. Mar. 10, 2025), [Order Granting Plaintiffs’ Motion for a Preliminary Injunction](#) (June 18, 2025) (Docket #59) at 46.

<sup>43</sup> [San Francisco Unified School District](#), No. 3:25-cv-02425 (N.D. Cal. Mar. 10, 2025), [Order Granting Plaintiffs’ Motion for a Preliminary Injunction](#) (June 18, 2025) (Docket #59) at 46.

<sup>44</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>45</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>46</sup>

Courts have, for the moment, enjoined AmeriCorps from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>47</sup>

### **3) What is the challenged executive order?**

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

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<sup>45</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>46</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>47</sup> [City of Seattle v. Trump](#), No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>48</sup>

### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>49</sup>

## ***Gender Ideology***

### **Background**

AmeriCorps has attempted to impose new funding conditions, including a so-called “Gender Ideology” condition.

#### **1) What is the Executive Order?**

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>50</sup>

### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined AmeriCorps from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

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<sup>48</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>49</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106).

<sup>50</sup> [Exec. Order No. 14168](#), § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

The injunction applies to **Seattle**.<sup>51</sup>

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<sup>51</sup> [City of Seattle v. Trump](#), No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff's Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

## U.S. Department of Commerce (Commerce)

In this chapter, users will find an overview of challenged Commerce award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged Commerce award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by condition/certification topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For Commerce, the challenged award conditions are:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if Commerce can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

#### *Diversity, Equity, and Inclusion*

#### **Background**

Commerce has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees.”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>52</sup>

In addition, the implementation and effectuation of certain provisions of EO 14151 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>53</sup>

### What is the status of challenges to this EO?

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>54</sup>

Courts have, for the moment, enjoined Commerce from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and

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<sup>52</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>53</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>54</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>55</sup>

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>56</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>57</sup>

## ***Gender Ideology***

### **Background**

Commerce has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### **1) What is the Executive Order?**

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<sup>55</sup> *City of Seattle v. Trump*, No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>56</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>57</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189 (4th Cir. Feb 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106).

**Sections 3(e) and (g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government” seek to further the Trump-Vance administration’s attacks on so-called “Gender Ideology.” Section 3(g) directs that:**

“Federal funds shall not be used to promote gender ideology.”<sup>58</sup>

### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined Commerce from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>59</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined Commerce from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>60</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>61</sup>

In addition, the implementation and effectuation of EO 14168 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

## **2) What is the executive order?**

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

### **What is the status of challenges to this EO?**

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<sup>58</sup> [Exec. Order No. 14168](#), § 3(g), 90 Fed Reg. 8615 (Jan. 20, 2025).

<sup>59</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>60</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025) [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (Feb. 28, 2025) (docket #233).

<sup>61</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), (Feb. 28, 2025) (docket #233).

Commerce is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>62</sup>

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<sup>62</sup> [\*State of Washington v. Trump\*](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), (Feb. 28, 2025) (docket #233).

## U.S. Department of Homeland Security (DHS)

In this chapter, users will find: (A) relevant agency policies, guidance memos, and other grants-related guidance; and (B) an overview of challenged DHS award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### **A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance**

#### **Memorandum**

- [February 19, 2025 Memorandum](#) from Secretary Kristi Noem to all DHS Agencies and Offices, “Restricting Grant Funding for Sanctuary Jurisdictions”
- [May 19, 2025 Memorandum](#) from Deputy Attorney General Todd Blanch, “Civil Rights Fraud Initiative”
- [July 29, 2025 Memorandum](#) from Attorney General Bondi, “Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination”

#### **Standard Terms and Conditions**

- [FY 2025 DHS Terms and Conditions Version 3](#) (April 18, 2025)
- [FY 2025 DHS Terms and Conditions Version 2](#) (March 27, 2025)
- [FY 2025 DHS Terms and Conditions Version 1](#) (October 22, 2024)

#### **Grants Manuals**

- [FEMA Preparedness Grants Manual](#), FM-207-23-001 (August 2025)

#### **NOFOs**

- [FY 2025 Homeland Security Grant Program \(“HSGP”\), which includes the Urban Area Security Initiative \(“UASI”\) and State Homeland Security Grant Program \(“SHSP”\), NOFO](#)
- [FY 2025 Emergency Management Performance Grant Program \(“EMPG”\) NOFO](#)
- [FY 2025 Port Security Grant Program \(“PSGP”\) NOFO](#)
- [FY 2025 Transit Security Grant Program \(“TSGP”\) NOFO](#)
- [FY 2024 Assistance to Firefighters Grant Program \(“AFG”\) NOFO](#)
- [FY 2024 Staffing for Adequate Fire and Emergency Response Grant Program \(“SAFER”\) NOFO](#)
- [FY 2025 National Urban Search and Rescue Response System \(“US&R”\) NOFO](#)
- [FIFA World Cup Grant Program \(“FWCGP”\) NOFO](#)
  - [Grant Programs Directorate Information Bulletin No. 541 \(Oct. 28, 2025\)](#) re: FIFA World Cup Grant Program NOFO.

### **B. Challenged Award Conditions, Certifications, and/or NOFOs**

The below section provides an overview of challenged DHS award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For DHS, the challenged award conditions as of June 2026 include the following, organized by topic:

- Coercing Compliance with Executive Orders
- Diversity, Equity, and Inclusion
- Gender Ideology
- Immigration
- Emergency Management Performance Grant Only: Population Certification Hold

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if DHS can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Coercing Compliance with Executive Orders*

#### **Background**

DHS has attempted to enforce compliance with all current Executive Orders by entities outside of the executive branch by imposing an award condition on grantees.

#### **1) What is the award condition?**

On **April 18, 2025**, DHS issued its [Revised Standard Terms and Conditions](#), which included one Executive Order-related conditions, listed as follows:

**The Executive Order Condition (C.XXXI):** “Recipients must comply with the requirements of Presidential Executive Orders related to grants (also known as federal assistance and financial assistance), the full text of which are incorporated by reference.”

#### **What is the status of challenges to this DHS condition and certification?**

Courts have, for the moment, enjoined DHS from imposing the above conditions as to specific grantees and their subgrantees.

As of November 21, 2025, the U.S. District Court for the Northern District of California “restrained and enjoined” DHS from “directly or indirectly taking any action to withhold, freeze, or condition funds”<sup>63</sup> based on the Executive Order Condition, as to the following grantees and their subrecipients:

**Counties:** Los Angeles, CA; Martin Luther King, Jr., WA; Marin, CA; Pierce, WA; San Diego, CA; San Francisco, CA; San Mateo, CA; Santa Clara, CA; Snohomish, WA; Sonoma, CA

**Cities:** Alameda, CA; San Francisco, CA; Bellingham, WA; Berkeley, CA; Culver City, CA; Los Angeles, CA; Oakland, CA; Palo Alto, CA; Pasadena, CA; Petaluma, CA; Sacramento, CA; San Diego, CA; San José, CA; Santa Monica, CA; Santa Rosa, CA; Tucson, CA

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<sup>63</sup> [County of Santa Clara v. Noem](#), No. 3:25-cv-08330 (N.D. Cal. Nov. 21, 2025), [Order Granting Preliminary Injunction](#) (Nov. 21, 2025) (Docket #74) at 76.

**Municipalities:** Los Angeles County Consolidated Fire Protection District; Sonoma County Community Development Commission; Sonoma Valley County Sanitation District; Sonoma County Water Agency.<sup>64</sup>

Additionally, as of November 21, 2025, the U.S. District Court for the Northern District of Illinois ordered that DHS and its “are preliminarily enjoined from attaching, incorporating, imposing, or enforcing, or requiring plaintiffs to certify compliance with, the . . . Presidential Executive Order Condition, or any materially similar terms or conditions, with respect to any applications submitted by plaintiffs, and any DHS funds awarded to or received by plaintiffs, whether directly or indirectly, including through new grant applications, applications for continuation funding, notices of funding availability or opportunity, certifications, grant agreements, post-award submissions, or reimbursement requests.”<sup>65</sup>

The injunction applies to the following grantees and their subrecipients:

**Counties:** Denver, CO; Ramsey, MN

**Cities:** Baltimore, MD; Boston, MA; Chicago, IL; Denver, CO; Minneapolis, MN; New Haven, CT; New York, NY; Saint Paul, MN<sup>66</sup>

As of March 2, 2026, the court extended its injunction to include the following additional recipients and their subrecipients:

**Counties & Agencies:** Alameda, CA; Alameda County Fire Department; Hennepin, MN; Metropolitan Government of Nashville and Davidson County, TN.<sup>67</sup>

### ***Diversity, Equity, and Inclusion***

#### **Background**

DHS has attempted to implement anti-diversity equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

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<sup>64</sup> *County of Santa Clara v. Noem*, No. 3:25-cv-08330 (N.D. Cal. Nov. 21, 2025), [Order Granting Preliminary Injunction](#) (Nov. 21, 2025) (Docket #74) at 1 n.1.

<sup>65</sup> *City of Chicago v. Noem*, No. 1:25-cv-12765 (N.D. Ill. Oct. 20, 2025), [Order Granting Preliminary Injunction](#) (Nov. 21, 2025) (Docket #74) at 1 & [Memorandum Opinion and Order](#) (Nov. 21, 2025) (Docket #72).

<sup>66</sup> *City of Chicago v. Noem*, No. 1:25-cv-12765 (N.D. Ill. Nov. 21, 2025), [Order Granting Preliminary Injunction](#), (Nov. 21, 2025) (Docket #74) at 1.

<sup>67</sup> See *City of Chicago v. Noem*, No. 1:25-cv-12765 (N.D. Ill. Nov. 21, 2025), [Minute Entry](#) (Mar. 2, 2026) (Docket #110); *City of Chicago v. Noem*, No. 1:25-cv-12765 (N.D. Ill. Nov. 21, 2025), [Plaintiffs’ Second Motion for Preliminary Injunction](#) (Feb. 4, 2026) (Docket #104).

(i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>68</sup>

## **2) What is the challenged executive order?**

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>69</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>70</sup>

Courts have, for the moment, enjoined DHS from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that

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<sup>68</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106).

<sup>69</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>70</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106).

“all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>71</sup>

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“. . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>72</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>73</sup>

### 1) What EO-related condition has DHS tried to impose?

On **April 18, 2025**, DHS issued its [Revised Standard Terms and Conditions](#), which included one diversity, equity, and inclusion-related condition/certification, listed as follows:

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<sup>71</sup> *City of Seattle v. Trump*, No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>72</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>73</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189 (4th Cir. Feb. 27, 2025), Opinion (Feb. 6, 2026) (Docket # 106).

**The Discrimination Condition (C.XVII):** Recipients must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of 31 U.S.C. § 372(b)(4).<sup>74</sup>

(1) Definitions. As used in this clause –

(a) DEI means “diversity, equity, and inclusion.”

(b) DEIA means “diversity, equity, inclusion, and accessibility.”

(c) Discriminatory equity ideology has the meaning set forth in Section 2(b) of Executive Order 14190 of January 29, 2025.

(d) Federal anti-discrimination laws mean Federal civil rights law that protect individual Americans from discrimination on the basis of race, color, sex, religion, and national origin.

(e) Illegal immigrant means any alien, as defined in 8 U.S.C. § 1101(a)(3), who has no lawful immigration status in the United States.

(2) Grant award certification.

(a) By accepting the grant award, recipients are certifying that:

(i) They do not, and will not during the term of this financial assistance award, operate any programs that advance or promote DEI, DEIA, or discriminatory equity ideology in violation of Federal anti-discrimination laws; and

(ii) They do not engage in and will not during the term of this award engage in, a discriminatory prohibited boycott.

### **What is the status of challenges to this DHS condition and certification?**

As discussed above, the U.S. District Court for the District of Washington enjoined enforcement of Section 3(b)(iv) of Executive Order 14173 by all federal agencies as it applies to Seattle. Therefore, DHS is enjoined from enforcing this condition on Seattle.<sup>75</sup>

Other courts have, for the moment, enjoined DHS from imposing the above conditions as to specific grantees and their subgrantees.

As of November 21, 2025, the U.S. District Court for the Northern District of California “restrained and enjoined” DHS from “directly or indirectly taking any action to withhold, freeze, or condition funds” based on the Discrimination Condition,<sup>76</sup> as to the following grantees and their subrecipients:

**Counties:** Los Angeles, CA; Martin Luther King, Jr., WA; Marin, CA; Pierce, WA; San Diego, CA; San Francisco, CA; San Mateo, CA; Santa Clara, CA; Snohomish, WA; Sonoma, CA

**Cities:** Alameda, CA; San Francisco, CA; Bellingham, WA; Berkeley, CA; Culver City, CA; Los Angeles, CA; Oakland, CA; Palo Alto, CA; Pasadena, CA; Petaluma, CA; Sacramento, CA; San Diego, CA; San José, CA; Santa Monica, CA; Santa Rosa, CA; Tucson, CA

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<sup>74</sup> There is no section 372 in title 31 of the United States code. Plaintiffs have understood DHS to intend this provision to refer to 31 U.S.C. § 3729(b)(4), which defines the term “material” for purposes of the False Claims Act.

<sup>75</sup> *City of Seattle v. Trump*, No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>76</sup> *County of Santa Clara v. Noem*, No. 3:25-cv-08330 (N.D. Cal. Sep. 30, 2025), [Order Granting Preliminary Injunction](#) (Nov. 21, 2025) (Docket # 74) at 76.

**Local Agencies:** Los Angeles County Consolidated Fire Protection District; Sonoma County Community Development Commission; Sonoma Valley County Sanitation District; Sonoma County Water Agency.<sup>77</sup>

Additionally, as of November 21, 2025, the U.S. District Court for the Northern District of Illinois ordered that DHS and its “are preliminarily enjoined from attaching, incorporating, imposing, or enforcing, or requiring plaintiffs to certify compliance with, the Anti-Discrimination Condition . . . or any materially similar terms or conditions, with respect to any applications submitted by plaintiffs, and any DHS funds awarded to or received by plaintiffs, whether directly or indirectly, including through new grant applications, applications for continuation funding, notices of funding availability or opportunity, certifications, grant agreements, post-award submissions, or reimbursement requests.”<sup>78</sup>

The injunction applies to the following grantees and their subrecipients:

**Counties:** Denver, CO; Ramsey, MN

**Cities:** Baltimore, MD; Boston, MA; Chicago, IL; Denver, CO; Minneapolis, MN; New Haven, CT; New York, NY; Saint Paul, MN<sup>79</sup>

As of March 2, 2026, the court extended its injunction to include the following additional recipients and their subrecipients:

**Counties & Agencies:** Alameda, CA; Alameda County Fire Department; Hennepin, MN; Metropolitan Government of Nashville and Davidson County, TN.<sup>80</sup>

In addition to the above cases, the EOs and DHS’s diversity, equity, and inclusion-related conditions are also challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [City of Fresno v. Noem](#), No. 5:26-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1).

## ***Gender Ideology***

### **Background**

DHS has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### **1) What is the challenged executive order?**

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<sup>77</sup> [County of Santa Clara v. Noem](#), No. 3:25-cv-08330 (N.D. Cal. Sep. 30, 2025), [Order Granting Preliminary Injunction](#) (Nov. 21, 2025) (Docket # 74) at 1 n.1.

<sup>78</sup> [City of Chicago v. Noem](#), No. 1:25-cv-12765 (N.D. Ill. Oct. 20, 2025), [Order Granting Preliminary Injunction](#) (Nov. 21, 2025 (Docket #74) at 1 & [Memorandum Opinion and Order](#) (Nov. 21, 2025) (Docket #72).

<sup>79</sup> [City of Chicago v. Noem](#), No. 1:25-cv-12765 (N.D. Ill. Nov. 21, 2025), [Order Granting Preliminary Injunction](#), (Nov. 21, 2025 (Docket #74) at 1.

<sup>80</sup> See [City of Chicago v. Noem](#), No. 1:25-cv-12765 (N.D. Ill. Nov. 21, 2025), [Minute Entry](#) (Mar. 2, 2026) (Docket #110); [City of Chicago v. Noem](#), No. 1:25-cv-12765 (N.D. Ill. Nov. 21, 2025), [Plaintiffs’ Second Motion for Preliminary Injunction](#) (Feb. 4, 2026) (Docket #104).

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology. Each agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.”<sup>81</sup>

**What is the status of challenges to this executive order?**

Courts have, for the moment, enjoined DHS from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to Seattle.<sup>82</sup>

In addition to the above cases, the EOs and DHS’s diversity, equity, and inclusion-related conditions are also challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [City of Fresno v. Noem](#), No. 25-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1)

***Immigration***

**Background**

DHS has attempted to restrict certain services to non-U.S. citizens through imposing award conditions on grantees.

**1) What are the relevant Executive Orders and DOJ policies regarding “Anti-Sanctuary Jurisdiction” efforts and what is the status of challenges to these EOs and policies?**

As a court in the U.S. District Court for the Northern District of California stated: “Shortly after taking office in 2025, President Trump issued Executive Orders 14,149 (‘Protecting the American People Against Invasion’) (‘EO 14,149’) and 14,218 (‘Ending Taxpayer Subsidization of Open Borders’) (‘EO14,218’) . . . EO 14,159 directs the United States Attorney General and the . . . Department of Homeland Security (‘DHS’) Secretary to withhold federal funds from ‘sanctuary jurisdictions,’ cities and counties that limit the use of local resources to enforce federal immigration law. EO 14,218 directs every federal agency to ensure that ‘federal payments’ to localities do not ‘by design or effect’ ‘abet so called

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<sup>81</sup> Sec. 3(e), (g).

<sup>82</sup> [City of Seattle v. Trump](#), No. 2:25-cv-01435 (W.D. Wash. Jul. 31, 2025). [Order Granting Plaintiff’s Motion for Preliminary Injunction](#), (Oct. 31, 2025).

‘sanctuary’ policies that seek to shield illegal aliens from deportation.”<sup>83</sup> On February 5, 2005, former Attorney General Bondi released a “Sanctuary Jurisdictions Directive” Memorandum (“Bondi Directive”) “along with various memoranda and public comments about the orders and their force, provide a clear picture of what jurisdictions qualify, and of [these two EOs] intended purpose: to end or severely curtail federal funding for cities, counties and states that the Trump administration deems to be sanctuary jurisdictions.”<sup>84</sup> Cities, counties, states and other plaintiffs have challenged these EOs and the Bondi Directive “to the extent that they mandate the withholding of the Cities and Counties’ federal funding because they are sanctuary jurisdictions.”<sup>85</sup>

### What are the challenged provisions of the related-Executive Orders and Bondi Directive?

- A) Executive Order 14159, “Protecting the American People Against Invasion”.<sup>86</sup> “The first sentence of [Section 17 of Executive Order 14159](#)”<sup>87</sup>

**Sec. 17. Sanctuary Jurisdictions.** The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction's practices that interfere with the enforcement of Federal law.<sup>88</sup>

- B) [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders”](#).<sup>89</sup>

**Sec. 2. Preserving Federal Public Benefits.** (a) To prevent taxpayer resources from acting as a magnet and fueling illegal immigration to the United States, and to ensure, to the maximum extent permitted by law, that no taxpayer-funded benefits go to unqualified aliens, the head of each executive department or agency (agency) shall: . . . .

(ii) ensure, consistent with applicable law, that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called “sanctuary” policies that seek to shield illegal aliens from deportation . . . .”<sup>90</sup>

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<sup>83</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 1-2; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>84</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>85</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 5-6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>86</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443 (Jan. 20, 2025).

<sup>87</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>88</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, Sec. 17 (Jan. 20, 2025).

<sup>89</sup> [Exec. Order No. 14218](#), 90 Fed. Reg. 10581 (Feb. 19, 2025).

<sup>90</sup> [Exec. Order No. 14218](#), 90 Fed. Reg. 10581, Sec. 2(ii) (Feb. 19, 2025).

[Attorney General Pam Bondi Memorandum Directive, “Sanctuary Jurisdiction Directives”](#) (DOJ February 5, 2025).

**Preamble, Sec. 1:** “In furtherance of that objective, the Department of Justice will ensure that, consistent with law, ‘sanctuary jurisdictions’ do not receive access to Federal funds from the Department. Consistent with applicable statutes, regulations, court orders, and terms, the Department of Justice shall pause the distribution of all funds until a review has been completed, terminate any agreements that are in violation of law or are the source of waste, fraud, or abuse, and initiate clawback or recoupment procedures, where appropriate” (footnote omitted).

[Executive Order 14,287, “Protecting American Communities from Criminal Aliens”](#)<sup>91</sup>

**Sec. 3. Consequences for Sanctuary Jurisdiction Status.** (a) With respect to sanctuary jurisdictions that are designated under section 2(a) of this order, the head of each executive department or agency (agency), in coordination with the Director of the Office of Management and Budget and as permitted by law, shall identify appropriate Federal funds to sanctuary jurisdictions, including grants and contracts, for suspension or termination, as appropriate.

(b) With respect to jurisdictions that remain sanctuary jurisdictions after State or local officials are provided notice of such status under section 2(b) of this order and yet remain in defiance of Federal law, the Attorney General and the Secretary of Homeland Security shall pursue all necessary legal remedies and enforcement measures to end these violations and bring such jurisdictions into compliance with the laws of the United States.

### **What is the status of the challenged provisions of the related-Executive Orders and Bondi Directive?**

DHS, DOJ and other defendants “are enjoined from directly or indirectly taking any action to withhold, freeze, or condition federal funds from the [Plaintiff] Cities and Counties [listed below] based on: (1) the first sentence of Section 17 of Executive Order 14,159, (2) Section 2(a)(ii) of Executive Order 14,218 (3) the Preamble and Section I of the February 5, 2025 Memorandum from the Attorney General entitled ‘Sanctuary Jurisdictions Directives; or (4) any other Executive Order or Government action that poses the same coercive threat to eliminate or suspend federal funding based on the Government’s assertion that a jurisdiction is a ‘sanctuary jurisdiction,’ on the basis that the Cities and Counties have policies that limit (i) the honoring of civil immigration detainer requests; (ii) cooperation with administrative warrants for purposes of immigration enforcement; (iii) sharing of information with federal immigration authorities other than immigration or citizenship status; (iv) the use of local law enforcement to arrest or detain individuals solely for civil immigration violations; or (v) the use of local resources to assist with civil immigration enforcement activities.”<sup>92</sup>

### **Plaintiff Cities and Counties are:**

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<sup>91</sup> [Exec. Order No. 14287](#), 90 Fed. Reg. 18761 (Apr. 28, 2025).

<sup>92</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 5-6; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) (Docket #126); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) (Docket #136); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225) at 4.

County of Alameda, City of Albany, City of Albuquerque, Allegheny County, Pennsylvania, Mayor and City of Baltimore, City of Bend, City of Benicia, City of Berkeley, City of Boston, City of Cambridge, City of Cathedral City, City of Chicago, City of Columbus, City of Culver City, County of Dane, City and County of Denver, City of Emeryville, City of Healdsburg, County of Hennepin, City of Los Angeles, County of Marin, "Martin Luther King, Jr. County", City of Menlo Park, City of Minneapolis, County of Monterey, Multnomah County, City of New Haven, City of Oakland, City of Pacifica, City of Palo Alto, City of Petaluma, Pierce County, City of Portland, City of Richmond, City of Rochester, City of Rohnert Park, City of Sacramento, City & County of San Francisco, City of San Diego, City of San José, San Mateo County, County of Santa Clara, City of Santa Cruz, City of Santa Fe, City of Santa Rosa, City of Seattle, County of Sonoma, City of St. Paul, City of Watsonville, City of Wilsonville.<sup>93</sup>

In addition to the above cases, the EOs and directives are also challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [City of Chelsea v. Trump](#), No. 25-cv-10442 (D. Mass. Feb. 23, 2025), [Amended Complaint](#) (Dec. 18, 2025) (Docket #48).

## 2) What are the challenged conditions?

On **April 18, 2025**, DHS issued its [Revised Standard Terms and Conditions](#), which included nine immigration-related conditions, listed as follows:

- A) **The Information Sharing Condition (C.IX.1.a):** Grant recipients and subrecipients “must comply with the requirements of 8 U.S.C. §§ 1373 and 1644, [which] prohibit state restrictions on sharing information with DHS concerning the citizenship or immigration status, lawful or unlawful, of any individual. . . .”
- B) **The Compliance Condition (C.IX.1.b):** Grant recipients and subrecipients “must comply with other relevant laws related to immigration, including prohibitions on encouraging or inducing an alien to come to, enter, or reside in the United States in violation of law, 8 U.S.C. § 1324(a)(1)(A)(iv), prohibitions on transporting or moving illegal aliens, 8 U.S.C. § 1324(a)(1)(A)(ii), prohibitions on harboring, concealing, or shielding from detection illegal aliens, 8 U.S.C. § 1324(a)(1)(A)(iii), and any applicable conspiracy, aiding or abetting, or attempt liability regarding these statutes.”
- C) **The Cooperation Condition (C.IX.1.c):** Grant recipients and subrecipients must “honor requests for cooperation, such as participation in joint operations, sharing of information, or requests for short term detention of an alien pursuant to a valid detainer. A jurisdiction does not fail to comply with this requirement merely because it lacks the necessary resources to assist in a particular instance.”

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<sup>93</sup> [City & County of San Francisco v. Trump](#), No. 3:25-cv-01350 (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 5-6; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) (Docket #126); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) (Docket #136); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225) at 1-2.

- D) **The Access Condition (C.IX.1.d):** Grant recipients and subrecipients must “provide access to detainees, such as when an immigration officer seeks to interview a person who might be a removable alien.”
- E) **The Publicization Condition (C.IX.1.e):** Grant recipients must not “leak or otherwise publicize the existence of an immigration enforcement operation.”
- F) **The Certification and Monitoring Condition (C.IX.2):** Grant recipients “must certify under penalty of perjury pursuant to 28 U.S.C. § 1746 and using a form that is acceptable to DHS, that [they] will comply with the requirements of this term,” meaning all of Section C.IX, and must also “require any subrecipients or contractors to certify in the same manner that they will comply with this term prior to providing them with any funding under this award.”
- G) **The Materiality Condition (C.IX.3):** Grant recipients must “agree[] that compliance with this term is material to the Government’s decision to make or continue with this award and that the Department of [H]omeland Security may terminate this grant, or take any other allowable enforcement action, if the recipient fails to comply with this term.”
- H) **The Immigration Enforcement Certification Condition (C.XVII.2.a.iii):** “By accepting the grant award, recipients are certifying that: . . . They do not, and will not during the term of this award, operate any program that benefits illegal immigrants or incentivizes illegal immigration,” 29 and agree that DHS has “the right to suspend payments in whole or in part and/or terminate financial assistance awards if the Secretary of Homeland Security or her designee determines that the recipient has violated” this certification.

### **What is the status of challenges to these DHS conditions?**

The following DHS conditions have been “set aside and vacated pursuant to 5 U.S.C. § 706(2)”:

- The Information Sharing Condition (C.IX.1.a)<sup>94</sup>
- The Compliance Condition (C.IX.1.b)<sup>95</sup>
- The Cooperation Condition (C.IX.1.c)<sup>96</sup>
- The Access Condition (C.IX.1.d)<sup>97</sup>
- The Publicization Condition (C.IX.1.e)<sup>98</sup>
- The Certification and Monitoring Condition (C.IX.2)<sup>99</sup>

<sup>94</sup> *State of Illinois v. Federal Emergency Management Agency*, No. 1:25-cv-00206 (D.R.I. May 13, 2025), [Memorandum and Order](#), (Sept. 25, 2025) (Docket #71); *see also* [Order](#), (Oct. 14, 2025) (Docket #75).

<sup>95</sup> *State of Illinois v. Federal Emergency Management Agency*, No. 1:25-cv-00206 (D.R.I. May 13, 2025), [Memorandum and Order](#), (Sept. 25, 2025) (Docket #71); *see also* [Order](#), (Oct. 14, 2025) (Docket #75).

<sup>96</sup> *State of Illinois v. Federal Emergency Management Agency*, No. 1:25-cv-00206 (D.R.I. May 13, 2025), [Memorandum and Order](#), (Sept. 25, 2025) (Docket #71); *see also* [Order](#), (Oct. 14, 2025) (Docket #75).

<sup>97</sup> *State of Illinois v. Federal Emergency Management Agency*, No. 1:25-cv-00206 (D.R.I. May 13, 2025), [Memorandum and Order](#), (Sept. 25, 2025) (Docket #71); *see also* [Order](#), (Oct. 14, 2025) (Docket #75).

<sup>98</sup> *State of Illinois v. Federal Emergency Management Agency*, No. 1:25-cv-00206 (D.R.I. May 13, 2025), [Memorandum and Order](#), (Sept. 25, 2025) (Docket #71); *see also* [Order](#), (Oct. 14, 2025) (Docket #75).

<sup>99</sup> *State of Illinois v. Federal Emergency Management Agency*, No. 1:25-cv-00206 (D.R.I. May 13, 2025), [Memorandum and Order](#), (Sept. 25, 2025) (Docket #71); *see also* [Order](#), (Oct. 14, 2025) (Docket #75).

- The Immigration Enforcement Certification Condition (C.XVII.2.a.iii)<sup>100</sup>

In addition to these conditions being universally vacated, “Defendants are permanently enjoined from enforcing against Plaintiff States and their instrumentalities and subdivisions: (a) the contested conditions, (b) the “Compliance with Federal Immigration Law” award articles, and (c) any materially similar term requiring cooperation with federal immigration enforcement as a condition on federal funds.”<sup>101</sup>

In addition to the above cases, DHS immigration-related conditions have been challenged in the following cases, although there are not any injunctions or stays presently in effect from these cases:

- [City of Chelsea v. Trump](#), No. 25-cv-10442 (D. Mass. Feb. 23, 2025), [Amended Complaint](#) (Dec. 18, 2025) (Docket #48).
- [City of Fresno v. Noem](#), No. 25-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1).

### ***Emergency Management Performance Grant Only: Population Certification Hold***

#### **Background**

On September 27, 2025, the Federal Emergency Management Agency (FEMA) issued FY 2025 Emergency Management Performance Grant (EMPG) award notices to states. Days later, on October 1, 2025, FEMA issued amended 2025 EMPG award notices that included a Population Certification Hold provision, a condition unique to this program, under which FEMA stated that it had placed a funding hold on the award until the State certified that its population did not include individuals that have been removed from the state.

#### **1) What is the Population Certification Hold?**

##### **Funding Hold: Verification of State’s Population**

“FEMA has placed a funding hold on this award, and the full amount of the award is on hold in the FEMA financial systems. The recipient is prohibited from obligating, expending, or drawing down the funds associated with the award.

To release the funding hold, the [State Administering Agency] must provide a certification of the recipient state’s population as of September 30, 2025. In so doing, the State will explain the methodology it used to determine its population and certify that its reported population does not include individuals that have been removed from the State pursuant to the immigration laws of the United States.

FEMA will rescind the funding hold upon its review and approval of the State’s methodology and population certification.”<sup>102</sup>

#### **2) What is the status of challenges to this Population Certification Hold in EMPG Award Notices?**

<sup>100</sup> [State of Illinois v. Federal Emergency Management Agency](#), No. 1:25-cv-00206 (D.R.I. May 13, 2025), [Memorandum and Order](#), (Sept. 25, 2025) (Docket #71); *see also* [Order](#), (Oct. 14, 2025) (Docket #75).

<sup>101</sup> [State of Illinois v. Federal Emergency Management Agency](#), No. 1:25-cv-00206 (D.R.I. May 13, 2025), [Order](#), (Oct. 14, 2025) (Docket #75).

<sup>102</sup> *See, e.g.*, [State of Michigan v. Noem](#), No. 6:25-cv-02053 (D. Or. Nov. 4, 2025), [Complaint](#), ¶ 99.

Courts have, for the moment, vacated or enjoined this population certification hold as to certain parties.

On December 22, 2025, the U.S. District Court for the District of Rhode Island “declared unlawful,” “set aside and vacated” the Population Certification Requirement.<sup>103</sup>

The court also enjoined Defendants “from enforcing by any means against Plaintiffs and their instrumentalities and subdivisions the EMPG award terms titled ‘Verification of a State’s Population’ or any materially similar terms requiring certification of a state’s population as a condition on the receipt of federal funds.”<sup>104</sup> This injunction applies to the following states:

California, Connecticut, Delaware, District of Columbia, Illinois, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Washington.<sup>105</sup>

In addition, on December 23, 2025, the U.S. District Court for the District of Oregon “vacated” the Population Certification Hold from the following states’ 2025 EMPG award notice, and it enjoined DHS and FEMA from “implementing the Population Certification Hold in the 2025 EMPG awards” for the following states. Further, the court enjoined DHS and FEMA “from rejecting” the below states’ “drawdown requests for funds from their 2025 EMPG awards for expenses incurred between October 1, 2024, and September 30, 2027, by the Plaintiff State grantee or a subgrantee”:

Arizona, Colorado, Hawai’i, Kentucky, Maine, Maryland, Michigan, Nevada, New Mexico, North Carolina, Oregon, and Wisconsin.<sup>106</sup>

On January 26, 2026, FEMA provided the following update:

“FEMA is actively working to amend the Homeland Security Grant Program (“HSGP”) and Emergency Management Performance Grant (“EMPG”) awards in accordance with [the U.S. District Court for the District of Rhode Island’s Order] issued on December 22, 2025, ECF No. 53. On January 23, 2026, the HSGP and EMPG award acceptance date was pushed to February 27, 2026 to allow FEMA necessary time to amend the awards consistent with this Court’s order and the order in *Michigan v. Noem* (D. Or.), 6:25-cv-2053, and to allow award recipients sufficient time to review and accept their amended awards through FEMAGo. The amended HSGP and EMPG awards will be issued by January 30, 2026.”<sup>107</sup>

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<sup>103</sup> [State of Illinois v. Noem](#), No. 1:25-cv-00495 (D.R.I. Sep. 29, 2025), [Memorandum and Order](#) (Dec. 22, 2025) (Docket #53) at 47.

<sup>104</sup> [State of Illinois v. Noem](#), No. 1:25-cv-00495 (D.R.I. Sep. 29, 2025), [Memorandum and Order](#) (Dec. 22, 2025) (Docket #53) at 47.

<sup>105</sup> [State of Illinois v. Noem](#), No. 1:25-cv-00495 (D.R.I. Sep. 29, 2025), [Memorandum and Order](#) (Dec. 22, 2025) (Docket #53) at 47.

<sup>106</sup> [State of Michigan v. Noem](#), No. 6:25-cv-02053 (D. Or. Nov. 4, 2025), [Opinion & Order](#) (Dec. 23, 2025) (Docket #55) at 25–26.

<sup>107</sup> [State of Illinois v. Noem](#), No. 1:25-cv-00495 (D.R.I. Sep. 29, 2025), [Defendants’ Notice of Amended Awards](#) (Jan. 26, 2026) (Docket #56).

## U.S. Department of Defense (DOD)

In this chapter, users will find an overview of challenged DOD award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged DOD award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For DOD, the challenged award conditions as of June 2026, include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if DOD can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

#### *Diversity, Equity, and Inclusion*

#### **Background**

DOD has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>108</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>109</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>110</sup>

Courts have, for the moment, enjoined DOD from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>111</sup>

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<sup>108</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106).

<sup>109</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>110</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106).

<sup>111</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>112</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>113</sup>

### *Gender Ideology*

#### **Background**

DOD has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### 1) What is the Executive Order?

**Sections 3(e) and (g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government” seek to further the Trump-Vance administration’s attacks on so-called “Gender Ideology.”** Section 3(g) directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>114</sup>

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<sup>112</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>113</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106).

<sup>114</sup> [Exec. Order No. 14168](#), § 3(g), 90 Fed Reg. 8615 (Jan. 20, 2025).

## **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined DOD from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>115</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined DOD from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>116</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>117</sup>

## **2) What is the executive order?**

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

## **What is the status of challenges to this EO?**

DOD is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>118</sup>

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<sup>115</sup> [City of Seattle v. Trump](#), No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>116</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), (Feb. 28, 2025) (docket #233).

<sup>117</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), (Feb. 28, 2025) (docket #233).

<sup>118</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), (Feb. 28, 2025) (docket #233).

## U.S. Department of Energy (DOE)

In this chapter, users will find an overview of challenged DOE award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged DOE award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For DOE, the challenged award conditions as of June 2026, include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if DOE can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

#### *Diversity, Equity, and Inclusion*

#### **Background**

DOE has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>119</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>120</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>121</sup>

Courts have, for the moment, enjoined DOE from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>122</sup>

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<sup>119</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>120</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>121</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>122</sup> [City of Seattle v. Trump](#), No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>123</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>124</sup>

### *Gender Ideology*

#### **Background**

DOE has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### **What is the Executive Order?**

**Sections 3(e) and (g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government” seek to further the Trump-Vance administration’s attacks on so-called “Gender Ideology.” Section 3(g) directs that:**

“Federal funds shall not be used to promote gender ideology.”<sup>125</sup>

#### **What is the status of challenges to this EO?**

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<sup>123</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>124</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>125</sup> [Exec. Order No. 14168](#), § 3(g), 90 Fed Reg. 8615 (Jan. 20, 2025).

Courts have, for the moment, enjoined DOE from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>126</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined DOE from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>127</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>128</sup>

#### 1) **What is the executive order?**

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

#### **What is the status of challenges to this EO?**

DOE is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>129</sup>

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<sup>126</sup> [City of Seattle v. Trump](#), No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>127</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), (Feb 28, 2025).

<sup>128</sup> *Id.*

<sup>129</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), (Feb 28, 2025).

## U.S. Department of the Interior (DOI)

In this chapter, users will find an overview of challenged DOI award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged DOI award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For DOI, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if DOI can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

#### *Diversity, Equity, and Inclusion*

#### **Background**

DOI has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “Diversity, Equity, and Inclusion -related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>130</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>131</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>132</sup>

Courts have, for the moment, enjoined DOI from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>133</sup>

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<sup>130</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>131</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>132</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>133</sup> [City of Seattle v. Trump](#), No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>134</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>135</sup>

### *Gender Ideology*

#### **Background**

DOI has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### 1) What is the Executive Order?

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>136</sup>

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<sup>134</sup> [Exec. Order No. 14173](#), § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>135</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), (the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the U.S. Court of Appeals for the Fourth Circuit vacated the preliminary injunction.) [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189 (4th Cir. Feb. 27, 2025), [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>136</sup> [Exec. Order No. 14168](#), § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

## **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined DOI from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>137</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined DOI from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>138</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>139</sup>

## **2) What is the executive order?**

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

## **What is the status of challenges to this EO?**

DOI is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>140</sup>

In addition to the above cases, the EOs and DOI’s Gender Ideology-related conditions are also challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [\*City of Fresno v. Noem\*](#), No. 25-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1)

## ***Immigration***

### **Background**

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<sup>137</sup> [\*City of Seattle v. Trump\*](#), No. 2:25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>138</sup> [\*State of Washington v. Trump\*](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), (Feb 28, 2025).

<sup>139</sup> *Id.*

<sup>140</sup> [\*State of Washington v. Trump\*](#), No. 2:25-cv-00244 (W.D. Wash. Feb 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), (Feb 28, 2025).

To the extent DOI has attempted to impose immigration-related conditions, those conditions and policies are challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [\*City of Fresno v. Noem\*](#), No. 25-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1)

## U.S. Department of Justice (DOJ)

In this chapter, users will find: (A) relevant agency policy, guidance memos, and other grants-related guidance issued by the government; and (B) an overview of challenged DOJ award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### **A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance**

- [Office for Victims of Crime Training and Technical Assistance Provider Issued List of Banned Words](#), Oct. 10, 2025, p. 5
- [DOJ Ending Illegal DEI and DEIA Discrimination and Preferences](#), Feb. 5, 2025
- [2025 Memorandum from the Attorney General entitled “Sanctuary Jurisdictions Directives](#), Feb. 5, 2025
- [OJP FY 2025 General Terms and Conditions](#), May 2025
- [OVW FY 2025 General Terms and Conditions](#)
- [DOJ Civil Rights Fraud Initiative](#), May 19, 2025
- [DOJ Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination](#), July 29, 2025
- [DOJ Grants Financial Guide](#), last updated Sep. 2025
- [DOJ Letter to Plaintiffs, Rhode Island Coalition Against Domestic Violence v. Bondi](#), Nov. 19, 2025

### **B. Challenged Award/NOFO Conditions and/or Certifications, and/or NOFOs**

The below section provides an overview of challenged DOJ award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For DOJ, the challenged award conditions as of June 2026 include the following, organized by topic:

- Coercing Compliance with Executive Orders
- Conditions Applied by the Office on Violence Against Women (OVW) Only
  - Awareness Campaign Condition
  - Systemic Framing of Domestic Violence and Sexual Assault Conditions
- Gender Ideology
- Immigration
  - Challenged Immigration-Related Policies and Executive Orders Impacting DOJ Applicants and/or Grantees
  - Award/NOFO Conditions Impacting Both DOJ Office for Victims of Crime (OVC) and Office of Justice Programs (OJP) Grantees
  - Challenged Award/NOFO Conditions Impacting Only DOJ OJP
  - Challenged Award/NOFO Conditions Impacting Only DOJ OVW

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if the DOJ can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

## *Coercing Compliance with Executive Orders*

### **Background**

DOJ has attempted to enforce compliance with all Executive Orders by imposing an award condition on grantees.

#### **1. What is the challenged condition?**

DOJ has attempted to require FY 2025 OVW applicants to comply with all Executive Orders by identifying as “out-of-scope...[a]ny activity or program that unlawfully violates an Executive Order.”<sup>141</sup>

#### **What is the status of the challenged condition?**

The U.S. District Court for the District of Rhode Island has stayed this challenged certification.<sup>142</sup>

### *Conditions Applied by the Office on Violence Against Women (OVW) Only*

This section discusses two grant conditions unique to OVW: (A) the awareness campaign condition; and (B) systemic framing of domestic violence and sexual assault conditions.

#### **a. Awareness Campaign Condition**

In May 2025, OVW began issuing NOFOs that included a newly expanded list of “out-of-scope” activities that grantees may not engage in with grant funds. In June 2025, OVW formally announced that all applicants would be required to submit a letter certifying that grant funds will not be used for the out-of-scope activities listed in the Certification Regarding Out-of-Scope Activities section of the NOFO, and required applicants to already-closed NOFOs to submit a certification that they will abide by the stated “out of scope” conditions to be considered for previously submitted grant applications.<sup>143</sup> Two of these conditions are unique to OVW and addressed below.

#### **1. What is the challenged condition?**

##### **Awareness Campaign Condition**

Grantees may not use grant funds for “[a]wareness campaigns or media that do not lead to tangible improvements in prevention, victim safety, or offender accountability,” stating that such activities were “out of scope.”<sup>144</sup>

#### **What is the status of the challenged condition?**

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<sup>141</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#) (formerly *Rhode Island Coalition Against Domestic Violence v. Bondi*) 1:25-cv-00279 (June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2026) (Docket #34) at 4, 6

<sup>142</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 4, 6.

<sup>143</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26.

<sup>144</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment \(Docket #45\)](#) at 29.

The U.S. District Court for the District of Rhode Island has stayed this condition for now while the litigation proceeds.<sup>145</sup> The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants,” including the awareness campaigns condition.<sup>146</sup>

## **b. Systemic Framing of Domestic Violence and Sexual Assault Conditions**

DOJ has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions. DOJ has attempted to restrict certain diversity, equity, and inclusion- related activities through imposing an award condition and a certification requirement on grantees.

### **1) What is the award condition?**

#### **Systemic Framing Condition**

OVW attempted to disallow activities “that frame domestic violence or sexual assault as systemic social justice issues rather than criminal offenses (e.g., prioritizing criminal justice reform or social justice theories over victim safety and offender accountability),” deeming them as “out of scope.”<sup>147</sup>

#### **What is the status of the challenged condition?**

The U.S. District Court for the District of Rhode Island has preliminarily stayed this condition as the litigation proceeds.<sup>148</sup> The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants,” including the systemic framing condition.<sup>149</sup>

### **2) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

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<sup>145</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27.

<sup>146</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27.

<sup>147</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27.

<sup>148</sup> *Id.*

<sup>149</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6, 26-17.

### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>150</sup>

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined DOJ “from enforcing Executive Order 14151 section 2(b)(i)” and ordered that DOJ shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14151].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>151</sup>

### **3) What is the challenged executive order?**

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>152</sup>

### **What is the status of challenges to this EO?**

“The Northern District of Illinois enjoined enforcement of [this] certification provision against all recipients of federal funding awarded by DOJ.”<sup>153</sup>

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<sup>150</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>151</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#) (June 13, 2025) (Docket #87).

<sup>152</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>153</sup> [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #90](#)) at 51.

DOJ, therefore, cannot require DOJ grantees to certify that ““it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.’ [Exec. Order No. 14173, 90 Fed. Reg. 8633, § 3(b)(iv)].”<sup>154</sup>

Additionally, on October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>155</sup>

In addition, the implementation and effectuation of EO 14173 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [State of Minnesota v. Trump](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).

#### 4) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“. . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>156</sup>

#### What is the status of challenges to this EO?

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<sup>154</sup> [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 6, 52.

<sup>155</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>156</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>157</sup>

**5) What is the challenged diversity, equity, and inclusion-related award condition found in DOJ’s NOFOs?**

**Unallowable cost: Anti-Diversity, Equity, and Inclusion Condition**—DOJ has imposed a condition that prohibits funding for programs perceived to promote diversity, equity, and inclusion, and which the Trump-Vance administration has stated violate anti-discrimination laws by promoting violations or favoring individuals based on certain criteria.

Specific condition language varies depending on the DOJ office:

**OVC in DOJ’s OJP:** “[A]ny program or activity, at any tier that violates any applicable Federal civil rights or nondiscrimination law. This includes violations that – (1) indirectly violate the law, including by promoting or facilitating violations; or (2) unlawfully favor individuals in any race or protected group, including on a majority or minority, or privileged or unprivileged, basis, within a given area, population, or sector” are unallowable costs.<sup>158</sup>

**OVW:** “Promoting or facilitating discriminatory programs or ideology, including illegal DEI and ‘diversity, equity, inclusion and accessibility’ programs that do not advance the policy of equal dignity as described in Executive Order 14173, “[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)” is out of program scope.<sup>159</sup>

**What is the status of challenges to these DOJ conditions?**

**OJP, OVC, Human Trafficking—Services for Victims of Human Trafficking NOFO:**

The U.S. District Court for the Northern District of Illinois has stayed “OVC’s decision to include the . . . NOFO discrimination condition” in its Services for Victims of Human Trafficking NOFO.<sup>160</sup> OVC is therefore enjoined from including this condition in its Services for Victims of Human Trafficking NOFO.

**OVW:**

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<sup>157</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>158</sup> See, e.g., [OVC FY25 Services for Victims of Crime NOFO](#) (July 21, 2025) at 4; *Freedom Network v. Trump*, No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 7 (citing OVC FY25 Services for Victims of Human Trafficking NOFO).

<sup>159</sup> See e.g. [U.S. Dept. of Justice Office on Violence Against Women FY 2025 Grants to Enhance Community-based Services for Survivors of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program](#), p. 12 (posted Aug. 1, 2025)

<sup>160</sup> *Freedom Network v. Trump*, 1:25-cv-12419 (N.D. Ill), [Preliminary Injunction Memorandum and Order](#), p. 52 (March 23, 2026)

The U.S. District Court for the District of Rhode Island has preliminarily stayed this condition as the litigation proceeds.<sup>161</sup> The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants.”<sup>162</sup>

**6) What is the challenged OJP anti-diversity, equity, and inclusion certification and its status?**

**OJP Federal Civil Rights and Nondiscrimination Laws (certification)**

“Compliance with Federal civil rights and nondiscrimination laws is material to the government’s decision to make any award and payment under this program, including for purposes of the False Claims Act, and each recipient will be required to certify (in its acceptance of the conditions of the award) that it does not operate any programs (including any such programs having components relating to diversity, equity and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.”<sup>163</sup>

**What is the status of the challenged award condition?**

For now, this condition in the OJP General Terms and Conditions is stayed pursuant to an order by the U.S. District Court for the District of Rhode Island as to VOCA Victim Assistance grants, VOCA grants for Services for Victims of Crime, and Pet Shelter grants.<sup>164</sup> In addition, the District Court for the Northern District of Illinois stayed “OVC’s decision to include the NOFO certification condition on the Services for Victims of Human Trafficking NOFO.”<sup>165</sup> OVC is enjoined from applying this condition to applicants to the Services for Victims of Human Trafficking NOFO.

**7) What is the challenged OVW anti-diversity, equity, and inclusion certification and its status?**

**OVW Federal Civil Rights and Nondiscrimination Laws (certification)**

“The recipient agrees that its compliance with all applicable federal civil rights and nondiscrimination laws is material to the government’s decision to make this award and any payment thereunder, including for purposes of the False Claims Act. . . , and, by accepting this award, certifies that it does not operate any programs (including any such programs having components relating to DEI) that violate any applicable federal civil rights or nondiscrimination laws.”<sup>166</sup>

**What is the status of the challenged award condition?**

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<sup>161</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27.

<sup>162</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27.

<sup>163</sup> Office of Justice Programs, "[General Conditions](#)" for OJP Awards in FY 2025, Federal Civil Rights and Nondiscrimination Laws (certification) (May 12, 2025); [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) (citing OVC FY25 Services for Victims of Human Trafficking NOFO).

<sup>164</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (April 17, 2026) ([Docket #63](#)).

<sup>165</sup> [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 52.

<sup>166</sup> Office on Violence Against Women, [FY 2025 General Terms and Conditions](#); Condition #15.

The U.S. District Court for Rhode Island has preliminarily stayed this challenged certification that appears in the OVW General Terms and Conditions for FY 2025.<sup>167</sup>

In addition to the above cases, the EOs and DOJ's diversity, equity, and inclusion-related conditions are also challenged in the following cases, although there are not any injunctions or stays presently in effect from these cases:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).
- [City of Fresno v. Noem](#), No. 25-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1)

### *Gender Ideology*

#### **Background**

DOJ has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called "Gender-Ideology-related" condition.

#### **1) What is the Executive Order?**

**Section 3(g) of Executive Order No. 14168, "Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government"** directs that:

"Federal funds shall not be used to promote gender ideology."<sup>168</sup>

#### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined DOJ from enforcing or implementing this Executive Order as to certain plaintiffs.

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined DOJ "as well as any subagencies . . . and any officers, agents, servants, employees, or attorneys" of DOJ "from enforcing Executive Order 14168 sections 3(e) and 3(g)" and ordered that DOJ shall not "[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs' compliance with [Executive Order 14168]."

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>169</sup>

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<sup>167</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26.

<sup>168</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

<sup>169</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#), (June 13, 2025) (Docket #87).

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>170</sup>

## 2) What is the challenged OVW challenged condition?

### Gender Ideology

“Inculcating or promoting gender ideology as defined in Executive Order 14168, ‘[Defending Women from Gender Ideology Extremism and Restore Biological Truth to the Federal Government](#).’”

### What is the status of the challenged award condition?

The U.S. District Court for the District of Rhode Island has preliminarily stayed this condition as the litigation proceeds.<sup>171</sup> The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants.”<sup>172</sup>

## *Immigration*

### Background

DOJ has attempted to restrict certain services from being provided to non-U.S. citizens through imposing award conditions on grantees.

This section addresses:

- a. Challenged Immigration-Related Policies and Executive Orders Impacting DOJ Applicants and/or Grantees;
- b. Award/NOFO Conditions Impacting OJP grantees, which includes OVC grantees;
- c. Challenged Award/NOFO Conditions Impacting Only DOJ OJP grantees; and
- d. Challenged Award/NOFO Conditions Impacting Only DOJ OVW grantees.

### **a. Challenged Immigration-Related Policies and Executive Orders Impacting DOJ Applicants and/or Grantees**

#### **1) What is the 2025 DOJ Order regarding the PRWORA (Personal Responsibility and Work Opportunity Reconciliation Act)?**

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<sup>170</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>171</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27.

<sup>172</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27.

On July 11, 2025, DOJ issued an order entitled “[Revised Specification Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#),” (“2025 DOJ Order”) attempting to revoke previously-existing exemptions allowing for undocumented individuals to receive services related to basic life and safety, including domestic violence programs, emergency shelters, soup kitchens, and youth safety initiatives, and providing verification exceptions.

### **What is the status of the challenged 2025 DOJ Order?**

The U.S. District Court for the District of Rhode Island ordered that “Defendants, their employees, and anyone acting in concert with them, are and until further order of [the] Court shall remain enjoined from enforcing or implementing in the Plaintiff States [see below]” the DOJ PRWORA Notice.<sup>173</sup>

#### **Plaintiff states are:**

State of Arizona, State of California, State of Colorado, State of Connecticut, State of Delaware, District of Columbia, State of Hawai'i, State of Illinois, State of Maine, State of Maryland, Commonwealth of Massachusetts, State of Michigan, State of Minnesota, State of Nevada, State of New Jersey, State of New Mexico, State of New York, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, and State of Wisconsin.<sup>174</sup>

### **2) What are the relevant Executive Orders and DOJ policies regarding “Anti-Sanctuary Jurisdiction” efforts and what is the status of challenges to these EOs and policies?**

As a court in the U.S. District Court for the Northern District of California stated: “Shortly after taking office in 2025, President Trump issued Executive Orders 14,149 (‘Protecting the American People Against Invasion’) (‘EO 14,149’) and 14,218 (‘Ending Taxpayer Subsidization of Open Borders’) (‘EO14,218’) . . . EO 14,159 directs the United States Attorney General and the . . . Department of Homeland Security (‘DHS’) Secretary to withhold federal funds from ‘sanctuary jurisdictions,’ cities and counties that limit the use of local resources to enforce federal immigration law. EO 14,218 directs every federal agency to ensure that ‘federal payments’ to localities do not ‘by design or effect’ ‘abet so called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.’”<sup>175</sup> On February 5, 2025, former Attorney General Bondi released a “Sanctuary Jurisdictions Directive” Memorandum (“Bondi Directive”) “along with various memoranda and public comments about the orders and their force, provide a clear picture of what jurisdictions qualify, and of [these two EOs] intended purpose: to end or severely curtail federal funding for cities, counties and states that the Trump administration deems to be sanctuary jurisdictions.”<sup>176</sup> Cities, counties, states and other plaintiffs have challenged these EOs and the Bondi

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<sup>173</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Preliminary Injunction](#) (Sep. 30, 2025) ([Docket #64](#)) at 59-60.

<sup>174</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Preliminary Injunction](#) (Sep. 30, 2025) ([Docket #64](#)) at 59-60..

<sup>175</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 1-2; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

<sup>176</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

Directive “to the extent that they mandate the withholding of the Cities and Counties’ federal funding because they are sanctuary jurisdictions.”<sup>177</sup>

### 3) What are the challenged provisions of the related-Executive Orders and Bondi Directive?

- A) Executive Order 14159, “Protecting the American People Against Invasion:”<sup>178</sup> “The first sentence of [Section 17 of Executive Order 14159](#)”<sup>179</sup>

**Sec. 17. Sanctuary Jurisdictions.** The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction's practices that interfere with the enforcement of Federal law.<sup>180</sup>

- B) [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders”](#)<sup>181</sup>

**Sec. 2. Preserving Federal Public Benefits.** (a) To prevent taxpayer resources from acting as a magnet and fueling illegal immigration to the United States, and to ensure, to the maximum extent permitted by law, that no taxpayer-funded benefits go to unqualified aliens, the head of each executive department or agency (agency) shall: . . . .

(ii) ensure, consistent with applicable law, that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called “sanctuary” policies that seek to shield illegal aliens from deportation . . . .”<sup>182</sup>

- C) [Attorney General Pam Bondi Memorandum Directive, “Sanctuary Jurisdiction Directives”](#) (DOJ February 5, 2025)

**Preamble, Sec. 1:** “In furtherance of that objective, the Department of Justice will ensure that, consistent with law, ‘sanctuary jurisdictions’ do not receive access to Federal funds from the Department. Consistent with applicable statutes, regulations, court orders, and terms, the Department of Justice shall pause the distribution of all funds until a review has been completed, terminate any agreements that are in violation of law or are the source of waste, fraud, or abuse, and initiate clawback or recoupment procedures, where appropriate” (footnote omitted).

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<sup>177</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

<sup>178</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443 (Jan. 20, 2025).

<sup>179</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

<sup>180</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, Sec. 17 (Jan. 20, 2025).

<sup>181</sup> [Exec. Order No. 14218](#), 90 Fed. Reg. 10581 (Feb. 19, 2025).

<sup>182</sup> [Exec. Order No. 14218](#), 90 Fed. Reg. 10581, Sec. 2(ii) (Feb. 19, 2025).

D) [Executive Order 14,287, “Protecting American Communities from Criminal Aliens”](#)<sup>183</sup>

**Sec. 3. Consequences for Sanctuary Jurisdiction Status.** (a) With respect to sanctuary jurisdictions that are designated under section 2(a) of this order, the head of each executive department or agency (agency), in coordination with the Director of the Office of Management and Budget and as permitted by law, shall identify appropriate Federal funds to sanctuary jurisdictions, including grants and contracts, for suspension or termination, as appropriate.

(b) With respect to jurisdictions that remain sanctuary jurisdictions after State or local officials are provided notice of such status under section 2(b) of this order and yet remain in defiance of Federal law, the Attorney General and the Secretary of Homeland Security shall pursue all necessary legal remedies and enforcement measures to end these violations and bring such jurisdictions into compliance with the laws of the United States.

**4) What is the status of the challenged provisions of the related-Executive Orders and Bondi Directive?**

DOJ and other defendants “are enjoined from directly or indirectly taking any action to withhold, freeze, or condition federal funds from the [Plaintiff] Cities and Counties [listed below] based on: (1) the first sentence of Section 17 of Executive Order 14,159, (2) Section 2(a)(ii) of Executive Order 14,218 (3) the Preamble and Section I of the February 5, 2025 Memorandum from the Attorney General entitled ‘Sanctuary Jurisdictions Directives; or (4) any other Executive Order or Government action that poses the same coercive threat to eliminate or suspend federal funding based on the Government’s assertion that a jurisdiction is a ‘sanctuary jurisdiction,’ on the basis that the Cities and Counties have policies that limit (i) the honoring of civil immigration detainer requests; (ii) cooperation with administrative warrants for purposes of immigration enforcement; (iii) sharing of information with federal immigration authorities other than immigration or citizenship status; (iv) the use of local law enforcement to arrest or detain individuals solely for civil immigration violations; or (v) the use of local resources to assist with civil immigration enforcement activities.”<sup>184</sup>

**Plaintiff Cities and Counties are:**

County of Alameda, City of Albany, City of Albuquerque, Allegheny County, Pennsylvania, Mayor and City of Baltimore, City of Bend, City of Benicia, City of Berkeley, City of Boston, City of Cambridge, City of Cathedral City, City of Chicago, City of Columbus, City of Culver City, County of Dane, City and County of Denver, City of Emeryville, City of Healdsburg, County of Hennepin, City of Los Angeles, County of Marin, "Martin Luther King, Jr. County", City of Menlo Park, City of Minneapolis, County of Monterey, Multnomah County, City of New Haven, City of Oakland, City of Pacifica, City of Palo Alto, City of Petaluma, Pierce County, City of Portland, City of Richmond, City of Rochester, City of Rohnert Park, City of Sacramento, City & County of San Francisco, City of San Diego, City of San José, San

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<sup>183</sup> [Exec. Order No. 14287](#), 90 Fed. Reg. 18761 (Apr. 28, 2025).

<sup>184</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 5-6; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) ([Docket #126](#)); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) ([Docket #136](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 4.

Mateo County, County of Santa Clara, City of Santa Cruz, City of Santa Fe, City of Santa Rosa, City of Seattle, County of Sonoma, City of St. Paul, City of Watsonville, City of Wilsonville.<sup>185</sup>

## **b. Award/NOFO Conditions Impacting Both DOJ Office for Victims of Crime (OVC) and Office of Justice Programs (OJP) Grantees**

### **1) What is the challenged DOJ award condition?**

#### **Limiting Legal Services for “Unlawfully Present” Individuals**

**DOJ Financial Guide “Legal Services for Aliens”** - “[C]osts of providing legal services (that is, professional services of the kind lawfully provided only by individuals licensed to practice law) to any removable alien (see 8 U.S.C. § 1229a(e)(2)) or any alien otherwise unlawfully present in the United States are disallowed and may not be charged against the award.”

“[C]osts for legal services disallowed under the preceding sentence do not include costs for legal services”:

(1) to obtain protection orders for victims of crime (including associated or related orders (e.g., custody orders), arising from the victimization); (2) that are associated with or relate to actions under 18 U.S.C. ch. 77 (peonage, slavery, and trafficking in persons); (3) to obtain T-visas, U-visas, or “continued presence” immigration status (see, e.g., 8 U.S.C. § 1101(a)(15)(T) & (U); 22 U.S.C. § 7105(c)(3)(A)); or (4) as to which such disallowance would contravene any express requirement of any law, or of any judicial ruling, governing or applicable to the award.”<sup>186</sup>

Both OVW and OJP have included this award condition in their 2025 NOFOs.

#### **What is the status of this challenged DOJ condition?**

**OVC:** DOJ entered a stipulation<sup>187</sup> that this condition does not apply to grants under VOCA Victim Assistance formula program because a regulation requires services under those grants to be made without regard to immigration status.<sup>188</sup> It states that: “Accordingly, the Department of Justice agrees that, to the extent costs for legal services are incurred under VOCA Victim Assistance grants or grants made under VAWA, on behalf of any removable alien (see 8 U.S.C. § 1229a(e)(2)), or any alien otherwise unlawfully present in the United States, the costs of such services will not be disallowed pursuant to the Legal Services of Aliens provision because “such disallowance would contravene [the] express requirement of”

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<sup>185</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 5-6; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) ([Docket #126](#)); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) ([Docket #136](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 1-2.

<sup>186</sup> U.S. Department of Justice, [DOJ Grants Financial Guide](#) (last updated Dec. 2025), Ch. 3.13.

<sup>187</sup> “Stipulation” is an [agreement or arrangement](#) between parties, acknowledged and accepted by the Court.

<sup>188</sup> [New York v. DOJ](#), No. 1:25-cv-00499 (D.R.I. Nov. 24, 2025), [Joint Motion to Dismiss the Complaint without Prejudice Subject to the Terms of the Parties' Stipulation](#) (Nov. 24, 2025) ([Docket #39](#)) at 3-4; [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [DOJ Letter to Plaintiffs](#) (Nov. 19, 2025) ([Docket #42](#)).

those regulations, which have the force of law and are “applicable to the award.” Grants Guide, Ch. 3.13.  
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Importantly this stipulation **does not** apply to any other OVC or OJP programs.

**OVW:** DOJ sent plaintiffs a letter confirming that this condition does not apply to any grant programs under the Violence Against Women Act because a regulation requires services under those grants to be made without regard to immigration status.<sup>190</sup>

### c. Challenged Award/NOFO Conditions Impacting Only DOJ OJP

#### 1) What is the challenged condition?

##### “Immigration Enforcement Condition”

“Any program or activity that, directly or indirectly, violates (or promotes or facilitates the violation of) federal immigration law (including 8 U.S.C. § 1373) or impedes or hinders the enforcement of federal immigration law—including by failing to comply with 8 U.S.C. § 1373, give access to DHS agents, or honor DHS requests and provide requested notice to DHS agents” is “out of the program scope and will not be funded.”<sup>191</sup> (This language was imposed on all 2025 NOFOs issued through the Office of Justice Programs).

##### What is the status of the challenged award condition?

#### A) OJP, Office for Victims of Crime, Human Trafficking - Services for Victims of Human Trafficking NOFO [ONLY]:

The U.S. District Court for the Northern District of Illinois has stayed “OVC’s decision to include the . . . NOFO immigration . . . condition” in its Services for Victims of Human Trafficking NOFO.<sup>192</sup> For now, therefore, OVC is enjoined from including this condition in its Services for Victims of Human Trafficking NOFOs.

#### B) Specific Plaintiff States

Additionally, for now, pursuant to a request by both parties, the U.S. District Court of Rhode Island entered a stipulation in [State of New Jersey v. United States Department of Justice](#) in which DOJ agreed not to apply this “Challenged Provision, or any substantially similar provision to any [2025 awards issued to Plaintiff states] by any other means, including, but not limited to, by,

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<sup>189</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [DOJ Letter to Plaintiffs](#) (Nov. 19, 2025) ([Docket #42](#)).

<sup>190</sup> [New York v. DOJ](#), No. 1:25-cv-00499 (D.R.I. Nov. 24, 2025), [Joint Motion to Dismiss the Complaint without Prejudice Subject to the Terms of the Parties' Stipulation](#) (Nov. 24, 2025) ([Docket #39](#)) at 3-4; [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [DOJ Letter to Plaintiffs](#) (Nov. 19, 2025) ([Docket #42](#)).

<sup>191</sup> [New Jersey v. DOJ](#), No. 1:25-cv-00404 (D.R.I. Aug. 14, 2025); [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 6-7.

<sup>192</sup> [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 52.

adding language to the DOJ Grants Financial Guide that would apply the substance of the Challenged Provision or of a substantially similar provision to these awards”<sup>193</sup> to plaintiff states listed below.

Plaintiff states are: State of New York, State of Colorado, State of Illinois, State of Rhode Island, State of Arizona, State of California, District of Columbia, State of Connecticut, State of Delaware, State of Maine, State of Maryland, Commonwealth of Massachusetts, State of Michigan, State of Minnesota, State of Nevada, State of New Jersey, State of New Mexico, State of Oregon, State of Vermont, State of Washington, State of Wisconsin.<sup>194</sup>

## 2) What is the DOJ OVC challenged condition?

### “Immigrant Exclusion”

In 2026, OVC applied a new award condition on 2025 awards without prior notice to applicants during the NOFO and application phase. In order to accept the OVC funding, applicants must agree that “[t]he recipient shall ensure that no funds provided under this award (or any subaward, at any tier) will be used to provide benefits or services to any removable alien (see 8 U.S.C. § 1229a(e)(2)) or any alien otherwise unlawfully present in the United States, but this prohibition shall not apply where such use is expressly authorized by law (or otherwise expressly allowable under the terms of this award) or where the prohibition would contravene any express requirement of any law, or of any judicial ruling, governing or applicable to the award.”<sup>195</sup>

DOJ has so far only imposed this award condition on certain OVC 2025 awards (issued in 2026).

### What is the status of the challenged DOJ OVC condition?

The U.S. District Court for the District of Rhode Island has stayed the condition.<sup>196</sup>

## d. Challenged Award/NOFO Conditions Impacting DOJ OVW Only

### 1) What is the challenged DOJ OVW award condition?

### “Promoting Violation of Federal Immigration Law”

OVW applied the following condition to its 2025 NOFOs: “Promoting or facilitating the violation of federal immigration law” is an out-of-scope activity, and applicants must certify that they will not use grant funds to engage in such activity.<sup>197</sup>

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<sup>193</sup> [New Jersey v. DOJ](#), No. 1:25-cv-00404 (D.R.I. Aug. 14, 2025), [Stipulation](#) (Feb. 12, 2026) ([Docket #45](#)) at 1-4.

<sup>194</sup> [New Jersey v. DOJ](#), No. 1:25-cv-00404 (D.R.I. Aug. 14, 2025).

<sup>195</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Second Amended Complaint](#) (Feb. 20, 2026) ([Docket #62](#)) & [Plaintiff's Motion for Preliminary Relief Under 5 U.S.C. § 705 for Temporary Restraining Order, and for Preliminary Injunction](#) (Feb. 20, 2026) ([Docket #53](#)).

<sup>196</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order Granting Plaintiff's Motion for Preliminary Relief Under 5 U.S.C. § 705](#) (April 17, 2026) ([Docket #63](#)).

<sup>197</sup> See, e.g., Office on Violence Against Women FY 2025 [Grants to Enhance Community-based Services for Survivors of Domestic Violence, Dating Violence, Sexual Assault, and Stalking](#) Program (Aug. 1, 2025) at 12.

### **What is the status of the challenged DOJ OVW award condition?**

The U.S. District Court for the District Rhode Island has preliminarily stayed this condition while the litigation proceeds. The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants,” including this immigration-related condition.<sup>198</sup>

### **2) What is the challenged DOJ OVW award condition?**

#### **“Cooperation with Immigration Enforcement”**

OVW applied the following condition to its 2025 NOFOs: “Programs that discourage collaboration with law enforcement or oppose or limit the role of police, prosecutors, or immigration enforcement in addressing violence against women” is an out-of-scope activity, and applicants must certify that they will not use grant funds to engage in such activity.<sup>199</sup>

### **What is the status of the challenged DOJ OVW award condition?**

The U.S. District Court for the District Rhode Island has preliminarily stayed this condition as the litigation proceeds. The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants,” including this immigration-related condition.<sup>200</sup>

### **3) What is the challenged DOJ OVW award condition?**

#### **“Immigration Priority Condition”**

OVW applied the following condition to its 2025 NOFOs: “Initiatives that prioritize illegal aliens over U.S. citizens and legal residents in receiving victim services and support” are out-of-scope activities, and applicants must certify that they will not use grant funds to engage in such activities.<sup>201</sup>

### **What is the status of the challenged DOJ OVW award condition?**

The U.S. District Court for the District Rhode Island has preliminarily stayed this condition as the litigation proceeds. The Court stated that it “finds that it is necessary and appropriate, for now, to grant the

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<sup>198</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Complaint](#) (June 16, 2025) ([Docket #1](#)) & [Amended Complaint](#) (Nov. 19, 2025) ([Docket #41](#)); [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6.

<sup>199</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Complaint](#) (June 16, 2025) ([Docket #1](#)) & [Amended Complaint](#) (Nov. 19, 2025) ([Docket #41](#)); [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6.

<sup>200</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6.

<sup>201</sup> [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Complaint](#) (June 16, 2025) ([Docket #1](#)) & [Amended Complaint](#) (Nov. 19, 2025) ([Docket #41](#)); [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6.

[plaintiffs'] request for a preliminary stay of the challenged conditions on all FY 2025 grants," including the immigration priority condition.<sup>202</sup> Accordingly, for now, OVW can not apply this condition.

In addition to the above cases, DOJ immigration-related conditions have been challenged in the following cases, although there are not any injunctions or stays presently in effect from these cases:

- [\*City of Chelsea v. Trump\*](#), No. 25-cv-10442 (D. Mass. Feb. 23, 2025), [Amended Complaint](#) (Dec. 18, 2025) (Docket #48).
- [\*City of Fresno v. Noem\*](#), No. 25-cv-01535 (N.D. Cal. Feb. 20, 2026), [Complaint](#) (Feb. 20, 2026) (Docket #1)

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<sup>202</sup> [\*Rhode Island Coalition Against Domestic Violence v. Blanche\*](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6.

## U.S. Department of Labor (DOL)

In this chapter, users will find an overview of challenged DOL award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged DOL award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For DOL, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology
- Immigration

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if DOL can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Diversity, Equity, and Inclusion*

#### **Background**

DOL has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Generally, for the moment, as a result of a decision in the United States Court of Appeals for the Fourth Circuit, Section 2(b)(i) of Executive Order No. 14151 (“Ending Radical Wasteful Government DEI Programs and Preferencing”) remains in full force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>203</sup>

On April 15, 2025, the U.S. District Court for the Northern District of Illinois ordered that DOL “shall not pause, freeze, impede, block, cancel, or terminate [**Chicago Women in Trade’s (CWIT)**] WANTO [(Women in Apprenticeship and Nontraditional Occupations)] grant, or change the terms of the WANTO grant with CWIT, on the basis of the Termination Provision (§ 2(b)(i)) of Executive Order 14151.”<sup>204</sup>

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined DOL “from enforcing Executive Order 14151 section 2(b)(i)” and ordered that DOL shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14151].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>205</sup>

In addition, the implementation and effectuation of EO 14151 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and

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<sup>203</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>204</sup> [Chicago Women in Trades](#), No. 25-cv-02005 (N.D. Ill. Feb. 26, 2025), [Order on Plaintiff’s Motion for Preliminary Injunction](#) (Apr. 15, 2025) (Docket #69) at 2.

<sup>205</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#) (June 13, 2025) (Docket #87).

(B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.

<sup>206</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>207</sup>

Courts have, for the moment, enjoined DOL from enforcing or implementing this Executive Order as to certain plaintiffs.

On April 14, 2025, the U.S. District Court for the Northern District of Illinois enjoined the Department of Labor “from requiring any grantee or contractor to make a certification pursuant to section 3(b)(iv) of Executive Order 14173.”<sup>208</sup>

Specifically, the Trump-Vance administration cannot “require **any grantee or contractor** to make any ‘certification’ or other representation pursuant to the Certification Provision (§ 3(b)(iv)) of Executive Order 14173.”<sup>209</sup>

The court also ordered that the Government “shall not initiate any False Claims Act enforcement action against [**Chicago Women in Trades**] pursuant to the Certification Provision of (§ 3(b)(iv)) of [Executive Order 14173].”<sup>210</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>211</sup>

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<sup>206</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>207</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>208</sup> *Chicago Women in Trades*, No. 25-cv-02005 (N.D. Ill. Feb. 26, 2025), Memorandum Opinion and Order (Apr. 14, 2025) (Docket #68).

<sup>209</sup> *Chicago Women in Trades*, No. 25-cv-02005 (N.D. Ill. Feb. 26, 2025), Order on Plaintiff’s Motion for Preliminary Injunction (Apr. 15, 2025) (Docket #69) at 2.

<sup>210</sup> *Chicago Women in Trades*, No. 25-cv-02005 (N.D. Ill. Feb. 26, 2025), Order on Plaintiff’s Motion for Preliminary Injunction (Apr. 15, 2025) (Docket #69) at 2.

<sup>211</sup> *City of Seattle v. Trump*, No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

## 1) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>212</sup>

### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>213</sup>

## *Gender Ideology*

### **Background**

DOL has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

## 1) What is the Executive Order?

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>214</sup>

### **What is the status of challenges to this EO?**

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<sup>212</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>213</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>214</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

Courts have, for the moment, enjoined from enforcing or implementing this Executive Order as to certain plaintiffs.

On June 9, 2025, the U.S. District Court for the Northern District of California enjoined DOL “as well as any subagencies . . . and any officers, agents, servants, employees, or attorneys” of DOL “from enforcing Executive Order 14168 sections 3(e) and 3(g)” and ordered that DOL shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14168].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>215</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>216</sup>

In addition, the implementation and effectuation of EO 14168 has been challenged in the following cases, although there are not any injunctions or stays presently in effect from this case:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

### *Immigration*

#### **Background**

The Department of Labor (DOL) has attempted to restrict certain services from being provided to non-U.S. citizens through imposing award conditions on grantees and subgrantees.

#### **1) What is the 2025 DOJ Order regarding the PRWORA (Personal Responsibility and Work Opportunity Reconciliation Act)?**

On July 11, 2025, DOJ issued an order entitled “[Revised Specification Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#),” (“2025 DOJ Order”) attempting to

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<sup>215</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#), (June 13, 2025) (Docket #87).

<sup>216</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

revoke previously-existing exemptions allowing for undocumented individuals to receive services related to basic life and safety, including domestic violence programs, emergency shelters, soup kitchens, and youth safety initiatives, and providing verification exceptions.

**What is the status of the challenged 2025 DOJ Order?**

The U.S. District Court for the District of Rhode Island ordered that “Defendants, their employees, and anyone acting in concert with them, are and until further order of [the] Court shall remain enjoined from enforcing or implementing in the Plaintiff States [see below]” the DOJ PRWORA Notice.<sup>217</sup>

**Plaintiff states are:**

State of Arizona, State of California, State of Colorado, State of Connecticut, State of Delaware, District of Columbia, State of Hawai'i, State of Illinois, State of Maine, State of Maryland, Commonwealth of Massachusetts, State of Michigan, State of Minnesota, State of Nevada, State of New Jersey, State of New Mexico, State of New York, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, and State of Wisconsin.<sup>218</sup>

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<sup>217</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Preliminary Injunction](#) (Sep. 30, 2025) ([Docket #64](#)) at 59-60.

<sup>218</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Preliminary Injunction](#) (Sep. 30, 2025) ([Docket #64](#)) at 59-60.

## U.S. Department of Transportation (DOT)

In this chapter, users will find: (A) relevant agency policies, guidance memos, and other grants-related guidance; and (B) an overview of challenged DOT award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### **A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance**

- [DOT Order - Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities](#) May 13, 2025
- [DOT Letter to All Recipients of U.S. Department of Transportation Funding](#) May 13, 2025
- [Federal Railroad Administration General Terms and Conditions](#) April 16, 2025
- [Federal Highway Administration General Terms and Conditions](#) April 22, 2025
- [Secretary of Transportation Directive](#) April 24, 2025
- [Federal Transit Administration Master Agreement](#) April 25, 2025
- [Federal Aviation Administration FY 2025 Airport Infrastructure Grant Agreement Template](#)

### **B. Challenged Award Conditions, Certifications, and/or NOFOs**

The below section provides an overview of challenged DOT award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For DOT, the challenged award conditions as of June 2026 include the following, organized by topic:

- Coercing Compliance with Executive Orders
- Diversity, Equity, and Inclusion
- Executive Orders
- Gender Ideology
- Immigration

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if DOT can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### ***Coercing Compliance with Executive Orders***

#### **Background**

DOT has attempted to enforce compliance with all Executive Orders through imposing an award condition on grantees.

#### **1) What is the challenged award condition?**

“The recipient or applicant must comply with all applicable executive orders as they relate to the application, acceptance, and use of Federal funds for this Project.”<sup>219</sup>

### **What is the status of the challenged conditions?**

The United States for the Western District of Washington, for now, has enjoined DOT from “imposing or enforcing” this condition or “any materially similar terms or conditions” at any stage of the grantmaking process with respect to the named DOT plaintiffs (or their subrecipients).<sup>220</sup>

The Plaintiffs are:

Alameda County, Albuquerque, Baltimore, Bellevue, Bellingham, City of Bend, City of Boston, Bremerton, City of Cambridge, City of Chicago, Dane County, City and County of Denver, City and County of Eugene, Healdsburg, Hennepin County, Intercity Transit (Thurston County, WA), Kitsap County, Los Angeles, Martin Luther King, Jr. County, Milwaukee, Milwaukee County, City of Minneapolis; Multnomah County, Metropolitan Oakland, Metropolitan Government of Nashville & Davidson County; Pacifica, Pasadena, Petaluma, PSRC, Pierce County, City of Pittsburgh, Pima County, City of Portland, Central Puget Sound Regional Transit Authority/Sound Transit, /Ramsey County, Rochester, Rohnert Park, San Diego, City and County of San Francisco, San Francisco County Transportation, City of San Jose, County of Santa Clara, City of Santa Monica, San Mateo County, Santa Rosa, County of Sonoma, Snohomish County, Treasury Island Mobility Management Agency, City of Tucson, City of Wilsonville, and Watsonville.<sup>221</sup>

### ***Diversity, Equity, and Inclusion***

#### **Background**

DOT has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged language in Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing?”**

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<sup>219</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 47; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>220</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 47-48. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et al. No. 25-3664 \(9th Cir. 2025\)](#).

<sup>221</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)); [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et al. No. 25-3664 \(9th Cir. 2025\)](#).

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

(i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

**What is the status of this challenged EO language?**

Generally, Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>222</sup>

**2) What is the challenged language in Executive order 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity?”**

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

(A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and

(B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>223</sup>

**What is the status of the challenged EO language?**

Generally, section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>224</sup>

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<sup>222</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>223</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>224</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit

Courts have, for the moment, enjoined DOT from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>225</sup>

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“. . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>226</sup>

### **What is the status of this challenged EO language?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>227</sup>

### **3) What are the challenged EO 14173-related award conditions?**

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vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106).

<sup>225</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>226</sup> [Exec. Order No. 14,173 § 4\(b\)\(iii\)](#), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>227</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106).

“Pursuant to section (3)(b)(iv)(A), Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, the Recipient agrees that its compliance in all respects with all applicable Federal antidiscrimination laws is material to the government’s payment decisions for purposes of [the False Claims Act, 31 U.S.C. § 3729(b)(4)]”,<sup>228</sup>

“Pursuant to section (3)(b)(iv)(B), Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, by entering into this Agreement, Recipient certifies that it does not operate any programs promoting diversity, equity, and inclusion (DEI) initiatives that violate any applicable Federal anti-discrimination laws.”<sup>229</sup>

### **What is the status of these challenged award conditions?**

The United States for the Western District of Washington, for now, has enjoined DOT from “imposing or enforcing” this condition or “any materially similar terms or conditions” at any stage of the grantmaking process with respect to the named DOT plaintiffs (or their subrecipients).<sup>230</sup>

The Plaintiffs are:

Alameda County, Albuquerque, Baltimore, Bellevue, Bellingham, City of Bend, City of Boston, Bremerton, City of Cambridge, City of Chicago, Dane County, City and County of Denver, City and County of Eugene, Healdsburg, Hennepin County, Intercity Transit (Thurston County, WA), Kitsap County, Los Angeles, Martin Luther King, Jr. County, Milwaukee, Milwaukee County, City of Minneapolis; Multnomah County, Metropolitan Oakland, Metropolitan Government of Nashville & Davidson County; Pacifica, Pasadena, Petaluma, PSRC, Pierce County, City of Pittsburgh, Pima County, City of Portland, Central Puget Sound Regional Transit Authority/Sound Transit, /Ramsey County, Rochester, Rohnert Park, San Diego, City and County of San Francisco, San Francisco County Transportation, City of San Jose, County of Santa Clara, City of Santa Monica, San Mateo County, Santa Rosa, County of Sonoma, Snohomish County, Treasury Island Mobility Management Agency, City of Tuscon, City of Wilsonville, and Watsonville.<sup>231</sup>

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<sup>228</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 9; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>229</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 13; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 9; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>230</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 47-48. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>231</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)); [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

## *Gender Ideology*

### **Background**

DOT has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### **1) What is the Executive Order?**

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>232</sup>

#### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined DOT from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>233</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined DOD from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>234</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>235</sup>

#### **2) What is the challenged condition language imposed on DOT awards?**

“The recipient or applicant agrees to comply with executive orders, including but not limited to Executive Order 14168 titled Defending Women From Gender Ideology Extremism and Restoring Biological Truth

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<sup>232</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

<sup>233</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>234</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb. 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (Feb. 28, 2025) (Docket #233).

<sup>235</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb. 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (Feb. 28, 2025) (Docket #233).

to the Federal Government, as they relate to the application, acceptance, and use of Federal funds for this project or grant.”<sup>236</sup>

### **What is the status of the challenged condition?**

The United States District Court for the Western District of Washington enjoined DOT from imposing or enforcing this condition or any materially similar terms or conditions on DOT funds awarded to Plaintiffs (identified below).<sup>237</sup>

The Plaintiffs are:

Alameda County, Albuquerque, Baltimore, Bellevue, Bellingham, City of Bend, City of Boston, Bremerton, City of Cambridge, City of Chicago, Dane County, City and County of Denver, City and County of Eugene, Healdsburg, Hennepin County, Intercity Transit (Thurston County, WA), Kitsap County, Los Angeles, Martin Luther King, Jr. County, Milwaukee, Milwaukee County, City of Minneapolis; Multnomah County, Metropolitan Oakland, Metropolitan Government of Nashville & Davidson County; Pacifica, Pasadena, Petaluma, PSRC, Pierce County, City of Pittsburgh, Pima County, City of Portland, Central Puget Sound Regional Transit Authority/Sound Transit, /Ramsey County, Rochester, Rohnert Park, San Diego, City and County of San Francisco, San Francisco County Transportation, City of San Jose, County of Santa Clara, City of Santa Monica, San Mateo County, Santa Rosa, County of Sonoma, Snohomish County, Treasury Island Mobility Management Agency, City of Tuscon, City of Wilsonville, and Watsonville.<sup>238</sup>

### **3) What is the Executive Order?**

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

#### **What is the status of challenges to this EO?**

DOT is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>239</sup>

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<sup>236</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 47; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>237</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 47; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>238</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)); [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>239</sup> [State of Washington v. Trump](#), No. 2:25-cv-00244 (W.D. Wash. Feb. 7, 2025), [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (Feb. 28, 2025) (Docket #233).

## *General Compliance Requirement*

### **Background**

DOT attempted to impose a general mandate that agencies and sub-recipients comply with enumerated, applicable requirements and provisions.

#### **1) What is the challenged award condition?**

“Performance under this agreement or application shall be governed by and in compliance with the following requirements, as applicable, to the type of organization of the recipient or applicant and any applicable sub-recipients. The applicable provisions to this agreement or application include, but are not limited to, the following: Bringing in and harboring certain aliens – 8 U.S.C. 1324; Aiding or assisting certain aliens to enter – 8 U.S.C. 1327; Executive Order 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing; Executive Order 14168 Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government; and Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity.”<sup>240</sup>

#### **What is the status of the challenged condition?**

The United States for the Western District of Washington, for now, has enjoined DOT from “imposing or enforcing” this condition or “any materially similar terms or conditions” at any stage of the grantmaking process with respect to the named DOT plaintiffs (or their subrecipients).<sup>241</sup>

The Plaintiffs are:

Alameda County, Albuquerque, Baltimore, Bellevue, Bellingham, City of Bend, City of Boston, Bremerton, City of Cambridge, City of Chicago, Dane County, City and County of Denver, City and County of Eugene, Healdsburg, Hennepin County, Intercity Transit (Thurston County, WA), Kitsap County, Los Angeles, Martin Luther King, Jr. County, Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, Metropolitan Oakland, Metropolitan Government of Nashville & Davidson County, Pacifica, Pasadena, Petaluma, PSRC, Pierce County, City of Pittsburgh, Pima County, City of Portland, Central Puget Sound Regional Transit Authority/Sound Transit, /Ramsey County, Rochester, Rohnert Park, San Diego, City and County of San Francisco, San Francisco County Transportation, City of San Jose, County of Santa Clara, City of Santa Monica, San Mateo County, Santa Rosa, County of Sonoma, Snohomish County, Treasury Island Mobility Management Agency, City of Tuscon, City of Wilsonville, and Watsonville.<sup>242</sup>

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<sup>240</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 47-48; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>241</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 47-48. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>242</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary](#)

## *Immigration*

### **Background**

DOT has attempted to restrict certain services to non-U.S. citizens by implementing certain executive orders and imposing award conditions on grantees.

#### **1) What EO-related condition(s) has DOT tried to impose?**

Consistent with a directive issued by [Transportation Secretary Sean Duffy](#), DOT began adding language requiring grantees to cooperate with federal officials in enforcing immigration law. This language, referred to generally as the Immigration Enforcement Condition, “ICE”, was implemented throughout DOT broadly and also attached to specific grants.

#### **2) What is the related condition?**

Immigration Enforcement Condition: “legal obligations require cooperation generally with Federal authorities in the enforcement of Federal law, including cooperating with and not impeding U.S. Immigration and Customs Enforcement (ICE) and other Federal offices and components of the Department of Homeland Security in the enforcement of Federal immigration law.”

#### **What is the status of challenges to this condition?**

- A) The United States District Court for the District of Rhode Island declared the Immigration Enforcement Condition (“ICE”) unlawful and ordered this condition vacated from *all* grant agreements administered by Defendants.<sup>243</sup>
- B) The Court also permanently enjoined Defendants from implementing or enforcing the Condition against the Plaintiff States (see below), or otherwise attempting to condition federal transportation funding on State cooperation with federal civil immigration enforcement.<sup>244</sup>

Plaintiff States:

Massachusetts, D.C., Michigan, California, Colorado, Connecticut, Delaware, Hawai’i, Illinois, Maine, Maryland, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, Wisconsin

- C) Additionally, the United States District Court for the Western District of Washington enjoined DOT from imposing or enforcing this condition or any materially similar terms or conditions on DOT funds awarded to Plaintiffs (identified below).

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[Injunction](#) (Aug. 12, 2025) ([Docket #338](#)); [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>243</sup> [State of California v. United States Department of Transportation](#), No. 1:25-cv-00208 (D. RI. May 13, 2025), [Order on Motion for Summary Judgment](#) (Nov. 4, 2025) (Docket No. 74) at 27.

<sup>244</sup> [State of California v. United States Department of Transportation](#), No. 1:25-cv-00208 (D. RI. May 13, 2025), [Order on Motion for Summary Judgment](#) (Nov. 4, 2025) (Docket No. 74) at 30.

The Plaintiffs are:

Alameda County, Albuquerque, Baltimore, Bellevue, Bellingham, City of Bend, City of Boston, Bremerton, City of Cambridge, City of Chicago, Dane County, City and County of Denver, City and County of Eugene, Healdsburg, Hennepin County, Intercity Transit (Thurston County, WA), Kitsap County, Los Angeles, Martin Luther King, Jr. County, Milwaukee, Milwaukee County, City of Minneapolis; Multnomah County, Metropolitan Oakland, Metropolitan Government of Nashville & Davidson County; Pacifica, Pasadena, Petaluma, PSRC, Pierce County, City of Pittsburgh, Pima County, City of Portland, Central Puget Sound Regional Transit Authority/Sound Transit, /Ramsey County, Rochester, Rohnert Park, San Diego, City and County of San Francisco, San Francisco County Transportation, City of San Jose, County of Santa Clara, City of Santa Monica, San Mateo County, Santa Rosa, County of Sonoma, Snohomish County, Treasury Island Mobility Management Agency, City of Tuscon, City of Wilsonville, and Watsonville.<sup>245</sup>

### 3) What is the related challenged condition?

“The recipient or applicant will follow applicable federal laws pertaining to Subchapter 12, and be subject to the penalties set forth in 8 U.S.C. § 1324, Bringing in and harboring certain aliens, and 8 U.S.C. § 1327, Aiding or assisting certain aliens to enter.”<sup>246</sup>

### What is the status of the challenged condition?

The United States District Court for the Western District of Washington enjoined DOT from imposing or enforcing this condition or any materially similar terms or conditions on DOT funds awarded to Plaintiffs (identified below).<sup>247</sup>

The Plaintiffs are:

Alameda County, Albuquerque, Baltimore, Bellevue, Bellingham, City of Bend, City of Boston, Bremerton, City of Cambridge, City of Chicago, Dane County, City and County of Denver, City and County of Eugene, Healdsburg, Hennepin County, Intercity Transit (Thurston County, WA), Kitsap County, Los Angeles, Martin Luther King, Jr. County, Milwaukee, Milwaukee County, City of Minneapolis; Multnomah County, Metropolitan Oakland, Metropolitan Government of Nashville & Davidson County; Pacifica, Pasadena, Petaluma, PSRC, Pierce County, City of

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<sup>245</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)); [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>246</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)); at 47 [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et al. No. 25-3664 \(9th Cir. 2025\)](#)

<sup>247</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 47; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et al. No. 25-3664 \(9th Cir. 2025\)](#)

Pittsburgh, Pima County, City of Portland, Central Puget Sound Regional Transit Authority/Sound Transit, /Ramsey County, Rochester, Rohnert Park, San Diego, City and County of San Francisco, San Francisco County Transportation, City of San Jose, County of Santa Clara, City of Santa Monica, San Mateo County, Santa Rosa, County of Sonoma, Snohomish County, Treasury Island Mobility Management Agency, City of Tuscon, City of Wilsonville, and Watsonville.<sup>248</sup>

In addition to the above cases, DOT immigration-related conditions have been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [\*City of Chelsea v. Trump\*](#), No. 25-cv-10442 (D. Mass. Feb. 23, 2025), [Amended Complaint](#) (Dec. 18, 2025) (Docket #48)

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<sup>248</sup> [\*King County v. Turner\*](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) (Docket #169); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338); [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

## U.S. Department of Education (ED)

In this chapter, users will find: (A) relevant agency policies, guidance memos, and other grants-related guidance; and (B) an overview of challenged ED award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs), which are often called Notice Inviting Applications (NIAs) at the Education Department.

### **A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance**

- [February 14, 2025 “Dear Colleague” Letter Regarding Title VI of the Civil Rights Act of 1964](#)
- [“Clarification of Federal Public Benefits Under the Personal Responsibility and Work Opportunity Reconciliation Act”](#)

### **B. Challenged Award Conditions, Certifications, and/or NOFOs/NIAs**

The below section provides an overview of challenged ED award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For ED, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology
- Immigration

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if ED can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### ***Diversity, Equity, and Inclusion***

#### **Background**

ED has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

(i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>249</sup>

## **2) What is the challenged executive order?**

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

(A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and

(B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>250</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>251</sup>

Courts have, for the moment, enjoined ED from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to

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<sup>249</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>250</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>251</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106).

implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>252</sup>

In addition, the implementation and effectuation of EO 14173 has been challenged in the following cases, although there are not any injunctions or stays presently in effect from this case:

- [State of Minnesota v. Trump](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“. . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>253</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>254</sup>

### 4) What is the challenged policy?

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<sup>252</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>253</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>254</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106).

On February 14, 2025, ED published a “Dear Colleague” Letter<sup>255</sup> explaining the Trump-Vance administration’s positions with respect to diversity, equity, and inclusion (“DEI”) principles and federal antidiscrimination law after SFFA, and directed that schools at all levels should immediately eliminate perceived race-consciousness in all aspects of student, academic, and campus life, including in curriculum, or risk imminent consequences, such as losing federal funding.

### **What is the status of challenges to this policy?**

The February 14, 2025, [Dear Colleague Letter](#) has been vacated and set aside by the District Court for the District of Maryland.<sup>256</sup>

### **5) What is the certification requirement?**

April 3, 2025 Certification Requirement<sup>257</sup>

On April 3, 2025, ED advised state education agencies that they and every school district within them, local education agencies, must certify their compliance with the Trump-Vance administration’s interpretation of Title VI and SFFA. The [certification language](#) is as follows:

On behalf of [SEA/LEA], I acknowledge that I have received and reviewed this Reminder of Legal Obligations Undertaken in Exchange for Receiving Federal Financial Assistance and Request for Certification under Title VI and *SFFA v. Harvard*. I further acknowledge that compliance with the below and the assurances referred to, as well as this certification, constitute a material condition for the continued receipt of federal financial assistance, and therefore certify our compliance with the [below legal obligations](#).<sup>258</sup> (“April 3, 2025 Certification”)

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<sup>255</sup> [Letter](#) from Craig Trainor, Acting Assistant Sec’y for C.R., U.S. Dep’t of Educ., to Colleagues (Feb. 14, 2025).

<sup>256</sup> [American Federation of Teachers v. Dep’t of Educ.](#), No. 1:25-cv-00628 (D. Md. Aug. 14, 2025), [Order on Motion for Summary Judgment](#) (Aug. 14, 2025) (Docket #83 and #84); *see also* [National Education Association v. US Department of Educ., No. 1:25-cv-00091](#) (D.N.H. Feb. 25, 2025), [Order Granting Joint Motion to Dismiss](#) (Feb. 18, 2025) (Dockets # 99 and #100). (“The challenged Agency Actions [the February 14, 2025 Letter and April 3, 2025 Certification] have been vacated and set aside by the final judgment entered in *American Federation of Teachers, et al. v. United States Department of Education*, et al., No. 1:25-cv-00628 (“AFT”), and the vacatur and terms of the judgment in AFT apply to Plaintiffs).

<sup>257</sup> To implement the February 14, 2025 “[Dear Colleague](#)” Letter, ED launched the “EndDEI Portal” for “parents, students, teachers, and the broader community to submit reports of discrimination based on race or sex in schools.” Then, on March 1, 2025, ED announced the release of a Frequently Asked Questions Document, “Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act,” which was “intended to anticipate and answer questions that may be raised in response to [the DCL].” [U.S. Dep’t of Educ. Office for Civil Rights, Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act](#) (Feb. 28, 2025) (“FAQ”). Both the EndDEI Portal and FAQ page have been deemed to be vacated and set aside. *See* [National Education Association v. US Department of Educ.](#), No. 1:25-cv-00091 (D.N.H. Mar. 5, 2025), [Order Granting Joint Motion to Dismiss](#) (Feb. 3, 2026) (Dockets # 99 and #100); [National Association for the Advancement of Colored People v. U.S. Dep’t of Educ.](#), No. 1:25-cv-01120 (D.D.C. Apr. 15, 2025), [Order Granting Joint Motion to Dismiss](#) (Docket # 40).

<sup>258</sup> [State of New York v. Department of Education](#), No. 1:25-cv-11116 (D. Mass. Apr. 25, 2025), [Complaint Exhibit 1](#) (Docket # 1-1); *see also* Press Release, U.S. Dep’t of Educ., ED Requires K-12 School Districts to Certify Compliance with Title VI and *Students v. Harvard* as a Condition of Receiving Federal Financial Assistance (Apr. 3, 2025), <https://www.ed.gov/about/news/press-release/ed-requires-k-12-school-districts-certify-compliance-title-vi-and-students-v-harvard-condition-of-receiving-federal-financial-assistance>

Per ED, entities that did not comply with the April 3, 2025 Certification risked losing federal funding and incurring “substantial liabilities, including the potential initiation of litigation for breach of contract by the Department of Justice” and treble damages under the False Claims Act.<sup>259</sup>

### **What is the status of challenges to this certification requirement?**

The April 3, 2025 Certification Requirement has been vacated and set aside by the District Court for the District of Maryland,<sup>260</sup> which other courts have also recognized.<sup>261</sup> Therefore, ED cannot impose this certification requirement.

## *Gender Ideology*

### **Background**

ED has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### **1) What is the Executive Order?**

**Sections 3(e) and (g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government” seek to further the Trump-Vance administration’s attacks on so-called “Gender Ideology.” Section 3(g) directs that:**

“Federal funds shall not be used to promote gender ideology.”<sup>262</sup>

#### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined ED from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or

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<sup>259</sup> [State of New York v. Department of Education](#), No. 1:25-cv-11116 (D. Mass. Apr. 25, 2025), [Complaint Exhibit 1](#) (Docket # 1-1) at 3-4.

<sup>260</sup> [American Federation of Teachers v. Dep’t of Educ.](#), No. 1:25-cv-00628 (D. Md. Aug. 14, 2025), [Order on Motion for Summary Judgment](#) (Aug. 14, 2025) ([Docket #83](#)) a 4-5.

<sup>261</sup> See [State of New York v. Department of Education](#), No. 1:25-cv-11116 (D. Mass. Apr. 25, 2025), Order Granting [Joint Motion to Dismiss](#) (Dockets # 95 and # 96) (“The April 3 Agency Action has been vacated and set aside ... [and] creates no obligation, responsibility, or condition on any Plaintiff States (including their agencies, subdivisions, local education agencies, charter schools, and instrumentalities) in any manner.”); [National Education Association v. U.S. Dep’t of Educ.](#), No. 1:25-cv-00091 (D.N.H. Feb. 25, 2025), Order Granting Joint Motion to Dismiss (Feb. 18, 2025) (Dockets [# 99](#) and [#100](#)) (“The challenged Agency Actions [the February 14, 2025 Letter and April 3, 2025 Certification] have been vacated and set aside by the final judgment entered in *American Federation of Teachers, et al. v. United States Department of Education, et al.*, No. 1:25-cv-00628 (“AFT”), and the vacatur and terms of the judgment in AFT apply to Plaintiffs); [National Association for the Advancement of Colored People v. U.S. Dep’t of Educ.](#), No. 1:25-cv-01120 (D.D.C. Feb. 6, 2026), [Order Granting Joint Motion to Dismiss](#) (Docket # 40) (“The certification demand issued on April 3, 2025, will not be reinstated either in substance or under a different name.”).

<sup>262</sup> Exec. Order No. 14,168 § 3(g), 90 Fed Reg. 8615 (Jan. 20, 2025).

enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>263</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined ED from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>264</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>265</sup>

In addition, the implementation and effectuation of EO 14168 has been challenged in the following cases, although there are not any injunctions or stays presently in effect from these cases:

- [State of Minnesota v. Trump](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).
- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).
- [San Francisco AIDS Foundation v. Trump](#), 3:25-cv-01824.

## 2) What is the Executive Order?

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

### What is the status of challenges to this EO?

ED is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>266</sup>

## 3) What is the Executive Order?

**Section 3(b) of Executive Order No. 14201, “Keeping Men Out of Women’s Sports”** directs that:

“All executive departments and agencies (agencies) shall review grants to educational programs and, where appropriate, rescind funding to programs that fail to comply with the policy established in this order.”<sup>267</sup>

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<sup>263</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>264</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>265</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>266</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>267</sup> Exec. Order No. 14,201 § 3(b), 90 Fed Reg. 9279 (Feb. 5, 2025).

### **What is the status of challenges to this Executive Order?**

The implementation and effectuation of EO 14201 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [State of Minnesota v. Trump](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).

### **4) What is the challenged award condition?**

ED placed Alexandria City Public Schools, Arlington Public Schools, Fairfax County Public Schools, Loudoun County Public Schools, and Prince William County Public Schools, on “high risk” status with the condition that all federal funding flowing to these districts would be done by reimbursement only.<sup>268</sup> The stated rationale for ED’s designation is that the school districts allegedly violated Title IX by maintaining policies that permit students to access restrooms and locker rooms that align with their gender identity.<sup>269</sup>

### **What is the status of challenges to this award condition?**

Fairfax County Public Schools and Arlington Public Schools filed separate lawsuits, which were consolidated together, opposing the challenged award condition, but the award condition is still in effect for the moment, as the United States District Court for the Eastern District of Virginia denied Plaintiffs’ Emergency Motions for Preliminary Injunction on September 5, 2025.<sup>270</sup> An appeal is pending in the Fourth Circuit Court of Appeals.<sup>271</sup>

### **5) What is the challenged award condition?**

In January 2026, the Office for Civil Rights (“OCR”) at ED issued a Letter of Findings<sup>272</sup> that purported to find that San José State University (SJSU) violated Title IX by allowing a transgender woman to compete on its women’s volleyball team from 2022 to 2024 and allegedly threatened that unless SJSU agreed to make certain changes, including prohibiting “transgender women from competing in any women’s athletic program.”<sup>273</sup>

### **What is the status of challenges to this award condition?**

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<sup>268</sup> Office of Comm’ens & Outreach, *U.S. Department of Education Places Five Northern Virginia School Districts on High-Risk Status and Reimbursement Payment Status for Violating Title IX*, U.S. Dep’t of Educ. (Aug. 19, 2025), <https://tinyurl.com/26kzww3y>.

<sup>269</sup> *Fairfax County School Board v. McMahon*, No. 1:25-CV-01432 (E.D. Va.), [Complaint](#) (Docket #1) at ¶¶ 1-2; *Arlington School Board v. McMahon*, No. 1:25--cv-1434 (E.D. Va. Aug. 29, 2025), [Complaint](#) (Aug. 29, 2025) (Docket #1) at ¶¶ 1-2.

<sup>270</sup> *Fairfax County School Board v. McMahon*, No. 1:25-CV-01432 (E.D. Va. Aug. 29, 2025), [Order Denying Motion for Preliminary Injunction](#) (Sept. 5, 2025) (Docket # 28) (cases brought by Fairfax County and Arlington School Boards have been consolidated in the district court and on appeal).

<sup>271</sup> *Fairfax County School Board v. Linda McMahon*, 25-2087 (4th Cir. 2025 Sept. 11, 2025) (appeal pending).

<sup>272</sup> *Board of Trustees of the Cal. St. Univ. v. U.S. Dep’t of Educ.*, No. 5:26-cv-01970 (N.D. Cal. Mar. 6, 2026), [Complaint](#) (Docket # 1) at ¶ 5.

<sup>273</sup> *Board of Trustees of the Cal. St. Univ. v. U.S. Dep’t of Educ.*, No. 5:26-cv-01970 (N.D. Cal. Mar. 6, 2026), [Complaint](#) (Docket # 1) at ¶ 164.

While a lawsuit has been filed to challenge this award condition,<sup>274</sup> the award condition is, for the moment, not in effect as ED has not yet “determined to withhold . . . funds from SJSU or [California State University] and/or take any other action against SJSU or CSU that would withhold [] funding.”<sup>275</sup>

#### **6) What is the challenged award condition?**

ED notified the California Department of Education that it would risk losing all federal education funding for California if it did not comply with certain new conditions imposed by the Family Educational Rights and Privacy Act (FERPA), including among other things, that local education agencies disclose education records, and specifically records about their gender identity to a student’s parents where the parents have not made any request for education records. ED notified California that it would terminate all federal education funding for the state if it did not comply with these new conditions.<sup>276</sup>

#### **What is the status of challenges to this award condition?**

While a lawsuit has been filed challenging this award condition,<sup>277</sup> it is, for the moment, not in effect as ED has not yet made a determination as to whether the funds at issue will be withheld.<sup>278</sup>

### ***Immigration***

#### **Background**

ED has attempted to restrict certain services from being provided to non-U.S. citizens through imposing award conditions on grantees and subgrantees.

#### **Challenged Immigration-Related Policies and Executive Orders Impacting Department of Education Applicants and/or Grantees**

##### **1) What is the 2025 DOJ Order regarding the PRWORA (Personal Responsibility and Work Opportunity Reconciliation Act)?**

On July 11, 2025, ED published a Notice entitled “[Clarification of Federal Public Benefits Under the Personal Responsibility and Work Opportunity Reconciliation Act](#)” (“2025 ED Notice”) attempting to reverse “its longstanding view that PRWORA covers only postsecondary education benefits. Id. at 30,899. The ED notice now applies PRWORA to nearly all adult and youth education benefits except basic public education (citation omitted). Further, ED identified Title II of the Workforce Innovation and Opportunity Act (“WIOA”) and career and technical education programs under the Carl D. Perkins Career and Technical Education Act (“Perkins V”) as newly covered federal public benefits (citations omitted). The

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<sup>274</sup> See generally [Board of Trustees of the Cal. St. Univ. v. U.S. Dep’t of Educ.](#), No. 5:26-cv-01970 (N.D. Cal. Mar. 6, 2026).

<sup>275</sup> [Board of Trustees of the Cal. St. Univ. v. U.S. Dep’t of Educ.](#), No. 5:26-cv-01970 (N.D. Cal. Mar. 6, 2026), [Order on Stipulation](#) (Mar. 31, 2026) (Docket # 16) at ¶ 2.

<sup>276</sup> [State of Cal. v. U.S. Dep’t of Educ.](#), No. 3:26-cv-01259 (N.D. Cal. Feb. 11, 2026), [Complaint](#) (Docket #1).

<sup>277</sup> See generally [State of Cal. v. U.S. Dep’t of Educ.](#), No. 3:26-cv-01259 (N.D. Cal. Feb. 11, 2026), [Complaint](#) (Docket #1).

<sup>278</sup> [State of Cal. v. U.S. Dep’t of Educ.](#), No. 3:26-cv-01259 (N.D. Cal. Feb. 11, 2026), [Order Granting Stipulation](#) (Docket #20).

notice also narrowed the nonprofit verification exemption and provided that states remain responsible for ensuring compliance, even when services are provided by charitable nonprofits (citations omitted).<sup>279</sup>

### **What is the status of the challenged 2025 ED Notice?**

The U.S. District Court for the District of Rhode Island ordered that “Defendants, their employees, and anyone acting in concert with them, are and until further order of [the] Court shall remain enjoined from enforcing or implementing in the Plaintiff States [see below]” the ED PRWORA Notice.<sup>280</sup>

### **Plaintiff states are:**

State of Arizona, State of California, State of Colorado, State of Connecticut, State of Delaware, District of Columbia, State of Hawai'i, State of Illinois, State of Maine, State of Maryland, Commonwealth of Massachusetts, State of Michigan, State of Minnesota, State of Nevada, State of New Jersey, State of New Mexico, State of New York, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, and State of Wisconsin.<sup>281</sup>

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<sup>279</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Preliminary Injunction](#) (Sep. 30, 2025) (Docket #64) at 7.

<sup>280</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Preliminary Injunction](#) (Sep. 30, 2025) (Docket #64) at 59-60.

<sup>281</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Preliminary Injunction](#) (Sep. 30, 2025) (Docket #64) at 59-60.

## Environmental Protection Agency (EPA)

In this chapter, users will find an overview of challenged EPA award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged EPA award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For EPA, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if EPA can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Diversity, Equity, and Inclusion*

#### **Background**

EPA has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>282</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>283</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>284</sup>

Courts have, for the moment, enjoined EPA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>285</sup>

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<sup>282</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106).

<sup>283</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>284</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>285</sup> *City of Seattle v. Trump*, No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>286</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>287</sup>

### *Gender Ideology*

#### **Background**

EPA has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### 1) What is the Executive Order?

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>288</sup>

#### **What is the status of challenges to this EO?**

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<sup>286</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>287</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>288</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

Courts have, for the moment, enjoined EPA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>289</sup>

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<sup>289</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

## U.S. Department of Health and Human Services (HHS)

In this chapter, users will find: (A) relevant agency policy, guidance, letters, and other grants-related documents relevant to conditions; and (B) an overview of challenged HHS award conditions and certifications.

### **A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance**

- Health and Human Services
  - HHS Grants Policy Statement effective [October 1, 2025](#)
    - HHS Grants Policy Statement effective [April 16, 2025](#) (Archived)
    - HHS Grants Policy Statement effective [July 24, 2025](#) (Archived)
  - [Personal Responsibility and Work Opportunity Reconciliation Act of 1996 \(PRWORA\): Interpretation of ‘Federal Public Benefit’](#), 90 Fed. Reg. 31,232 (July 14, 2025)
- Administration for Children and Families (ACF)
  - [ACF FY25 Standard Terms and Conditions Effective May 9, 2025](#)
- Health Resources and Services Administration (HRSA)
  - [FY 2025 HRSA General Terms and Conditions](#) (July 25, 2025)
- Substance Abuse and Mental Health Administration (SAMHSA)
  - [SAMHSA FY25 Terms and Conditions](#)
  - [FY2025 SAMHSA NOFO Application Guide](#) (Apr. 9, 2025)
- Centers for Disease Control and Prevention (CDC)
  - [CDC General Terms and Conditions for Research Grants and Cooperative Agreements](#) (July 30, 2025)
  - [CDC General Terms and Conditions for Non-Research Grants and Cooperative Agreements](#) (July 30, 2025)

### **B. Challenged Award Conditions, Certifications, and/or NOFOs**

The below section provides an overview of challenged HHS award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For HHS, the challenged award conditions as of June 2026 include the following, organized by topic:

- Coercing Compliance with Executive Orders
- Diversity, Equity, and Inclusion & Diversity, Equity, and Inclusion Certification
- General Certification Compliance
- Gender Ideology
- Immigration

#### **Challenged Award Conditions by Grant Program / Funding Source:**

In addition, HHS has imposed certain grant conditions on specific grant programs. For these specific award conditions, the challenged certifications, conditions, or policies are listed under their respective grant program. For HHS, the challenged award conditions for specific grant programs include:

- Head Start
- Personal Responsibility Education Program (PREP) & Title V Sexual Risk Avoidance Program (SRAE)
- Teen Pregnancy Prevention Program (TPPP)

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if HHS can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Coercing Compliance with Executive Orders*

#### **Background**

HHS and its agencies—including the Administration for Children and Families (“ACF”), Health Resources and Services Administration (“HRSA”), National Institutes of Health (“NIH”), Substance Abuse and Mental Health Services Administration (“SAMHSA”), and the Centers for Disease Control and Prevention (“CDC”)—have attempted to enforce compliance with all Executive Orders by imposing an award condition on grantees.

#### **1) What are the challenged award conditions?**

HHS and its subagencies have included Executive Order Compliance conditions in general terms and conditions and NOFOs.

**Executive Order Compliance Conditions** have been imposed by using such language as:

“All activities proposed in your application and budget narrative must be in alignment with the current Executive Orders.”<sup>290</sup>

“Recipients are required to comply with all applicable Executive Orders.”<sup>291</sup>

“[HHS] grant recipients must comply with . . . applicable Executive Orders.”<sup>292</sup>

#### **What is the status of challenges to these HHS conditions?**

Courts have, for the moment, enjoined HHS from imposing conditions related to Executive Order Compliance as to specific grantees and their subgrantees.

As of August 12, 2025, HHS and its subagencies are “enjoined” from “imposing or enforcing” Executive Order Compliance conditions “or any materially similar terms or conditions at any stage of the grant-making process, including but not limited to in new grant applications, notices of funding availability or opportunity, certifications, grant agreements, or post-award submissions, as to any HHS funds awarded, directly or indirectly.” They also cannot require specified grantees or their subrecipients

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<sup>290</sup> See, e.g., [FY 2025 Substance Abuse and Mental Health Services Administration \(SAMHSA\) Notice of Funding Opportunity \(NOFO\) Application Guide](#) at 31, SAMHSA (Apr. 9, 2025).

<sup>291</sup> See, e.g., [Fiscal Year \(FY\) 2025 Standard Terms and Conditions](#) at 5, SAMHSA.

<sup>292</sup> See, e.g., [General Terms and Conditions for Research Grants and Cooperative Agreements](#) at 1, CDC (July 30, 2025); [General Terms and Conditions for Non-Research Grants and Cooperative Agreements](#) at 1, CDC (July 30, 2025)

to “make any ‘certification’ or other representation related to compliance with such terms or conditions.”<sup>293</sup> The Executive Order Compliance condition and any related certification cannot be imposed on the following recipients and their subrecipients:

**Counties:** Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County, Allegheny County, PA; Delaware County, PA; Thurston County, WA, Marin County, CA; Monroe County, NY; Sacramento County, CA; San Diego County, CA.

**Cities:** Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville, Berkeley, CA; Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ, Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.<sup>294</sup>

As of September 23, 2025, another court enjoined HHS and its subagencies from “imposing or enforcing” the Executive Order Compliance condition “or any materially similar terms or conditions with respect to any grants awarded” to the following parties. The court also enjoined HHS and its subagencies from “requiring the Plaintiffs to make any ‘certification’ or other representation related to compliance with such terms or conditions.”<sup>295</sup> This order applies to the following recipients and their subrecipients:

**County:** County of Marin, County of Sacramento, County of San Diego

**City:** City of Alameda, City of Redwood City

**Local Agency:** Home Forward, Housing Authority of Baltimore City, Housing Authority of the City of Los Angeles, Housing Authority of the City of Salem, Housing Authority of the City and County of San Francisco, Housing Authority of the County of San Diego, Los Angeles County Development Authority, Monroe County Airport Authority, San Diego Housing Commission<sup>296</sup>

### *Diversity, Equity, and Inclusion*

#### **Background**

HHS has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

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<sup>293</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 40.

<sup>294</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 6–7; [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Fourth Motion for Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381) at 11–12, 14–15.

<sup>295</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 36.

<sup>296</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 5, 36.

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

(i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>297</sup>

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined agency “from enforcing Executive Order 14151 section 2(b)(i)” and ordered that agency shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14151].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>298</sup>

In addition, the implementation and effectuation of certain provisions of EO 14151 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

### **2) What is the challenged executive order?**

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

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<sup>297</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>298</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#) (June 13, 2025) (Docket #87).

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.

**What is the status of challenges to this EO?**

Generally, Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>299</sup>

As detailed below, some courts have, for the moment, enjoined HHS from enforcing or implementing this Executive Order as to certain plaintiffs.

- For now, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of [this EO]” against Seattle.<sup>300</sup>
- Additionally, in a different case involving Head Start agencies, the U.S. District Court for the Western District of Washington prohibited HHS from enjoined from enforcing and/or implementing:
  - “The [March 14, 2025 Letter from ACF](#) on federal funding restrictions related to [DEI];<sup>301</sup>
  - “Any certifications or other representation related to the DEIA certification or other similar requirement;”<sup>302</sup>
  - “Any agency-wide directive, banning equality, inclusion and accessibility;”
  - “Any modification made to grant terms pursuant to the DEIA ban or similar language;”<sup>303</sup>

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<sup>299</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106) .

<sup>300</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>301</sup> [HHS Federal Funding Restrictions for Diversity, Equity and Inclusion Initiatives](#) (HHS clarification pursuant to [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025)

<sup>302</sup> [HHS Federal Funding Restrictions for Diversity, Equity and Inclusion Initiatives](#) (HHS clarification pursuant to [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025)

<sup>303</sup> [HHS Federal Funding Restrictions for Diversity, Equity and Inclusion Initiatives](#) (HHS clarification pursuant to [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025)

- “Any similar action implementing the restrictions on “diversity, equality, inclusion and accessibility” contained in Executive Orders No. 15,151 or No. 14,173.<sup>304</sup>

In addition, EO 14173 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [State of Minnesota v. Trump](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>305</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>306</sup>

### 4) What are the challenged HHS DEIA-related policies and grant conditions/certifications?

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<sup>304</sup> [HHS Federal Funding Restrictions for Diversity, Equity and Inclusion Initiatives](#) (HHS clarification pursuant to [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025))

<sup>305</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>306</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106).

HHS has attempted to implement the above Executive Orders and restrict certain diversity, equity, inclusion, and accessibility (“DEIA”)-related activities by imposing certification requirements and award conditions on grantees.

- A) [HHS Grants Policy Statement Effective July 24, 2025](#): HHS subsequently revised this provision of the HHS Grants Policy Statement “that no longer contains the anti-DEIA provision from the April 16 [Grants Policy Statement.]”<sup>307</sup>

“The recipient must ensure that subrecipients and contractors have filed the [Assurance of Compliance Form HHS 690].

By applying for or accepting federal funds from HHS, recipients certify compliance with all federal antidiscrimination laws and these requirements and that complying with those laws is a material condition of receiving federal funding streams. Recipients are responsible for ensuring subrecipients, contractors, and partners also comply.”<sup>308</sup>

- B) [HHS Grants Policy Statement Effective October 1, 2025](#): HHS again revised this provision of the HHS Grants Policy Statement:

“Domestic recipients, subrecipients, and contractors must file Form HHS 690, Assurance of Compliance] once with the HHS Office for Civil Rights (OCR)...The recipient must ensure that subrecipients and contractors have filed the form. By applying for or accepting federal funds from HHS, recipients certify compliance with all federal antidiscrimination laws and these requirements and that complying with those laws is a material condition of receiving federal funding streams. Recipients are responsible for ensuring subrecipients, contractors, and partners also comply....”<sup>309</sup>

This Grants Policy Statement applies to awards and award modifications that add funding made on or after October 01, 2025, which includes supplements to award, competing and non-competing continuations. This Grants Policy Statement applies to all HHS discretionary recipients, except for NIH, and the requirements flow down to subrecipients.

### **What is the status of challenges to these diversity, equity, and inclusion-related certification requirements?**

Several courts have, for now, blocked these certification requirements

The U.S. District Court for the Western District of Washington has, for the moment, “postponed” the “effective dates of the ‘DEIA ban’...[pursuant] to 5 U.S.C. § 705.<sup>310</sup> As relevant here and for the purposes of this 705 stay, the “DEIA ban” consists of the HHS April 16, 2025 Amended Grant Policy Statement

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<sup>307</sup> [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) (Docket #141) at 3.

<sup>308</sup> [HHS Grants Policy Statement Effective July 24, 2025](#) at p. 18-19.

<sup>309</sup> [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) (Docket #141) at 25.

<sup>310</sup> [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) (Docket #141) at 25.

and its “DEIA certification requirement.”<sup>311</sup> This means that generally this HHS policy and certification requirement are, for now, “not effective” and HHS cannot enforce them, regardless of the plaintiffs.

In a separate case, for now, the District Court for the Western District of Washington has enjoined HHS from “imposing or enforcing”<sup>312</sup> this certification “to the HHS Plaintiffs or their subrecipients” (defined below).<sup>313</sup>

**Counties:** Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County, Allegheny County, PA; Delaware County, PA; Thurston County, WA, Marin County, CA; Monroe County, NY; Sacramento County, CA; San Diego County, CA.

**Cities:** Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville, Berkeley, CA; Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ, Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.<sup>314</sup>

In a different case, for now, the District Court for the Northern District of California has “enjoined” HHS from “imposing or enforcing” this certification to the Plaintiffs in this case, as defined below.<sup>315</sup>

**Counties:** County of Marin, County of Sacramento, County of San Diego

**Cities:** City of Alameda, City of Redwood City

**Local Agencies:** Housing Authority of the City of Los Angeles, Housing Authority of the City and County of San Francisco, Housing Authority of Baltimore City, Home Forward, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, Monroe County Airport Authority<sup>316</sup>

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<sup>311</sup> [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025), [Order re: Plaintiffs’ Motions for Temporary Restraining Order and Preliminary Injunction](#) (Aug. 8, 2025) (Docket #95) at 1–2 (“The ‘DEIA ban’ consists of...[the March 14 DEI letter]...the April 16, 2025 amended Grants Policy Statement...[President Trump’s January 29, Executive Order]...and [President Trump’s January 31, 2025 Executive Order]”; [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) (Docket #141) at 15 (The Court specified “that the DEIA ban, consisting of the March 14 DEI Letter and the DEIA certification requirement, is final agency action.”)).

<sup>312</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 40.

<sup>313</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 40.

<sup>314</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 6–7; [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Fourth Motion for Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381) at 11-12, 14-15.

<sup>315</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 5, 36.

<sup>316</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 5, 36.

Finally, regarding the HHS [ACF Standard Terms and Conditions Effective May 9, 2025](#), for now, ACF has clarified that its certification is no longer in effect. On July 29, 2025, ACF updated its Standard Terms and Conditions to remove the “Civil Rights Assurance” term and condition. ACF has stipulated that the above civil rights assurance term and condition “does not apply to any ACF awards, including but not limited to: (1) awards made between May 8, 2025, and July 29, 2025; (2) awards that recipients accepted (by drawing funds or otherwise) between May 8, 2025, and July 29, 2025; (3) subawards on awards administered by ACF; and (4) awards of Family Violence Prevention and Services Act funds passed from ACF to grantees through state administrators.”<sup>317</sup>

### ***General Certification Compliance***

#### **Background & Certification Prohibition**

For now, at least two courts have enjoined HHS from “requiring the [named] Plaintiffs [in the respective cases, detailed below]... to make any ‘certification’ or other representation related to compliance with [HHS’] terms or conditions.”<sup>318</sup>

The U.S. District Court for the Western District of Washington State determined that, for now, HHS may not impose any further certification requirements on the following Plaintiffs:

**Counties:** Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County, Allegheny County, PA; Delaware County, PA; Thurston County, WA, Marin County, CA; Monroe County, NY; Sacramento County, CA; San Diego County, CA.

**Cities:** Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville, Berkeley, CA; Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ, Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.<sup>319</sup>

The U.S. District Court for Northern District of California determined that, for now, HHS may not impose any further certification requirements on the following Plaintiffs:

Housing Authority of the City of Los Angeles, Housing Authority of the City and County of San Francisco, Housing Authority of Baltimore City, Home Forward, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, Monroe County Airport Authority, County of San Diego, County of Marin, City of Redwood City, City of Alameda, County of Sacramento.<sup>320</sup>

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<sup>317</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy, Jr.](#), No. 25-cv-00342 (D.R.I. July 21, 2025), [Stipulation](#) (Aug. 8, 2025) (Docket #39) at 2.

<sup>318</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 36 (enjoining, for now, HUD from “requiring the Plaintiffs to make any ‘certification’ or other representation related to compliance with such terms for conditions”).

<sup>319</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 6–7; [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Fourth Motion for Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381) at 11-12, 14-15.

<sup>320</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 5, 36.

## *Gender Ideology*

### **Background**

HHS attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### **1) What are the challenged executive orders?**

Three anti-gender executive orders have been challenged.

##### **A) Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government” directs that:**

“Federal funds shall not be used to promote gender ideology.”<sup>321</sup>

#### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined HHS from enforcing or implementing this Executive Order as to certain plaintiffs.

On March 4, 2025, the U.S. District Court for the District of Maryland enjoined HHS and its subagencies from “conditioning, withholding or terminating federal funding under Section 3(g) of Executive Order 14,168 . . . based on the fact that a healthcare entity or health professional provides gender-affirming medical care to a patient under the age of nineteen.”<sup>322</sup>

This injunction applies nationwide to all healthcare entities or health professionals providing gender-affirming medical care to a patient under the age of nineteen.<sup>323</sup>

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined HHS “as well as any subagencies . . . and any officers, agents, servants, employees, or attorneys” of HHS “from enforcing Executive Order 14168 sections 3(e) and 3(g)” and ordered that HHS shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14168].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco

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<sup>321</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

<sup>322</sup> *PFLAG, Inc. v. Trump*, [No. 25-cv-00337](#) (D. Md. Feb. 4, 2025), [Order](#) (Mar. 4, 2025) (Docket #116) at 1–2.

<sup>323</sup> *PFLAG, Inc. v. Trump*, [No. 25-cv-00337](#) (D. Md. Feb. 4, 2025), [Memorandum Opinion](#) (Mar. 4, 2025) (Docket #115) at 61–65.

Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>324</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>325</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined HHS from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>326</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>327</sup>

In addition, the implementation and effectuation of EO 14168 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).
- [State of Minnesota v. Trump](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).

**B) Section 4 of Executive Order No. 14187, “Protecting Children from Chemical and Surgical Mutilation”**

Section 4 of the EO, titled “Defunding Chemical and Surgical Mutilation,” directs:

“The head of each executive department or agency (agency) that provides research or education grants to medical institutions, including medical schools and hospitals, shall, consistent with applicable law and in coordination with the Director of the Office of Management and Budget, immediately take appropriate steps to ensure that institutions receiving Federal research or education grants end the chemical and surgical mutilation of children.”<sup>328</sup>

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<sup>324</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#), (June 13, 2025) (Docket #87).

<sup>325</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>326</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>327</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>328</sup> [Exec. Order No. 14,187](#) § 4, 90 Fed Reg. 8771 (Jan. 28, 2025).

### What is the status of challenges to this EO?

Courts have, for the moment, enjoined HHS from enforcing or implementing this Executive Order as to certain plaintiffs.

On March 4, 2025, the U.S. District Court for the District of Maryland enjoined HHS and its subagencies from “conditioning, withholding or terminating federal funding under . . . Section 5 of Executive Order 14,187, based on the fact that a healthcare entity or health professional provides gender-affirming medical care to a patient under the age of nineteen.”<sup>329</sup>

This injunction applies nationwide to all healthcare entities or health professionals providing gender-affirming medical care to a patient under the age of nineteen.<sup>330</sup>

14,187 HHS is also enjoined from enforcing or implementing Section 4 of Executive Order within Colorado, Minnesota, Oregon, and Washington.<sup>331</sup>

C) **Section 3(b) of Executive Order No. 14201, “Keeping Men Out of Women’s Sports”** directs that:

“All executive departments and agencies (agencies) shall review grants to educational programs and, where appropriate, rescind funding to programs that fail to comply with the policy established in this order.”<sup>332</sup>

### What is the status of challenges to this Executive Order?

The implementation and effectuation of EO 14201 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [State of Minnesota v. Trump](#), No. 25-cv-01608 (D. Minn. Apr. 22, 2025), [Amended Complaint](#) (Dec. 2, 2025) (Docket #53).

### 2) What are the challenged award or federal funding conditions/certifications?

HHS has attempted to impose two anti-gender conditions/certifications or policies.

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<sup>329</sup> *PFLAG, Inc. v. Trump*, [No. 25-cv-00337](#) (D. Md. Feb. 4, 2025), [Order](#) (Mar. 4, 2025) (Docket #116) at 1–2.

<sup>330</sup> *PFLAG, Inc. v. Trump*, [No. 25-cv-00337](#) (D. Md. Feb. 4, 2025), [Memorandum Opinion](#) (Mar. 4, 2025) (Docket #115) at 61–65.

<sup>331</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>332</sup> Exec. Order No. 14,201 § 3(b), 90 Fed Reg. 9279 (Feb. 5, 2025).

- A) **Title IX Certification Requirement** in the October 1, 2025 HHS Grants Policy Statement,<sup>333</sup> HRSA Fiscal Year 2025 General Terms and Conditions<sup>334</sup> and the SAMHSA Fiscal Year 2025 Standard Terms and Conditions<sup>335</sup>:

By accepting this award, including the obligation, expenditure, or drawdown of award funds, recipients, whose programs, are covered by Title IX must certify as follows:

Recipient is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including the requirements set forth in Presidential Executive Order 14168 titled Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and Recipient will remain compliant for the duration of the Agreement.

The above requirements are conditions of payment that go [to] the essence of the Agreement and are therefore material terms of the Agreement.

Payments under the Agreement are predicated on compliance with the above requirements, and therefore Recipient is not eligible for funding under the Agreement or to retain any funding under the Agreement absent compliance with the above requirements.

Recipient acknowledges that this certification reflects a change in the government's position regarding the materiality of the foregoing requirements and therefore any prior payment of similar claims does not reflect the materiality of the foregoing requirements to this Agreement.

Recipient acknowledges that a knowing false statement relating to Recipient's compliance with the above requirements and/or eligibility for the Agreement may subject Recipient to liability under the False Claims Act, 31 U.S.C. § 3729, and/or criminal liability, including under 18 U.S.C. §§ 287 and 1001.

In addition, the ACF Fiscal Year 2025 Standard Terms and Conditions contain a nearly identical certification requirement.<sup>336</sup>

**What is the status of challenges to these HHS conditions and certifications?**

The U.S. District Court for the District of Rhode Island “preliminarily set[] aside” the Title IX Certification requirement, including as it has been incorporated in the following policies:

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<sup>333</sup> [HHS Grants Policy Statement](#), HHS (Oct. 1, 2025).

<sup>334</sup> [FY 2025 HRSA General Terms and Conditions](#) at 4, HRSA (published May 14, 2025, updated Sep. 30, 2025).

<sup>335</sup> [Fiscal Year \(FY\) 2025 Standard Terms and Conditions](#) at 8, SAMHSA.

<sup>336</sup> The ACF requirement does not explicitly reference Executive Order 14168 but is otherwise identical. [[Federal Fiscal Year 2025 Standard Terms and Conditions](#) at 6, ACF (published May 8, 2025)].

- The HHS Office of Grants Directive directing all HHS grant-awarding agencies to insert the Title IX Certification requirement in Notices of Awards,
- The October 1, 2025 HHS Grants Policy Statement,
- The ACF Standard Terms and Conditions,
- The HRSA General Terms and Conditions, and
- The SAMHSA Fiscal Year 2025 Standard Terms and Conditions<sup>337</sup>

HHS, ACF, HRSA, CDC, SAMHSA and any “other person in active concert or participation with those parties, are” preliminarily “enjoined from requiring any recipient or subrecipient to agree to, and from enforcing” the Title IX Certification Requirement “or any substantially similar” requirements.<sup>338</sup>

In addition, other courts have enjoined the implementation of the above conditions as applied to specific grantees and their subgrantees.

As of August 12, 2025, HHS and its subagencies are “enjoined” from “imposing or enforcing” the Title IX Certification Requirement “or any materially similar terms or conditions at any stage of the grant-making process, including but not limited to in new grant applications, notices of funding availability or opportunity, certifications, grant agreements, or post-award submissions, as to any HHS funds awarded, directly or indirectly.” They also cannot require specified grantees or their subrecipients to “make any ‘certification’ or other representation related to compliance with such terms or conditions.”<sup>339</sup> The Title IX Certification Requirement and any related certification cannot be imposed on the following recipients and their subrecipients:

**Counties:** Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County.

**Cities:** Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville.<sup>340</sup>

As of January 21, 2026, the court extended its injunction to include the following additional recipients and their subrecipients:

**Counties:** Allegheny County, PA; Delaware County, PA; Thurston County, WA.

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<sup>337</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy, Jr.](#), No. 25-cv-00342 (D.R.I. July 21, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) (Docket #77) at 32–33.

<sup>338</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy, Jr.](#), No. 25-cv-00342 (D.R.I. July 21, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) (Docket #77) at 32–33.

<sup>339</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 40.

<sup>340</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 6–7.

**Cities:** Berkeley, CA; Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ.<sup>341</sup>

As of September 23, 2025, another court enjoined HHS and its subagencies from “imposing or enforcing” the Title IX Certification Requirement “or any materially similar terms or conditions with respect to any grants awarded” to the following parties. The court also enjoined HHS and its subagencies from “requiring the Plaintiffs to make any ‘certification’ or other representation related to compliance with such terms or conditions.”<sup>342</sup> This order applies to the following recipients and their subrecipients:

**Counties:** Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA.

**Cities:** Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.<sup>343</sup>

In addition, the Gender Ideology conditions in the HHS Grants Policy Statement have been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [State of New York](#), No. 26-cv-00022 (D.R.I. Jan. 13, 2026), [Complaint](#) (Jan. 13, 2025) (Docket #1).

**B) “Safety, Effectiveness, and Personal Standards of Care for Sex-Rejecting Procedures on Children and Adolescents” (December 18, 2025)**

On December 18, 2025, HHS Secretary Robert F. Kennedy posted to the HHS website a “declaration” titled “Safety, Effectiveness, and Personal Standards of Care for Sex-Rejecting Procedures on Children and Adolescents.”<sup>344</sup> The declaration stated that “[s]ex-rejecting procedures for children and adolescents are neither safe nor effective as a treatment modality for gender dysphoria, gender incongruence, or other related disorders in minors, and therefore, fail to meet professional [sic] recognized standards of health care.”<sup>345</sup>

It then attempted to impose conditions that would exclude health care providers from federal funding programs, including Medicare and Medicaid:

“Under 42 U.S.C. § 1320a-7(b)(6)(B), the Secretary ‘may’ exclude individuals or entities from participation in any Federal health care program if the Secretary determines the individual or

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<sup>341</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Fourth Motion for Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381) at 11-12, 14-15.

<sup>342</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 36.

<sup>343</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 36.

<sup>344</sup> [Safety, Effectiveness, and Personal Standards of Care for Sex-Rejecting Procedures on Children and Adolescents](#), HHS (Dec. 18, 2025).

<sup>345</sup> [Safety, Effectiveness, and Personal Standards of Care for Sex-Rejecting Procedures on Children and Adolescents](#), HHS (Dec. 18, 2025) at 9.

entity has furnished or caused to be furnished items or services to patients of a quality which fails to meet professionally recognized standards of health care.”<sup>346</sup>

### **What is the status of challenges to these conditions?**

On April 18, 2026, the U.S. District Court for the District of Oregon held unlawful, set aside and vacated the Kennedy Declaration. The Kennedy Declaration, therefore, is no longer in effect.

In addition, the court permanently enjoined HHS “from initiating enforcement action, enforcing, implementing, giving intent to, or relying, in whole or in part, on the Kennedy Declaration—or any materially similar policy which supersedes or purports to supersede the professionally recognized standards of care for gender-affirming care that exist in the [following] States—agany any provider in the [following] States.”<sup>347</sup>

This injunction applies to: California, Colorado, Connecticut, Delaware, District of Columbia, Hawai’i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.<sup>348</sup>

## ***Immigration***

### **Background**

HHS has attempted to restrict certain services to non-U.S. citizens through imposing award conditions on grantees.

#### **1) What are the challenged conditions or issues?**

Two immigration-related conditions/issues have been challenged.

- A) **Immigration Enforcement Condition & Certification:** HHS has included the following immigration enforcement condition in various program NOFOs:

“Funds cannot be used to support or provide services, either directly or indirectly, to removable or illegal aliens.”<sup>349</sup>

### **What is the status of challenges to this HHS condition?**

Courts have, for the moment, enjoined HHS from imposing the above condition and requiring any related certifications as to specific grantees and their subgrantees.

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<sup>346</sup> [Safety, Effectiveness, and Personal Standards of Care for Sex-Rejecting Procedures on Children and Adolescents](#), HHS (Dec. 18, 2025) at 9.

<sup>347</sup> [Oregon v. Kennedy](#), No. 25-cv-02409 (D. Or. Dec. 23, 2025), [Judgment](#) (Apr. 18, 2026) (Docket #94) at 1–2; *see also id.*, [Opinion and Order](#) (Apr. 18, 2026) (Docket #93).

<sup>348</sup> [Oregon v. Kennedy](#), No. 25-cv-02409 (D. Or. Dec. 23, 2025), [Amended Complaint](#) (Jan. 6, 2026) (Docket #28) at 1.

<sup>349</sup> *See, e.g.*, [FY 2025 Substance Abuse and Mental Health Services Administration \(SAMHSA\) Notice of Funding Opportunity \(NOFO\) Application Guide](#), SAMHSA at 31 (Apr. 9, 2025).

As of August 12, 2025, HHS and its subagencies are “enjoined” from “imposing or enforcing” the Immigration Enforcement Condition “or any materially similar terms or conditions at any stage of the grant-making process, including but not limited to in new grant applications, notices of funding availability or opportunity, certifications, grant agreements, or post-award submissions, as to any HHS funds awarded, directly or indirectly.” They also cannot require specified grantees or their subrecipients to “make any ‘certification’ or other representation related to compliance with such terms or conditions.”<sup>350</sup> The Immigration Enforcement Condition and any related certification cannot be imposed on the following recipients and their subrecipients:

**Counties:** Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County.

**Cities:** Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville.<sup>351</sup>

As of January 21, 2026, the court extended its injunction to include the following additional recipients and their subrecipients:

**Counties:** Allegheny County, PA; Delaware County, PA; Thurston County, WA.

**Cities:** Berkeley, CA; Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ.<sup>352</sup>

As of September 23, 2025, another court enjoined HHS and its subagencies from “imposing or enforcing” the Immigration Enforcement Condition “or any materially similar terms or conditions with respect to any grants awarded” to the following parties. The court also enjoined HHS and its subagencies from “requiring the Plaintiffs to make any ‘certification’ or other representation related to compliance with such terms or conditions.”<sup>353</sup> This order applies to the following recipients and their subrecipients:

**Counties:** Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA.

**Cities:** Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.<sup>354</sup>

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<sup>350</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 40.

<sup>351</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 6–7.

<sup>352</sup> [King County v. Turner](#), No. 25-cv-814 (W.D. Wash. May 2, 2025), [Order Granting Plaintiffs’ Fourth Motion for Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381) at 11-12, 14-15.

<sup>353</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 36.

<sup>354</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 36.

## B) Personal Responsibility and Work Opportunity Reconciliation Act of 1996

On July 14, 2025, HHS published a Notice in the Federal Register, “[Personal Responsibility and Work Opportunity Reconciliation Act of 1996 \(PRWORA\); Interpretation of ‘Federal Public Benefit’](#),”<sup>355</sup> which tried to prevent undocumented individuals from accessing public benefits and require immigration status verification for access to a broad array of federally funded services. It also deemed the following 13 programs newly subject to PRWORA:

Title X Family Planning Program; Head Start; Title IV-E Educational and Training Voucher Program; Community Services Block Grant (CSBG); Health Center Program; Substance Use Prevention, Treatment, and Recovery Services Block Grant; Community Mental Health Services Block Grant; Projects for Assistance in Transition from Homelessness Grant Program; Certified Community Behavioral Health Clinics; Mental Health and Substance Use Disorder Treatment, Prevention, and Recovery Support Services Programs administered by the Substance Abuse and Mental Health Services Administration not otherwise covered by designated programs; Title IV-E Prevention Services Program; Title IV-E Kinship Guardianship Assistance Program; and Health Workforce Programs not otherwise covered by prior designated programs (including grants, loans, scholarships, payments, and loan repayments).<sup>356</sup>

### What is the status of challenges to this HHS policy?

As of September 11, 2025, a court ordered: “The effective date of implementation and enforcement of the HHS Immigrant Directive, U.S. Dep’t of Health & Hum. Servs., Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of ‘Federal Public Benefit,’ 90 Fed. Reg. 31232 (July 14, 2025), is STAYED until the Court can resolve Plaintiffs’ Second Amended Complaint on the merits.”<sup>357</sup>

In addition to this universal stay, other courts have stopped the implementation of the above conditions as applied to specific grantees and their subgrantees.

As of September 10, 2025, HHS, its employees, and “anyone acting in concert with them” are “ENJOINED from enforcing or implementing” the HHS PRWORA Notice 90 Fed. Reg. 31,232 (July 14, 2025) policy in the following states<sup>358</sup>:

Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawai’i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and Wisconsin.<sup>359</sup>

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<sup>355</sup> 90 Fed. Reg. 31,232 (July 14, 2025).

<sup>356</sup> *Id.* at 31,237.

<sup>357</sup> *Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program*, No. C25-781 (W.D. Wash. Apr. 25, 2025), [Order Granting Motion for Preliminary Injunction](#) (Sep. 11, 2025) (Docket #120) at 26.

<sup>358</sup> *State of New York v. U.S. Dep’t of Justice*, No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Memorandum and Order](#) (Sep. 10, 2025) (Docket #64) (“ORDERED that Defendants, their employees, and anyone acting in concert with them, are and until further order of this Court shall remain ENJOINED from enforcing or implementing in the Plaintiff States . . . 90 Fed. Reg. 31,232 (July 14, 2025) (‘HHS PRWORA Notice’).”).

<sup>359</sup> *Id.*; see also *State of New York v. U.S. Dep’t of Justice*, No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Amended Notice by Defendants](#) (Sep. 12, 2025) (Docket #66).

## *Head Start*

### **Background**

On March 14, 2025, the Administration for Children and Families (“ACF”) issued a letter to Head Start recipients stating that it would “not approve the use of federal funding for any training and technical assistance (TTA) or other program expenditures that promote or take part in diversity, equity, and inclusion (DEI) initiatives.”<sup>360</sup>

#### **1) What is the status of challenges to this condition?**

The U.S. District Court for the Western District of Washington has, for the moment, “postponed” the “effective dates of the March 14 DEI Letter pursuant to 5 U.S.C. § 705.”<sup>361</sup> This means that generally the HHS policies are, for now, “not effective” and HHS cannot enforce them.

### ***Personal Responsibility Education Program (PREP) & Title V Sexual Risk Avoidance Program (SRAE)***

### **Background**

In August 2025, HHS threatened to cut all funding to states for the Personal Responsibility Education Program (PREP) and the Sexual Risk Avoidance Education Program (SRAE), unless the states removed all references to inclusive gender identity from their programs.

#### **1) What are the challenged conditions?**

HHS attempted to impose these conditions in three ways: (1) through Notices of Awards (NOAs), (2) by issuing supplemental terms and conditions for PREP and SRAE awards, and (3) sending letters to states (“PREP Directive”).

##### **A) Notices of Awards for the 10/1/24–9/30/27 grant award periods for PREP and SRAE**

On August 6, 2025, HHS issued NOAs stating that “[r]ecipients are prohibited from including gender ideology in any program or service that is funded with this award.”<sup>362</sup> The terms and conditions of the NOAs state:

“The statutory authority for the . . . program under which this grant has been awarded . . . does not authorize teaching students that gender identity is distinct from biological sex or boys can identify as girls and vice versa, or that there is a vast spectrum of genders that are disconnected from one’s sex. Therefore, gender ideology is outside of the scope of the statutory authority for this award. In addition, any costs associated with gender ideology are not allowable expenditures of federal grant funds or maintenance-of-effort funds for

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<sup>360</sup> [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program](#), No. C25-781 (W.D. Wash. Apr. 25, 2025), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) (Docket #141) at 3.

<sup>361</sup> [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#), *Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program*, [No. C25-781](#), Dkt. 141 at 25 (W.D. Wash. Jan. 6, 2026).

<sup>362</sup> [State of Washington v. U.S. Dep’t of Health & Human Servs.](#), No. 25-cv-01748 (Sep. 26, 2025), [Plaintiffs States’ Motion for Preliminary Injunction](#) (Sep. 26, 2025) (Docket #2) at 11–12.

this grant because they are not necessary, reasonable, or allocable for the performance of this award. See 45 C.F.R. §§ 75.403-405”<sup>363</sup>

## **B) Supplemental Terms and Conditions for PREP and SRAE Awards**

On August 7, 2025, HHS issued supplemental terms and conditions for PREP and SRAE awards that attempted to prohibit grant recipients “from including gender ideology in any program or service that is funded with this award.” The supplemental terms and conditions were “effective immediately” and “supersede all previous similar T&Cs and will remain in effect until updated for subsequent awards.”<sup>364</sup>

## **C) [August 26, 2025 PREP Directive](#)**

On August 26, 2025, HHS ACF sent a letter to 46 state and territories stating that the state’s “current PREP curricula and program materials are out of compliance with the PREP statute and HHS regulations and must be modified” because the curriculum and materials include content about “gender ideology.” HHS claimed that “gender ideology is outside of the scope of the authorizing statute.”

It demanded that grantees “remove all content concerning gender ideology from its curricula, program materials and any other aspects of its program delivery within 60 days of receipt of this letter,” on or before October 27, 2025. And it threatened “additional enforcement action” should States fail to make these modifications. As possible enforcement actions, it noted that HHS could “withhold, disallow, suspend, or terminate Federal awards.”

The PREP Directive also identified certain curricula concerning “gender ideology” for each state with directions for each state to remove that specific information, as well as a broader direction that states eliminate “gender ideology” from their PREP “curricula, program materials and any other aspects of its program.”<sup>365</sup>

## **2) What is the status of challenges to these conditions?**

On October 27, 2025, the U.S. District Court for the District of Oregon enjoined HHS from doing the following, as to the Plaintiff states as listed below:

- A) “[I]mposing or enforcing” the above Gender Conditions “or any materially similar terms or conditions as to any PREP or SRAE funds awarded to Plaintiff States [as listed below], including any other terms or conditions that require Plaintiff States to remove “gender ideology,” as defined in PREP and SRAE NOAs, Supplemental T&Cs, and PREP Directive, from their PREP and SRAE curricula or that require Plaintiff States to remove gender identity references from that curricula;”

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<sup>363</sup> [State of Washington v. U.S. Dep’t of Health & Human Servs.](#), No. 25-cv-01748 (Sep. 26, 2025), [Plaintiffs States’ Motion for Preliminary Injunction](#) (Sep. 26, 2025) (Docket #2) at 11–12.

<sup>364</sup> [State of Washington v. U.S. Dep’t of Health & Human Servs.](#), No. 25-cv-01748 (Sep. 26, 2025), [Plaintiffs States’ Motion for Preliminary Injunction](#) (Sep. 26, 2025) (Docket #2) at 12.

<sup>365</sup> See, e.g., [Letter from Acting Assistant Secretary Andrew Gradison to Thomas Miller](#) (Aug. 26, 2025) at 1–4.

- B) “[R]escinding, withholding, cancelling, or otherwise not processing any PREP or SRAE Agreements, or pausing, freezing, impeding, blocking, cancelling, terminating, delaying, withholding, or conditioning PREP or SRAE funds, based on such terms or conditions, including without limitation failing or refusing to process and otherwise implement grants signed with changes or other objection to conditions enjoined by this preliminary injunction;” and
- C) Requiring the below states “to make any ‘certification’ or other representation related to compliance with such terms or conditions”<sup>366</sup>

The injunction applies to the following states: Colorado, Connecticut, Delaware, District of Columbia, Hawai’i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, Rhode Island, Washington, and Wisconsin.<sup>367</sup>

### ***Teen Pregnancy Prevention Program (TPPP)***

July 2, 2025 OASH Teen Pregnancy Prevention Program Policy Notice

#### **Background**

On July 2, 2025, HHS published a *OASH Teen Pregnancy Prevention Program Policy Notice*, which sought to impose new conditions on funding for the Teen Pregnancy Prevention Program (TPP).<sup>368</sup>

#### **1) What conditions does the Policy Notice impose?**

The Policy Notice codified a requirement that all TPP participants “align” their programs with “all current Presidential Executive Orders.”<sup>369</sup> The Policy Notice highlights five executive orders in particular:

- A) EO 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
- B) EO 14190, Ending Radical Indoctrination in K-12 Schooling
- C) EO 14187, Protecting Children from Chemical and Surgical Mutilation
- D) EO 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing
- E) EO 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity

The Policy Notice imposed five content mandates:

- A) **Anti-diversity, equity, and inclusion mandate**, which prohibits TPP programing from including “discriminatory equity ideology,” and “diversity, equity, or inclusion-related discrimination”
- B) **Anti-LGBTQ+ mandate**, which bans “gender ideology”
- C) **Anti-normalizing sex mandate**, which prohibits TPP programming from including any “sexually explicit content” or “content that encourages, normalizes, or promotes sexual activity for minors”

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<sup>366</sup> [\*State of Washington v. U.S. Dep’t of Health & Human Servs.\*](#), No. 25-cv-01748 (Sep. 26, 2025), [Opinion & Order](#) (Oct. 27, 2025) (Docket #81) at 76–77.

<sup>367</sup> [\*State of Washington v. U.S. Dep’t of Health & Human Servs.\*](#), No. 25-cv-01748 (Sep. 26, 2025), [Opinion & Order](#) (Oct. 27, 2025) (Docket #81) at 1.

<sup>368</sup> [OASH Teen Pregnancy Prevention Program Policy Notice: 2025 - 01](#), HHS (July 1, 2025).

<sup>369</sup> [OASH Teen Pregnancy Prevention Program Policy Notice: 2025 - 01](#), HHS (July 1, 2025).

- D) **Redefining of “medically accurate,”**
- E) **An opt-out requirement** that requires TPP programs to “provide parents advance notice . . . and the ability to opt out of any content or activities, especially those related to sexuality, that may burden their religious exercise.”<sup>370</sup>

## 2) What is the status of challenges to this Policy Notice?

On October 7, 2025, the U.S. District Court for the District of Columbia ordered that the “TPP Policy Notice is **VACATED**, and its application by defendants **ENJOINED**.”<sup>371</sup> The government did not appeal.

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<sup>370</sup> [OASH Teen Pregnancy Prevention Program Policy Notice: 2025 - 01](#), HHS (July 1, 2025).

<sup>371</sup> [Planned Parenthood of Greater New York v. U.S. Dep’t of Health & Human Services](#), No. 25-2453 (D.D.C. July 29, 2025), [Order](#) (Oct. 7, 2025) (Docket #31) at 1; *see also id.*, [Memorandum Opinion](#) (Oct. 7, 2025) (Docket #32).

## U.S. Department of Housing and Urban Development (HUD)

In this chapter, users will find: (A) relevant agency policies, guidance memos, and other grants-related guidance issued by the government; and (B) an overview of challenged HUD award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### **A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance**

- [April 4, 2025 HUD Letter](#)
- [“Sanctuary Jurisdiction Directives,” Bondi Memo, February 5, 2025](#)
- [General Administrative, National, and Department Policy Requirements and Terms for HUD’s Financial Assistance Programs](#)
- [HUD Applicant and Recipient Assurances and Certifications](#)

### **B. Challenged Award Conditions, Certifications, and/or NOFOs**

The below section provides an overview of challenged HUD award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For HUD, the challenged award conditions as of June 2026 include the following, organized by topic:

- Abortion
- Coercing Compliance with Executive Orders
- Diversity, Equity, and Inclusion
- False Claims Act Certification
- Gender Ideology
- Immigration

#### **Status of Select HUD Notices of Funding Opportunities (NOFOs)**

- Challenged Award Conditions Unique to Continuum of Care Competition and Youth Homeless Demonstration Program Grant FY 2025 NOFO

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if HUD can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

#### ***Abortion***

#### **Background**

Federal funds subject to the 1976 Hyde Amendment or similar provisions may not be used for abortions. The Hyde Amendment provisions, however, do not apply to HUD.<sup>372</sup> Through grant conditions, HUD has attempted to prohibit the use of HUD federal funding to “promote elective abortion,” per the award condition linked to below.

### 1) What is the award condition?

“[T]he recipient [shall] “not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment.”<sup>373</sup>

### What is the status of challenges to this award condition?

HUD is enjoined from imposing the abortion-related condition on any HUD Continuum of Care (CoC) grants and any other programs administered by the HUD Office of Community Planning and Development. In addition, the District of Rhode Island preliminarily set aside the [HUD’s policy](#) of imposing the abortion condition on any CoC grants and any other grants administered by the HUD Office of Community Planning and Development,<sup>374</sup> which includes [Community Development Block Grant \(CDBG\); Emergency Solutions Grants \(ESG\); the Home Investment Partnerships \(HOME\) program; and Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#).<sup>375</sup>

Additionally, the U.S. District Court for the Western District of Washington enjoined HUD<sup>376</sup>—and effectively their subgrantees—from imposing this condition on the following individual plaintiff local governments and other organization:

- A) **HUD CoC programs:** HUD is enjoined from imposing this CoC condition on recipients and subrecipients of CoC grants. The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing that condition.<sup>377</sup> Orders in two other cases also bar HUD from imposing the condition on individual plaintiff local organizations,<sup>378</sup> which are listed below:

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<sup>372</sup> The Hyde Amendment itself applies only to Health and Human Services funding. [Pub. L. No. 118-47, div. D, §§ 506, 507, 138 Stat. 460, 703](#) (Mar. 23, 2024).

<sup>373</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32; [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 12; [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4-5.

<sup>374</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#))

<sup>375</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32

<sup>376</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 12; [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 44-45; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 12.

<sup>377</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32, 34-35.

<sup>378</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28.

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.<sup>379</sup>

- B) **Other HUD programs:** Additionally, HUD is enjoined from imposing this General HUD condition on any recipient or subrecipient of any other grant administered by HUD's Office of Community Planning and Development.<sup>380</sup> Another court order also bars HUD from imposing this condition on individual plaintiff local organizations.<sup>381</sup>

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.<sup>382</sup>

- C) The U.S. District Court for the Northern District of California has prohibited HUD from enforcing this condition "against Plaintiffs who currently receive or actively seek grants from Defendants."<sup>383</sup> Plaintiffs include:

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<sup>379</sup> [\*King County v. Turner\*](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>380</sup> [\*Rhode Island Coalition Against Domestic Violence v. Kennedy\*](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 34-35.

<sup>381</sup> [\*King County v. Turner\*](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>382</sup> [\*King County v. Turner\*](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>383</sup> [\*City of Fresno v. Turner\*](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs' request to include additional

**Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.

**Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA; Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.<sup>384</sup>

D) HUD may not enforce this condition against the following Plaintiffs: Home Forward, Housing Authority of Baltimore City, Housing Authority of the City and County of San Francisco, Housing Authority of the City of Los Angeles, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, State of California.<sup>385</sup>

E) In addition, the implementation and effectuation of EO 14182 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

[\*State of Illinois v. United States Department of Housing and Urban Development\*](#), No. 3:26-cv-02262 (N.D. Cal. March 16, 2025), [Complaint](#) (Docket #1).

### *Coercing Compliance with Executive Orders*

#### **Background**

HUD has attempted to enforce compliance with current Executive Orders by entities outside of the executive branch by imposing an award condition on grantees.

#### **1) What are the grant conditions?**

##### **Compliance with Executive Orders**

A) **HUD CoC programs:** The 2025 HUD CoC grant condition provides that the “recipient or applicant agrees that use of Grant Funds and its operation of projects assisted with Grant Funds are governed by all Executive Orders.”<sup>386</sup>

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plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

<sup>384</sup> [\*City of Fresno v. Turner\*](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

<sup>385</sup> [Housing Authority of the County of San Diego v. Turner](#), 4:25-cv-08859, N.D. Cal. [Order Granting Motion for Temporary Restraining Order](#); (Oct. 18, 2025); and [Order Granting Preliminary Injunction](#) (Nov. 14, 2025).

<sup>386</sup> [\*Rhode Island Coalition Against Domestic Violence v. Kennedy\*](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32; [\*King County v. Turner\*](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 44-45; [\*City of Fresno v. Turner\*](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4-5.

- B) **All HUD programs:** A general HUD grant condition provides that the “recipient or applicant must comply with applicable existing and future Executive Orders, as advised by the Department, including but not limited to E.O. 14182, Enforcing the Hyde Amendment; Executive Order 13173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity; Executive Order 13168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government; and Executive Order 13151, Ending Radical and Wasteful Government DEI Programs and Preferencing.”<sup>387</sup>

### **What is the status of challenges to this award condition?**

**Generally:** The District of Rhode Island has preliminarily “enjoined [HUD] from requiring any recipient or subrecipient of any of the grants ... (i.e. Community of Care and any grantee administered by the HUD Office of Community Planning and Development) to agree...” to this condition.<sup>388</sup>

Additionally, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”<sup>389</sup> Plaintiffs are:

**Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.

**Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA; Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.<sup>390</sup>

**HUD CoC programs:** The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing on CoC grants the condition providing that the “recipient or applicant agrees that use of Grant Funds and its operation of projects assisted with Grant Funds are governed by all Executive Orders.”<sup>391</sup>

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<sup>387</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 46; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)).

<sup>388</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 34-35.

<sup>389</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

<sup>390</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

<sup>391</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 30-32.

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or members of the plaintiffs’ continuums of care).<sup>392</sup> HUD CoC Plaintiffs are:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson<sup>393</sup>

**All HUD programs administered by the HUD Office of Community Planning and Development:**

The District of Rhode Island has preliminarily enjoined HUD from imposing that condition on grants administered by the HUD Office of Community Planning and Development (and CoC grants).<sup>394</sup>

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or members of their continuums).<sup>395</sup> The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of

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<sup>392</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28.

<sup>393</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>394</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 30-32.

<sup>395</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28.

Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.<sup>396</sup>

### ***Diversity, Equity, and Inclusion***

#### **Background**

Some agencies have attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>397</sup>

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined the HUD “from enforcing Executive Order 14151 section 2(b)(i)” and ordered that the HUD shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14151].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma

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<sup>396</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>397</sup> In [Nat'l Ass'n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat'l Ass'n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>398</sup>

In addition, the implementation and effectuation of certain provisions of EO 14151 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>399</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>400</sup>

Courts have, for the moment, enjoined HUD from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

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<sup>398</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#) (June 13, 2025) (Docket #87).

<sup>399</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>400</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106) .

The injunction applies to **Seattle**.<sup>401</sup>

In addition, the implementation and effectuation of EO 14173 has been challenged in the following cases, although there are not any injunctions or stays presently in effect from this case:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>402</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>403</sup>

**Generally:** The District of Rhode Island has preliminarily enjoined HUD from enforcing, or “from requiring any recipient or subrecipient of any of the grants . . . (i.e. Community of Care and any grantee administered by the HUD Office of Community Planning and Development) to agree” to the condition requiring that the recipient “agrees that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the U.S. Government’s payment decisions for purposes of section

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<sup>401</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>402</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>403</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

3729(b)(4) of title 31, United States Code [and] ... certifies that it does not operate any programs that violate any applicable Federal antidiscrimination laws, including Title VI of the Civil Rights Act of 1964.”<sup>404</sup>

Additionally, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”<sup>405</sup> Plaintiffs are:

- **Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.
- **Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA, Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.<sup>406</sup>

**HUD CoC programs:** The District of Rhode Island has also preliminarily stayed HUD’s policy of requiring recipients of CoC grants (and grants administered by the HUD Office of Community Planning and Development) to agree that its compliance with anti-discrimination laws is material for False Claims Act purposes.<sup>407</sup>

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or members of their continuums).<sup>408</sup> HUD CoC Plaintiffs are:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.<sup>409</sup>

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<sup>404</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 34-35.

<sup>405</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4-5, 36; [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

<sup>406</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

<sup>407</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 30-32.

<sup>408</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13;

<sup>409</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff’s Third Motion for](#)

**All HUD programs administered by the HUD Office of Community Planning and Development:**<sup>410</sup>

The District of Rhode Island has also preliminarily stayed HUD's policy of requiring recipients of grants administered by the HUD Office of Community Planning and Development (and CoC grants) to agree that its compliance with anti-discrimination laws is material for False Claims Act purposes.<sup>411</sup>

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from "imposing or enforcing" this condition at any stage of the grantmaking process with respect to the named plaintiffs (or members of their continuums).<sup>412</sup> The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.<sup>413</sup>

Further, HUD may not enforce this condition against the following Plaintiffs: Home Forward, Housing Authority of Baltimore City, Housing Authority of the City and County of San Francisco, Housing Authority of the City of Los Angeles, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, State of California.<sup>414</sup>

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[Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381) at 13-14.

<sup>410</sup> U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\); Emergency Solutions Grants \(ESG\); the Home Investment Partnerships \(HOME\) program; Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

<sup>411</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) (Docket #77) at 30-32.

<sup>412</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 13.

<sup>413</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) (Docket #169); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>414</sup> [Housing Authority of the County of San Diego v. Turner](#), No. 4:25-cv-08859, (N.D. Cal. Oct. 15, 2025), [Order Granting Motion for Temporary Restraining Order](#); (Oct. 18, 2025) (Docket #19); and [Order Granting Preliminary Injunction](#) (Nov. 14, 2025) (Docket #33).

In addition, the implementation and effectuation of EO 14173 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [\*National Urban League v. Trump\*](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

#### 4) What is the award certification requirement?

In the [HUD Applicant and Recipient Assurances and Certifications](#), para. 6 (exp. Feb. 28, 2027) (“HUD’s Form HUD-424-B”), HUD requires that grantees certify that they “will not use Federal funding to promote diversity, equity, and inclusion (DEI) mandates, policies, programs, or activities that violate any applicable Federal antidiscrimination laws.”

#### What is the status of challenges to this award condition and certification?

**Generally:** The District of Rhode Island has preliminarily “enjoined [HUD] from requiring any recipient or subrecipient of any of the grants . . . (i.e. Community of Care and any grantee administered by the HUD Office of Community Planning and Development) to agree to, and from enforcing . . .” this condition and certification.<sup>415</sup>

Additionally, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”<sup>416</sup> Plaintiffs are:

**Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.

**Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA; Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.<sup>417</sup>

#### All HUD programs administered by the HUD Office of Community Planning and Development:<sup>418</sup>

The U.S. District Court for the District of Rhode Island preliminarily set aside HUD’s [policy](#) of imposing

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<sup>415</sup> [\*Rhode Island Coalition Against Domestic Violence v. Kennedy\*](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) (Docket #77) at 34-35.

<sup>416</sup> [\*City of Fresno v. Turner\*](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 4-5, 36; [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

<sup>417</sup> [\*City of Fresno v. Turner\*](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) (Docket #89) at 2-3.

<sup>418</sup> U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\)](#); [Emergency Solutions Grants \(ESG\)](#); [the Home Investment Partnerships \(HOME\) program](#); [Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

this condition on any “grants administered by the HUD Office of Community Planning and Development.”<sup>419</sup>

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).<sup>420</sup> The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Tacoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.<sup>421</sup>

### *False Claims Act Certification*

#### **Background**

Some agencies have attempted to impose a “False Claims Act Certification” that would require grantees to affirmatively certify that they acknowledge that compliance with various conditions is material to the government’s payments decisions—which increases the risk that grantees could be subject to later False Claims Act liability for alleged violations of those conditions.

#### **1) Am I required to sign the “False Claims Act Certification?”**

HUD has attempted to require all grantees to certify compliance with the [False Claims Act](#) by imposing an affirmative certification requirement.

#### **2) What is the certification requirement?**

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<sup>419</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) (Docket #77) at 31-32.

<sup>420</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) (Docket #1) at 28.

<sup>421</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381) at 13-14.

“The recipient “agrees that its compliance in all respects with all applicable Federal antidiscrimination laws is material to the U.S. Government’s payment decisions for purposes of section 3729(b)(4) of title 31, United States Code.”

### 3) What is the status of challenges to this certification requirement?

This certification currently does not apply to grants administered by the HUD Office of Community Planning and Development (CPD) Programs, which includes: all CoC programs; Community Development Block Grant (CDBG); Emergency Solutions Grants (ESG); HOME; Housing Opportunities for Persons with AIDS (HOPWA) grant programs.<sup>422</sup>

In addition to the general prohibition that HUD may not impose this certification requirement, as noted above, the United States District Court for the Northern District of California found that HUD may not enforce this condition against the following specific Plaintiffs

Home Forward, Housing Authority of Baltimore City, Housing Authority of the City and County of San Francisco, Housing Authority of the City of Los Angeles, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, State of California.<sup>423</sup>

## *Gender Ideology*

### **Background**

HUD has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

### 1) What is the Executive Order?

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>424</sup>

### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined HUD from enforcing or implementing this Executive Order as to certain plaintiffs.

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<sup>422</sup> [King County v. Turner](#), No. 2:25-cv-00814, (W.D. Wash. May 14, 2025) [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#), (August 12, 2025); [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#), (September 23, 2025); [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-003452; (D. RI. July 21, 2025), [Amended Memorandum and Order](#), p. 32, (Oct. 23, 2025); and nat

<sup>423</sup> [Housing Authority of the County of San Diego v. Turner](#), No. 4:25-cv-08859, N.D. Cal. [Order Granting Motion for Temporary Restraining Order](#); (Oct. 18, 2025); and [Order Granting Preliminary Injunction](#) at 5-9 (Nov. 14, 2025).

<sup>424</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined HUD “as well as any subagencies . . . and any officers, agents, servants, employees, or attorneys” of HUD “from enforcing Executive Order 14168 sections 3(e) and 3(g)” and ordered that HUD shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14168].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>425</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>426</sup>

In addition, the implementation and effectuation of EO 14168 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

## 2) What is the Gender-Ideology-related award condition?

The recipient shall not “use grant funds to promote ‘gender ideology,’ as defined in E.O. 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”<sup>427</sup>

### What is the status of challenges to this award condition?

- **Generally:** The District of Rhode Island has preliminarily enjoined HUD from enforcing, or “requiring any recipient or subrecipient of . . . [Continuum] of Care Grants and any grant administered by the HUD Office of Community Planning and Development) to agree” to, this condition.<sup>428</sup>

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<sup>425</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#), (June 13, 2025) (Docket #87).

<sup>426</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>427</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) (Docket #77) at 30-31.

<sup>428</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) (Docket #77) at 34-35.

Additionally, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”<sup>429</sup> Plaintiffs are:

**Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.

**Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA; Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.<sup>430</sup>

- **HUD CoC programs:** The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing this condition on CoC grants (and grants administered by the HUD Office of Community Planning and Development).<sup>431</sup>

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).<sup>432</sup> HUD CoC Plaintiffs are:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.<sup>433</sup>

- **All HUD programs administered by the HUD Office of Community Planning and Development:**<sup>434</sup>

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<sup>429</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for a preliminary injunction to stay unlawful agency action by Defendants.) that would have enjoined the Defendants the Defendants all action related to this unlawful condition) at 18-19.

<sup>430</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) (Docket #45) at 4-5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

<sup>431</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) (Docket #77) at 30-31.

<sup>432</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13, 44-45.

<sup>433</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) (Docket #169) at 8; [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381) at 13-14.

<sup>434</sup> U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\)](#));

The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing that condition on grants administered by the HUD Office of Community Planning and Development (and CoC grants).<sup>435</sup>

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).<sup>436</sup> The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.<sup>437</sup>

In addition, the implementation and effectuation of EO 14168 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [State of Illinois v. United States Department of Housing and Urban Development](#), No. 3:26-cv-02262 (N.D. Cal. March 16, 2025), [Complaint](#) (Docket #1).

## ***Immigration***

### **Background**

HUD has attempted to restrict certain services from being provided to non-U.S. citizens through imposing award conditions on grantees and subgrantees.

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[Emergency Solutions Grants \(ESG\); the Home Investment Partnerships \(HOME\) program; Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

<sup>435</sup> [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) (Docket #77) at 31.

<sup>436</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 13.

<sup>437</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) (Docket #169); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) (Docket #338) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) (Docket #381) at 13-14.

**1) What are the relevant Executive Orders and DOJ policies regarding “Anti-Sanctuary Jurisdiction” efforts that impact HUD grants, and what is the status of challenges to these EOs and policies?**

As the U.S. District Court for the Northern District of California noted: “Shortly after taking office in 2025, President Trump issued Executive Orders 14,149 (‘Protecting the American People Against Invasion’) (‘EO 14,149’) and 14,218 (‘Ending Taxpayer Subsidization of Open Borders’) (‘EO14,218’) . . . EO 14,159 directs the United States Attorney General and the . . . Department of Homeland Security (‘DHS’) Secretary to withhold federal funds from ‘sanctuary jurisdictions,’ cities and counties that limit the use of local resources to enforce federal immigration law. EO 14,218 directs every federal agency to ensure that ‘federal payments’ to localities do not ‘by design or effect’ ‘abet so called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.’”<sup>438</sup> On February 5, 2025, former Attorney General Bondi released a “Sanctuary Jurisdictions Directive” Memorandum (“Bondi Directive”) “along with various memoranda and public comments about the orders and their force, provide a clear picture of what jurisdictions qualify, and of [these two EOs] intended purpose: to end or severely curtail federal funding for cities, counties and states that the Trump administration deems to be sanctuary jurisdictions.”<sup>439</sup> Cities, counties, states and other plaintiffs have challenged these EOs and the Bondi Directive “to the extent that they mandate the withholding of the Cities and Counties’ federal funding because they are sanctuary jurisdictions.”<sup>440</sup>

**2) What are the challenged provisions of the related-Executive Orders, Bondi Directive, and HUD April 4, 2025 Letter?**

- A) Executive Order 14159, “Protecting the American People Against Invasion.”<sup>441</sup> “The first sentence of [Section 17 of Executive Order 14159](#)”<sup>442</sup>

**Sec. 17. Sanctuary Jurisdictions.** The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction's practices that interfere with the enforcement of Federal law.<sup>443</sup>

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<sup>438</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 1-2; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>439</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 1; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

<sup>440</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 2; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>441</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443 (Jan. 29, 2025).

<sup>442</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225).

<sup>443</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, § 17, (Jan. 29, 2025).

- B) [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders:](#)”<sup>444</sup> “Section 2(a)(ii) of Executive Order 14,218”<sup>445</sup>

**Sec. 2. Preserving Federal Public Benefits.** (a) To prevent taxpayer resources from acting as a magnet and fueling illegal immigration to the United States, and to ensure, to the maximum extent permitted by law, that no taxpayer-funded benefits go to unqualified aliens, the head of each executive department or agency (agency) shall: . . . .

(ii) ensure, consistent with applicable law, that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called “sanctuary” policies that seek to shield illegal aliens from deportation . . . .<sup>446</sup>

- C) [Attorney General Pam Bond Memorandum, “Sanctuary Jurisdiction Directives,”](#) (DOJ February 5, 2025).

**Preamble, Sec. 1:** “In furtherance of that objective, the Department of Justice will ensure that, consistent with law, ‘sanctuary jurisdictions’ do not receive access to Federal funds from the Department. Consistent with applicable statutes, regulations, court orders, and terms, the Department of Justice shall pause the distribution of all funds until a review has been completed, terminate any agreements that are in violation of law or are the source of waste, fraud, or abuse, and initiate clawback or recoupment procedures, where appropriate...(FN omitted).”

- D) [Executive Order 14,287, “Protecting American Communities from Criminal Aliens”](#)<sup>447</sup>

**Sec. 3 . Consequences for Sanctuary Jurisdiction Status.** (a) With respect to sanctuary jurisdictions that are designated under section 2(a) of this order, the head of each executive department or agency (agency), in coordination with the Director of the Office of Management and Budget and as permitted by law, shall identify appropriate Federal funds to sanctuary jurisdictions, including grants and contracts, for suspension or termination, as appropriate.

(b) With respect to jurisdictions that remain sanctuary jurisdictions after State or local officials are provided notice of such status under section 2(b) of this order and yet remain in defiance of Federal law, the Attorney General and the Secretary of Homeland Security shall pursue all necessary legal remedies and enforcement measures to end these violations and bring such jurisdictions into compliance with the laws of the United States.<sup>448</sup>

- E) [April 4, 2025 Letter from HUD Secretary Scott Turner \(“April 4, 2025 HUD Letter”\)](#)

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<sup>444</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, § 17, (Jan. 29, 2025).

<sup>445</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025) at 6, [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) (Docket #111); [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) (Docket #126), [Order Clarifying April 2025 Preliminary Injunction](#) (May 9, 2025) (Docket #136), [Order Regarding Disputes Over the Propriety of Standard Conditions](#) (June 23, 2025) (Docket #147); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) (Docket #225) at 6.

<sup>446</sup> [Exec. Order No. 14218](#), 90 Fed. Reg. 10581, § 2(ii) (Feb. 19, 2025).

<sup>447</sup> [Exec. Order No. 14287](#), 90 Fed. Reg. 18761 (Apr. 28, 2025).

<sup>448</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Aug. 22, 2025), [Order Clarifying Preliminary Injunction](#) (N.D. Cal. May 9, 2025) (Docket #136) at 3.

“[I] directed HUD senior leadership to review our programs and institute mechanisms that can ensure that HUD programs are compliant with” Executive Order [14,218].<sup>449</sup>

### 3) What is the challenged award condition?

#### **Compliance with Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended ([8 U.S.C. §§ 1601-1646](#)) (PRWORA).**

“Subject to the exceptions provided by the [Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (‘PRWORA’), the recipient must use SAVE, or an equivalent verification system approved by the Federal government, to prevent any Federal public benefit from being provided to an ineligible alien who entered the United States illegally or is otherwise unlawfully present in the United States.”<sup>450</sup>

#### **What is the status of challenges to this award condition?**

- **Generally:** For now, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”<sup>451</sup> Plaintiffs are:
  - **Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.
  - **Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA, Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.<sup>452</sup>
- **HUD CoC programs:** For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).<sup>453</sup> HUD CoC Plaintiffs are:

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<sup>449</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Aug. 22, 2025), [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 7.

<sup>450</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 8, 44-46; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #46](#)) at 3.

<sup>451</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) at 4-5, 36 (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

<sup>452</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

<sup>453</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13, 44-45.

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.<sup>454</sup>

- **All HUD programs administered by the HUD Office of Community Planning and Development:**<sup>455</sup> For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).<sup>456</sup> The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.<sup>457</sup>

#### 4) What is the award condition?

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<sup>454</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 45; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>455</sup> U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\)](#); [Emergency Solutions Grants \(ESG\)](#); [the Home Investment Partnerships \(HOME\) program](#); [Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

<sup>456</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28.

<sup>457</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

**HUD CoC Programs:** “No state or unit of general local government that receives funding under this grant may use that funding in a manner that by design or effect facilitates the subsidization or promotion of illegal immigration or abets policies that seek to shield illegal aliens from deportation.”<sup>458</sup>

**Community Development Block Grant (“CDBG”) Programs:** “(7) If applicable, no state or unit of general local government that receives funding under this grant may use that funding in a manner that by design or effect facilitates the subsidization or promotion of illegal immigration or abets policies that seek to shield illegal aliens from deportation.”<sup>459</sup> (“CDBG Condition 7”).

**What is the status of challenges to this condition and [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders](#)?”<sup>460</sup>?**

- **Generally:** The U.S. District Court for the Northern District of California, for now, has enjoined the federal agency HUD from enforcing [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders](#).”<sup>461</sup> “Section 2(a)(ii) of Executive Order 14218,”<sup>462</sup> which “imposes immigration-related conditions upon grants... for the purpose of coercing sanctuary jurisdictions into modifying their policies to conform with federal ones.”<sup>463</sup>

Additionally, in the same case, the Court, for now, enjoined HUD from imposing CDBG Condition 7 on Plaintiff organizations and HUD “may not deny plaintiffs [provided below] federal funding for CDBG grants based on the implementation of condition 7....”<sup>464</sup>

Plaintiff Cities and Counties are:

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<sup>458</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 8; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 3; [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 6.

<sup>459</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Aug. 22, 2025), [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 12.

<sup>460</sup> Exec. Order No. 14159, 90 Fed. Reg. 8443, § 17, (Jan. 29, 2025).

<sup>461</sup> [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, § 17, (Jan. 29, 2025).

<sup>462</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025) at 6, [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)); [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) ([Docket #126](#)), [Order Clarifying April 2025 Preliminary Injunction](#) (May 9, 2025) ([Docket #136](#)), [Order Regarding Disputes Over the Propriety of Standard Conditions](#) (June 23, 2025) ([Docket #147](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 6, 14.

<sup>463</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 14.

<sup>464</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 14.

County of Alameda, City of Albany, City of Albuquerque, Allegheny County, Pennsylvania, Mayor and City of Baltimore, City of Bend, City of Benicia, City of Berkeley, City of Boston, City of Cambridge, City of Cathedral City, City of Chicago, City of Columbus, City of Culver City, County of Dane, City and County of Denver, City of Emeryville, City of Healdsburg, County of Hennepin, City of Los Angeles, County of Marin, "Martin Luther King, Jr. County", City of Menlo Park, City of Minneapolis, County of Monterey, Multnomah County, City of New Haven, City of Oakland, City of Pacifica, City of Palo Alto, City of Petaluma, Pierce County, City of Portland, City of Richmond, City of Rochester, City of Rohnert Park, City of Sacramento, City & County of San Francisco, City of San Diego, City of San José, San Mateo County, County of Santa Clara, City of Santa Cruz, City of Santa Fe, City of Santa Rosa, City of Seattle, County of Sonoma, City of St. Paul, City of Watsonville, City of Wilsonville.<sup>465</sup>

In a separate case, for now, the Additionally, the U.S. District Court for the Northern District of California has also also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”<sup>466</sup> Plaintiffs are:

- **Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.
- **Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA, Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.<sup>467</sup>
- **HUD CoC programs:** For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).<sup>468</sup> HUD CoC Plaintiffs are:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los

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<sup>465</sup> [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 5-6; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) ([Docket #126](#)); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) ([Docket #136](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 1-2.

<sup>466</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

<sup>467</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

<sup>468</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13, 44-45.

Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.<sup>469</sup>

- **All HUD programs administered by the HUD Office of Community Planning and Development:**<sup>470</sup> For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).<sup>471</sup> The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.<sup>472</sup>

- **Select states:** HUD has agreed not to enforce and apply in Plaintiff states (identified below) the “HUD PRWORA Notice” (Nov. 26, 2025). Defendants have also agreed that regardless of the outcome of the litigation, HUD will never enforce or in any way apply the HUD PRWORA Notice, including the interpretation of PRWORA expressed in that Notice.<sup>473</sup> Plaintiff states, which includes “their subdivisions and instrumentalities,” are:

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<sup>469</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 45; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>470</sup> U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\)](#); [Emergency Solutions Grants \(ESG\)](#); [the Home Investment Partnerships \(HOME\) program](#); [Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

<sup>471</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28.

<sup>472</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>473</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. June 21, 2025), [Stipulation](#) (April 3, 2026) ([Docket #102](#)) at 1-2.

State of Arizona; State of California; State of Colorado; State of Connecticut; State of Delaware; District of Columbia; State of Hawai‘i; State of Illinois; State of Maine; State of Maryland; Commonwealth of Massachusetts; State of Michigan; State of Minnesota; State of Nevada; State of New Jersey; State of New Mexico; State of New York; State of Oregon; State of Rhode Island; State of Vermont; State of Washington; State of Wisconsin.<sup>474</sup>

## 5) What is the award condition?

### SAVE Verification

“Unless excepted by PRWORA, the recipient or applicant must use SAVE, or an equivalent verification system approved by the Federal government, to prevent any Federal public benefit from being provided to an ineligible alien who entered the United States illegally or is otherwise unlawfully present in the United States.”<sup>475</sup>

### What is the status of challenges to this condition?

**HUD CoC programs:** For now, HUD is enjoined from imposing this CoC condition on individual plaintiff local entities, which are:<sup>476</sup> King County, Pierce County, Snohomish County, City and County of San Francisco, Santa Clara County, Boston, Columbus, and New York City, Metropolitan Government of Nashville & Davidson County (“Nashville”), Pima County, Cambridge, San Jose, Pasadena, Tucson, King County Regional Homelessness Authority located in King County, Washington (“King County RHA”), Santa Monica Housing Authority, California (“Santa Monica HA”), Alameda County, Albuquerque, Baltimore, Columbus, Dane County, Hennepin County, Milwaukee, Multnomah County, Oakland, Petaluma, Ramsey County, San Mateo County, and Sonoma County, Allegheny County, Pennsylvania, City of Berkeley, California, City of Cincinnati, Ohio, Delaware County, Pennsylvania, Los Angeles Homeless Services Authority, City of Spokane, Washington,<sup>477</sup> and Housing Authority of the City of Los Angeles, Housing Authority of the City and County of San Francisco, Housing Authority of Baltimore City, Home Forward, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, Monroe County Airport Authority, County of San Diego, County of Marin, City of Redwood City, City of Alameda, County of Sacramento.<sup>478</sup>

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<sup>474</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. June 21, 2025), [Stipulation](#) (April 3, 2026) ([Docket #102](#)).

<sup>475</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 20.

<sup>476</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28.

<sup>477</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at Appendix I; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at Appendix I.

<sup>478</sup> [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #46](#)).

**All HUD programs administered by the HUD Office of Community Planning and Development:**<sup>479</sup>

For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).<sup>480</sup> The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.<sup>481</sup>

**Select states:** Additionally, HUD has agreed that it “will never enforce or in any way apply, in Plaintiff States [identified below] any grant conditions purporting to require verification of immigration status pursuant to PRWORA for any HUD program newly interpreted by HUD in the HUD PRWORA Notice to fall within PRWORA’s definition of ‘Federal public benefit’...”<sup>482</sup> Plaintiff states, which includes “their subdivisions and instrumentalities,” are:

State of Arizona; State of California; State of Colorado; State of Connecticut; State of Delaware; District of Columbia; State of Hawai‘i; State of Illinois; State of Maine; State of Maryland; Commonwealth of Massachusetts; State of Michigan; State of Minnesota; State of Nevada; State of New Jersey; State of New Mexico; State of New York; State of Oregon; State of Rhode Island; State of Vermont; State of Washington; State of Wisconsin.<sup>483</sup>

In addition to the above cases, HUD immigration-related conditions have been challenged in the following cases, although there are not any injunctions or stays presently in effect from these cases:

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<sup>479</sup> U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\)](#); [Emergency Solutions Grants \(ESG\)](#); [the Home Investment Partnerships \(HOME\) program](#); [Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

<sup>480</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28.

<sup>481</sup> [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

<sup>482</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. June 21, 2025), [Stipulation](#) (April 3, 2026) ([Docket #102](#)) at 1-2.

<sup>483</sup> [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. June 21, 2025), [Stipulation](#) (April 3, 2026) ([Docket #102](#)).

- [City of Chelsea v. Trump](#), No. 25-cv-10442 (D. Mass. Feb. 23, 2025), [Amended Complaint](#) (Dec. 18, 2025) (Docket #48).
- [State of Illinois v. United States Department of Housing and Urban Development](#), No. 3:26-cv-02262 (N.D. Cal. March 16, 2025), [Complaint](#) (Docket #1).

### Status of Select HUD Notices of Funding Opportunities (NOFOs)

Courts have issued different restrictions on three of HUD’s Notices of Funding Opportunities (NOFOs).

- HUD is prohibited from making awards under the CoC Builds NOFO it issued on September 5, 2025.<sup>484</sup>
- The FY 2025 CoC and Youth Homeless Demonstration Program NOFO is stayed and enjoined (see below for discussion of enjoined conditions specific to the FY 2025 CoC and Youth Homeless Demonstration Program NOFO). HUD will noncompetitively renew all existing grants expiring in 2026.<sup>485</sup>
- On June 22, 2026, Plaintiffs filed a proposed supplemental complaint in *National Alliance to End Homelessness v. HUD* asking the court to stop HUD’s Fiscal Year 2026 notice of funding opportunity for FY 2026 Continuum of Care grants that repeats legal flaws that the court previously prevented HUD from enforcing, including imposing currently stayed grant conditions.<sup>486</sup>

#### *Continuum of Care Competition and Youth Homeless Demonstration Program Grant FY 2025 NOFO*

The United States District Court for the District of Rhode Island stayed and preliminarily enjoined specific conditions in the Continuum of Care Competition and Youth Homeless Demonstration Program Grant FY 2025 NOFO (“FY 2025 CoC NOFO”).<sup>487</sup> Pursuant to the Preliminary Injunction, HUD may not impose the following conditions:

- **“Cap on Funding of Permanent Housing Projects:** ‘[N]o more than 30 percent of a CoC’s Annual Renewal Demand (ARD) under this NOFO will fund Permanent Housing projects, including PH-PSH, PH-RRH and Joint TH and PH-RRH projects.’
- **Awarding Points for Requiring Participants to Enroll in Services:** ‘[P]rogram participants are required to take part in [substance abuse treatment] services as a condition of continued participation in the program,’ “the requirement for participation in substance abuse treatment,” and “the proposed project will require program participants to take part in supportive services (e.g. case management, employment training, substance use treatment).’
- **Tier 1 Cap of 30 Percent:** ‘Tier 1 is set at 30 percent of the CoC’s Annual Renewal Demand (ARD).’

<sup>484</sup> [National Alliance to End Homelessness v. Turner](#), No. 1:25-cv-00447 (D.R.I. Sep. 11, 2025), [Memorandum and Order](#) (March 31, 2026) ([Docket #31](#)).

<sup>485</sup> [National Alliance to End Homelessness v. HUD](#), No. 1:25-cv-00636 (D.R.I. Dec. 1, 2025), [Order for Relief Under 5 U.S.C. § 705 and for Preliminary Injunction](#) (Dec. 23, 2025) ([Docket #52](#)); [Defendants’ Notice and Status Update](#) (April 24, 2026) ([Docket # 85](#)) at 1-2.

<sup>486</sup> [National Alliance to End Homelessness v. HUD](#), No. 1:25-cv-00636 (D.R.I. Dec. 1, 2025), [\[Proposed\] First Supplemental Complaint for Declaratory and Injunctive Relief](#) (June 22, 2026) ([Docket #97](#)).

<sup>487</sup> [National Alliance to End Homelessness v. HUD](#), No. 1:25-cv-00636 (D.R.I. Dec. 1, 2025), [Order for Relief Under 5 U.S.C. § 705 and for Preliminary Injunction](#) (Dec. 23, 2025) ([Docket #52](#)).

- **Prohibition or Restriction on Applicants Who Recognize the Existence of Transgender, Gender Non-Conforming, and Intersex Individuals:** ‘Awards made under this NOFO will not be used to . . . conduct activities that rely on or otherwise use a definition of sex as other than binary in humans’ and ‘HUD reserves the right to reduce or reject a project application [if there is] evidence that the project has previously or currently . . . conduct[ed/s] activities that rely on or otherwise use a definition of sex other than as binary in humans.’
- **Disadvantaging Programs that Provide Services for Mental and Substance-Abuse-Derived Disabilities:** ‘[S]erve . . . individuals with a physical disability/impairment or a developmental disability . . . not including substance abuse disorder’ and favors units that “will prioritize these populations.’
- **‘Public Safety’ Requirements:** ‘CoCs must’ cite ‘state or local law(s) that cover the CoC’s entire geographic area’ that prohibit ‘public illicit drug use’ and ‘public camping or loitering’ and cite state and local protocols that enforce these prohibitions; ‘CoCs must’ demonstrate utilization of standards like ‘involuntary commitment’; ‘CoCs must’ indicate that the state implements and is compliant with the registration and notification obligations of the Sex Offender Registry and Notification Act; and ‘CoCs must’ assist law enforcement in checking the location of homeless sex offenders, and cooperate with law enforcement in connecting violators of public camping or drug laws with services.’
- **Partnering with Law Enforcement:** ‘[P]artner with first responders and law enforcement’ to increase housing and services engagement.
- **Assisting with Federal Immigration Enforcement:** ‘[V]oluntarily, thoroughly, and demonstrably facilitat[ing] immigration status verification before distribution of benefits to all recipients” using the SAVE database.’
- **Reducing Number of Homeless Encampments:** ‘[R]eduction in the number of encampments or the number of people residing in encampments by at least 20%.’
- **DEI-Related Conditions:** . . . HUD can reject an application if ‘the project has previously or currently conducts activities that subsidize or facilitate racial preferences or other forms of illegal discrimination.’
- **Harm Reduction Conditions:** Applicants must ‘certify affirmatively’ that they ‘will not operate drug injection sites or ‘safe consumption sites,’ knowingly distribute drug paraphernalia on or off of property under their control, permit the use or distribution of illicit drugs on property under their control, or conduct any of these activities under the pretext of ‘harm reduction’; HUD can reject applicants based on ‘evidence that the project operates drug injection sites or ‘safe consumption sites,’ knowingly distributes drug paraphernalia on or off property under their control, permits the use or distribution of illicit drugs on property under their control, or conducts any of these activities under the pretext of ‘harm reduction.’”
- **Retroactive “Risk Review” Catchall:** ‘Before making an award, HUD will evaluate each applicant’s . . . [h]istory of subsidizing or facilitating activities that conflict with the purposes of this NOFO.’<sup>488</sup>

## National Archives and Records Administration (NARA)

<sup>488</sup> [National Alliance to End Homelessness v. HUD](#), No. 1:25-cv-00636 (D.R.I. Dec. 1, 2025), [Order for Relief Under 5 U.S.C. § 705 and for Preliminary Injunction](#) (Dec. 23, 2025) ([Docket #52](#)); [Appendix A: Challenged Conditions](#) (Dec. 23, 2025) ([Docket #52](#)).

In this chapter, users will find an overview of challenged NARA award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### **A. Challenged Award Conditions, Certifications, and/or NOFOs**

The below section provides an overview of challenged NARA award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For NARA, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if NARA can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### ***Diversity, Equity, and Inclusion***

#### **Background**

NARA has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined NARA “from enforcing Executive Order 14151 section 2(b)(i)” and ordered that NARA shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14151].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>489</sup>

In addition, the implementation and effectuation of certain provisions of EO 14151 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

- [\*National Urban League v. Trump\*](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>490</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>491</sup>

Courts have, for the moment, enjoined NARA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

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<sup>489</sup> [\*San Francisco AIDS Foundation v. Trump\*](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#) (June 13, 2025) (Docket #87).

<sup>490</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>491</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106) .

The injunction applies to **Seattle**.<sup>492</sup>

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“. . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>493</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>494</sup>

## *Gender Ideology*

### **Background**

NARA has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### 1) What is the Executive Order?

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

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<sup>492</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>493</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>494</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

“Federal funds shall not be used to promote gender ideology.”<sup>495</sup>

### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined NARA from enforcing or implementing this Executive Order as to certain plaintiffs.

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined NARA “as well as any subagencies . . . and any officers, agents, servants, employees, or attorneys” of NARA “from enforcing Executive Order 14168 sections 3(e) and 3(g)” and ordered that NARA shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14168].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>496</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>497</sup>

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<sup>495</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

<sup>496</sup> *San Francisco AIDS Foundation v. Trump*, No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#), (June 13, 2025) (Docket #87).

<sup>497</sup> *City of Seattle v. Trump*, No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

## National Aeronautics and Space Administration (NASA)

In this chapter, users will find an overview of challenged NASA award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged NASA award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For NASA, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if NASA can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Diversity, Equity, and Inclusion*

#### **Background**

NEA has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>498</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>499</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>500</sup>

Courts have, for the moment, enjoined NEA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>501</sup>

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<sup>498</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>499</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>500</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>501</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>502</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>503</sup>

## *Gender Ideology*

### **Background**

NASA has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### 1) What is the Executive Order?

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>504</sup>

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<sup>502</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>503</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>504</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

## **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined NASA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>505</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined NASA from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>506</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>507</sup>

## **2) What is the executive order?**

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

## **What is the status of challenges to this EO?**

NASA is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>508</sup>

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<sup>505</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>506</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>507</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>508</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

## National Endowment for the Arts (NEA)

In this chapter, users will find an overview of challenged NEA award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged NEA award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For NEA, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if NEA can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Diversity, Equity, and Inclusion*

#### **Background**

NEA has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>509</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>510</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>511</sup>

Courts have, for the moment, enjoined NEA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>512</sup>

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<sup>509</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>510</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>511</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>512</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>513</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>514</sup>

### *Gender Ideology*

#### **Background**

NEA has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### 1) What is the Executive Order?

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>515</sup>

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<sup>513</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>514</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>515</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

## **What is the status of challenges to this EO?**

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined NEA “as well as any subagencies . . . and any officers, agents, servants, employees, or attorneys” of NEA “from enforcing Executive Order 14168 sections 3(e) and 3(g)” and ordered that NEA shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14168].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>516</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>517</sup>

## **2) What is the executive order-related award condition?**

Consistent with Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to Federal Government,” NEA intended to disfavor grant applications that “promote gender ideology.”

### **What is the status of challenges to this award condition?**

As discussed above, the U.S. District Court for the Western District of Washington enjoined enforcement of Section 3(g) of Executive Order 14168 by all agencies as it applies to Seattle. Therefore, NEA is enjoined from enforcing this condition on Seattle.

Additionally, on September 19, 2025, the U.S. District Court for the District of Rhode Island granted in part Plaintiffs’ motion for summary judgment. Per this Order, NEA is enjoined from applying a viewpoint-based standard of review to Plaintiffs that disfavors applications deemed “to promote gender ideology.” In the same Order, the Court also vacated and set aside NEA’s plan to implement Executive Order 14168.<sup>518</sup> This case is currently pending appeal in the First Circuit.

This order applies to National Queer Theater; Rhode Island Latino Arts; Theatre Communications Group; and The Theater Offensive.

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<sup>516</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#), (June 13, 2025) (Docket #87).

<sup>517</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>518</sup> [Rhode Island Latino Arts v. National Endowment for the Arts](#), [Order Granting in Part and Denying in Part Motion for Summary Judgment](#), 1:25-cv-00079, (D. R.I., September 19, 2025).

## National Endowment for the Humanities (NEH)

In this chapter, users will find an overview of challenged NEH award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged NEH award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For NEH, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if NEH can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Diversity, Equity, and Inclusion*

#### **Background**

NEH has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>519</sup>

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined agency “from enforcing Executive Order 14151 section 2(b)(i)” and ordered that agency shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14151].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>520</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>521</sup>

### What is the status of challenges to this EO?

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>522</sup>

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<sup>519</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>520</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#) (June 13, 2025) (Docket #87).

<sup>521</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>522</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

Courts have, for the moment, enjoined NEH from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>523</sup>

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“. . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>524</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>525</sup>

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<sup>523</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>524</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>525</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

## *Gender Ideology*

### **Background**

NEH has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### **1) What is the Executive Order?**

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>526</sup>

#### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined NEH from enforcing or implementing this Executive Order as to certain plaintiffs.

On June 13, 2025, the U.S. District Court for the Northern District of California enjoined NEH “as well as any subagencies . . . and any officers, agents, servants, employees, or attorneys” of NEH “from enforcing Executive Order 14168 sections 3(e) and 3(g)” and ordered that NEH shall not “[c]ondition or withhold any federal funding or contract eligibility based on Plaintiffs’ compliance with [Executive Order 14168].”

This injunction applies to Baltimore Safe Haven Corp.; Bradbury-Sullivan LGBT Community Center; FORGE, Inc.; Gay Lesbian Bisexual Transgender Historical Society; Los Angeles LGBT Center; Lesbian and Gay Community Services, Inc. d/b/a The LGBT Community Center; Prisma Community Care; San Francisco Aids Foundation; Asian and Pacific Islander Wellness Center, Inc. d/b/a San Francisco Community Health Center.<sup>527</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>528</sup>

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<sup>526</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

<sup>527</sup> [San Francisco AIDS Foundation v. Trump](#), No. 25-cv-01824 (N.D. Cal. Feb 20, 2025), [Preliminary Injunction Order](#), (June 13, 2025) (Docket #87).

<sup>528</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

## National Science Foundation (NSF)

In this chapter, users will find an overview of challenged NSF award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged NSF award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For NSF, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if NSF can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

#### *Diversity, Equity, and Inclusion*

#### **Background**

NSF has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion -related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>529</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>530</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>531</sup>

Courts have, for the moment, enjoined NSF from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>532</sup>

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<sup>529</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>530</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>531</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>532</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>533</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>534</sup>

## *Gender Ideology*

### **Background**

NSF has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### **1) What are the challenged executive orders?**

Two anti-gender executive orders have been challenged:

**A) Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

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<sup>533</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>534</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

“Federal funds shall not be used to promote gender ideology.”<sup>535</sup>

### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined NSF from enforcing or implementing this Executive Order as to certain plaintiffs.

On March 4, 2025, the U.S. District Court for the District of Maryland enjoined HHS and its subagencies from “conditioning, withholding or terminating federal funding under Section 3(g) of Executive Order 14,168 . . . based on the fact that a healthcare entity or health professional provides gender-affirming medical care to a patient under the age of nineteen.”<sup>536</sup>

This injunction applies nationwide to all healthcare entities or health professionals providing gender-affirming medical care to a patient under the age of nineteen.<sup>537</sup>

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>538</sup>

### **B) Section 4 of Executive Order No. 14187, “Protecting Children from Chemical and Surgical Mutilation”**

Section 4 of the EO, titled “Defunding Chemical and Surgical Mutilation,” directs:

“The head of each executive department or agency (agency) that provides research or education grants to medical institutions, including medical schools and hospitals, shall, consistent with applicable law and in coordination with the Director of the Office of Management and Budget, immediately take appropriate steps to ensure that institutions receiving Federal research or education grants end the chemical and surgical mutilation of children.”<sup>539</sup>

### **What is the status of challenges to this EO?**

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<sup>535</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

<sup>536</sup> *PFLAG, Inc. v. Trump*, [No. 25-cv-00337](#) (D. Md. Feb. 4, 2025), [Order](#) (Mar. 4, 2025) (Docket #116) at 1–2.

<sup>537</sup> *PFLAG, Inc. v. Trump*, [No. 25-cv-00337](#) (D. Md. Feb. 4, 2025), [Memorandum Opinion](#) (Mar. 4, 2025) (Docket #115) at 61–65.

<sup>538</sup> *City of Seattle v. Trump*, No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>539</sup> [Exec. Order No. 14,187](#) § 4, 90 Fed Reg. 8771 (Jan. 28, 2025).

Courts have, for the moment, enjoined NSF from enforcing or implementing this Executive Order as to certain plaintiffs.

On March 4, 2025, the U.S. District Court for the District of Maryland enjoined HHS and its subagencies from “conditioning, withholding or terminating federal funding under . . . Section 5 of Executive Order 14,187, based on the fact that a healthcare entity or health professional provides gender-affirming medical care to a patient under the age of nineteen.”<sup>540</sup>

This injunction applies nationwide to all healthcare entities or health professionals providing gender-affirming medical care to a patient under the age of nineteen.<sup>541</sup>

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<sup>540</sup> *PFLAG, Inc. v. Trump*, [No. 25-cv-00337](#) (D. Md. Feb. 4, 2025), [Order](#) (Mar. 4, 2025) (Docket #116) at 1–2.

<sup>541</sup> *PFLAG, Inc. v. Trump*, [No. 25-cv-00337](#) (D. Md. Feb. 4, 2025), [Memorandum Opinion](#) (Mar. 4, 2025) (Docket #115) at 61–65.

## Office of the Director of National Intelligence (ODNI)

In this chapter, users will find an overview of challenged ODNI award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged ODNI award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For ODNI, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if ODNI can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

#### *Diversity, Equity, and Inclusion*

#### **Background**

ODNI has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>542</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>543</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>544</sup>

Courts have, for the moment, enjoined ODNI from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>545</sup>

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<sup>542</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>543</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>544</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>545</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>546</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>547</sup>

### *Gender Ideology*

#### **Background**

ODNI has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### 1) What is the Executive Order?

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>548</sup>

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<sup>546</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>547</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>548</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

## **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined ODNI from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>549</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined NASA from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>550</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>551</sup>

## **2) What is the executive order?**

Executive Order 14,187 – Protecting Children From Chemical and Surgical Mutilation

## **What is the status of challenges to this EO?**

ODNI is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>552</sup>

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<sup>549</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>550</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>551</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>552</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

## Small Business Administration (SBA)

In this chapter, users will find an overview of challenged SBA award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged SBA award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For SBA, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if SBA can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Diversity, Equity, and Inclusion*

#### **Background**

SBA has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>553</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>554</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>555</sup>

Courts have, for the moment, enjoined the SBA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>556</sup>

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<sup>553</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>554</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>555</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>556</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>557</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>558</sup>

### *Gender Ideology*

#### **Background**

SBA has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### 1) What is the Executive Order?

**Sections 3(e) and (g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government” seek to further the Trump-Vance administration’s attacks on so-called “Gender Ideology.” Section 3(g) directs that:**

“Federal funds shall not be used to promote gender ideology.”<sup>559</sup>

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<sup>557</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>558</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>559</sup> Exec. Order No. 14,168 § 3(g), 90 Fed Reg. 8615 (Jan. 20, 2025).

## **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined SBA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>560</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined SBA from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>561</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>562</sup>

## **2) What is the executive order?**

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

## **What is the status of challenges to this EO?**

SBA is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>563</sup>

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<sup>560</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>561</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>562</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>563</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

## U.S. Agency for International Development (USAID)

In this chapter, users will find an overview of challenged USAID award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged USAID award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For USAID, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if USAID can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Diversity, Equity, and Inclusion*

#### **Background**

USAID has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>564</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>565</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>566</sup>

Courts have, for the moment, enjoined USAID from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>567</sup>

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<sup>564</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>565</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>566</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>567</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>568</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>569</sup>

## *Gender Ideology*

### **Background**

USAID has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### 1) What is the Executive Order?

**Section 3(g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** directs that:

“Federal funds shall not be used to promote gender ideology.”<sup>570</sup>

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<sup>568</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>569</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>570</sup> Exec. Order No. 14,168 § 3(e), (g), 90 Fed Reg. 8615 (Jan. 20, 2025).

## **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined USAID from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>571</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined NASA from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>572</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>573</sup>

## **2) What is the executive order?**

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

## **What is the status of challenges to this EO?**

NASA is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>574</sup>

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<sup>571</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>572</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>573</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>574</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

## U.S. Department of Agriculture (USDA)

In this chapter, users will find: (A) relevant agency policies, guidance memos, and other grants-related guidance; and (B) an overview of challenged USDA award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### **A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance**

- Secretary Directives and Memorandums
  - [Directive 1078-001](#): Anti-Diversity, Equity, Inclusion, and Accessibility Memorandum from Secretary Rollins (February 13, 2025)
  - [EO Memorandum](#) from Secretary Rollins (March 13, 2025)
  - [Directive 1078-021](#): Establishment of USDA General Terms and Conditions for Grants, Cooperative Agreements, and Similar Arrangements (December 31, 2025)
- Terms and Conditions
  - [General Terms and Conditions for Federal Awards](#) (December 31, 2025)
  - [General Terms and Conditions for Mutual Interest Agreements](#) (December 31, 2025)

### **B. Challenged Award Conditions, Certifications, and/or NOFOs**

The below section provides an overview of challenged USDA award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For USDA, the challenged award conditions as of June 2026 include the following, organized by topic:

- Coercing Compliance with Executive Orders
- Diversity, Equity, and Inclusion
- Gender Ideology
- Immigration

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if USDA can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

#### ***Coercing Compliance with Executive Orders***

##### **Background**

USDA has attempted to enforce compliance with all current Executive Orders by entities outside of the executive branch by imposing an award condition on grantees.

##### **1) What is the challenged award condition?**

On December 31, 2025, USDA implemented General Terms and Conditions for federal awards<sup>575</sup> and mutual interest agreements.<sup>576</sup> Section 13 requires that:

USDA must comply with Executive Orders (EOs) and other Presidential Actions. When incorporated into Federal awards, the recipient must comply with EOs or Presidential Actions, as well as USDA awarding agency policies and regulations.

Additionally, section 13 expressly incorporated the following EOs:

- A) EO 14168: Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
- B) EO 14173: Ending Illegal Discrimination and Restoring Merit-Based Opportunity
- C) EO 14201: Keeping Men Out of Women’s Sports
- D) EO 14218: Ending Taxpayer Subsidization of Open Borders

### **What is the status of challenges to this award condition?**

A Motion for Preliminary Injunction to block the condition is currently pending in the U.S. District Court for the District of Massachusetts.<sup>577</sup>

## *Diversity, Equity, and Inclusion*

### **Background**

NEA has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

### **What is the status of challenges to this EO?**

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<sup>575</sup> [General Terms and Conditions for Federal Awards](#), USDA (Dec. 31, 2025).

<sup>576</sup> [General Terms and Conditions for Mutual Interest Agreements](#), USDA (Dec. 31, 2025).

<sup>577</sup> [Commonwealth of Massachusetts v. U.S. Dep’t of Agriculture](#), No. 26-cv-11396 (D. Mass. Mar. 23, 2026), [Motion for Preliminary Injunction](#) (Mar. 30, 2026) (Docket #42).

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>578</sup>

In addition, the implementation and effectuation of certain provisions of EO 14151 has been challenged in the following cases, which do not have any injunctions or stays presently in effect:

- [\*National Urban League v. Trump\*](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>579</sup>

### What is the status of challenges to this EO?

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>580</sup>

Courts have, for the moment, enjoined NEA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and

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<sup>578</sup> In [\*Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump\*](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [\*Nat’l Ass’n. of Diversity Officers in Higher Educ. v. Trump\*](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>579</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>580</sup> In [\*Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump\*](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [\*Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump\*](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>581</sup>

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>582</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>583</sup>

#### **What is the EO-related condition or certification?**

On December 31, 2025, USDA implemented General Terms and Conditions for federal awards<sup>584</sup> and mutual interest agreements.<sup>585</sup> Section 12.2 requires that:

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<sup>581</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>582</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>583</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

<sup>584</sup> [General Terms and Conditions for Federal Awards](#), USDA (Dec. 31, 2025).

<sup>585</sup> [General Terms and Conditions for Mutual Interest Agreements](#), USDA (Dec. 31, 2025).

The recipient must comply, and certifies that it will comply, with all applicable Federal antidiscrimination laws, regulations, and policies for the duration of the Federal award, to include the following without limitation:

1. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq.;
2. Presidential Executive Order 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government;
3. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and applicable implementing regulations at 7 CFR part 15, subpart A;
4. Presidential Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity; and
5. Age Discrimination Act of 1975 (42 U.S.C. §§ 6101 et seq.).

By accepting the award, the recipient certifies that it does not, and will not during the term of the award, operate any programs that advance or promote DEI in violation of Federal anti-discrimination laws. The recipient must include the provisions of this clause in all subawards and contracts awarded under the Federal award.

The above requirements are conditions of payment that go to the essence of the Federal award, and they are therefore material terms of the Federal award. The recipient acknowledges that this certification reflects a change in the government's position regarding the materiality of the foregoing requirements and therefore any prior payment of similar claims does not reflect the materiality of the foregoing requirements to this Federal award. Payments under the award are predicated on compliance with the above requirements, and therefore the recipient is not eligible for funding under the award or to retain any funding under the award absent compliance with the above requirements. USDA reserves the right to terminate Federal financial assistance awards and recover all funds if the recipient, during the term of this award, operates any program in violation of Federal anti-discrimination laws.

If the recipient either fails to comply with above requirements, or makes a knowing false statement related to compliance with the above requirements and/or eligibility for the Federal award, the recipient may be subject to liability under the False Claims Act, 31 U.S.C. § 3729, and/or criminal liability, including under 18 U.S.C. § 287 and 18 U.S.C. § 1001.<sup>586</sup>

#### **What is the status of challenges to this condition or certification?**

A Motion for Preliminary Injunction to block the condition is currently pending in the U.S. District Court for the District of Massachusetts.<sup>587</sup>

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<sup>586</sup> See, e.g., *General Terms and Conditions for Federal Awards*, USDA (Dec. 31, 2025) at 34–35.

<sup>587</sup> *Commonwealth of Massachusetts v. U.S. Dep't of Agriculture*, No. 26-cv-11396 (D. Mass. Mar. 23, 2026), [Motion for Preliminary Injunction](#) (Mar. 30, 2026) (Docket #42).

## *Gender Ideology*

### **Background**

USDA has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender-Ideology-related” conditions.

#### **1) What is the Executive Order?**

**Sections 3(e) and (g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government” seek to further the Trump-Vance administration’s attacks on so-called “Gender Ideology.” Section 3(g) directs that:**

“Federal funds shall not be used to promote gender ideology.”<sup>588</sup>

#### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined the USDA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>589</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined USDA from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>590</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>591</sup>

In addition, the implementation and effectuation of EO 14168 has been challenged in the following case, although there are not any injunctions or stays presently in effect from this case:

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<sup>588</sup> Exec. Order No. 14,168 § 3(g), 90 Fed Reg. 8615 (Jan. 20, 2025).

<sup>589</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>590</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>591</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

- [National Urban League v. Trump](#), No. 25-cv-00471 (D.D.C. Feb. 19, 2025), [Amended Complaint](#) (June 30, 2025) (Docket #68).

## 2) What is the executive order?

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

### What is the status of challenges to this EO?

USDA is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>592</sup>

## 3) What EO-related conditions have been challenged?

On December 31, 2025, USDA implemented General Terms and Conditions for federal awards<sup>593</sup> and mutual interest agreements that implement several gender-related conditions.<sup>594</sup>

Specifically, Section 13.5 requires grant recipients to certify compliance with Executive Order 14168: Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government. It requires:

“No funding shall be used to promote gender ideology.”

Meanwhile, section 13.8 requires grant recipients to certify compliance with Executive Order 14201: Keeping Men Out of Women’s Sports. It requires:

“No funding shall be directed towards educational programs that deprive women and girls of fair athletic opportunities. No funding shall be directed towards male competitive participation in women’s sports.”

### What is the status of challenges to this condition/certification?

A Motion for Preliminary Injunction to block the condition is currently pending in the U.S. District Court for the District of Massachusetts.<sup>595</sup>

## *Immigration*

### Background

USDA has attempted to restrict certain services to non-U.S. citizens by implementing certain executive orders and imposing award conditions on grantees.

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<sup>592</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>593</sup> [General Terms and Conditions for Federal Awards](#), USDA (Dec. 31, 2025).

<sup>594</sup> [General Terms and Conditions for Mutual Interest Agreements](#), USDA (Dec. 31, 2025).

<sup>595</sup> [Commonwealth of Massachusetts v. U.S. Dep’t of Agriculture](#), No. 26-cv-11396 (D. Mass. Mar. 23, 2026), [Motion for Preliminary Injunction](#) (Mar. 30, 2026) (Docket #42).

**1) What condition has USDA tried to impose?**

On December 31, 2025, USDA implemented General Terms and Conditions for federal awards<sup>596</sup> and mutual interest agreements.<sup>597</sup> Specifically, Section 13.10 requires grant recipients to certify compliance with Executive Order 14218: Ending Taxpayer Subsidization of Open Borders. It requires:

“No funding shall be directed towards programs that allow illegal aliens to obtain taxpayer-funded benefits, provide public resources to meet the needs of illegal aliens, or provide incentives for illegal immigration by demonstrating the availability of public benefits.”

**What is the status of challenges to this condition/certification?**

A Motion for Preliminary Injunction to block the condition is currently pending in the U.S. District Court for the District of Massachusetts.<sup>598</sup>

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<sup>596</sup> [General Terms and Conditions for Federal Awards](#), USDA (Dec. 31, 2025).

<sup>597</sup> [General Terms and Conditions for Mutual Interest Agreements](#), USDA (Dec. 31, 2025).

<sup>598</sup> [Commonwealth of Massachusetts v. U.S. Dep't of Agriculture](#), No. 26-cv-11396 (D. Mass. Mar. 23, 2026), [Motion for Preliminary Injunction](#) (Mar. 30, 2026) (Docket #42).

## U.S. Department of Veterans Affairs (VA)

In this chapter, users will find an overview of challenged VA award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

### A. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of challenged VA award conditions by topic.

#### **i. Challenged Award Conditions by Topic:**

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court. For VA, the challenged award conditions as of June 2026 include the following, organized by topic:

- Diversity, Equity, and Inclusion
- Gender Ideology

Users may search among the information below by award condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if VA can impose the condition/certification on grantees or grant applicants versus if that condition/certification has been paused by a court.

### *Diversity, Equity, and Inclusion*

#### **Background**

VA has attempted to implement anti-diversity, equity, and inclusion executive orders by imposing new funding conditions, including so-called “diversity, equity, and inclusion-related” conditions.

#### **1) What is the challenged executive order?**

**Section 2(b)(i) of Executive Order No. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing”** directs each “agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

- (i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); all “equity action plans,” “equity” actions, initiatives, or programs, “equity-related” grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees. head of each federal agency to include in every contract or grant award . . .”

#### **What is the status of challenges to this EO?**

Section 2(b)(i) of Executive Order No. 14151, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14151, subject to the limitations listed below.<sup>599</sup>

## 2) What is the challenged executive order?

**Section 3(b)(iv) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs the head of each federal agency to include in every contract or grant award:

- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decision for purposes of section 3729(b)(4) of title 31, United States Code [the “False Claims Act”]; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.<sup>600</sup>

### **What is the status of challenges to this EO?**

Section 3(b)(iv) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173, subject to the limitations listed below.<sup>601</sup>

Courts have, for the moment, enjoined VA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(b)(iv) of the Anti-Diversity Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce Section 3(b)(iv) of the Anti-Diversity Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>602</sup>

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<sup>599</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>600</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>601</sup> In [Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump](#), No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), [Memorandum Opinion](#) (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. [Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump](#), No. 25-1189, [Opinion](#) (Feb. 6, 2026) (Docket # 106) .

<sup>602</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

### 3) What is the challenged executive order?

**Section 4(b)(iii) of Executive Order No. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”** directs:

“the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying”

“ . . . (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated ‘DEI’ or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large nonprofit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars.”<sup>603</sup>

#### **What is the status of challenges to this EO?**

Section 4(b)(iii) of Executive Order No. 14173, for the moment, remains in force with respect to all federal executive branch agencies, departments, and commissions, and their heads, officers, agents, and subdivisions directed pursuant to Executive Order 14173.<sup>604</sup>

## *Gender Ideology*

### **Background**

VA has attempted to implement Anti-Gender executive orders by imposing new funding conditions, including so-called “Gender Ideology-related” conditions.

#### 1) What is the Executive Order?

**Sections 3(e) and (g) of Executive Order No. 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Trust to the Federal Government”** seek to further the **Trump-Vance administration’s attacks on so-called “Gender Ideology.”** Section 3(g) directs that:

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<sup>603</sup> Exec. Order No. 14,173 § 3(b)(iv)(A), (B), 90 Fed Reg. 8633 (Jan. 21, 2025).

<sup>604</sup> In *Nat’l Ass’n of Diversity Officers in Higher Educ. v. Trump*, No. 1:25-cv-00333 (D. Md. Feb. 3, 2025), Memorandum Opinion (Mar. 10, 2025) (Docket # 66), the district court issued a preliminary injunction enjoining the implementation of the challenged provisions of Executive Order 14151 and 14173, but the United States Court of Appeals for the Fourth Circuit vacated the preliminary injunction. *Nat’l. Ass’n. of Diversity Officers in Higher Educ. v. Trump*, No. 25-1189, Opinion (Feb. 6, 2026) (Docket # 106).

“Federal funds shall not be used to promote gender ideology.”<sup>605</sup>

### **What is the status of challenges to this EO?**

Courts have, for the moment, enjoined VA from enforcing or implementing this Executive Order as to certain plaintiffs.

On October 31, 2025, the U.S. District Court for the Western District of Washington enjoined federal agencies from “enforcing Section 3(g) of the Gender Order” and directed that “all other federal Departments and Agencies shall immediately treat any action taken to implement or enforce . . . Section 3(g) of the Gender Order . . . as null, void, and rescinded, and may not retroactively apply such conditions to grant agreements executed during the effective period of this preliminary injunction.”

The injunction applies to **Seattle**.<sup>606</sup>

On February 28, 2025, the U.S. District Court for the Western District of Washington enjoined VA from enforcing Sections 3(e) or 3(g) of Executive Order 14,168 to condition or withhold federal funding based on the fact that a health care entity or health professional provides gender-affirming care within the Plaintiff States.<sup>607</sup>

The injunction applies to Colorado, Minnesota, Oregon, and Washington.<sup>608</sup>

## **2) What is the executive order?**

Executive Order 14,187 - Protecting Children From Chemical and Surgical Mutilation

### **What is the status of challenges to this EO?**

VA is enjoined from enforcing or implementing Section 4 of Executive Order 14,187 within Colorado, Minnesota, Oregon, and Washington.<sup>609</sup>

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*This memorandum is for informational and educational purposes only. It is not intended to be legal advice or a substitute for legal advice for any specific organization or about a particular set of facts, and should not be relied upon as such.*

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<sup>605</sup> Exec. Order No. 14,168 § 3(g), 90 Fed Reg. 8615 (Jan. 20, 2025).

<sup>606</sup> [City of Seattle v. Trump](#), No. 25-cv-01435 (W.D. Wash. July 31, 2025), [Order Granting Plaintiff’s Motion for Preliminary Injunction](#) (Oct. 31, 2025) (Docket #22) at 24.

<sup>607</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>608</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)

<sup>609</sup> [Order Granting in Part and Denying in Part Motion for Preliminary Injunction](#), *State of Washington v. Trump*, No. 2:25-cv-00244 (W.D. Wash. Feb 28, 2025)