

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

For the reasons provided in the attached memorandum, Plaintiffs hereby move for a temporary restraining order under Federal Rule of Civil Procedure 65:

1. Enjoining Defendant Scott Turner and Defendant Department of Housing and Urban Development, and any person in active concert or participation with those parties, (a) from requiring Pennsylvania Coalition Against Domestic Violence, House of Hope Community Development Corporation, Rhode Island Coalition to End Homelessness, or Virginia Sexual and Domestic Violence Action Alliance's members to agree to the following conditions or substantially similar conditions as a requirement for receiving funding; and (b) from otherwise enforcing these or substantially similar conditions against those organizations:
 - a. The requirement that the recipient 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”

- b. The requirement 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 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”;
 - c. The requirement that the recipient “not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment”; and
 - d. The condition that “the Recipient’s use of funds provided under this Agreement ... , and the Recipient’s operation of projects assisted with Grant Funds are governed by ... [a]ll current Executive Orders.”
2. Enjoining Defendant Robert F. Kennedy, Jr., Defendant the United States Department of Health and Human Services, Defendant Andrew Gradison, Defendant the Administration for Children and Families, Defendant Susan Monarez, and Defendant the Centers for Disease Control and Prevention, and any person in active concert or participation with those parties, (a) from requiring Plaintiffs the Colorado Coalition Against Sexual Assault; the Idaho Coalition Against Domestic Violence; Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence; the Kansas Coalition Against Sexual

Assault and Domestic Violence; the Montana Coalition Against Sexual and Domestic Violence; Oregon Coalition Against Domestic and Sexual Violence; Valor US; Virginia Sexual and Domestic Violence Action Alliance; and Wisconsin Coalition Against Sexual Assault to agree to the following condition or any substantially similar condition as a requirement for receiving funding; and (b) from otherwise enforcing this or any substantially similar condition against those organizations:

- a. The requirement that, “[b]y accepting the grant award, recipients are certifying that ... [t]hey 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.”
3. Ordering all Defendants, within 24 hours of entry of a temporary restraining order, to file a notice confirming that they have informed relevant officials at each agency of the temporary restraining order.

Plaintiffs also respectfully request expedited consideration of this motion and are available for a hearing.

July 21, 2025

Respectfully submitted,

/s/ Amy R. Romero

Amy R. Romero (RI Bar # 8262)
DeLuca, Weizenbaum, Barry & Revens, Ltd.
199 North Main Street
Providence, RI 02903
(401) 453-1500
Amy@dwbrlaw.com
Cooperating counsel, Lawyers' Committee for RI

/s/ Kristin Bateman

Kristin Bateman (Cal. Bar No. 270913)^{+ ^}
Robin F. Thurston (D.C. Bar No. 1531399)⁺
Skye L. Perryman (D.C. Bar No. 984573)⁺
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C. 20043
(202) 448-9090
kbateman@democracyforward.org
rthurston@democracyforward.org
sperryman@democracyforward.org

/s/ Daniel F. Jacobson

Daniel F. Jacobson (D.C. Bar # 1016621)⁺
Lynn D. Eisenberg (D.C. Bar No. 1017511)⁺
Brian C. Rosen-Shaud (ME Bar No. 006018)^{+ ^}
Nina Cahill (D.C. Bar No. 1735989)⁺
Jacobson Lawyers Group PLLC
1629 K Street NW, Suite 300
Washington, DC 20006
(301) 823-1148
dan@jacobsonlawyersgroup.com

/s/ Lynette Labinger

Lynette Labinger (RI Bar # 1645)
128 Dorrance St., Box 710
Providence, RI 02903
(401) 465-9565
ll@labingerlaw.com
Cooperating counsel, ACLU Foundation of RI

/s/ Mary C. Dunn

Mary C. Dunn (RI Bar #6712)

Blish & Cavanagh LLP

30 Exchange Terrace

Providence, RI 02903

(401) 831-8900

mcd@blishcavlaw.com

Cooperating counsel, Lawyers' Committee for RI

/s/ Lauren A. Khouri

Lauren A. Khouri (D.C. Bar No. 10282288)⁺

Elizabeth Theran (D.C. Bar No. 90030162)⁺

National Women's Law Center

1350 I Street NW, Suite 700

Washington, DC 20005

Telephone: (202) 588-5180

Fax: (202) 588-5185

lkhouri@nwlc.org

etheran@nwlc.org

⁺ *Pro hac vice* motion forthcoming

[^] Not admitted in the District of Columbia. Practice supervised by members of the D.C. bar.

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I filed the within document, the attached memorandum in support, and all attached supporting exhibits and documents, via the ECF system on the 21st day of July, 2025, that these documents are available for viewing and downloading to all counsel of record, and that I provided the same documents by email to: Eric Beckenhauer, Assistant Director, U.S. Department of Justice, Civil Division, Federal Programs Branch, Eric.Beckenhauer@usdoj.gov; Lesley Farby, Deputy Director, U.S. Department of Justice, Civil Division, Federal Programs Branch, Lesley.Farby@usdoj.gov; and Kevin Hubbard, Civil Division Chief, United States Attorney's Office for the District of Rhode Island, Kevin.Hubbard@usdoj.gov.

/s/ Amy R. Romero
Amy R. Romero

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**MEMORANDUM IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING
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INTRODUCTION

This TRO motion seeks relief for a subset of Plaintiffs (TRO Plaintiffs) that face an imminent deadline—in most cases, at the end of the month—to either agree to unlawful grant conditions or forgo critical federal funding. TRO Plaintiffs will suffer irreparable harm absent this Court’s swift intervention.

All plaintiffs in this case are nonprofit organizations dedicated to helping some of the most vulnerable members of our society—victims of domestic violence and sexual assault, and people who are homeless. Congress has created a range of grant programs to fund these and similar organizations, and Congress has tasked the Departments of Housing and Urban Development (HUD) and Health and Human Services (HHS) with administering many of these programs. But rather than faithfully execute their duties to distribute grant funds to support life-saving work, the Departments have decided to spring a trap. They are forcing grantees—including grantees in the middle of performing their grants—to agree to new conditions and certify compliance with various requirements to receive their grants funds. The Departments have imposed these requirements in a manner expressly designed to expose grantees to civil and criminal liability under the False Claims Act.

A TRO is warranted. The new restrictions are plainly unlawful. They have no grounding in the relevant statutes and do not aim to better effectuate the programs’ purposes. They instead seek to advance the Administration’s wholly unrelated ideological goals—including to end “diversity, equity, inclusion, and accessibility,” deny transgender people’s identities, and cut off access to abortion resources. The Departments lack any authority to impose such extra-statutory conditions. The conditions are also unconstitutionally vague and discriminate against speech on

the basis of viewpoint. And the Department failed the most basic requirements of administrative law to provide reasoned explanations for their decisions.

These new conditions impose severe harm by leaving TRO Plaintiffs with an impossible choice: They can accept the conditions—and fundamentally change their programming; abandon outreach, methods, and programs designed to best serve their communities; and risk exposing themselves to ruinous liability. Or they can decline the funding and halt their funded programs—displacing domestic and sexual violence survivors from safe housing, putting previously homeless families, including children, back on the streets, and ending programs designed to reduce and prevent domestic and sexual violence.

To protect TRO Plaintiffs from the immediate, irreparable injuries they will suffer from declining the funds or accepting them with the harmful and unlawful conditions, this Court should grant a temporary restraining order immediately barring Defendants from imposing or enforcing these conditions on TRO Plaintiffs. All plaintiffs in this case intend to separately seek a preliminary injunction covering a broader set of plaintiffs whose injuries are not quite as emergent, but who will also face irreparable harm absent preliminary relief during the pendency of this litigation. For TRO Plaintiffs, however, there is no time to spare.

BACKGROUND

A. The Administration leverages federal funding and the threat of massive liability to effect sweeping social change without Congress's involvement

Beginning in January, this Administration launched a campaign to leverage federal funding to advance sweeping social change without involving Congress. A series of executive orders direct agency heads to use their control of federal funding to curtail diversity, equity, inclusion, and accessibility activities; to deny the rights and very existence of transgender people; to curtail access to abortion care; and more. Bolstering that effort, the Administration has

announced it will weaponize the False Claims Act to threaten massive liability to federal funding recipients who do not comply with the Administration’s conditions.

1. Attacks on diversity, equity, inclusion, and accessibility

In his first days in office, President Trump issued multiple executive orders that broadly seek to eradicate “diversity, equity, and inclusion” (DEI) and “diversity, equity, inclusion, and accessibility” (DEIA) values and initiatives. One order directs agencies to terminate all DEI and DEI offices, all “equity” programs, and all “equity-related” grants or contracts. Exec. Order No. 14151, § 2(b), 90 Fed. Reg. 8339 (Jan. 20, 2025). Another order of most direct relevance here, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” (Anti-DEI Order), aims to end purportedly “illegal” DEI and DEIA in the federal government and the private sector. Exec. Order No. 14173, §§ 3–4, 90 Fed. Reg. 8663 (Jan. 21, 2025) (Anti-DEI Order). Among other things, the Anti-DEI Order requires agency heads to “include in every contract or grant award” a term requiring each counterparty or grant recipient to “certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.” *Id.* § 3(iv)(B). The requirement that recipients not operate “any programs promoting DEI” is not limited to programs operated using federal funds. *Id.* (emphasis added).

Without defining “DEI” or “DEIA,” or providing guidance on what might make such programs “illegal,” the Anti-DEI Order makes clear that the Administration has a novel and extreme view that diversity, equity, and inclusion is often illegal. The Order laments that “dangerous, demeaning, and immoral DEIA or DEIA programs are widespread across the public and private sectors; revokes multiple diversity-related executive actions issued over the last half century; and orders particular offices to “immediately cease ... [p]romoting diversity,” to “[e]xcise references to DEI and DEI principles, under whatever name they may appear,” from

federal funding procedures, and to “[t]erminate all ‘diversity,’ ‘equity,’” and similar programs and activities. *Id.* § 3.

The Anti-DEI Order leaves no doubt that the Administration seeks to use the False Claims Act (FCA) as a weapon against federal funding recipients. It directs agencies to include terms requiring a grant recipient “to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decisions for purposes of section 3729(b)(4) of title 31, United States Code.” *Id.* The FCA imposes civil liability on “any person who . . . knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval.” 31 U.S.C. § 3729(a). For FCA liability to attach, the alleged misrepresentation must be “material to the Government’s payment decision.” Thus, the Anti-DEI Order seeks to require grantees to concede an essential, and otherwise “demanding,” element of an FCA claim. *See Universal Health Servs., Inc. v. United States ex rel. Escobar*, 579 U.S. 176, 192, 194 (2016).

In making a certification that could trigger the FCA, federal funding recipients such as Plaintiffs open themselves to potential massive liability. Both the federal government and any private citizen may sue a recipient of federal funds for FCA violations. 31 U.S.C. § 3730. If found liable, a funding recipient faces potential treble damages, meaning three times the amount of federal funds that the recipient received from the government in connection with the certifications. And potential liability is not only civil—the FCA provides for criminal penalties of up to five years imprisonment for those who make a “false, fictitious, or fraudulent” claim to any agency in seeking funds. 18 U.S.C. § 287.

The Administration began implementing the Anti-DEI Order’s directives shortly after it was issued. On February 5, 2025, Attorney General Bondi sent a letter to all employees of the

Department of Justice (DOJ) making clear that DOJ intends to aggressively “investigate, eliminate, and penalize” “illegal DEI and DEIA.” Mem. from Att’y Gen. Pam Bondi, *Ending Illegal DEI and DEIA Discrimination and Preferences* (Feb. 5, 2025), available at <https://perma.cc/KH9Y-A2VQ> (Bondi Letter). The letter does not define “DEI” or “DEIA” or explain what makes a DEI or DEIA program illegal.

Then, in a May 19, 2025, memorandum, DOJ Deputy Attorney General Todd Blanche described the FCA as DOJ’s “primary weapon” in combatting government waste, fraud, and abuse and promised to “vigorous[ly] enforce[e]” the FCA against funding recipients who “knowingly violat[e] civil rights laws.” Letter from Todd Blanche, Deputy Att’y Gen., to DOJ Offices, Divisions, and U.S. Attorneys (May 19, 2025), available at <https://perma.cc/3W6K-FGHA> (Blanche Memo). The Blanche Memo also “strongly encourages” private parties to file suits under the FCA’s *qui tam* provision, and encourages the public to report information about “discrimination by federal-funding recipients” to DOJ. *Id.* And it states that the new initiative will engage the DOJ’s Criminal Division. The Blanche Memo does not explain when DEI would be considered “illegal,” but a press release announcing the Initiative broadly warns institutions not to “promote divisive DEI policies.” DOJ, *Justice Department Establishes Civil Rights Fraud Initiative* (May 19, 2025), <https://perma.cc/ZS6R-B8E9>.

Further confirming the Administration’s plans to aggressively use the FCA to “advance the Administration’s policy objectives,” a June 11, 2025, memo announcing the DOJ Civil Division’s enforcement priorities lists using the FCA to combat DEI as the very first priority. Mem. from Ass’t Att’y Gen., Brett A. Shumate, to Civil Division Employees, *Civil Division Enforcement Priorities* (June 11, 2025), available at <https://perma.cc/SV3A-NE9F>.

2. *Attacks on transgender rights*

The Administration has also launched a broadside attack on the rights and dignity of transgender people. On January 30, the President issued an order titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” Exec. Order No. 14168, 90 Fed. Reg. 8615 (Jan. 30, 2025) (“Gender Ideology” Order). That Order announces that “the policy of the United States” is “to recognize two sexes, male and female,” that are “not changeable and are grounded in fundamental and incontrovertible reality.” *Id.* § 2. It decries “the erasure of sex” in both “policy” and “language,” and it commits to using what the Administration characterizes as “accurate language and policy that recognize women are biologically female, and men are biologically male.” *Id.* § 1. The Order discredits “gender ideology,” which it describes as an ideology that “replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true.” *Id.* § 2(f).

To accomplish its ideological vision, the “Gender Ideology” Order makes a host of directives, including requiring federal agency heads to “take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.” *Id.* § 3(e); *see also id.* § 3(g). The Order directs the Attorney General to “ensure ... the right to single-sex spaces”—taking into account the Order’s emphasis that such spaces be designated by sex assigned at birth not gender identity, those spaces exclude transgender people—and directs a host of federal agencies to “prioritize” enforcement of that right. *Id.* § 5.

3. *Attacks on abortion access*

In the “Enforcing the Hyde Amendment” Executive Order, President Trump also declares it the policy of the United States “to end the forced use of Federal taxpayer dollars to fund or promote elective abortion.” Exec. Order No. 14182, 90 Fed. Reg. 8751 (Jan. 24, 2025) (Abortion Order). In subsequent guidance, OMB stated that the Administration’s policy is “not to use taxpayer funds to fund, facilitate, or promote abortion, including travel or transportation to obtain an abortion, consistent with the Hyde Amendment and other statutory restrictions on taxpayer funding for abortion.” Mem. from Acting Dir. of OMB, Matthew J. Vaeth, to Heads of Exec. Dep’ts and Agencies at 1 (Jan. 24, 2025), *available at* <https://perma.cc/5JZR-8V9X> (OMB Memo). OMB directed federal agencies to “reevaluate all ... agency actions in conformity with the policy set out by the” Abortion Order. *Id.* at 2.

The Hyde Amendment is an appropriations rider that limits the use of appropriated funds for abortions, but the rider applies only to funds appropriated to HHS. Pub. L. No. 118-47, div. D, §§ 506, 507, 138 Stat. 460, 703 (Mar. 23, 2024). Other statutes impose similar but not identical restrictions and exceptions on other appropriations for certain other agencies. *See, e.g.*, Pub. L. No. 118-42, §§ 202, 203, 138 Stat. 25, 153 (Mar. 9, 2024) (DOJ); 10 U.S.C. § 1093 (Department of Defense). But Congress has imposed no such restriction on HUD’s funding.

B. HUD and HHS adopt new policies effectuating the President’s directives

Following the President’s instructions, HUD and HHS began imposing new funding conditions on grants (collectively, New Conditions).

1. *HUD Continuums of Care Grant Conditions*

As relevant for purposes of this TRO motion, HUD has adopted a policy of imposing new conditions on grants under its Continuums of Care (CoC) program. The CoC program generally

aims to help people experiencing homelessness move into transitional and permanent housing, and to give them support they need to remain in housing long-term. 42 U.S.C. §§ 11381–11389. Those grants can support a host of services, such as constructing or rehabilitating housing, providing rental assistance, or offering supportive services such as child care, job training, healthcare, mental health services, trauma counseling, and life skills training. *Id.* §§ 11360(29), 11383(a). It also funds programs that help ensure that tenants in public and subsidized housing can move to a different, safe unit when they suffer domestic violence or sexual assault at home. *Id.* § 11383(a)(13); 34 U.S.C. § 12491(e).

On March 13, 2025, HUD Secretary Turner announced in a post on X that HUD was implementing a policy to impose new funding conditions on “HUD’s Continuum of Care Program” (HUD CoC Conditions). Scott Turner (@SecretaryTurner), X (Mar. 13, 2025, 2:47PM), <https://x.com/SecretaryTurner/status/1900257331184570703>, captured at <https://perma.cc/2PHL-3Q2A> and <https://perma.cc/LPL2-WK5T>. Secretary Turner proclaimed that CoC funds “will not promote DEI, enforce ‘gender ideology,’ [or] support abortion.” *Id.* This new policy adopts four new conditions relevant in this case:

- CoC recipients may not “use grant funds to promote ‘gender ideology,’ as defined in [the “Gender Ideology” Executive Order].” (HUD “Gender Ideology” Condition)
- CoC recipients must “certif[y]” that they do “not operate any programs that violate any applicable Federal antidiscrimination laws, including Title VI of the Civil Rights Act of 1964” and must “agree that [their] compliance in all respects with all applicable Federal anti-discrimination laws is material to the U.S.

Government’s payment decisions for purposes of” the False Claims Act. (HUD Discrimination Certification)

- CoC recipients may not use grant funds to “fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment.” (HUD Abortion Condition)
- CoC recipients’ use of grant funds and “operation of projects assisted with” grant funds must be “governed by ... [a]ll current Executive Orders.” (HUD CoC E.O. Condition)

2. HHS Agency-Wide Conditions

HHS, meanwhile, revised its Grants Policy Statement (HHS GPS), which sets agency-wide policy on grants and cooperative agreements and is incorporated by reference as a standard term and condition of HHS awards. HHS, HHS Grants Policy Statement, at 3–4 (Apr. 16, 2025), *available at* <https://perma.cc/S4GP-SXQD>. The revised HHS GPS imposes a new certification requirement (HHS Discrimination Certification) to advance the Administration’s anti-DEI and other policy goals. Relevant here, it requires recipients to “certify[]” that “[t]hey 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.” *Id.* at 19. This prohibition is not limited to the grantee’s use of grant funds. *See id.*

The HHS GPS specifies that “DEI” refers to “diversity, equity, and inclusion” and that “DEIA” refers to “diversity, equity, inclusion, and accessibility.” *Id.* And it defines “discriminatory equity ideology” by reference to an executive order that defines that disfavored view as “an ideology that treats individuals as members of preferred or disfavored groups, rather

than as individuals, and minimizes agency, merit, and capability in favor of immoral generalizations,” and then goes on to provide a lengthy, non-exhaustive list of such prohibited “immoral” views. *See* Exec. Order No. 14190, 90 Fed. Reg. 8853, 8853-8854 (Jan. 29, 2025) (K-12 Order).

The HHS GPS holds out the threat of FCA liability by providing that “recipients must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [False Claims Act section § 3729(b)(4)].”

The HHS GPS applies the new HHS Discrimination Certification to awards (including continuations) and award modifications that add funding made on or after April 16, 2025. HHS GPS at 3. The only exceptions are for awards made by the National Institutes of Health (NIH), non-discretionary awards, and awards to individuals. *Id.* The HHS GPS therefore applies broadly to awards issued by all HHS components other than NIH, including the Centers for Disease Control and Prevention (CDC). Although the HHS GPS does not apply to non-discretionary awards, it gives HHS agencies the option to apply parts of the HHS GPS to such awards. *Id.*

As relevant to this TRO motion, the HHS Discrimination Certification applies to Rape Prevention and Education (RPE) grants administered by CDC, which HHS treats as a “discretionary” grant. *Program: Rape Prevention and Education Program, Sexual Violence Prevention*, CDC (May 28, 2025), *available at* <https://perma.cc/QJP9-JUEQ>. Congress specifically directed that a set amount of funds be awarded to state sexual assault coalitions to coordinate and provide rape prevention and education activities in their states. 42 U.S.C. § 280b-1b(d)(1). The authorizing statute incorporates diversity, equity, inclusion values by requiring HHS to “ensure meaningful involvement” of “culturally specific organizations” and “representatives of underserved communities”—that is, organizations “primarily directed toward

racial and ethnic minority groups” and “populations underserved because of” various factors including “sexual orientation, gender identity, underserved racial and ethnic populations,” and disabilities. 34 U.S.C. § 12291(a)(8), (46); *see also* Pub. L. No. 117-103, div. W, §§ 2(b), 301(5)(A), 136 Stat. 49, 846 (Mar. 15, 2022) (reauthorizing rape prevention education grants and providing that 34 U.S.C. § 12291 “shall apply to ... any grant program authorized under this Act”).

3. HHS Administration for Children and Families Conditions

HHS’s Administration for Children and Families (ACF) has also updated its Standard Terms and Conditions to implement the President’s orders. Like the HHS GPS, those Standard Terms require grantees to “certify[]” that “[t]hey 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” (ACF Anti-DEI Certification). ACF, *Standard Terms and Conditions* at 7 (effective Oct. 1, 2024), <https://perma.cc/KSH8-AA5U> (ACF Standard Terms). The Standard Terms adopt the same definitions of “DEI,” “DEIA,” and “discriminatory equity ideology” as in the HHS GPS’s Discrimination Certification. *Id.* That condition already applies to ACF’s discretionary awards by virtue of the HHS GPS, but the ACF Standards Terms also extend this condition to non-discretionary awards made by ACF.

As relevant to this TRO motion, the ACF Standard Terms apply to State Coalitions grants under the Family Violence Prevention Services Act (FVPSA). Congress created that grant program for state domestic violence coalitions to work with service providers and law enforcement to encourage appropriate responses to domestic violence and to conduct public education campaigns, among other things. 42 U.S.C. § 10410. Like the rape prevention and

education program, the FVPSA State Coalitions grant program reflects a commitment to diversity, equity, and inclusion: The statute specifically requires coalitions to address the needs of “racial and ethnic minority populations and underserved populations” and to provide violence-prevention information “targeted to underserved populations.” *Id.* § 10411(d)(3), (8).

C. TRO Plaintiffs face an imminent need to decline funds or accept harmful conditions.

TRO Plaintiffs now face an imminent requirement to accede to the conditions described above or else decline funding needed to support critical programming.

1. HUD Continuums of Care Grants

Multiple TRO Plaintiffs or their members have recently received grant agreements from HUD for new or continuation awards under the Continuums of Care (CoC) program.

Plaintiff Pennsylvania Coalition Against Domestic Violence (Pennsylvania Coalition) uses funds from its CoC Grants to rapidly rehouse domestic violence survivors. Declaration of Susan Higginbotham (Higginbotham Decl.) ¶ 10. These grants directly support the Pennsylvania Coalition’s provision of short-term and medium-term rental assistance to survivors and their children who are experiencing homelessness. *Id.* ¶ 14. The Pennsylvania Coalition received two new CoC Grant agreements in recent weeks that include the HUD CoC Conditions and that it must accept by August 1. *Id.* ¶ 12.

Plaintiff House of Hope Community Development Corporation (House of Hope) receives four CoC awards, and uses these awards to provide funding for permanent supportive affordable housing, rental assistance and supportive services, on-site intensive case management to residents with mental health challenges and substance use disorders, and street outreach services to 18-24-year-old homeless young adults across Rhode Island. Declaration of Laura Jaworski (Jaworski Decl.) ¶¶ 8-12. House of Hope has received multiple notices of award (NOAs) for

these grants that include the HUD CoC Conditions, and it must accept the earliest of these awards by August 1, 2025, to avoid an interruption in services. *Id.* ¶ 11.

Plaintiff Rhode Island Coalition to End Homelessness (RICEH) receives five CoC awards directly from HUD, which it uses to support programs for unsheltered people in Rhode Island. Declaration of Kim Simmons (Simmons Decl.) ¶ 8-9. On May 28, 2025, RICEH received NOAs that included the HUD CoC Conditions for the renewal of each of these grants. *Id.* ¶ 9. RICEH sent HUD the NOAs with the new funding conditions stricken, but RICEH does not know whether HUD will accept the NOAs with the alterations. *Id.* ¶ 9. In fact, RICEH has since received another NOA that includes the HUD Conditions. *Id.* ¶ 9. Because RICEH needs multiple HUD CoC Grants for work performed starting July 1, 2025, for cashflow reasons, it will need to accept the awards by drawing down funds as soon as July 30, 2025. *Id.* ¶ 10.

Plaintiff Virginia Sexual and Domestic Violence Action Alliance's (Virginia Action Alliance) members rely on HUD CoC Grants to fund important emergency shelter and semi-permanent housing for survivors of domestic violence. Declaration of Jonathan Yglesias (Yglesias Decl.) ¶ 10.a. In June 2025, Virginia Action Alliance Member Doe 1 received an NOA that included the HUD CoC Conditions. *Id.* Virginia Action Alliance Member Doe 1 will need to accept the award by August 2025 in order to avert programmatic cashflow issues. *Id.* Similarly, Virginia Action Alliance Member Doe 2 received an NOA with the HUD Conditions in June 2025, which it uses to house 39 families per year, and to provide housing location services, mental health services, and financial assistance. *Id.* ¶ 10.b. Virginia Action Alliance Member Doe 2 signed the agreement to avoid disrupting its critical services—and leaving 39 families without homes—and is now operating under the unlawful conditions. *Id.*

Declining these awards would cause these Plaintiffs and members grave harm. If the Pennsylvania Coalition does not accept its CoC Grants, it will lose millions of dollars in funds, and both it and its member programs would need to cut staff. Higginbotham Decl. ¶ 12. The Pennsylvania Coalition's CoC Grants support rental assistance for hundreds of households, including about 350 children, and declining CoC funds would mean those families could not pay rent and would face imminent eviction. *Id.* ¶¶ 11-12, 14. As for the House of Hope, it does not have the cash flow to pay out-of-pocket for the services that its CoC Grant provides and wait for reimbursement. Jaworski Decl. ¶ 11. If it does not accept its CoC funds, it will not be able to provide on-site intensive case management services to 51 residents, including support for people with mental health challenges and substance use disorders who urgently need help. *Id.* If RICEH does not accept its CoC funds, it would have to undergo layoffs of the majority of its staff, and severely curtail services to the 105,000 Rhode Islanders who rely on RICEH for coordination of emergency housing, shelter, and safety. Simmons Decl. ¶ 11. And if Virginia Action Alliance Member Doe does not accept its CoC award, over 20 households in its programs would be evicted, including over 40 children and their parents. Yglesias Decl. ¶ 10.a.

Given the critical programs the CoC awards support, declining the awards is hardly an option. But accepting the awards and their conditions would also cause these organizations profound harm. The requirement to certify compliance with the Administration's new (and unexplained) view of federal nondiscrimination law—and to agree that compliance is material for False Claims Act purposes—will force grantees to change their programming and mission for fear of facing massive liability. Higginbotham Decl. ¶ 46; Jaworski Decl. ¶ 29; Simmons Decl. ¶ 22; Yglesias Decl. ¶¶ 30, 39. While these organizations have always complied and will always comply with federal antidiscrimination laws, the Anti-DEI Order and statements from DOJ

indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. Even if the courts ultimately reject the Administration’s view of the law, Plaintiffs still bear serious burdens—they must either attempt to comply with the Administration’s obviously expansive (yet unexplained) view or risk burdensome investigation and enforcement.

This is simply untenable. As required by law, Plaintiffs operate programs that target underserved or marginalized communities, including difficult to reach populations and those that require additional support, like immigrants, transgender survivors, racial and ethnic minorities, and men. Higginbotham Decl. ¶ 47. Plaintiffs are fearful that they will face burdensome FCA litigation, or, worse, massive civil liability or even criminal penalties, if they continue to carry out these activities central to their missions. Dotson Decl. ¶ 34; Yglesias Decl. ¶ 30; McCormick Decl. ¶ 47.

The prohibition on using grant funds to “promote” “gender ideology” also puts Plaintiffs in an impossible bind. In providing direct client services and technical assistance in HUD-funded programs, Plaintiffs and their member organizations support housing for transgender and LGBTQ+ people, including by using clients’ preferred pronouns to demonstrate support and respect for people who do not identify with the sex they were assigned at birth, recognizing gender identity in providing direct assistance, and accommodate the needs of the LGBTQ+ community in providing housing. Yglesias Decl. ¶ 36; *see* Simmons Decl. ¶ 18; Jaworski Decl. ¶ 25. Indeed, HUD regulations require CoC grantees to serve people in accordance with their gender identity. *See* 24 C.F.R. § 5.106. Complying with this condition would directly conflict with these organizations’ missions and organizational values. Yglesias Decl. ¶ 40. Plaintiffs and

their members do not know if or how they can comply with the HUD regulations while simultaneously complying with the funding condition not to “promot[e] gender ideology.”

In addition, the HUD Abortion Condition would harm Plaintiffs, which do not offer abortion care themselves but routinely refer people to healthcare services that may include abortion care. Simmons Decl. ¶ 19; Jaworski Decl. ¶ 26. For instance, as part of the “wraparound” supportive services that Pennsylvania Coalition’s HUD grant provides to survivors, if a client receiving rental assistance indicates to an advocate that she needs a referral for abortion care, the Pennsylvania Coalition provides that referral. Higginbotham Decl. ¶ 51. Similarly, the Virginia Action Alliance’s members make referrals to reproductive healthcare services when a pregnant survivor wishes to terminate a pregnancy. Yglesias Decl. ¶ 37. These services are particularly important to survivors of domestic violence and sexual assault: because reproductive and sexual coercion are common tactics of abuse, access to abortion care can be essential for survivors’ safety and autonomy. Higginbotham Decl. ¶ 51; *see* Yglesias Decl. ¶ 37.

Finally, Plaintiffs would be harmed by agreeing to the HUD CoC E.O. Condition. Plaintiffs do not know what this condition’s broad and vague language means for their organizations or how to comply with it, given the many new executive orders that it implicates, the broad and vague language of those orders, and the reality that many of the referenced orders imply that providers should exclude certain populations from their services. Simmons Decl. ¶ 20; Higginbotham Decl. ¶ 52; Yglesias Decl. ¶ 38.

2. CDC Rape Prevention and Education Grants

Plaintiffs Colorado Coalition Against Sexual Assault (Colorado Coalition), Kansas Coalition Against Sexual Assault and Domestic Violence (Kansas Coalition); Jane Doe, Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence (JDI); Montana Coalition Against Sexual and Domestic Violence; Oregon Coalition Against Domestic and

Sexual Violence (Oregon Coalition); ValorUS (VALOR); Virginia Action Alliance; and Wisconsin Coalition Against Sexual Assault (Wisconsin SA Coalition) (collectively, RPE Plaintiffs) all have RPE grants and received NOAs from CDC subject to the HHS Discrimination Certification in June 2025. Declaration of Brielyn Akins (Akins Decl.) ¶ 19; Declaration of Hema Sarang-Sieminski (Sarang-Sieminski Decl. ¶ 28); Declaration of Michelle McCormick (McCormick Decl.) ¶ 25, 37; Declaration of Kelsen Young (Young Decl.) ¶ 28; Declaration of Keri Moran-Kuhn (Moran-Kuhn Decl.) ¶ 29-30; Declaration of Amanda Dotson (Dotson Decl.) ¶ 20. They must accept these awards by drawing down funds by July 30, 2025. Akins Decl. ¶ 20; McCormick Decl. ¶ 37; Declaration of David Lee (Lee Decl.) ¶ 26; Sarang-Sieminski Decl. ¶ 28.

If they declined the funding from these grants, these state sexual assault coalitions would in many cases need to terminate staff and all would be forced to halt the grant-funded programs—including collaborating with state health departments, disseminating materials about sexual violence prevention, and providing training and technical assistance to members and partners to increase sexual violence primary prevention capacity. Akins Decl. ¶ 21; McCormick Decl. ¶ 37; Young Decl. ¶ 28; Lee Decl. ¶ 26; Dotson Decl. ¶ 21; Sarang-Sieminski Decl. ¶ 29. Reducing these prevention efforts would heighten the risk of sexual violence in the coalitions’ states, harming victims and creating a significant public health burden. *See, e.g.*, Akins Decl. ¶ 21; Dotson Decl. ¶ 21. The RPE Grant is a key source of prevention funding, and if Coalitions do not receive it, some states would have no infrastructure for primary prevention efforts at the state level. *Id.*

But if they accept the funds, Plaintiffs also face harm because, under the HHS Discrimination Certification, they would have to certify—on pain of FCA liability—that they do not they do not and will not “operate any program,” with grant funds or otherwise, “that advance

or promote DEI, DEIA, or discriminatory equity ideology in violation of Federal anti-discrimination laws.” These broad and vague terms leave Plaintiffs unsure whether they may undertake day-to-day activities reflecting their missions and guiding principles, which reference “equity” and “diversity,” or describe “a world without violence, oppression, and racism where all people honor bodily autonomy and social justice,” without running afoul of the condition. Yglesias Decl. ¶ 30; Dotson Decl. ¶ 33; *see also* Akins Decl. ¶ 27; McCormick Decl. ¶ 47; Young Decl. ¶ 33; Moran-Kuhn Decl. ¶ 38; Sarang-Sieminski ¶ 35.

Plaintiffs are also unsure about whether, given this HHS Discrimination Certification, they may continue to operate programs that target underserved or marginalized populations, including people with disabilities, people for whom English is not their primary language, and people who have been excluded from specific services such as shelter due to their gender. Dotson Decl. ¶ 34; Yglesias Decl. ¶ 30; McCormick Decl. ¶ 47; Sarang-Sieminski Decl. ¶ 37. For instance, the Montana Coalition is unsure whether it can continue to use RPE funds to support efforts specifically addressing the needs of Indigenous people, who are at a disproportionate risk of experiencing violence or murder or going missing. Young Decl. ¶ 33. This uncertainty puts them at great risk given the Administration’s plans to aggressively use the FCA, and certifications like this, to go after diversity, equity, and inclusion activities broadly. *See supra* Section A.1. Those plans threaten Plaintiffs not just with potential liability, but with the prospect of burdensome litigation by ideologically motivated or opportunistic *qui tam* relators.

Additionally, Plaintiffs do not know whether they can comply with the HHS requirements while also complying with RPE Grant requirements. The 2024 RPE Grant notice of funding opportunity (NOFO) emphasized that certain communities face a higher burden of

sexual violence due to systemic inequities, highlighting that achieving health equity required tackling root causes like racism and structural bias. Akins Decl. ¶ 28; McCormick Decl. ¶ 47; Moran-Kuhn Decl. ¶ 38. Fundamentally, the work of preventing sexual violence necessarily requires, as RPE Grant NOFO programmatic goals and strategies have recognized, a focus on reaching historically under-resourced populations that face health inequities based on identity categories that align with gender, race, sexuality, and more. Yglesias Decl. ¶ 31. Now, Plaintiffs do not know whether much of their RPE-funded work would fall within the Administration’s interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs. *Id.*

3. ACF FVPSA State Coalitions Grants

Plaintiffs JDI, the Idaho Coalition Against Domestic Violence (Idaho Coalition), and the Oregon Coalition have each received Family Violence Prevention and Services State Domestic Violence Coalition Grants (FVPSA Coalition Grant) for decades. Sarang-Sieminski Decl. ¶ 20-21; Moran-Kuhn Decl. ¶ 19; Declaration of Tai Simpson-Bruce (Simpson-Bruce Decl. ¶ 13). Each of these coalitions has used the FVPSA Coalition Grant to strengthen the capacity of domestic and sexual violence programs in their states through a comprehensive approach centered on training, technical assistance, needs assessment, and collaboration. Sarang-Sieminski Decl. ¶ 21; Moran-Kuhn Decl. ¶ 20; Simpson-Bruce Decl. ¶ 14. Each Coalition recently received a FVPSA Coalition Grant that is subject to the ACF Anti-DEI Certification, which, like the similar HHS Discrimination Certification, requires grantees to certify that they do not promote “DEI,” “DEIA,” or “discriminatory equity ideology” in violation of federal antidiscrimination laws. Sarang-Sieminski Decl. ¶ 21; Moran-Kuhn Decl. ¶ 21; Simpson-Bruce Decl. ¶ 15.

Each Coalition must accept this award by drawing down funds in August 2025, due to cash flow needs to support its personnel and operating costs. Sarang-Sieminski Decl. ¶ 22 (must draw down by August 15); Moran-Kuhn Decl. ¶ 21 (must draw down by August 1) Simpson-Bruce Decl. ¶ 15 (must draw down by August 1). Without the FVPSA Coalition Grant, each would be forced to lay off staff members and to stop providing a range of core programs to build member capacity to address survivors’ needs. Sarang-Sieminski Decl. ¶ 23; Moran-Kuhn Decl. ¶ 22; Simpson-Bruce Decl. ¶ 16. Each Coalition’s ability to function as a Coalition would be compromised, leaving communities of survivors and their state’s survivor-advocate workforce without the support they need. *Id.*

But agreeing to the ACF Anti-DEI Certification would also cause these Plaintiffs harm. It would impede their ability to conduct their work in accord with their missions, which grounds their work in understanding that racism, homophobia, transphobia, ableism, and other forms of oppression are intertwined with gender-based violence and directly impact access to safety, healing, and justice. Sarang-Sieminski Decl. ¶ 37; *see also* Simpson-Bruce Decl. ¶ 18; Moran-Kuhn Decl. ¶ 33. JDI, for instance, is unsure whether it can continue to operate programs that are designed to highlight the needs of underserved or marginalized communities, including black, immigrant, and LGBTQ+ survivors without running afoul of the Administration’s expansive view of when “DEI,” “DEIA,” and “discriminatory equity ideology” are unlawful. *Id.* ¶ 39.

LEGAL STANDARD

To obtain a temporary restraining order, Plaintiffs must establish (1) a likelihood of success on the merits; (2) that irreparable harm is likely without preliminary relief; (3) that the balance of equities tips in Plaintiffs’ favor; and (4) that a preliminary injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Where the government is

the opposing party, the final two factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

Irreparable injury operates on “a sliding scale” such that “the greater the likelihood [of success], the less harm must be shown.” *Soscia Holdings, LLC v. Rhode Island*, 684 F. Supp. 3d 47, 49 (D.R.I. 2023) (citing *Braintree Labs., Inc. v. Citigroup Glob. Mkts. Inc.*, 622 F.3d 36, 42–43 (1st Cir. 2010)).

ARGUMENT

Plaintiffs are likely to prevail on their claims that the unauthorized and ill-considered New Conditions are unlawful. Those New Conditions threaten imminent irreparable harm to those Plaintiffs identified above with immediate deadlines related to CoC Grants from HUD, RPE grants from HHS’s CDC, and/or FVPSA state coalition grants from HHS’s ACF. Those Plaintiffs recently received new grant agreements with the unlawful conditions and must imminently draw down funds under those grants to support critical activities—and, absent relief, will be forced to accept the unlawful conditions if they do. The balance of equities and public interest weighs decisively against such a result.

I. The Plaintiffs Are Likely To Succeed On the Merits of Their Claims

A. The New Conditions Violate the APA

The New Conditions are reviewable “final agency action” that violate the APA in myriad ways. Plaintiffs are likely to succeed on their claims that the New Conditions must be set aside as “in excess of statutory, jurisdiction, authority, or limitations,” “contrary to law,” “arbitrary [and] capricious,” and “contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C.

§§ 704, 706(2)(A)–(C).¹

¹ The multiple constitutional problems with the New Conditions provide grounds for relief both under the APA and as independent claims and are discussed in sections I.B–I.D below.

1. The New Conditions are Final Agency Action

The New Conditions are final agency action reviewable under the APA. In a recent case challenging the HUD CoC Conditions, the government did “not dispute ... the new funding conditions ... are ‘final agency action.’” *Martin Luther King, Jr. Cnty. v. Turner*, No. 2:25-cv-00814, 2025 WL 1582368, at *14 n.18 (W.D. Wash. June 3, 2025), *appeal pending*, No. 25-3664 (9th Cir.). Rightly so for that condition and the others at issue here.

For agency action to be “final,” it must (1) “mark the consummation of the agency’s decisionmaking process” and (2) “be one by which rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (cleaned up). The HUD CoC Conditions, HHS GPS (which includes the HHS Discrimination Certification), and ACF Standard Terms (which includes the ACF Anti-DEI Certification) mark the consummation of Defendant’s decisionmaking process: Secretary Turner’s post on X makes clear that HUD has made a final decision to impose the CoC Conditions on CoC Grants going forward. Scott Turner (@Secretary Turner), X (Mar. 13, 2025, 2:47PM), <https://x.com/SecretaryTurner/status/1900257331184570703>, captured at <https://perma.cc/2PHL-3Q2A>; <https://perma.cc/LPL2-WK5T>. And, in fact, HUD has issued awards to Plaintiffs incorporating those Conditions. Higginbotham Decl. ¶ 12; Jaworski Decl. ¶ 11; Simmons Decl. ¶ 9; Yglesias Decl. ¶ 10. Likewise, by adopting the updated HHS GPS and ACF Standard Terms, HHS and ACF have made final decisions to impose those policies on a large set of HHS grants, and in fact has issued awards to Plaintiffs that incorporate those policies’ conditions. Akins Decl. ¶ 19; McCormick Decl. ¶¶ 25, 37; Young Decl. ¶ 28; Moran-Kuhn Decl. ¶¶ 29-30; Dotson Decl. ¶ 20.

These Conditions also determine rights or obligations and produce legal consequences. They preclude organizations from receiving an award if they do not agree to the conditions, and once agreed to, they constrain grantees' conduct and subject grantees to possible FCA liability.

2. The New Conditions Exceed Defendants' Statutory Authority

The New Conditions exceed Defendants' statutory authority. For agencies charged with administering statutes, “[b]oth their power to act and how they are to act is authoritatively prescribed by Congress.” *City of Arlington v. FCC*, 569 U.S. 290, 297 (2013). An agency “literally has no power to act ... unless and until Congress confers power upon it.” *La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986). “Any action that an agency takes outside the bounds of its statutory authority ... violates the Administrative Procedure Act.” *City of Providence v. Barr*, 954 F.3d 23, 31 (1st Cir. 2020).

HUD CoC Conditions. Nothing in the Homeless Assistance Act nor any other statute authorizes HUD to impose the HUD CoC Conditions, as another district court recently held. *See King Cnty.*, 2025 WL 1582368, at *15. The Homeless Assistance Act attaches various conditions to CoC Grants—such as requirements that grantees “monitor and report to the Secretary the progress of the project,” “ensure ... that individuals and families experiencing homelessness are involved” in the project, and “monitor and report” the receipt of any matching funds. 42 U.S.C. § 11386(b). But Congress has not authorized the executive branch to impose additional substantive conditions designed to advance policy goals wholly unrelated to the Homeless Assistance Act’s purposes and requirements. *Cf. California v. DOT*, No. 1:25-cv-00208, --- F. Supp. 3d ----, 2025 WL 1711531, at *2 (D.R.I. June 19, 2025) (holding that the federal agency lacked authority “to impose immigration enforcement conditions on federal dollars specifically

appropriated for transportation purposes”). Nor did Defendants identify any such authority in adopting the conditions.

HHS Discrimination Certification and ACF Anti-DEI Certification. Similarly, no statute authorizes HHS to impose the HHS Discrimination Certification to HHS grants across the board. Nor does any statute authorize HHS to apply that condition to rape prevention education grants or FVPSA state coalitions grants. Congress made RPE grants subject to the general conditions on VAWA grants, including that grantees use grant funds “only for the specific purposes described” in the statute; protect the privacy of people receiving services; and not use grant funds for tort litigation, lobbying, or excessive expenditures on conferences. 34 U.S.C. § 12291(b)(2), (5), (9), (10), (15)(C); *see also* Pub. L. No. 117-103, §§ 2(b), 301(5)(A) (reauthorizing rape prevention education grants and providing that 34 U.S.C. § 12291 “shall apply to ... any grant program authorized under this Act”). But, like with the CoC Grants, Congress has not authorized the executive branch to impose additional substantive conditions designed to advance wholly unrelated policy goals. Nor did Defendants identify any such authority in adopting the conditions.

So too for the FVPSA State Coalitions grants. While Congress gave HHS authority to implement “new grant conditions established ... by” statute, and to otherwise carry out the programs Congress created, it did not authorize the agency to impose conditions that advance wholly unrelated policy goals of eradicating “DEI” or denying transgender people’s identities. *See* 42 U.S.C. § 10411.

3. Various Conditions Are Contrary to Law

In addition to exceeding Defendants’ statutory authority, multiple New Conditions are contrary to law. For one, multiple HUD CoC Conditions outright conflict with a binding agency

regulation. It is well established that “that agencies must comply with their own regulations.” *Manguriu v. Lynch*, 794 F.3d 119, 122 (1st Cir. 2015). Agency action that violates a regulation is “contrary to law” in violation of the APA. *Colorado v. HHS*, No. 1:25-cv-00121, --- F. Supp. 3d ---, 2025 WL 1017775, at *2 (D.R.I. Apr. 5, 2025).

Binding HUD regulations require grantees to recognize and respect individuals’ gender identity. Among other things, HUD regulations provide that, for CoC (and other) grants, recipients must provide individuals with equal access to shelters and other services “in accordance with the individual’s gender identity” and must place and serve individuals “in accordance with the[ir] gender identity.” 24 C.F.R. § 5.106(b)(1)-(2); *see also id.* §§ 5.106(b)(3), (c).

The HUD “Gender Ideology” Condition and HUD CoC E.O. Condition conflict with that rule. The “Gender Ideology” Condition bars grantees from “promoting gender ideology” as defined in the “Gender Ideology” Order—an order that proclaims that there are only “two sexes, male and female,” and that categorically rejects as “false” the idea that a person can have a gender identity distinct from their biological sex. “Gender Ideology” Order § 2. Relatedly, the HUD CoC E.O. Condition requires compliance with all executive orders—and thus requires grantees to follow the “Gender Ideology” Order. These requirements all appear to require grantees to deny individuals’ gender identity and to instead serve people in accordance with their biological sex as defined under the executive order. That flies in the face of the regulation, which unequivocally requires grantees to recognize individuals’ gender identity and to serve them in accordance with it, not their biological sex.

In addition, the HHS Discrimination Certification and ACF Anti-DEI Certification—requiring grantees to certify that they do not engage in DEI, DEIA, or “discriminatory equity

ideology” in violation of federal nondiscrimination laws—are contrary to law. They conflict with various statutory provisions that expressly contemplate grants targeting “underserved populations”—a group that Congress defined to include those who face barriers to accessing and using victim services, including because of their “religion, sexual orientation, gender identity,” race or ethnicity, disabilities, or “alienage status”—as well as grants involving “culturally specific” services or organizations “primarily directed toward racial and ethnic minority groups.” See 34 U.S.C. §§ 12291(a)(8), (46) (defining “underserved populations” and “culturally specific”); 42 U.S.C. § 280b-1b(a)(7) (specifically authorizing rape prevention education grants supporting “efforts to increase awareness in underserved communities” and among “individuals with disabilities”); *id.* § 280b-1b(c) (requiring HHS to ensure “meaningful involvement” of “racial and ethnic minority groups” and “underserved” communities in implementing rape prevention education grants); *id.* § 10406(a)(3) (authorizing grants “to provide specialized services for ... underserved populations[] and victims who are members of racial and ethnic minority populations”); *id.* § 10411(d)(3) (requiring grantees to address the needs of victims “who are members of racial and ethnic minority populations and underserved populations”).

4. The New Conditions are Arbitrary and Capricious

The New Conditions are also arbitrary and capricious. Under arbitrary and capricious review, courts must hold unlawful any agency action that is “not ‘reasonable and reasonably explained.’” *Ohio v. EPA*, 603 U.S. 279, 292 (2024) (quoting *FCC v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021)). To pass muster, an agency must offer “a satisfactory explanation for its action” and can neither “rel[y] on factors which Congress has not intended it to consider” nor ignore “an important aspect of the problem” *Motor Vehicle Mfrs. Ass’n of U.S. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). While agencies are free to change their

existing policies, they must “display awareness that” they are doing so, provide “good reasons for the new policy,” and demonstrate that they have taken account of “reliance interests” engendered by the prior policy. *FCC v. Fox Television Stations*, 556 U.S. 502, 515 (2009). The New Conditions fail on multiple fronts.

Defendants’ imposition of the New Conditions fails the most basic requirement of agency decision-making: the Conditions “have not been explained at all,” as the other district court considering the HUD CoC Conditions recently held. *King Cnty.*, 2025 WL 1582368, at *17. Defendants provided no explanation for their actions, and they certainly did not provide a “reasoned explanation” as the APA requires. *See Fox Television*, 556 U.S. at 515.

Defendants have likewise failed to “show that there are good reasons for the new policy,” and for some conditions even fail to “display awareness” that the New Conditions are a change in policy at all. *Id.* at 515. While a few conditions “make reference to certain Executive Orders,” the “rote incorporation of executive orders—especially ones involving politically charged policy matters that are the subject of intense disagreement and bear no substantive relation to the agency’s underlying action—does not constitute ‘reasoned decisionmaking.’” *Id.*; *accord, e.g., Louisiana v. Biden*, 622 F. Supp. 3d 267, 295 (W.D. La. 2022) (“A decision supported by no reasoning whatsoever in the record cannot be saved merely because it involves an Executive Order.”).

Beyond that, Defendants have failed to consider multiple “important aspects of the problem,” *State Farm*, 463 U.S. at 43. Defendants did not consider how funding conditions advancing unrelated policy goals would impact the efficacy of grant programs—including the CoC, RPE, and FVPSA grant programs that support TRO Plaintiffs’ work—or hinder efforts to address homelessness and prevent sexual violence. Nor did they consider how deterring grantee

efforts to engage with and support particular communities—as the DEIA-related conditions threaten to do—will effectively exclude those communities from the benefits of the funded programs.

They likewise have not considered the “serious reliance interests” of grantees and the members of the public they serve that are jeopardized by the New Conditions. *See DHS v. Regents of the Univ. of Cal.*, 591 U.S. 1, 30 (2020). As relevant to this TRO motion, the conditions are being imposed in the middle of the period of performance for many Plaintiffs and their members, not in connection with a new award where the grantee at least knew of the condition upon receiving the initial award. These grantees have been counting on the continued receipt of this funding to carry out their ongoing, mission-critical activities.

Finally, Defendants did not consider or explain how the conditions barring and deterring “DEIA”-related activity can be reconciled with Congress’s express authorization for programs focused on underserved populations and individuals with disabilities, *see* 42 U.S.C. § 280b-1b(a)(7)—let alone how the “gender ideology”-related conditions discussed above square with the binding regulations requiring grantees to serve individuals in accordance with their gender identity.

B. The New Funding Conditions Violate Multiple Constitutional Provisions Safeguarding the Separation of Powers

The New Conditions also violate the Spending Clause and other constitutional provisions safeguarding the separation of powers. As court after court has recognized, imposing “extra-statutory conditions on federal grant awards as a tool to obtain compliance with [the executive’s] policy objectives strikes at the heart of ... the separation of powers.” *City of Chicago v. Barr*, 961 F.3d 882, 892 (7th Cir. 2020) (holding that the executive branch violated separation of

powers by conditioning federal funding on recipients' facilitating immigration enforcement).²

Defendants have done precisely that here. As explained above, *supra* section I.A.1, Congress has not authorized Defendants to impose the New Conditions. In doing so anyway, Defendants have exceeded their constitutional authority and encroached on Congress's power to control federal spending, in violation of foundational separation-of-powers principles.

The Constitution "exclusively grants the power of the purse to Congress, not the President." *Colorado v. HHS*, No. 1:25-cv-00121, 2025 WL 1426226, at *18 (D.R.I. May 16, 2025) (quoting *City & Cnty. of S.F. v. Trump*, 897 F.3d 1225, 1231 (9th Cir. 2018)); *see also* U.S. Const., art. I, § 1 (Spending Clause); *id.*, art. I, § 9, cl. 7 (Appropriations Clause). Among the "legislative powers" the Constitution vests in Congress, *see id.*, art. I, § 1, is the Spending Clause, which authorizes Congress to distribute funds to states and private entities to promote "the general welfare," *id.*, art. I, § 8, cl. 1. "Incident to this power, Congress may attach conditions on the receipt of federal funds." *South Dakota v. Dole*, 483 U.S. 203, 206 (1987). And because "the ability to place conditions on federal grants ultimately comes from the Spending Clause, which empowers Congress, not the Executive, to spend for the general welfare," *Tex. Educ. Agency v. Dep't of Educ.*, 992 F.3d 350, 362 (5th Cir. 2021), the executive branch may not impose conditions on the distribution of funds that Congress has not authorized, *see Colorado*, 2025 WL 1426226, at *18.

² *See also, e.g., City & Cnty. of S.F.*, 897 F.3d at 1231, 1234–35 ("withhold[ing] all federal grants from so-called 'sanctuary' cities and counties" violated separation of powers); *King Cnty.*, 2025 WL 1582368, at *6, 15–17 ("gender ideology" and anti-DEI funding conditions violated separation of powers); *PFLAG, Inc. v. Trump*, No. 8:25-cv-00337, 2025 WL 685124, at *14–21 (D. Md. Mar. 4, 2025) (conditioning funding on recipients' denying gender-affirming care violated separation of powers); *Washington v. Trump*, 768 F. Supp. 3d 1239, 1261–63 (W.D. Wash. 2025) ("gender ideology" funding conditions violated separation of powers).

The executive branch’s role, rather, is to implement Congress’s spending directives and to “take care that the laws be faithfully executed,” U.S. Const., art. II, § 3. “When it comes to spending, the President has none of his own constitutional powers to rely upon” and can only exercise authority Congress has delegated. *City & Cnty. of S.F.*, 897 F.3d at 1233–34. He has no power, moreover, “to enact, to amend, or to repeal statutes” on his own. *Clinton v. City of N.Y.*, 524 U.S. 417, 438 (1998); *see also* U.S. Const., art. I, § 7, cl. 2 (Presentment Clause).

Here, because Congress has not delegated to the executive branch the authority to adopt the New Conditions, *see supra* section I.A.1, Defendants unconstitutionally “claim[] for [themselves] Congress’s exclusive spending power” and “attempt[] to coopt Congress’s power to legislate.” *See City and Cnty. of S.F.*, 897 F.3d at 1234; *see also PFLAG*, 2025 WL 685124, at *21 (concluding that executive order “unilaterally” imposing funding conditions unconstitutionally “circumvent[ed] bicameralism and presentment”). At bottom, the Founders established our system of separated powers to guard against “a concentration of power [that] would allow tyranny to flourish.” *City of Chicago*, 961 F.3d at 892. In that system, “the power to wield the purse to alter behavior rests squarely with the legislative branch”—whose “elected representatives and dual chambers [] provide[] institutional protection from the abuse of such power.” *Id.* That “institutional protection from abuse” would disappear if the executive branch could “impose [its] policy preferences regardless of the will of Congress.” *Id.* Defendants’ attempt to leverage federal funding “to effectuate [the executive’s] own policy goals” violates the separation of powers. *See City & Cnty. of S.F.*, 897 F.3d at 1235.

C. Multiple New Conditions Violate the First Amendment

Multiple conditions implementing the President’s Anti-DEI Order—HHS Discrimination Certification, ACF Anti-DEI Certification, and the HUD Discrimination Certification (DEI-

related certifications)—as well as the HUD “Gender Ideology” Condition, violate the First Amendment’s protection of “the freedom of speech,” U.S. Const. amend. I.

While the government may, in some circumstances, attach conditions to federal funding that “affect the recipient’s exercise of its First Amendment rights,” there are limits. *Agency for Int’l Dev. v. All. for Open Soc’y Int’l*, 570 U.S. 205, 214–15 (2013). Crucially, the government may not restrict “protected [speech] outside the scope of the federally funded program.” *Id.* at 217 (citing *Rust v. Sullivan*, 500 U.S. 173, 197 (1991)). Nor may it leverage government funding to “aim at the suppression of dangerous ideas.” *Nat’l Endowment for the Arts v. Finley*, 524 U.S. 569, 587 (1998). And imposing a funding condition “not relevant to the objectives of the program” can also violate the First Amendment. *Open Soc’y*, 570 U.S. at 214. The DEI-related certifications and “Gender Ideology” Condition transgress these limits.

DEI-related certifications. The HHS Discrimination Certification, ACF Anti-DEI Certification, and the HUD Discrimination Certification impermissibly restrict speech “outside the scope of the federally funded program,” *Open Soc’y*, 570 U.S. at 217. Those requirements compel grantees to certify that they do not “operate *any* programs”—whether funded by the grant or not—that (in the case of the HHS and ACF conditions) “advance or promote DEI, DEIA, or discriminatory equity ideology in violation of Federal anti-discrimination laws” or (in the case of HUD’s requirement) “that violate any applicable Federal antidiscrimination laws.” HHS GPS at 19; ACF Standard Terms; HUD Discrimination Certification. Those requirements “on [their] face makes clear” that it applies to “any program . . . , irrespective of whether the program is federally funded.” *Chi. Women in Trades v. Trump*, No. 1:25-cv-02005, --- F. Supp. 3d ----, 2025 WL 1114466, at *11 (N.D. Ill. Apr. 14, 2025).

Those conditions also restrict speech on the basis of viewpoint. The HHS Discrimination Certification and ACF Anti-DEI Certification specifically prohibit advancing “discriminatory equity ideology”—an undisguised suppression of a particular viewpoint. Those conditions’ prohibition on promoting “DEI” and “DEIA” likewise discriminate against certain speech, as “diversity, equity, and inclusion” programs almost invariably contain speech promoting those values. Indeed, as the Administration itself has acknowledged, it is restricting work related to “diversity, equity, and inclusion” because of disagreement with its “foundational rhetoric and ideas.”³ The HUD Discrimination Certification requiring grantees to certify that they do not violate anti-discrimination law (and that this is material for FCA purposes), while less transparent, also inhibits speech. The surrounding context makes clear that this certification requirement is meant to further the President’s anti-DEI agenda, consistent with the Anti-DEI Order’s instruction that federal agencies impose these types of certification requirements to combat DEI activities, and consistent with its (novel and unfounded) view that such activities are often illegal—and thereby constrains grantees’ speech regarding DEIA values. Anti-DEI Order § 3(b)(iv).

It does not matter that these requirements purport to bar only conduct that violates nondiscrimination laws. For one, it is clear that Defendants are taking a novel and incredibly broad view of the activities that violate nondiscrimination laws, suggesting that any DEI-related activities could implicate civil rights laws (although Defendants do not provide a standard for what actually violates these laws). Plaintiffs and their members will have to self-censor speech to mitigate the chances that they will be subject to government investigations and civil and criminal

³ The White House, *Fact Sheet: President Donald J. Trump Protects Civil Rights and Merit-Based Opportunity by Ending Illegal DEI* (Jan. 22, 2025), <https://perma.cc/G8JU-QQ44>.

litigation and liability under Defendants’ novel interpretation of these laws. And the prospect of self-censorship of speech is especially great given the utter vagueness of the DEI-related certifications. As another court recently held in preliminarily enjoining a similar certification requirement, “[t]he problem ... is that the meaning of this is left entirely to the grantee’s imagination.” *Chicago Women*, 2025 WL 1114466, at *11. Indeed, the DEI-related certifications independently violate the First Amendment due to their extreme vagueness, as explained in more detail further below. *See infra* Section I.D.

HUD “Gender Ideology” Condition. The HUD “Gender Ideology” Condition—which prohibits grantees from using grant funds to “promote ‘gender ideology’ as defined in” the “Gender Ideology” Order—violates the First Amendment as well. As another court recently held in preliminarily enjoining a similar funding condition, this restriction cannot be justified as the government merely refusing to “affirmatively fund[]” the targeted speech. *S.F. AIDS Found. v. Trump*, No. 4:25-cv-01824, --- F. Supp. 3d ----, 2025 WL 1621636, at *16–18 (N.D. Cal. June 9, 2025).

For one, the restriction is “entirely untethered to any ‘legitimate objective[s]’” of the programs it burdens. *Id.* at *16. Instead, it is “directed ... towards disfavored speech.” *Id.* at *17. Under this Condition, a grantee apparently could not “refer to the clients they serve ... by any pronoun” or preferred name that matches their gender identity as opposed to their sex assigned at birth. *Id.* But that “is pure speech that has no relation to,” *id.*, the CoC Grant program’s purposes of helping homeless individuals secure housing.

Moreover, the “Gender Ideology” Condition impermissibly “withhold[s] subsidies for a censorious purpose—aiming to suppress” what the government views to be “the dangerous idea[] of ... ‘gender ideology.’” *S.F. AIDS Found.*, 2025 WL 1621636, at *18; *see also R.I. Latino Arts*

v. Nat'l Endowment for the Arts, No. 1:25-cv-00079, --- F. Supp. 3d ----, 2025 WL 1009026, at *13–14 (D.R.I. Apr. 3, 2025) (noting that government cannot “use subsidies to suppress dangerous ideas” and concluding that bar on funding art programs that “promote gender ideology” was “a clear First Amendment violation”). The underlying Executive Order makes clear its goal is “to root out the ‘extreme,’ ‘false claims’ of gender identity that contradict the government’s view that there is only one ‘biological reality of sex,’” namely to erase the recognition of transgender peoples’ existence. *S.F. AIDS Found.*, 2025 WL 1621636, at *17 (citing “Gender Ideology” Order §§ 1, 2(f)). By defunding any activities “related to the dangerous ideas it has identified,” the HUD “Gender Ideology” Condition effectuates “precisely the kind of ‘invidious viewpoint discrimination’ that the Supreme Court has suggested would present First Amendment concerns even in the context of federal subsidies.” *Id.* (citing *Finley*, 524 U.S. at 587).

The HUD “Gender Ideology” Condition also unconstitutionally strays beyond the “scope of the federally funded program,” *Open Soc’y*, 570 U.S. at 218. As the Supreme Court has explained, a funding condition “by its very nature affects ‘protected conduct outside the scope of the federal funded program’” when it “demand[s] that a funding recipient[] adopt—as their own—the Government’s view on an issue of public concern.” *Id.* (quoting *Rust*, 500 U.S. at 197). The HUD “Gender Ideology” Condition does just that. Under the Condition, a grantee risks noncompliance if it says anything recognizing someone’s gender identity, such as by using a transgender person’s preferred pronouns. So this Condition leaves grantees with no choice but to use the pronouns corresponding to the person’s sex assigned at birth—speech that reflects the Administration’s view that gender identity should not be acknowledged or respected—a condition far afield from the scope of HUD’s homelessness programs.

D. The New Conditions Are Unconstitutionally Vague

Plaintiffs are likely to succeed in showing that the New Conditions are unconstitutionally vague because they impose unclear, ill-defined prohibitions that give Defendants sweeping discretion over their enforcement. Due process fundamentally requires that the law give “fair notice of what is prohibited.” *FCC v. Fox Television Stations*, 567 U.S. 239, 253 (2012) (citing *United States v. Williams*, 553 U.S. 285, 304 (2008)). A government-imposed requirement violates due process if it fails to “provide a person of reasonable intelligence fair notice of what is prohibited,” or if it fails to provide explicit standards for the law’s application, opening the door to “arbitrary and discriminatory enforcement.” *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972).

“[H]eightedened” and “stricter” standards for potentially vague regulations are applied in two circumstances, both of which are present here. *Frese v. Formella*, 53 F.4th 1, 6 (1st Cir. 2022) (quotations omitted). First, “vagueness review is more stringent when the challenged laws implicate the First Amendment’s protections for speech.” *United States v. Facticeau*, 89 F.4th 1, 33 n.20 (1st Cir. 2023); see also *Vill. of Hoffman Ests. v. Flipside, Hoffman Ests., Inc.*, 455 U.S. 489, 499 (1982). With any “content-based regulation of speech,” “[t]he vagueness of such a regulation raises special First Amendment concerns because of its obvious chilling effect on free speech.” *Reno v. ACLU*, 521 U.S. 844, 871–72 (1997). “First Amendment freedoms need breathing space to survive, and therefore government may regulate in the area only with narrow specificity.” *Cent. Maine Power Co. v. Maine Comm’n on Governmental Ethics & Election Pracs.*, No. 24-1265, --- F.4th ----, 2025 WL 1911788, at *21 (1st Cir. July 11, 2025) (quoting *Keyishian v. Bd. of Regents of Univ. of N.Y.*, 385 U.S. 589, 604 (1967)).

Second, “a stricter standard is applied” for vagueness where “criminal penalties may be imposed.” *Frese*, 53 F.4th at 6 (quotation omitted). “The severity of criminal sanctions may well cause speakers to remain silent rather than communicate even arguably unlawful words, ideas, and images.” *Reno*, 521 U.S. at 872. And where, as here, there is “content-based regulation of speech” that implicates criminal penalties, vagueness is of the utmost “special concern.” *Counterman v. Colorado*, 600 U.S. 66, 100 (2023).

DEI-related conditions. The HUD Discrimination Certification, HHS Discrimination Certification, and ACF Anti-DEI Certification—which generally require grantees not to engage in “DEI” activities that violate federal antidiscrimination law—are unconstitutionally vague in violating both the First and Fifth Amendments.

These conditions, the Anti-DEI Order on which they are based, and the surrounding context signal that the Administration has a novel and expanded view that many until-recently-encouraged “DEI” and “DEIA” activities would violate federal anti-discrimination laws, but the DEI-related conditions fail to provide fair notice of what exactly the Administration believes is prohibited. They contain no definitions of “DEI,” nor do they specify the attributes of a DEI program that would make it “illegal.” As one court observed, what this Administration will claim is illegal “is anything but obvious.” *Chi. Women*, 2025 WL 1114466, at *11. That is especially so given that “the thrust” of the underlying DEI Executive Order “is that the government’s view of what is illegal in this regard has changed significantly with the new Administration.” *Id.*; see e.g., Anti-DEI Order at § 1 (criticizing diversity, equity, and inclusion practices of a wide variety of “influential institutions of American society”); *id.* § 3 (revoking multiple longstanding diversity-related executive actions and requiring the Office of Management and Budget to “[e]xcise” from federal funding procedures all “references to DEI and DEI principles, under

whatever name they may appear,” and to “[t]erminate all ‘diversity,’ ‘equity,’” and similar activities).

The DEI-related conditions also fail to provide fair notice of how a grantee could comply while also carrying out various instructions Congress set forth by statute—such as the instruction to meaningfully involve racial and ethnic minority groups in rape prevention education grants, to use those grants to “increase awareness in underserved communities” and among “individuals with disabilities,” and to use FVPSA State Coalition Grants to address the needs of victims “who are members of racial and ethnic minority populations and underserved populations. 42 U.S.C. § 280b-1b(a)(7), (c); *id.* § 10411(d)(3); 34 U.S.C. § 12291(a)(9). Particularly given the Administration’s explicit plan to use the FCA—and certifications like these—as a “weapon” in its battle against “DEI,” the certification requirements’ unclear commands leave Plaintiffs vulnerable to the kind of “arbitrary and discriminatory” application of the law that due process prohibits. *Grayned*, 408 U.S. at 108–09.

The DEI-related conditions fail ordinary vagueness review, and they certainly cannot meet the heightened standards that apply for regulations that implicate criminal liability or that regulate protected speech. The DEI-related certifications—and the accompanying exposure to burdensome *qui tam* litigation and potential False Claims Act liability—will predictably chill grantees from speaking in support of diversity, equity, and inclusion, including in their activities unrelated to the use of federal funds. That violates the First Amendment.

HUD “Gender Ideology” Condition. The HUD “Gender Ideology” Condition, which bars grantees from using awarded funds to “promote ‘gender ideology,’” unconstitutionally fails to provide fair notice of what it means to “promote” what the Administration terms “gender ideology.” Is respecting a person’s gender identity (like by using their preferred pronouns or

name) enough, or does the restriction reach only more affirmative advocacy? The condition also does not provide fair notice of how a grantee could comply with this condition's apparent command that grantees deny that individuals have a gender identity separate from their biological sex while also following binding regulations that require grantees to accommodate and serve individuals "in accordance with the[ir] gender identity." *See* 24 C.F.R. § 5.106. As with the DEI-related conditions, the HUD "Gender Ideology" Condition could not meet ordinary vagueness standards, and it falls far short under the heightened standards for regulations that implicate First Amendment speech and could lead to criminal liability.

HUD Abortion Condition. The HUD Abortion Condition is unconstitutionally vague in that it fails to provide fair notice of what it means to use grant funds to "promote" so-called "elective abortion." For instance, it provides no guidance on whether advising someone about the option of abortion counts as "promoting," or whether more active advocacy is required. Nor does it provide any guidance on what counts as an "elective" abortion, which undeniably is subject to different interpretations among those holding different views on the subject.

HUD CoC E.O. Condition. The HUD CoC E.O. Condition (providing that the use of grant funds is "governed by ... [a]ll current Executive Orders") also fails to provide fair notice. Executive Orders are issued by the president to direct federal agencies and officials on how to implement or enforce the law—they do not impose legal requirements or obligations on private parties such as federal grantees. These conditions require Plaintiffs to guess at how to comply, particularly given that the referenced Executive Orders are themselves broad and vague—and the "future" ones do not even exist yet.

Each of these conditions requires people of ordinary intelligence to guess at what is prohibited. *See Grayned*, 408 U.S. at 108. And by failing to provide guidance or standards to

determine what activities this Administration considers newly prohibited, each of the conditions also subjects Plaintiffs' funding to the Administration's unlimited discretion and exposes them to potentially arbitrary and discriminatory enforcement. Faced with threatened civil penalties and potential criminal liability under the FCA, recipients are forced to curtail their activities by "steer[ing] far wider of the unlawful zone than if the boundaries of the forbidden areas were clearly marked." *Id.* at 109 (cleaned up). Plaintiffs are likely to succeed on their Fifth Amendment challenge for all the conditions, and are likely to show that the first two conditions violate the First Amendment on vagueness grounds as well.

II. TRO Plaintiffs Will Suffer Irreparable Harm Absent Emergency Relief

The fast-approaching NOA deadlines and imminent need to draw down on funds force Plaintiffs into a Hobson's choice. Plaintiffs must decide whether to: (a) accept unconstitutional and otherwise unlawful funding conditions that are inconsistent with congressional directives, will impede their ability to provide core services, and are at odds with their fundamental missions; or (b) forgo federal funds that are essential to their ability to fulfill their missions, and that are necessary to save lives.

This imminent "choice itself demonstrates irreparable harm." *City of Philadelphia v. Sessions*, 280 F. Supp. 3d 579, 657 (E.D. Pa. 2017). "[F]orcing [a plaintiff] either to decline the grant funds based on what it believes to be unconstitutional conditions or accept them and face an irreparable harm, is the type of 'Hobson's choice' that supports irreparable harm." *City of Chicago v. Sessions*, 264 F. Supp. 3d 933, 950 (N.D. Ill. 2017), *aff'd*, 888 F.3d 272 (7th Cir. 2018) (subsequent proceedings omitted) (citing *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 381 (1992)); *see also, e.g., City of Philadelphia*, 280 F. Supp. 3d at 657 (finding irreparable harm when City was "faced with a 'Hobson's Choice' between, on the one hand, complying with

a law it credibly believe[d]” to be “unconstitutional, and on the other hand, foregoing funds it plan[ned] to use for life-saving projects”); *cf. Metro. Transp. Auth. v. Duffy*, No. 2:25-cv-01413, 2025 WL 1513369, at *45 (S.D.N.Y. May 28, 2025) (“Plaintiffs can cease operation of the Tolling Program or else may brace for impact and prepare to suffer the effects of Defendants’ threatened compliance measures. Either option would irreparably harm Plaintiffs.”).

Here, either option—accepting the conditions or forgoing funds—would seriously harm Plaintiffs and their members. Agreeing to the New Conditions would cause profound harm. Accepting conditions that are unconstitutional, including because they are vague and infringe on the speech of Plaintiffs and their members, causes irreparable harm even without more. *See, e.g., R.I. Latino Arts*, 2025 WL 1009026, at *15 (“Irreparable harm is ... *presumed* upon a determination that [Plaintiffs] are likely to prevail on their First Amendment claim.” (emphasis added) (quoting *Sindicato Puertorriqueño de Trabajadores v. Fortuño*, 699 F.3d 1, 11 (1st Cir. 2012))); *Hannon v. Allen*, 241 F. Supp. 2d 71, 78 (D. Mass. 2003) (“Even the temporary loss of a constitutional right may be a form of irreparable harm.”). But there is more: the New Conditions would require Plaintiffs and their members to change their conduct, contrary to their values and mission. *See supra* Background section C; Atkins Decl. ¶¶ 27, 36; Higginbotham Decl. ¶¶ 54-55; Simmons Decl. ¶ 22; Lee Decl. ¶ 48; Yglesias Decl. ¶ 40; Young Decl. ¶ 44.

The harm from accepting the New Conditions is especially acute here given that Defendants have intentionally crafted the conditions to expose grantees to FCA liability. It is invariably harmful for an organization to expose itself to criminal investigation or prosecution, or lawsuits that could bankrupt the organization, and it is far from speculative that these risks could come to fruition. DOJ has formed a nationwide task force specifically to target grantees that sign these certifications, has described potential FCA liability as a “weapon” it will deploy, and has

“strongly encouraged” private parties to bring civil suits. Plaintiffs and their members have no choice but to take the threats seriously. *See, e.g.*, Moran-Kuhn Decl. ¶ 48; Sarang-Sieminski Decl. ¶ 23; Yglesias Decl. ¶ 40; Simmons Decl. ¶ 22. Plaintiffs and their members need not wait for the “Damoclese[] sword” of FCA liability “to actually fall” before the Court enters preliminary relief. *See League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 8–9 (D.C. Cir. 2016).

The alternative—forgoing HHS and HUD funds—would also cause irreparable harm. Plaintiffs have relied on HHS and HUD Grant funds to provide essential services to members, individuals, and communities. *See supra* Background section C. Losing out on these grants would drain Plaintiffs’ budgets and require them to lay off staff and cut services, causing a devastating impact on organizations, on their missions, and on the most vulnerable people in their communities. Simmons Decl. ¶ 11; Higginbotham Decl. ¶ 12; Sarang-Sieminski Decl. ¶ 23; Dotson Decl. ¶ 21; Yglesias Decl. ¶ 25; Young Decl. ¶ 28; Akins Decl. ¶ 21; McCormick Decl. ¶ 37; Jaworski Decl. ¶ 11.

Such interference with the organizations’ services “is not accurately measurable or adequately compensable by money damages.” *Massachusetts v. NIH*, 770 F. Supp. 3d 277, 325 (D. Mass. 2025); *see also Am. Pub. Health Ass’n v. NIH*, No. 25-1611, 2025 WL 2017106, at *11 (1st Cir. July 18, 2025). The inability of an organization to “accomplish [its] primary mission” constitutes irreparable harm. *Newby*, 838 F.3d at 9. Even more so here— “[i]t is impossible to accurately measure or compensate” for the losses in life-saving services to homeless individuals and vulnerable victims of domestic violence and sexual assault if organizations are unable to carry out their mission because they are forced to give up federal funds. *Massachusetts v. NIH*, 770 F. Supp. 3d at 325.

III. The Balance of the Equities and Public Interest Favor a TRO

The balance of equities and public interest strongly favor a temporary restraining order permitting Plaintiffs and their members to access grant funding free from the New Conditions until the Court decides the forthcoming motion for a preliminary injunction. Such an order would only require the government to permit Plaintiffs to use funding that federal agencies have already awarded. Meanwhile, absent relief, the grant recipients would be forced to comply with the likely unlawful conditions or be forced to cut lifesaving programming due to lost grants. Indeed, as another judge in this district recently recognized, “[t]he fact that [Plaintiffs] have shown a likelihood of success on the merits strongly suggests that an injunction would serve the public interest.” *California v. DOT*, 2025 WL 1711531, at *2. “[T]here is substantial public interest in having governmental agencies abide by the federal laws.” *Massachusetts v. NIH*, 770 F. Supp. 3d at 326 (cleaned up).

Lives hang in the balance. HUD’s CoC Grants fund both emergency and longer-term housing for survivors of sexual and domestic violence. Yglesias Decl. ¶ 10.b. And in those HUD CoC-funded facilities, plaintiffs provide survivors with resources for substance use disorder and medical conditions. Lee Decl. ¶ 15. “Without the HUD CoC funds, survivors of violence likely will be homeless and at risk of addiction relapse.” *Id.*

For instance, as of April, Pennsylvania Coalition CoC Grant funds provide direct rental assistance to around 380 households, including about 400 adults and about 350 children. Higginbotham Decl. ¶ 14. Without these funds, these families will lose housing support and will face imminent eviction. *Id.* Virginia Member Doe’s clients face similar harms: absent HUD CoC funds, over 40 children and their parents would be evicted from their homes. Yglesias Decl. ¶ 10.a. The lack of availability of HUD-funded transitional housing will have cascading effects.

Shelter stays will be longer, and the number of people being turned away for lack of space would drastically increase. *Id.*

Additionally, HUD CoC funding is critical to protect domestic violence survivors, because the lack of safe, affordable housing keeps victims (and often their children) in abusive situations. *Id.* Victims of abuse “cannot wait six months for housing in abusive situations,” because “this kind of wait could be lethal.” Higginbotham Decl. ¶ 57. But less HUD CoC-funded housing means longer waiting lists, fewer beds at shelters, and more survivors and their children who are unable to leave dangerous situations. Yglesias Decl. ¶ 10.a.

People who are unsheltered for any reason experience “danger and uncertainty,” and often have intense medical needs and disabilities that they cannot treat without the services that HUD CoC Grants fund. Simmons Decl. ¶ 10. Unhoused people who rely on Plaintiffs’ services for medical care will not be able, for instance, to keep their insulin cold or to connect with healthcare providers for kidney disease and cancer treatment. *Id.* ¶ 11. “It is not an overstatement to say” that organizations “use[] these funds to save lives.” *Id.* ¶ 10. Without these funds, communities “would see a rash of people dying out on the street.” *Id.* For Plaintiff House of Hope, where an estimated 80% of staff have experienced homelessness, substance use disorders, incarceration and other related trauma, the loss of these funds would result in massive layoffs to the same staff members that serve as leaders to their peers using House of Hope’s services. Jaworksi Decl. ¶ 33. “To rip them away from their employment and pitch them back into financial and possible housing instability would be a remarkable twist of fate.” *Id.*

RPE funding is similarly important to Plaintiffs and their communities. Decreased primary prevention efforts increases the risk that the people in Plaintiffs’ communities will experience sexual violence and subsequent adverse short and long-term health outcomes,

contributing to a substantial public health burden. Akins Decl. ¶ 21. In some cases, Plaintiffs’ RPE Grant-funded activities provide the only statewide primary prevention infrastructure, and elimination of this funding would “destroy sexual violence prevention efforts in the state.” Dotson Decl. ¶ 25.

These harms are not speculative. Plaintiffs’ lifesaving housing and RPE services depend on organizations’ committed staff members. Without CoC funding, TRO Plaintiffs will lack funds to pay for housing for survivors. Higginbotham Decl. ¶ 14; Yglesias Decl. ¶ 10.a. And without HHS funding, organizations would cut staff working on violence prevention efforts. Lee Decl. ¶ 28; Akin Decl. ¶ 21; Sarang-Sieminski Decl. ¶¶ 23, 29 McCormick Decl. ¶ 38.

Thus, the balance of the equities and the public interest is clear. On the one hand, “the government cannot suffer harm from an injunction that merely ends an unlawful practice.” *Massachusetts v. NIH*, 770 F. Supp. 3d at 326 (cleaned up); *see also Texans for Free Enter. v. Tex. Ethics Comm’n*, 732 F.3d 535, 539 (5th Cir. 2013) (“[I]njunctive protections protecting First Amendment freedoms are always in the public interest.”). On the other, a loss of funds to Plaintiffs and, with respect to Coalitions, their member programs would reverberate to unhoused people and people at risk of homelessness, and vulnerable victims of domestic violence and sexual assault through a loss of life-saving services. Particularly here, where so much is at stake, the government should not be permitted to “leverag[e] the needs of our most vulnerable fellow humans” by conditioning federal funds on the acceptance of unlawful funding conditions. *King Cnty.*, 2025 WL 1582368, at *19.

CONCLUSION

As described in Plaintiffs’ Motion for Temporary Restraining Order, the Court should enjoin Defendants from requiring TRO Plaintiffs or their members to agree to the New Conditions or substantially similar conditions as a requirement for receiving funding, and from

otherwise enforcing these or substantially similar conditions against TRO Plaintiffs and their members.

July 21, 2025

Respectfully submitted,

/s/ Amy R. Romero

Amy R. Romero (RI Bar # 8262)
DeLuca, Weizenbaum, Barry & Revens, Ltd.
199 North Main Street
Providence, RI 02903
(401) 453-1500
Amy@dwbrlaw.com
Cooperating counsel, Lawyers' Committee for RI

/s/ Kristin Bateman

Kristin Bateman (Cal. Bar No. 270913)^{+ ^}
Robin F. Thurston (D.C. Bar No. 1531399)⁺
Skye L. Perryman (D.C. Bar No. 984573)⁺
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C. 20043
(202) 448-9090
kbateman@democracyforward.org
rthurston@democracyforward.org
sperryman@democracyforward.org

/s/ Daniel F. Jacobson

Daniel F. Jacobson (D.C. Bar # 1016621)⁺
Lynn D. Eisenberg (D.C. Bar No. 1017511)⁺
Brian C. Rosen-Shaud (ME Bar No. 006018)^{+ ^}
Nina Cahill (D.C. Bar No. 1735989)⁺
Jacobson Lawyers Group PLLC
1629 K Street NW, Suite 300
Washington, DC 20006
(301) 823-1148
dan@jacobsonlawyersgroup.com

/s/ Lynette Labinger

Lynette Labinger (RI Bar # 1645)
128 Dorrance St., Box 710
Providence, RI 02903
(401) 465-9565
ll@labingerlaw.com
Cooperating counsel, ACLU Foundation of RI

/s/ Mary C. Dunn

Mary C. Dunn (RI Bar #6712)
Blish & Cavanagh LLP
30 Exchange Terrace
Providence, RI 02903
(401) 831-8900
mcd@blishcavlaw.com
Cooperating counsel, Lawyers' Committee for RI

/s/ Lauren A. Khouri

Lauren A. Khouri (D.C. Bar No. 10282288)⁺
Elizabeth Theran (D.C. Bar No. 90030162)⁺
National Women's Law Center
1350 I Street NW, Suite 700
Washington, DC 20005
Telephone: (202) 588-5180
Fax: (202) 588-5185
lkhouri@nwlc.org
etheran@nwlc.org

⁺ *Pro hac vice* motion forthcoming

[^] Not admitted in the District of Columbia. Practice supervised by members of the D.C. bar.

Counsel for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF BRIE LYNN AKINS (“BRIE FRANKLIN”)

I, Brielyn Akins (“Brie Franklin”), declare as follows:

I. Background

1. I am the Executive Director at the Colorado Coalition Against Sexual Assault (Colorado Coalition), Colorado’s federally designated sexual assault coalition.
2. The Colorado Coalition was founded in 1984 and is headquartered in Denver, Colorado. The Colorado Coalition is a statewide sexual assault coalition committed to providing leadership, advocacy, and support to address and prevent sexual violence.
3. The Colorado Coalition supports members, partners, and the broader community through technical assistance, training, publications and other resources, statewide systems change, and public policy education and advocacy. The Colorado Coalition also provides initial response, information, and referrals to victims of sexual assault.

4. The Colorado Coalition receives a grant from the Department of Health and Human Services (HHS). The Colorado Coalition has an annual budget of roughly \$1.6 million. Of that total amount, roughly \$135,000 comes from an HHS grant.

II. the Colorado Coalition's Member Organizations

5. The Colorado Coalition is a membership organization with over 90 members. Membership is open to all organizations and individuals that endorse the Colorado Coalition's mission, vision, and values. The Colorado Coalition's membership includes sexual assault programs and dual domestic violence and sexual assault programs; affiliate agencies, including college and university campuses, law enforcement agencies, district attorneys' offices, medical professionals, public health agencies, offender treatment programs, and other organizations; and individual sexual assault survivors, victim advocates, and concerned persons throughout Colorado. These members complete an application to join and typically pay a suggested amount of dues based on their budget.
6. The Colorado Coalition's membership includes "Member Doe 1," which is a community-based nonprofit that provides free and confidential services, including rapid rehousing, to victims of domestic violence in an urban area. The Colorado Coalition's membership also includes "Member Doe 2," which is a community-based nonprofit that provides free and confidential services to victims of domestic and sexual violence in a rural area.
7. Members of the Colorado Coalition receive grants from HUD and HHS.

III. HUD's New Funding Conditions

8. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.
9. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;" (2) "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 [The False Claims Act];" (3) "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;" and (4) "shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment."

IV. The Colorado Coalition Members' HUD Grants

10. The Colorado Coalition's members have received HUD grants, including grants under the CoC Grant Program ("CoC Grant").
11. For example, "Member Doe 1":
 - a. On March 11, 2025, Member Doe 1 received a Notice of Award (NOA) from HUD for a total of \$150,299 through a CoC Grant in FY 2024. The grant has a performance period of May 1, 2025 through April 30, 2026 and a budget period of

May 1, 2025 through April 30, 2026. The NOFO for this award did not include the new funding conditions described above, but the NOA did. Member Doe 1 is awaiting contracting documents to sign and accept the award.

12. Declining this funding would have a detrimental impact on the Colorado Coalition's members. Without HUD funding, they would have to stop providing critical housing for victims of domestic violence and their children. Victims of domestic violence and their children in Member Doe 1's service area would be without this resource because Member Doe 1 is the only provider of housing specifically for domestic violence victims serving their area. Between October 1, 2024 and June 30, 2025, Member Doe 1 provided rapid rehousing services to 43 victims of domestic violence and their children. Without this assistance, these victims would lose housing and face eviction.

V. HHS's New Funding Conditions

13. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients "must comply with all applicable Federal anti-discrimination laws material to the government's payment decisions for purposes of [the False Claims Act];" and (2) it provides that by accepting the grant award, recipients certify 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." HHS states that it "reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate

any program in violation of Federal anti-discrimination laws or engages in prohibited boycott.” *Id.* at 19.

14. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.
15. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants, including Family Violence Prevention and Services Act (“FVPSA”), that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.
16. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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 the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”
17. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

VI. The Colorado Coalition's HHS Grant

18. The Colorado Coalition has applied for and received a competitive grant from the Center for Disease Control (CDC) for the Rape Prevention and Education Program (“RPE Grant”) for the past two years.
19. The Colorado Coalition has used RPE Grant funds for many purposes. For instance, these funds support strategies to create environments that protect against sexual violence such as implementing comprehensive human sexuality education, as defined in Colorado law. Comprehensive human sexuality education “must be ... culturally sensitive” and “must not explicitly or implicitly: (I) individuals or lesbian, gay, bisexual, or transgender individuals.” “‘Culturally sensitive’ includes resources, references, and information that are meaningful to the experiences and needs of communities of color; immigrant communities; lesbian, gay, bisexual, and transgender communities; people who are intersex; people with physical or intellectual disabilities; people who have experienced sexual victimization; and others whose experiences have traditionally been left out of sexual health education, programs, and policies.” Colorado Revised Statutes § 22-1-128.
20. On June 27, 2025, HHS awarded the Colorado Coalition a total of \$135,00 through the RPE Grant in FY 2025. The grant has a period of performance of June 29, 2024 through June 30, 2028 and a budget period of June 30, 2025 through June 29, 2026. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and CDC Terms and Conditions, which contains the new funding conditions described above, apply to the award. The Colorado Coalition needs to accept this renewal award by drawing down funds by July 30, 2025.

21. Declining this funding would have a detrimental impact on the Colorado Coalition.

Without the funding for this grant, the Colorado Coalition could not continue doing the work outlined in our RPE Logic Model and Work Plan, including collaborating with the Colorado Department of Public Health and Environment's (CDPHE) Sexual Violence Program to enhance the existing state action plan to support state- and community-level implementation of sexual violence primary prevention; participating on CDPHE's Comprehensive Human Sexuality Education oversight entity and its curricula subcommittee to provide guidance to schools/districts on how to meet state standards; or providing training and technical assistance to our members and partners to increase their capacity for sexual violence primary prevention. Decreased primary prevention efforts would increase the risk for Coloradans to experience sexual violence and subsequent adverse short and long-term health outcomes, contributing to a substantial public health burden. The Colorado Coalition would also have to terminate approximately 1.2 FTE of staff.

VII. The Colorado Coalition Members' HHS Grants

22. The Colorado Coalition's members have received FVPSA Program Grants ("FVPSA Grant"), which are passed through the State Administrator's office. These grants are subject to the terms and conditions that are applied to the award made to the State.

23. For example, "Member Doe 1":

- a. On May 28, 2025 date, the State Administrator's Office awarded Member Doe 1 a total of \$54,345 through a FVPSA Grant in FY 2026. The grant has a period of performance of October 1, 2025 through September 30, 2026 and a budget period of October 1, 2025 through September 30, 2026. Because this is a discretionary

grant awarded after April 16, 2025, the new funding conditions in the HHS GPS apply to it. Member Doe 1 is awaiting contracting documents to sign and accept the award.

24. For example, “Member Doe 2”:

- a. On May 28, 2025 date, the State Administrator’s Office awarded Member Doe 2 a total of \$52,505 through a FVPSA Grant in FY 2026 The grant has a period of performance of October 1, 2025 through September 30, 2026 and a budget period of October 1, 2025 through September 30, 2026. Because this is a discretionary grant awarded after April 16, 2025, the new funding conditions in the HHS GPS apply to it. Member Doe 2 is awaiting contracting documents to sign and accept the award.

25. Declining this funding would have a detrimental impact on the Colorado Coalition’s members. Without HHS funding, members would have to cut back essential services and reduce staff, leaving victims of domestic violence and sexual assault without resources to keep them, and their children, safe. For example, between October 1, 2024 and June 30, 2025, Member Doe 1 provided 106 victims with 2,871 nights of emergency shelter, provided 187 non-residential victims with services, and responded to 2,186 calls on their crisis hotline. Between January 1, 2024 and December 31, 2024, Member Doe 2 provided services to 126 victims of domestic and sexual violence and responded to 467 calls on their crisis hotline.

VIII. HUD's and/or HHS's New Funding Conditions Place the Colorado Coalition and its Members in an Untenable Position

26. Agreeing to the HHS conditions would cause the Colorado Coalition and its members profound harm. The funding conditions are vague, and several could be read to conflict with the Colorado Coalition's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HHS grants. The funding conditions may require the Colorado Coalition to cease engaging in activities that it had previously understood the grants to plainly support. Thus, the Colorado Coalition does not know how it may comply with the funding conditions, while also staying true to its mission and engaging in required grant activities for sexual violence primary prevention.
27. The Colorado Coalition is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, implying that compliance with those antidiscrimination laws is material for False Claims Act Purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. The Colorado Coalition's guiding principles require "addressing the root causes of sexual violence," and values include a commitment to "[d]ismantle systems of oppression to create a more just and equitable society," and to "create inclusive and anti-oppressive policy and practices." It is unclear whether the Colorado Coalition's guiding principles and values violate the certification, and whether the Colorado Coalition could comply with the

administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

28. The Colorado Coalition is also concerned that it cannot comply with conflicting RPE Grant requirements and the HHS GPS new grant conditions. As stated in the 2024 RPE Grant NOFO for a four-year project period from June 30, 2024 through June 29, 2028, “[c]ertain communities face a higher burden of SV [sexual violence] due to systemic inequities, which worsen these adverse outcomes. These health inequities, discussed further in this document, highlight the need to address social and structural determinants of health which is necessary for prevention of SV.”; “We require SA Coalitions to collaborate with [state health departments] and other partners to address social and structural determinants of health.”; and “Achieving health equity also requires addressing root causes that disproportionately disadvantage people and communities based on characteristics such as race, ethnicity, gender, and ability. These causes can include racism and biases in societal values and public policy.” The NOFO includes a link to a CDC webpage about social determinants of health (SDOH), which states that “SDOH, including the effects of centuries of racism, are key drivers of health inequities within communities of color.”

(<https://www.cdc.gov/about/priorities/why-is-addressing-sdoh-important.html>, accessed July 11, 2025)

29. The Colorado Coalition operates programs such as providing training and technical assistance about sexual violence primary prevention efforts that focus on the unique needs of Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex, Asexual and Two Spirits communities, specific racial/ethnic/cultural communities, and people with

disabilities, among others. Now, it is unclear whether these programs would fall within the administration's interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.

30. For the same reasons, the Colorado Coalition is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that "advance or promote DEI, DEIA, or discriminatory equity ideology."
31. The Colorado Coalition and its members are also concerned about the HUD condition that prohibits using grant funds to "promote" gender ideology. Treating victims with dignity and respect, including using their preferred pronouns and providing appropriate services based on their gender identity, is fundamental to a trauma-informed, victim-centered approach. It is unclear whether the Colorado Coalition's members may continue these practices and activities while complying with the funding condition not to "promot[e] gender ideology."
32. The Colorado Coalition and its members are concerned about the HUD conditions that prohibit using grant funds to "promote" "elective abortion." Our members do not provide abortion care, but do not know what the government may consider to "promote" abortion. Providing information about options and resources, including reproductive health care and abortion, is fundamental to a trauma-informed, victim-centered approach, and members offer clients information about any health care services they may need, including abortion.
33. The Colorado Coalition and its members are concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by "[a]ll current Executive Orders," could fundamentally affect how our

members provide services and leaves the Colorado Coalition and its members uncertain how to treat executive orders entirely irrelevant to its/their programs, including those that predate this administration.

34. The new funding conditions present the Colorado Coalition and its members with an impossible choice. The Colorado Coalition and its members could forgo accepting HHS grant awards and face the direct consequences to its/their financial health and ongoing operations, and to those who receive direct services. Or the Colorado Coalition and its members could accept the funding with the conditions and jeopardize its/their mission and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.
35. Additionally, the Colorado Coalition and its members would have to fundamentally change its/their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants.
36. The Colorado Coalition and its members fear that if it/they agrees to the new funding conditions, it/they could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make the Colorado Coalition and its members concerned about applying or accepting an award. To mitigate these risks, the Colorado Coalition and its members would have to change its/their practices, in many cases contrary to its/their core values.

IX. These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault Victims and Survivors

37. Agreeing to the conditions would cause the Colorado Coalition and its members profound harm. The funding conditions are vague, and several could be read to conflict with the Colorado Coalition's core mission. The funding conditions may require the Colorado Coalition and its members to cease engaging in activities that it/they had previously understood HHS and HUD grants to plainly support. Thus, the Colorado Coalition does not know how it, and its members, may comply with the funding conditions while also staying true to its mission and implementing required grant activities.
38. Conversely, if the Colorado Coalition or its members turned down the funds because of the conditions, the reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual assault and domestic violence.
39. The Colorado Coalition's operations are essential to permitting the network of direct service providers to focus on providing the highest-quality services to the victims they serve and operate with evidence-based, trauma-informed, victim-centered policies and practices.
40. In the absence of the services funded through HUD and HHS grants, sexual assault and domestic violence victims will be confronted with more barriers when trying to access services following their assault. Direct service providers will be unable to maintain high quality services that follow best practice guidance or even that are fully compliant with the myriad federal, state, and local requirements they have to navigate. This will immediately lead to fewer victims receiving the support and resources they and their

children need to be safe and more becoming homeless, being unable to work or contribute to society in other ways, and needing prolonged medical and mental health care.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2025.

/s/ Brielyn Akins

Brielyn Akins
Colorado Coalition Against Sexual Assault

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et
al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF AMANDA DOTSON

I, Amanda Dotson, declare as follows:

I. Background

1. I am one of the two Executive Directors of the Wisconsin Coalition Against Sexual Assault, Inc. (the “Wisconsin SA Coalition” or the “Coalition”), which is Wisconsin’s federally designated sexual assault coalition.
2. The Wisconsin SA Coalition was founded on October 17, 1985, and is headquartered in Madison, Wisconsin. The Wisconsin SA Coalition works to create social change to end sexual violence by supporting and centering survivors, advocating for systemic and legislative change, and strengthening the capacity of sexual assault service providers across the state of Wisconsin. The

Wisconsin SA Coalition provides its members with individualized training and technical assistance opportunities, access to support and resources, and invitations to coalition-hosted events.

3. Although the Wisconsin SA Coalition does not provide direct services, it does provide information, support, and referrals to survivors who contact them—particularly those who have had harmful experiences or were turned away from local service providers. It also has historically hosted survivor-hosted healing events, and it continues to host in-person and web-based spaces and manage a listserv for survivors and allies.
4. My organization provides training and technical assistance to organizations addressing the needs of sexual assault survivors and working to prevent sexual violence. My organization provides statewide leadership by building an essential infrastructure that not only works to reduce violence at the state level, but also supports programs to prevent sexual violence in communities throughout the state.
5. My organization receives grants from the Department of Health and Human Services (HHS). My organization has an annual budget of roughly \$ 1 million. Of that total amount, roughly \$260,000 comes from HHS grants.

II. My Organization's Member Organizations

6. The Wisconsin SA Coalition is a membership organization with approximately 75 members. There are two types of membership. First, Sexual Assault Services Program (SASP) Membership in the Wisconsin SA Coalition is open to agencies whose primary function is providing sexual assault services and prevention and who demonstrate a commitment to the Coalition's Framework. See <https://www.wcasa.org/about/framework/>. Most members in the Wisconsin SA Coalition are SASP Members. Second, the Wisconsin SA Coalition also has a small number of individuals and organizations who are Partner Members. This type of membership is open to individuals and organizations who want to join the movement to end sexual violence and who demonstrate a commitment to the Coalition's Framework.

7. Members of my organization receive grants from HUD and HHS.

III. HUD's New Funding Conditions

8. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.
9. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;" (2) "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 [The False Claims Act];" (3) "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;" and (4) "shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment."

IV. My Organization's Members' HUD Grants

10. My organization's members have received HUD grants, including grants under the CoC Grant Program.
11. For example, Wisconsin SA Coalition Member Doe 1 receives HUD funds under the CoC Grant program, specifically the Continuum of Care (CoC) Rapid Re-housing (RRH) grant. They receive these grant funds through the Continuum of Care (CoC) in the form of a sub-grant. All interaction thus far has been with the CoC and not HUD. The CoC Administers the grant, and the Sub-Grant Agreement is with the CoC.
 - a. On 9/30/2024, HUD awarded Wisconsin SA Coalition Member Doe 1 a total of \$296,089 through the CoC Grant in FY 24/25. The grant has a performance and grant period of 10/01/24 – 9/30/25. They accepted this award on 09/30/25. The NOFO and NOA did not

include the new HUD funding conditions but expect that the next award will include those conditions. The current subgrant will expire on 09/30/2025. They expect to receive the subgrant continuing application materials from the CoC in September for the next grant period of 10/1/2025 – 9/30/2026.

- b. Declining this funding would have a very significant detrimental impact on the Wisconsin SA Coalition Member Doe 1 and survivors in their community. They currently have funding to provide rental assistance to up to 10 households fleeing domestic violence and to provide case management and outreach for the project. This subgrant funds 2.2 FTEs. Without this grant, they would lose the ability to provide housing for survivors and would have to lay off at least two full-time staff. They would lose the most effective domestic violence homicide prevention tool and because they would have less staff, many less survivors would receive services.
12. Wisconsin SA Coalition Member Doe 3 received HUD grants, including grants under the CoC Grant Program. They receive one grant as pass-throughs from the Wisconsin Balance of State Continuum of Care (WISBOSCO) and another through the county grant holder for WISBOSCO regional distributions. Wisconsin SA Coalition Member Doe 3 does sign awards but as a subgrantee through WISBOSCO.

- a. On 10/01/2024, HUD awarded Wisconsin SA Coalition Member Doe 3 a total of \$257,513 through the CoC Grant in FY2024. The grant has a period of performance of 3 years and a budget period of 10/01/2024 through 09/30/2025. They accepted this award on 10/28/24. The NOFO and NOA did not include the new HUD funding conditions described above but expect that the next award will include those conditions. This was a yearly continuation grant. They anticipate one more non-competitive budget cycle to begin 10/01/2025 to 09/30/26 and have been notified it may be up for a competitive grant cycle this year instead.
- b. Without HUD funding, Wisconsin SA Coalition Member Doe 3 would not be able to house up to 9 individuals and/or families who were homeless as a result of domestic violence. These 9

households would be in jeopardy of returning to unsheltered homelessness on the streets, couch surfing with family, friends or anyone who will allow them. Sometimes these already vulnerable people are at risk for further abuses from individuals who allowed a place to stay with ulterior expectations. Wisconsin SA Coalition Member Doe 3 would have to reduce 2 staff members and cut the Domestic Violence Rapid ReHousing Program. As a newer grantee, they have invested the organization and staff to incorporate extensive additional policies, tracking, and reporting procedures. There was a lot of thought and revisions through time to design a program that meets the needs of community members in need and to balance agency implementations, documentations and compliance so that there is confidence in consistent application and use of the funds. To cut this funding or to do an abrupt major redesign will undo years of building capacity within agencies and funders and will disrupt or remove services to very vulnerable populations. Wisconsin SA Coalition Member Doe 3 also receives HUD CoC Street Outreach funds to support the Safe Place Parking Program with 35-42 cars a night on the lot. It is a victory when someone can be placed in a HUD CoC funded unit to provide them with the essential supportive services for their successful transition to long-term housing stability.

13. Wisconsin SA Coalition Member Doe 4's current HUD grant awards consist of: DV-Rapid Re-Housing (DVRR) subgrant in the amount of \$342,905; CDBG-CV grant in the amount of \$152,223; and ESG-EHH¹ grant for \$19,352. All funds are received as a pass-through from the state and other organizations.

- a. On October 1, 2024, HUD awarded Wisconsin SA Coalition Member Doe 4 a total of \$342,905 through the CoC Grant in federal FY25. The grant has a performance and budget period of 10/01/2024 – 09/30/2025. They accepted this award on 10/01/2024. The NOFO and NOA did not

¹ “ESG-EHH funding” refers to a combination of funding sources focused on addressing homelessness, specifically the HUD Emergency Solutions Grants (ESG) program and the Emergency Housing and Homelessness (EHH) program. In Wisconsin, it refers to the state’s combined distribution of ESG funds and state-funded EHH programs to lead applicants within the state’s Continuum of Care and Local Homeless Coalitions.

include the new HUD funding conditions described above but expect the next award contract will include those conditions. Wisconsin SA Coalition Member Doe 4 anticipates receiving a continuation grant contract for the 10/01/2025 – 09/30/2026 period in late September 2025 for federal FY26.

- b. On 07/08/2025, HUD awarded Wisconsin SA Coalition Member Doe 4 a total of \$152,223.91 through the CoC Grant in federal FY25. This grant has a performance and budget period of 07/01/2025 – 05/31/2026. They accepted this award on 07/09/2025. This is a new funding source for Wisconsin SA Coalition Member Doe 4.
- c. On 10/14/2024, HUD awarded Wisconsin SA Coalition Member Doe 4 \$19,352 through the CoC Grant in federal FY25. This grant has a performance and grant period of 10/01/2024 – 09/30/2025. They accepted this award on 10/15/2025. The NOFO and NOA did not include the new HUD funding conditions described above, however expect the next award will include those conditions. Wisconsin SA Coalition Member Doe 4 has applied for continuation funding and anticipates receiving a grant contract for the 10/01/2025 – 09/30/2026 performance and budget period for federal FY26.
- d. Declining HUD funding would have a significant detrimental impact on Wisconsin SA Coalition Member Doe 4. Their active HUD awards total \$514,481. With an estimated operating budget for FY 2026 of approximately \$1.4M, HUD subgrants represent approximately 39% of their agency budget. Five full-time positions currently rely on HUD funding for at least a portion of wage and benefits, including one full-time Supportive Services Coordinator/Case Manager for DV-RRH; two full-time Supportive Services Directors who provide case management and housing and counseling services; and one full-time Supportive Services Advocate who provides shelter services and advocacy.
- e. DV-RRH funding currently supports eight households who have fled domestic violence and are now receiving ongoing, income-based rental assistance—21 people, including 13 children, and their pets. Ongoing rental assistance and payments to area landlords would be in jeopardy, and

victims of violence could, once again, be homeless. Families in the program receive utility assistance; legal support; emergency food—all of which would be eliminated—putting them and their families at risk. Ongoing case management would be eliminated, including current housing advocacy and services, financial counseling, and employment counseling.

- f. The CDBG grant was just awarded to Wisconsin SA Coalition Member Doe 4 and is expected to fund shelter services to approximately 35 households over the next ten months. It will also provide emergency motel vouchers to an estimated 18 households; one-time rental assistance and utility assistance to an estimated 12 households; and one-time utility assistance to an estimated 12 households. Without this funding, approximately 75 households experiencing domestic violence could again be in danger, and/or at risk of homelessness and/or having electricity, heat, and water utilities interrupted.
- g. The ESG-EHH grant supports Wisconsin SA Coalition Member Doe 4 emergency shelter expenses, including security, utilities, shelter supplies, and food that keep approximately 85 victims of domestic violence and their pets safe. Without this grant funding, shelter services would be reduced. More families would be forced to remain in abusive situations due to lack of crisis shelter. They would be forced to make difficult budget cuts, including potentially eliminating a full-time staff position.

14. Wisconsin SA Coalition Member Doe 5 receives HUD grants, including grants under the CoC Grant Program and EHH. They receive these funds as a pass through from a statewide organization.

- h. On 10/01/2024, HUD awarded Wisconsin SA Coalition Member Doe 5 a total of \$202,427 through the CoC Grant in FY 2024. The grant has a period of performance of 10/1/2024 – 9/30/2025 and a budget period of 10/1/2024 through 9/30/2025. They accepted this award on 10/01/2024. The NOFO and NOA did not include the new HUD funding conditions described above but expect that the next award will include those conditions. They have received a yearly grant that is consistent even though there is a NOFO every year. If there is a NOFO this year, Wisconsin SA Coalition Member Doe 5 will apply via the pass-through organization.

- i. Declining this funding would have a very significant detrimental impact on the organization. Without HUD(CoC) funding, Wisconsin SA Coalition Member Doe 5 would lose 2 full-time staff (from of team of only 18). They would be unable to pay rent for the 12-16 households that are enrolled in the program at any one time. They would be unable to pay housing application fees and unable to assist homeless victims of domestic violence in finding housing. Households in this program anticipate receiving 12-24 months of rental assistance. Without this funding, households lose stability and are at risk of being homeless or at risk of returning to a dangerous living situation.
- j. Wisconsin SA Coalition Member Doe 5 also intends to apply for the EHH funding in the future. Declining EHH funding would have a detrimental impact on the organization. Without this funding, they would lose funds for case management, which might mean they have to reduce staff. A reduction in staff may also reduce shelter capacity.

V. HHS's New Funding Conditions

12. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and (2) it provides that by accepting the grant award, recipients certify 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.” HHS states that it “reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott.” *Id.* at 19.
13. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and

non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

14. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.
15. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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 the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”
16. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX certify to the following: (1) that the recipient “is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including 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; (2) that those “requirements are conditions of payment that go to the essence of the Agreement and are therefore material terms of the Agreement”; (3) that “[p]ayments 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”; (4) that the “[r]ecipient 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”; and (5) that “[r]ecipient

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."

17. The Center for Disease Control and Prevention ("CDC") has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

VI. My Organization's and its Members' HHS Grants

18. My organization has applied for and received a competitive grant from the Rape Prevention and Education: Enhancing Capacity for Sexual Violence Prevention Across State and Territory Sexual Assault Coalitions ("RPE Grant") for the past two years.
19. My organization has used RPE Grant funds for many purposes. For instance, these funds support efforts to prevent sexual violence through a public health approach in Wisconsin. As defined by the NOFO, efforts are focused on building a prevention infrastructure to implement community and societal level prevention strategies to decrease sexual violence and advance health equity.
20. On 06/27/2025, HHS awarded my organization a total of \$135,000 through the RPE Grant in FY26. The grant has a period of performance of 06/30/2024 – 06/29/2028 and a budget period of 06/30/2025 through 06/29/2026. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and CDC Terms and Conditions, which contain the new funding conditions described above, apply to the award. My organization needs to accept this award either by drawing down funds or otherwise communicating acceptance by 07/30/2025.
21. Declining this funding would have a significant detrimental impact on my organization. Without the funding for this grant, there would be no infrastructure for primary prevention to implement efforts at the state level, while also supporting vital prevention efforts throughout the state of Wisconsin. This funding supports over one and a half positions at our agency and one-fifth of our budget. A loss of funding would lead to layoffs and have a significant impact on our work. With

this being a primary source for primary prevention, it would also destroy sexual violence prevention efforts in the state.

22. My organization currently receives, and plans to reapply, for the Preventative Health & Health Services (PHHS) grant from the Center for Disease Control (CDC) for the past at least 15 years. We receive this funding as a pass-through from the State of Wisconsin Department of Health Services (WI-DHS).
23. My organization has used PHHS Grant funds for many purposes. For instance, these funds support educational and healing opportunities for survivors, including through direct support, webinars, and other events. These funds are also vital for my organization to training and technical assistance on a variety of prevention related topics to diverse stakeholders throughout the state. This work aligns with Healthy People 2030, a national initiative to improve health and well-being by implementing strategies for sexual assault prevention and services.
24. On 01/07/2025, the WI-DHS awarded my organization a total of \$127,156 through the PHHS in FY25. The grant has a period of performance of 10/01/2023 to 09/30/2025 and a budget period of 10/1/2024 through 09/30/2025. My organization accepted this award on 01/06/2025. The NOFO and NOA did not include the new HHS and CDC funding conditions described above, but I expect that the next award will be subject to the HHS GPS and CDC Terms and Conditions.
25. Declining this funding would have a significant detrimental impact on my organization. The loss of this funding would further deteriorate the vital infrastructure for prevention in the state. These funds support training and technical assistance to diverse stakeholders in health, education, public health, and other systems. This is also our primary source of funding to survivors directly and by offering opportunities for healing and learning. This funding supports over one and a half positions at our agencies; a loss of funding would lead to layoffs.
26. My organization's members have received HHS grants.
27. For example, Wisconsin SA Coalition Member Doe 1 receives FVPSA funds through our "Statewide Domestic Violence Grant" which is administered through our State Department of

Children and Family Services (DCF). The FVPSA funds are combined with State funding to make up their entire “Statewide Domestic Violence Grant” which is administered through the State DCF agency. All our interaction is with this state agency.

- a. On 11/26/24, HHS awarded Wisconsin Member Doe 1 a total of \$ 11,475 in FVPSA funds through the Statewide Domestic Violence Grant program administered through the State Department of Children and Family Services (DCF) in FY 2025. This is part of a larger total grant administered by DCF (including some state funds). The grant has a period of performance of 01/01/2025 – 12/31/2025 and a budget period of 01/01/2025 through 12/31/2025. They accepted this award on 11/26/2024. The current grant will expire on 12/31/2025. Wisconsin SA Coalition Member Doe 1 will apply for a continuing award in September/October of 2025, for the grant period of 01/01/2025 – 12/31/ 2025. When they receive the continuation award, the HHS GPS will apply.
 - b. Declining this funding would have a detrimental impact on the agency. Their budget is very tight, and this decrease in funding would result in the agency having to reduce staff hours, and inevitably less services to victims of domestic violence.
28. Wisconsin SA Coalition Member Doe 2 receives FVPSA funds as a passthrough underneath the Department of Children and Families, through Domestic Violence Services, Shelter Stabilization and Domestic Violence Housing First. They sign our awards directly through the State of Wisconsin, Department of Children and Families.
- a. On 01/01/2025, State of WI DCF awarded Wisconsin SA Coalition Member Doe 2 a total of \$351,539 through the DCF DVHF, DCF DV Services, and DCF Stabilization Grants for FY2025. The grant has a period of performance of 12 months and a budget period of January through December. Wisconsin SA Coalition Member Doe 2 has this award as a yearly continuation grant that will expire in 2026. When that expires, they plan to continue to apply for available funds through DCF.

- b. Declining this funding would have a very significant impact on the organization. Without funding from this grant, they will be forced to consider staff reductions and potential cutbacks to 24/7 services and shelter programs. This would have a direct and harmful effect on the essential services that our county and community partners rely on, as the only victim services organization within the county. This could mean no helpline available for victims seeking immediate safety planning, no trained advocates to respond to law enforcement calls, court hearings, or hospital visits—especially during nights, weekends, and holidays. Victims in crisis may find themselves without a safe place to go or someone to accompany them during forensic exams, interviews, or court proceedings. It could also lead to delays or gaps in restraining order assistance, legal advocacy, and case management.
 - c. Community-wide, the absence of this member’s services would likely result in increased pressure on already overburdened systems such as law enforcement, emergency rooms, and mental health providers—none of which are equipped to provide the specialized trauma-informed care that our organization offers. In short, without this funding, the safety net for victims of crime and abuse in the region would be severely compromised, leaving survivors without critical support at their most vulnerable moments and undermining the coordinated community response that is vital to public safety and justice.
29. Wisconsin SA Coalition Member Doe 4 receives HHS – FVPSA funding through the Wisconsin Department of Children and Families (DCF) as a DCF-Statewide grant in the amount of \$215,000 and a DCF-Children’s grant in the amount of \$35,000.
- a. On 11/26/2024, HHS awarded Wisconsin SA Coalition Member Doe 4 a total of \$35,000 through the DCF Children’s grant program in federal FY25. The grant has a performance and budget period of 01/01/2025 – 12/31/2025. They accepted this award on 12/02/2024. Wisconsin SA Coalition Member Doe 4 receives a yearly continuation grant and expects

the grant to be renewed for the 01/01/2026 – 12/31/2026 funding cycle in late 2025 for federal FY26. They applied for this continuation funding on 07/09/2025.

- b. On 12/14/2024, HHS awarded Wisconsin SA Coalition Member Doe 4 a total of \$215,000 through its DCF Statewide grant program in federal FY25. The grant has a performance and budget period of 01/01/2025 through 12/31/2025. They accepted this award on December 2, 2024. Wisconsin SA Coalition Member Doe 4 receives a yearly continuation grant and expects the grant to be renewed for the 01/01/2026 – 12/31/2026 funding cycle in late 2025 for federal FY26.
 - c. Wisconsin SA Coalition Member Doe 4's active FVSPA awards total \$250,000. With an estimated operating budget for FY 2026 is approximately \$1.4M, these subgrants represent approximately 18% of their agency budget. The loss of DCF funding would have a significant detrimental impact on Wisconsin SA Coalition Member Doe 4's organization. Without these two grants, they would be forced to eliminate two full-time positions and two part-time positions that provide crisis and supportive services to 650-750 people in rural Wisconsin, including children's services, safety planning, crisis counseling, and outreach. Their service area has already experienced three intimate partner violence homicides in the first five months of 2025. As the only victim service agency and emergency shelter for victims of domestic violence in this rural area, the loss of this funding would be catastrophic to the agency and communities.
30. Wisconsin SA Coalition Member Doe 5 receives FVPSA funds as a passthrough from the Department of Children and Families. They sign awards with the State of Wisconsin, Department of Children and Families.
- a. On 01/01/2025, HHS awarded Wisconsin SA Coalition Member Doe 5 \$37,868 through the FVPSA in FY 2024. The grant has a period of performance of 10/01/2024 – 9/30/2025 and a budget period of 1/1/2025 through 12/31/2025. They accepted this award on 12/02/2024. FVPSA funds are part of a state grant received. The application for the

continuation grant is due in October. When Wisconsin SA Coalition Member Doe 5 receives the continuation award, it is expected that the HHS GPS will apply.

- b. Declining this funding would have a very significant detrimental impact on the organization. Without the funding for this grant, Wisconsin SA Coalition Member Doe 5 will have to reduce shelter capacity, meaning fewer victims of domestic violence will have safe shelter to come to. It is very likely that they will have to reduce staff. They only have 18 staff members total, including staff who staff shelter on evenings, weekends, overnights, and holidays. This would be a detriment to the community, who relies on the shelter for victims.
31. Wisconsin SA Coalition Member Doe 6 receives HHS grants, including grants: Teen Pregnancy Prevention (TPP), Personal Responsibility Education Program (PREP), Sexual Risk Avoidance Education (SRAE) and Title V Block Grant Funds. They have also been a recipient of Rape Prevention and Education (RPE). These grants are received as pass-through from the state department of health.
- a. Personal Responsibility Education Program (PREP) & Sexual Risk Avoidance Education (SRAE) Joint Contract: On 10/28/24, HHS awarded Wisconsin SA Coalition Member Doe 6 a total of \$180,000 through the PREP & SRAE Grant Programs in FY 2024. The grant has a performance and grant period of 10/01/24 – 9/30/25. They accepted this award on 10/28/24. They expect to see annual continuation awards through the length of the federal contract and will reapply when the grant expires.
 - b. Declining this funding would have a very significant detrimental impact on the organization. Without the funding for this grant, Wisconsin SA Coalition Member Doe 6 would need to reduce staff and cut programming. Youth ages 14-19 statewide would no longer have access to positive youth development programming and would be denied positive impact from our framework for healthy, connected, and thriving youth.

- c. Title V Block Grant Funds: On 02/20/2025, HHS awarded Wisconsin SA Coalition Member Doe 6 a total of \$200,000 through the Title V Block Grant Programs in FY 2025. The grant has a performance and budget period of 1/1/25 – 12/31/25. They accepted this award on 02/20/25. They are in the process of applying for Title V Block Grant Funds for the next grant cycle and hope to be awarded funds by January 2026.
- d. Declining this funding would have a detrimental impact on Wisconsin SA Coalition Member Doe 6. Without the funding for this grant, they would need to reduce staff and cut programming. Youth ages 14-19 statewide would no longer have access to positive youth development programming and would be denied positive impact from our framework for healthy, connected, and thriving youth.
- e. Teen Pregnancy Prevention (TPP): HHS awarded Wisconsin SA Coalition Member Doe 6 a total of \$140,000 through the TPP funding in FY 2025. The grant has a performance and grant period of 7/1/2025 - 6/30/2026. Because this is a discretionary grant awarded after April 15, 2025, the new funding conditions in the HHS GPS apply to it. Wisconsin SA Coalition Member Doe 6 needs to accept this award by signing the formal contract from DHS once received, which should be any day now.
- f. Declining this funding would have a very significant detrimental impact on the organization. Without the funding for this grant, they would need to reduce staff and cut programming. Youth ages 14-19 statewide would no longer have access to positive youth development programming and would be denied positive impact from our framework for healthy, connected, and thriving youth.

VII. HUD's and HHS's New Funding Conditions Place My Organization and its Members in an Untenable Position

- 32. Agreeing to the HHS conditions would cause my organization profound harm. The funding conditions are vague, and several could be read to conflict with my organization's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on

HHS. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.

33. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, implying that compliance with those antidiscrimination laws is material for False Claims Act Purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. My organization's mission is to create social change to end sexual violence. The Wisconsin SA Coalition's Framework further describes the organization's vision as "a world without violence, oppression, and racism where all people honor bodily autonomy and social justice." It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

34. My organization is also unsure whether it can continue to operate programs that target underserved or marginalized communities. Healthy People 2030, the RPE NOFO, and other guiding documents prioritize addressing social and structural determinants of health to achieve health equity – including addressing inequities related to race. Now, it is unclear whether these programs would fall within the administration's interpretation of federal anti-discrimination law as prohibiting DEI and DEIA programs.

35. For the same reasons, my organization is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that “advance or promote DEI, DEIA, or discriminatory equity ideology.”
36. My organization is also concerned about the HHS GPS condition requiring grantees to certify that they do not engage in, and will not during the term of this award engage in, a “discriminatory prohibited boycott.” While none of our activities fall into this category, we are fearful how this condition has been used against organizations similar to ours for making public statements against war and genocide.
37. My member organizations are also concerned about the HUD condition that prohibits using grant funds to “promote” gender ideology. In providing direct client services and technical assistance, we use partner and clients’ preferred pronouns to demonstrate support for people who do not identify with the sex they were assigned at birth, recognize gender identity in providing direct assistance, and accommodate the needs of the LGBTQ+ community. It is unclear whether my organization may continue these practices and activities while complying with the funding condition not to “promot[e] gender ideology.”
38. My organization’s members are concerned about the HUD conditions that prohibit using grant funds to “promote” “elective abortion.” Our members do not provide abortion care, but they do not know what the government may consider to “promote” abortion. Members offer clients information about any healthcare services that they need. When pregnant survivors request abortion care, members provide them with resources on how to seek that care.
39. My organization’s members are concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.” They do not know what this condition’s broad and vague language means for their organizations or how to comply with it, given the many new executive orders that it implicates.
40. The new funding conditions present my organization and its members with an impossible choice. My organization could forgo accepting HHS grant awards and face the direct consequences to my

organization's financial health and ongoing operations, and the health and operations of its member organizations, and to those who receive direct services. Or my organization could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

41. Additionally, my organization's members would have to fundamentally change their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants. For example, member organizations would have to restrict activities targeting underserved populations in diverse categories, out of fear that those activities would be considered to violate prohibitions on DEI and DEIA. They would need to refrain from making appropriate referrals for healthcare where those referrals include abortion care. And they would need to restrict activities that recognize and respect transgender and nonbinary individuals' identities.
42. My organization fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization concerned about applying or accepting an award. To mitigate these risks, my organization would have to change its practices, in many cases contrary to its core values.

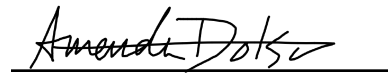
VIII. These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault Victims and Survivors

43. These funding conditions threaten harm to survivors, programs, and communities throughout Wisconsin.
44. Conversely, if my organization or its members turned down the funds because of the conditions, the reduction or outright termination of these services would have devastating effects on victims of sexual violence and communities.

45. My organization's operations are essential to supporting high quality programs and services that are essential in preventing sexual violence and building healthy communities. The Wisconsin SA Coalition's operations are essential to the network of direct service providers and prevention educators who rely on us for survivor-centered policies and practices, as well as evidence-based strategies for prevention. Without this funding, this prevention infrastructure that begins at the Coalition and permeates throughout the state would be irreparably harmed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 19, 2025.

A handwritten signature in black ink, reading "Amanda Dotson", is written over a horizontal line.

Amanda Dotson
Co-Executive Director
Wisconsin Coalition Against
Sexual Assault, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF SUSAN HIGGINBOTHAM

I, Susan Higginbotham, declare as follows:

I. Background

1. I am the Chief Executive Officer at the Pennsylvania Coalition Against Domestic Violence (PCADV, or Pennsylvania Coalition), a coalition of 59 domestic violence member programs providing direct services in all 67 PA counties. PCADV provides passthrough funding, training, and technical assistance to the local programs.

2. PCADV was founded in 1976 and is headquartered in Harrisburg, PA. PCADV serves as both a membership organization and a funder for Pennsylvania's domestic violence service programs, making it the largest domestic violence coalition in the United States. It is the oldest statewide domestic violence coalition in the nation.

3. Each year, the Pennsylvania Coalitions' network of 59 local domestic violence programs provides free and confidential direct services to nearly 90,000 victims and survivors of domestic violence and their children in all 67 counties of the Commonwealth. Together, local

programs and the statewide Coalition work in collaboration to deliver a continuum of services, support, and systems to help victims and survivors find safety, obtain justice, and build lives free from abuse.

4. Survivors served by the Pennsylvania Coalition have access to essential, life-saving interventions that enable them to live autonomous lives that are financially independent, free of violence, and sustainable. Intervention programming includes Domestic Violence Housing First, Civil Legal Representation, Lethality Assessment Screening, Medical Advocacy, and Economic Justice. The Pennsylvania Coalition has had great success in developing trauma-informed, survivor-centered supportive housing programs that meet otherwise unaddressed needs.

5. More than 3 million victims and their children have been served by the Pennsylvania Coalition and its member programs since 1976.

6. The Pennsylvania Coalition has an annual budget of roughly \$53 million, of which \$46.3 million passes through to other organizations. It has an internal annual budget of approximately \$6.8 million.

7. PCADV receives grants from the Department of Housing and Urban Development (HUD) and from the Department of Health and Human Services (HHS). PCADV has an annual budget of roughly \$53 million. Of that total amount, roughly \$24 million comes from HUD grants, including subcontracts; and another \$6,254,101 comes from HHS grants, including subcontracts.

II. PCADV's Member Organizations

8. The Pennsylvania Coalition, or "PCADV," is a membership organization with 59 member agencies. Members fall into one of two categories. The first category of members

encompasses Pennsylvania domestic violence programs. To be eligible for membership, a program must operate a direct services program in Pennsylvania; demonstrate mission-alignment with the Pennsylvania Coalition, including a commitment to racial and social justice and philosophy of empowerment; demonstrate a commitment to working cooperatively with other programs in their region; and pay applicable dues. The second category of members includes caucuses.

9. To receive funds through the Pennsylvania Coalition, service providers shall utilize a culturally-responsive, trauma-informed model.

10. Pennsylvania Coalition's membership includes Pennsylvania Member Doe 1¹, which provides core domestic violence services, housing supports, legal representation, and medical advocacy.

11. Members of PCADV receive grants from HUD and HHS.

III. HUD's New Funding Conditions

12. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

13. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;" (2) "agrees that its compliance in all respects with all applicable Federal

¹ Pennsylvania's member organizations request to proceed anonymously to protect against the risk of retaliation.

anti-discrimination laws is material to the U.S. Government's payment decisions for purposes of [The False Claims Act];" (3) "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;" and (4) "shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment."

IV. PCADV's and its Members' HUD Grants

10. PCADV has applied for and received multiple competitive grants from HUD for the Continuum of Care Grant Program ("CoC Grant"), for the past 6 years. The funds include HUD Domestic Violence bonus funds intended for rapid rehousing for domestic violence survivors. These are competitive grants through Pennsylvania CoCs, the passthrough entities.

11. On June 18, 2025, PCADV received a Notice of Award (NOA) for a total of \$4.45 million through the CoC Grant in FY 26. The grant has a performance period of July 1, 2025, through June 30, 2026, and a budget period of July 1, 2025 through June 30, 2026. The NOFO for this award did not include the new funding conditions described above, but the NOA did. Awarded funds are not available for federal reimbursement until execution of the grant agreements. HUD requires that a recipient sign grant agreements within 45 days of receipt of the NOA, and PCADV is concerned HUD could attempt to cancel our grants and recapture funds if the grant agreements are not signed within 45 days of the date the grant agreement was received—i.e., on or around August 1, 2025. PCADV will need to accept the award on or around August 1, 2025.

12. On August 16, 2024, HUD awarded PCADV \$3,821,473 through the Western PA CoC for FY 25. The grant has a period of performance of 7/1/2024 through 6/30/2025 and a budget period of 7/1/2024 through 6/30/2025. This is another, separate award for the same grant

that is due to renew on 7/1/2025 that now includes conditions. This award is also subject to those conditions. For the same reasons, PCADV needs to sign the grant award contract by August 1, 2025.

13. On 1/1/2025, HUD awarded PCADV a total of \$8,365,048 through an Eastern Pennsylvania CoC Grant in FY 25/26. The grant has a period of performance of 1/1/2025 through 12/31/2025 and a budget period of 1/1/2025 through 12/31/2025 through. PCADV accepted this award on 1/6/2025. The NOFO and NOA did not include the new HUD funding conditions described above, but I expect that the next award, which will be a renewal grant, will include those conditions.

14. PCADV relies heavily on the CoC Grants to fund critical services to support individuals and families experiencing chronic homelessness as a result of domestic violence throughout the state. For instance, these funds support “rapid rehousing” for survivors and their children, which provides short-term and medium-term rental assistance to survivors experiencing homelessness. As of April 2025, PCADV CoC Grant funds support around 380 households, including about 400 adults and about 350 children. Without PCADV CoC Grant funding, these families will not be able to pay the rent and will face imminent eviction from their homes. Widespread evictions will cause these families to rely on emergency shelters, and will risk overloading those shelters, causing longer waits for available beds. Given that there is limited space in emergency shelters, and the fact that lack of safe, affordable housing is what keeps victims in abusive situations, this funding has been critical to domestic violence survivors in Pennsylvania.

15. Declining the HUD CoC funding would have an extremely detrimental impact on PCADV, its mission, and survivors of domestic violence. Without this funding, PA survivors and

their children will be evicted with no safe place to go for assistance and may have to return to abusive situations just to access housing. Further, local programs will have to lay off staff, as will PCADV.

16. PCADV receives other grants from HUD as well. Currently, PCADV has additional HUD CoC grants, including: a YWCA Hanover Transfer Grant for \$191,296.00 for 12/1/23–9/30/25; a CE Expansion Grant for \$313,905.00 for 7/1/24–6/30/25; a CE Transfer Grant – Transitions of PA for \$85,668.00 for 11/1/24–10/31/25; a West CoC RRH Grant for \$3,821,473.00 for 7/1/24–6/30/25; an ESG grant for \$675,000.00 for 1/26/24–6/30/25; a Safe Berks Transfer Grant for \$224,088.00 for 1/1/25–12/31/25; and an East CoC RRH Grant for \$1,935,238.00 for 1/1/25–12/31/25.

17. Declining this funding would have a detrimental impact on PCADV and its mission. Without this funding, PA survivors and their children will be evicted with no safe place to go for assistance and may have to return to abusive situations just to access housing. Further, local programs will have to lay off staff, as will PCADV. For instance, for just one PCADV CoC Grants pays for rental assistance for 130 families, salaries for 9 local programs, and salaries at PCADV.

18. PCADV's members have received HUD grants, including grants under the CoC Grant Program, and as pass-through funds from PCADV. Most local programs receive the HUD CoC funds through PCADV, while a few have HUD funds directly.

19. For example, Member Program Doe 1 receives CoC grants directly from HUD: On 1/1/2025, HUD awarded Member Doe 1 a total of \$480,644 through three HUD CoC Grants in FY 25/26. The grants have a period of performance of 1/1/2025 through 12/31/2025 and a budget period of 1/1/2025 through 12/31/2025. Member Doe 1 accepted these awards on

1/17/2025. The NOFO and NOA did not include the new HUD funding conditions described above. However, on July 17, 2025, Member Program Doe 1 received the renewal contract for this grant for a performance period to begin on January 1, 2026, and it includes the HUD Conditions.

20. Declining this funding would have a detrimental impact on Member Doe 1, and it would be forced to rebrand, strategize, and fundamentally change its mission, values, and approach to serving survivors. But accepting the money and the conditions would also have a detrimental impact. These requirements not only conflict with Member Doe 1’s mission and organizational identity—they are in direct violation of VAWA mandates, federal civil rights laws, HUD’s Equal Access Rule, and constitutional protections essential to safe, ethical, survivor-centered care.

21. Member Doe 1 would be required to dismantle all of its efforts to advance diversity, equity, inclusion, and accessibility (DEI/DEIA)—including staff training, inclusive hiring practices, culturally specific programming, and public language that affirms its values. This is not a compliance tweak; it is a demand to erase foundational principles that define the organization’s approach to survivor care and staff wellbeing.

22. Under HUD’s prohibition on promoting so-called “gender ideology,” Member Doe 1 would be compelled to remove gender-affirming practices—such as honoring pronouns, ensuring access to appropriate shelter accommodations, and acknowledging the lived experiences of transgender survivors. These practices are not optional; they are essential to safe, ethical, trauma-informed care.

23. Member Doe 1 would have to erase language related to racial equity, gender inclusion, reproductive justice, and anti-oppression from all internal and external

materials—including training curricula, policies, website content, and public messaging. Staff would be silenced, partnerships severed, and critical learning stripped from the organization’s workforce.

24. Compliance with these certifications would require Member Doe 1 to knowingly violate ethical standards by denying services, suppressing identity, and avoiding referrals aligned with a survivor’s lived experience. This would compromise staff integrity, retraumatize survivors, and erode trust with the communities we exist to serve.

V. HHS’s New Funding Conditions

25. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and (2) it provides that by accepting the grant award, recipients certify 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.” HHS states that it “reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott.” *Id.* at 19.

26. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

27. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants, including the Coalition Grant, that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

28. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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 the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”

29. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX certify to the following: (1) that the recipient “is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including 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; (2) that those “requirements are conditions of payment that go to the essence of the Agreement and are therefore material terms of the Agreement”; (3) that “[p]ayments 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”; (4) that the “[r]ecipient 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”; and (5) that “[r]ecipient 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.”

30. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

VI. PCADV and its Members’ HHS Grants

31. PCADV has applied for and received a formula grant from HHS’s Administration for Children and Families (ACF) for the Family Violence Prevention and Services Act (“FVPSA Grant”) for the past 23 years. The total budget for the FY 25 FVPSA state coalition grant is \$ 368,750.

32. PCADV has used the FVPSA Coalition Grant funds for many purposes. For instance, these funds support statewide domestic violence prevention efforts by providing pass-through funding to domestic violence programs to implement community-based prevention programming. In addition, these funds support domestic violence awareness through PCADV’s Domestic Violence Awareness Month activities. Finally, these funds support the Online Learning Center which hosts the required training for domestic violence advocates in Pennsylvania. This training is critical for advocates to meet their statutory obligations under Pennsylvania law and to best serve survivors. These funds also support PCADV’s training and technical assistance, and administrative staff.

33. PCADV has passed through FVPSA state formula grants from the Commonwealth of Pennsylvania to local member programs for 23 years. The total budget for FY 25 FVPSA pass through funds is \$4,082,149. Programs utilize these funds for prevention of domestic violence and core domestic violence services.

34. PCADV has also been awarded a total \$4,506,271 in FVPSA American Rescue Plan (ARP) pass through funds for member programs through the Commonwealth of PA, which did not include certifications in the NOFO. These funds are used to support short-term emergency housing and domestic violence services.

35. PCADV has been awarded a total of \$12,173,843 in FVPSA ARP Mobile pass-through funds for local programs. These funds can be used to partner with local healthcare and behavioral health providers to provide coordinated support and information, in addition to providing safe housing for survivors.

36. On July 9, 2025, HHS awarded PCADV a total of \$368,750 through the FVPSA Coalition Grant in FY26. The grant has a period of performance of 24 months starting in October 2024, through September 30, 2026, and a budget period of October 30, 2025 through September 30, 2026. The NOFO did not include the new funding conditions, but the NOA indicates that the ACF Standard Terms and Conditions, which contains the new funding conditions described above, applies to the award. PCADV needs to accept this award by drawing down funds by October 30, 2025.

37. On September 20, 2023, HHS awarded PCADV a total of \$2,500,000 through the CDC DELTA AHEAD grant in FY24. The grant has a period of performance of five years and an annual budget period. The most recent budget period is March 2, 2025, through March 1, 2026. PCADV accepted this award on May 1, 2024. The NOFO and NOA did not include the new

HHS funding conditions described above, but I expect that the next award will be subject to the HHS GPS and ACF Standard Terms and Conditions. PCADV receives an annual continuation of this grant with an annual budget of \$500,000. The continuation notice is anticipated to come around March 1, 2026.

38. PCADV has used DELTA Grant funds for many purposes. For instance, these funds support a statewide prevention committee tasked with analyzing community level trends in public health and prevention of violence. PCADV has also produced materials and trainings on issues such as economic justice, pay equity, increasing community level protective factors and decreasing harmful factors to prevent domestic violence.

39. PCADV has applied for and received a competitive grant from the Center for Disease Control (CDC) for the DELTA grant for the past 8 years.

40. The Commonwealth of PA has applied for FVPSA state formula core services and prevention grants totaling \$4,082,149. These funds are passed to 59 local programs from PCADV and together with state funding, make up the local programs' core services funding.

41. PCADV's members have received HHS grants, including FVPSA pass through funds from PCADV awarded to us by the Pennsylvania Department of Human Services.

42. FVPSA authorizes the funding of Culturally Specific Projects, and PCADV offering a Culturally Specific Project Grant as a pass-through grant to our members.

43. For instance, Pennsylvania Member Program Doe 2 applied to and received PCADV's Culturally Specific Project request for proposals for funding. This member's project assists undocumented survivors in a Pennsylvania county with creating safe space to receive tailored services they need and they trust confidentiality is maintained. The funding supports a staff member and an attorney at a partner agency who work closely to meet the needs of these

survivors. Without this funding Member Program Doe 2 would have to terminate the project, and it would set back their progress in offering services and fray the partnership with a community collaborator. They would have to lay off staff and provide no more support for undocumented domestic violence survivors.

44. Declining HHS funding, including through FVPSA and DELTA AHEAD grants, would have a detrimental impact on PCADV and the members and survivors that it serves. Without the funding for this grant, PCADV core domestic violence services would cease to exist as we know it. Core functions like 24/7 hotline and shelter services would all but be eliminated or greatly reduced, causing additional shelter wait times and reducing access to life-saving services. Waitlists for critical services would expand, and in the meantime, impacts would be lethal for survivors who could not access critical services due to lack of staff, space, and shelter.

VII. The New Funding Conditions Place PCADV and its Members in an Untenable Position

45. Agreeing to the new conditions would cause PCADV profound harm. The funding conditions are vague, and several could be read to conflict with PCADV's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HUD and HHS grants. The funding conditions may require PCADV to cease engaging in activities that it had previously understood the grants to plainly support. Thus, PCADV does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.

46. PCADV is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, and agreeing

that compliance with those antidiscrimination laws is material for False Claims Act purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. For instance, the PCADV requires all members to maintain a “commitment to racial and social justice and a philosophy of empowerment.” It is unclear whether PCADV’s mission and guiding principles violate the certification, and whether PCADV could comply with the administration’s interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

47. PCADV is also unsure whether it can continue to operate programs that target underserved or marginalized communities, including developing materials and educational opportunities for direct service staff at local programs regarding difficult to reach populations and those that require additional support such as immigrants, transgender survivors, racial/ethnic minorities, and men. Now, it is unclear whether these programs would fall within the administration’s interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.

48. For the same reasons, PCADV is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that “advance or promote DEI, DEIA, or discriminatory equity ideology.”

49. PCADV is concerned about the HHS ACF condition requiring a certification of compliance with the Title IX of the Education Amendments of 1972. PCADV has always complied with Title IX, but recent executive orders have made clear that the government is advancing a new interpretation of Title IX as prohibiting allowing people to participate in

single-sex programs based on their gender identity. PCADV is concerned, for instance, that this condition would prohibit us from accommodating the needs of our transgender and nonbinary survivors that we serve, including by allowing them to use the bathroom that aligns with their gender identity.

50. PCADV is also concerned about the HUD condition that prohibits using grant funds to “promote” gender ideology. In providing direct client services and technical assistance using HUD funds, many of PCADV’s staff and staff at local programs funded by PCADV would be compelled to remove gender-affirming practices such as honoring pronouns, ensuring access to appropriate shelter accommodations, and acknowledging the lived experiences of transgender survivors. It is unclear whether PCADV may continue these practices and activities using HUD Funds while complying with the funding condition not to “promot[e] gender ideology.”

51. PCADV is concerned about the HUD conditions that prohibit using grant funds to “promote” “elective abortion.” PCADV follows a “Housing First” model, meaning that we provide wrap-around supportive services for survivors. Additionally, the HUD funds come with funding for supportive services. Therefore, if any client receiving rental assistance informed an advocate that she needed an abortion referral, we would make that referral. PCADV and our funded local programs do not promote abortion services, yet we are concerned that HUD would consider referrals for healthcare to be “promoting” abortion. Reproductive health access, including abortion, is part of our organization framework, and we offer clients information about any healthcare services that they need. When pregnant survivors request abortion care, we provide them with resources on how to seek that care. The reason this issue is essential to providing services to survivors is because reproductive and sexual coercion are common features in abusive situations.

52. PCADV is concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.” We do not know how to interpret and comply with the numerous conditions in those orders, many of which are vague.

53. The new funding conditions present PCADV and its members with an impossible choice. PCADV could forgo accepting HUD and HHS grant awards and face the direct consequences to PCADV’s financial health and ongoing operations. Local programs and the nearly 90,000 individuals who seek services in Pennsylvania each year would also suffer serious financial and operational issues. Or PCADV could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements and face enormous risks of litigation and government investigations under the False Claims Act.

54. Additionally, PCADV’s members would have to fundamentally change their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants. For instance: during its client intake process, Member Doe 1 gathers information about gender identity and the need for legal services, including immigration legal services, to facilitate proper care and access to available resources. When carrying out programs under the HUD CoC Grant, Member Doe 1 includes in its medical assessment process questions about gender identity and preferred pronouns to ensure that care is respectful, compassionate, and appropriate for each individual. Member Doe 1 is concerned that it would have to fundamentally alter this programming in a way that undermines its ability to serve certain underserved populations and runs contrary to the organization’s values.

55. PCADV fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the

False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make PCADV concerned about applying or accepting an award. To mitigate these risks, PCADV would have to change its practices, in many cases contrary to its core values.

VIII. These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault Victims and Survivors

56. Conversely, if PCADV or its members turned down the funds because of the conditions, the reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual violence.

57. Statewide, around 500 families benefit from HUD CoC-funded shelters provided by PCADV and local member programs. This will create long waiting lists within a matter of weeks, people we serve would lose their housing, would be evicted, and would return to or stay with their abusers. Victims of abuse cannot wait six months for housing in abusive situations, and this kind of wait could be lethal.

58. Additionally, without FVPSA pass-through funds to local programs, member programs would lose funding for core services. Losing access to these funds will increase waiting lists for counseling, therapy, support groups, civil legal assistance, and emergency housing—programs that are critically important and when people experience trauma, they cannot wait multiple months for counseling, legal assistance, and emergency housing.

59. Declining the DELTA AHEAD funding would have a detrimental impact on PCADV. Without the funding from this grant, PCADV would have to eliminate or significantly reduce our prevention staff, reduce community-based prevention programming, and change the way we do prevention work. Violence is a behavior learned from parents, caregivers, schools,

friends, communities, media, local, state, and national policies—all reflect how people treat others. In order to prevent these learned behaviors from occurring in relationships, violent behaviors need to essentially be unlearned and replaced with healthier behaviors, or even better, youth can start with healthy, non-violent behaviors. Not receiving prevention dedicated funding for this programming would dramatically restrict our ability to help reduce instances of intimate partner violence.

60. Both sets of funding conditions threaten harm to survivors of domestic violence in Pennsylvania who need intervention services, as the reduced funding would reduce access to services and create long waiting lists that survivors in emergency situations cannot accommodate with any sense of safety and empowerment. If PCADV and our programs must sign certifications to access funds needed to provide services, we will be forced to fundamentally rebrand our organizations, change our missions, values, and approach. Further, these conditions are in direct opposition to the FVPSA statute and the HUD Equal Access Rule, creating an impossible situation for us to navigate.

61. Declining the FVPSA Coalition award would cause PCADV severe harm. PCADV's operations are essential to local programs in Pennsylvania and the almost 90,000 survivors they service each year because we provide training, resources, and financial support for the local programs. In the absence of fully funded services, programs will significantly reduce their services, they will lay off staff, many will have to end operations, and survivors will not get the comprehensive, timely interventions to stop lethality that are needed. Lives will tragically end, and survivors will suffer additional harm.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 2025.

A handwritten signature in black ink, appearing to read "Susan Higginbotham", with a long horizontal flourish extending to the right.

Susan Higginbotham

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION
AGAINST DOMESTIC VIOLENCE, *et al.*
Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*
Defendants.

Case No. 25-cv-342

DECLARATION OF LAURA JAWORSKI

I, Laura Jaworski, declare as follows:

I. Background

1. I am the Executive Director at House of Hope Community Development Corporation (HOHCDC), a homeless service provider in Rhode Island.
2. My organization was founded in 1989 and is headquartered in Warwick, RI, providing services across Rhode Island. We believe in safe, stable housing as a basic human

right, and so address the trauma of homelessness by empowering constituents through direct service work, diversifying housing options, and advocating for policies to counter the issues that lead people to become homeless. Our ultimate aim is to end homelessness in Rhode Island.

3. My organization takes a multi-faceted approach against homelessness by addressing multiple barriers to housing faced by our constituents. HOHCDC funds and manages a housing stabilization program with 250 units of supportive housing; engages in intensive case management to address complex physical and mental health needs, and gaps in financial literacy and job skills; conducts street outreach to connect those living on the street with service provision; and provides basic needs to support the health and dignity of the unhoused.

4. My organization receives grants from the Department of Housing and Urban Development (HUD) and from the Department of Health and Human Services (HHS). My organization has an annual budget of roughly \$4,500,000. Of that total amount, roughly \$1,500,000 comes from HUD grants, including subcontracts; and another \$300,000 comes from HHS grants, including subcontracts.

II. HUD's New Funding Conditions

5. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

6. The Notice Of Awards (NOAs) for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;” (2) “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 [The False Claims Act];” (3) “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;” and (4) “shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment.”

III. My Organization’s HUD Grants

7. My organization has applied for and received multiple competitive grants from HUD for the Continuum of Care Grant Program (“CoC Grant”), for almost 20 years. We currently have four grants directly through HUD, and are a sub-recipient of another through Rhode Island Housing (RI Housing).

8. On May 28, 2025, my organization received NOAs for the four grants we receive directly from HUD. RI Housing also received an NOA around that time for the grant of which we are a sub-grantee.

9. Grant #RI0018L1T002417 for Permanent Supportive Housing in Warwick was initially awarded over 15 years ago. The current grant period provides for \$167,151 from September 1, 2024, through August 31, 2025. It was recently renewed for a two-year period, with a non-competitive renewal after the first year. The first year will run from September 1, 2025, through August 31, 2026. This grant provides funding for 18 units of permanent supportive affordable housing for 24 people. HOHCDC maintains the property and runs supportive services for all occupants. The Notice of Funding Opportunities (NOFOs) for these grants did not include the new funding conditions described above, but the recent NOA did. While HUD requires that a recipient sign grant agreements before the end of the grant period, my

organization will need to accept the awards by September 1, 2025 in order to seek payment without interruption of services. Awarded funds are not available for federal reimbursement until execution of the grant agreements, and my organization does not have enough cash flow to pay out-of-pocket and wait for reimbursement. My organization is concerned that HUD could attempt to cancel our upcoming grants, which could lead to significant impacts on our ability to provide rental assistance or supportive services to program participants if the grant agreements are not signed in a timely manner.

10. Grant #RI0064L1T002411 for Permanent Housing, Access to Home, was initially awarded in the early 2010s. The current grant period provides for \$438,457 from December 1, 2024, through November 30, 2025. It was recently renewed for two years, with a non-competitive renewal after the first year. The first year will run from December 1, 2025, through November 30, 2026. This grant provides rental assistance and supportive services to multiple households in the private rental market. The Notice of Funding Opportunities (NOFOs) for these grants did not include the new funding conditions described above, but the recent NOA did. While HUD requires that a recipient sign grant agreements before the end of the grant period, my organization will need to accept the awards by December 1, 2025, in order for there not to be an interruption in services. Awarded funds are not available for federal reimbursement until execution of the grant agreements, and my organization does not have enough cash flow to pay out-of-pocket and wait for reimbursement. My organization is concerned that HUD could attempt to cancel our upcoming grants, which could lead to significant impacts on our ability to provide rental assistance or supportive services to program participants if the grant agreements are not signed in a timely manner.

11. Grant #RI0128L1T002402 for Permanent Housing, Dean Street Studios, was initially awarded in 2023. The current grant period provides for \$209,528 from August 1, 2024, through July 31, 2025. It was recently renewed for two years, with a non-competitive renewal after the first year. The first year will run from August 1, 2025, through July 31, 2026. This grant provides on-site intensive case management services to 51 residents, including supports for people with mental health challenges and substance use disorders; training on life skills such as job searching; and more. The Notice of Funding Opportunities (NOFOs) for these grants did not include the new funding conditions described above, but the recent NOAs did. While HUD requires that a recipient sign grant agreements before the end of the grant period, my organization will need to accept the awards by August 1, 2025, in order to avoid interruption of services. Awarded funds are not available for federal reimbursement until execution of the grant agreements, and my organization does not have enough cash flow to pay out-of-pocket and wait for reimbursement. My organization is concerned that HUD could attempt to cancel our upcoming grants, which could lead to significant impacts on our ability to provide rental assistance or supportive services to program participants if the grant agreements are not signed in a timely manner.

12. Grant #RI0115Y1T002402 for Youth Housing Demonstration Program, HYPE Youth Outreach, was also initially awarded in 2023. The current grant period provides for \$84,652 from October 1, 2024, through September 30, 2026. It was recently renewed for two years, with a non-competitive renewal after the first year. The first year will run from October 1, 2025, through September 30, 2026. This grant funds street outreach services to 18–24-year-old homeless young adults. These services include connecting constituents with youth-specific resources; housing; efforts to reconnect with family as it is safe and appropriate; and basic needs

supplies. The Notice of Funding Opportunities (NOFOs) for these grants did not include the new funding conditions described above, but the recent NOAs did. While HUD requires that a recipient sign grant agreements before the end of the grant period, my organization will need to accept the awards by October 1, 2025, in order to avoid interruption of services. Awarded funds are not available for federal reimbursement until execution of the grant agreements, and my organization does not have enough cash flow to pay out-of-pocket and wait for reimbursement. My organization is concerned that HUD could attempt to cancel our upcoming grants, which could lead to significant impacts on our ability to provide rental assistance or supportive services to program participants if the grant agreements are not signed in a timely manner.

13. Grant #RI00031L1T002316/2417 for RI Rental Assistance Program is a HUD-funded pass-through grant through RI Housing. The current iteration of this grant, #RI00031L1T002316, provides HOHCDC with \$654,000 of \$4,964,705 awarded to RI Housing for the period January 1 to December 31, 2025. This grant was recently renewed as Grant #RI00031L1T002417, running from January 1 to December 31, 2026. It provides for supportive services and rental assistance for 30 households, Homeless Management Information System (HMIS) connectivity, and administrative costs.

14. Declining the HUD Continuum of Care (CoC) funding would have an extremely detrimental impact on my organization and its mission. My organization relies heavily on our CoC grants to fund critical services to support individuals and families experiencing chronic homelessness – they are our largest sources of funding, and therefore absolutely critical to our core infrastructure. Without this funding, not only would key services provided by individual grants (as described above) be terminated or greatly diminished, but our ability to support hundreds of Rhode Islanders facing housing instability would be placed in jeopardy.

IV. HHS's New Funding Conditions

15. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and (2) it provides that by accepting the grant award, recipients certify 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.” HHS states that it “reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott.” *Id.* at 19.

16. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

V. My Organization's HHS Grants

17. My organization has been a sub-grantee of an HHS grant through the Substance Abuse and Mental Health Services Administration (SAMHSA), passed through the Rhode Island Department of Behavioral Health, Developmental Disabilities and Hospitals (BHDDH). BHDDH was initially awarded this grant in 2016. Most recently, it was renewed for the period of October 1, 2024, through September 30, 2028, with HOHCDC receiving \$299,000 of a \$300,000 per year award.

18. My organization has used these SAMHSA funds to support our PATH program: Projects that Assist the Transition from Homelessness. This program involves street outreach, social work, intensive case management, and harm reduction, particularly for those experiencing unsheltered chronic homelessness and comorbid mental health challenges.

19. The grant Agreement did not include the new HHS funding conditions described above, but I expect that the next award will be subject to the HHS GPS Terms and Conditions.

20. Declining this funding would have a significant detrimental impact on my organization. Without the funding for this grant, approximately 800 constituents without permanent shelter would experience cutbacks in the basic resources and services we provide to preserve their lives and dignities as they take steps toward reintegrating with mainstream society.

VI. HUD's and HHS's New Funding Conditions Place My Organization in an Untenable Position

21. Agreeing to the HUD and HHS conditions would cause my organization profound harm. The funding conditions are vague, and several could be read to conflict with my organization's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HUD and HHS grants. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for our community members experiencing homelessness.

22. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, and that by signing any NOA would indicate that complying with those antidiscrimination laws is

material to the False Claims Act. Though we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA.

23. My organization's mission is grounded in the professional ethics of social work. Social work requires advocates to address clients without judgement or conditional service related to the identities and life experiences they disclose – to meet them where they are. It follows that building respectful, authentic relationships with our clients is imperative to our mission. If we aim to address homelessness by taking a multi-faceted approach (with particular consideration to the traumatic nature of experiencing homelessness), we must also acknowledge and honor the unique backgrounds (i.e. diversity) within our own clientele. It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

24. For the same reasons, my organization is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that “advance or promote DEI, DEIA, or discriminatory equity ideology.”

25. My organization is also concerned about the HUD condition that prohibits using grant funds to “promote” gender ideology. In providing direct client services and technical assistance, many of my organization's staff use clients' preferred pronouns to demonstrate support for people who do not identify with the sex they were assigned at birth, recognize gender identity in providing direct assistance, and accommodate the needs of the LGBTQ+ community

as appropriate for their care. It is unclear whether my organization may continue these practices and activities while complying with the funding condition not to “promot[e] gender ideology.”

26. My organization is concerned about the HUD conditions that prohibit using grant funds to “promote” “elective abortion.” We do not know what the government may consider to “promote” abortion, and if our work is considered as such. Part of social work specifically and client-centered care/advocacy generally, means relating to our clients all the available options under State law related to their healthcare and housing needs. We do not provide abortion care ourselves, but if a client expresses an interest in an abortion, we will assist them in seeking appropriate medical advice.

27. My organization is also concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.”

Our concern here is twofold. First, the language used in many of the current Executive Orders is vague and of dubious legal standing. It is impossible to know how we may or may not be in compliance with the Orders as they stand. Second, as further Executive Orders are released, we are concerned that we will face a similar process to this one, where our critical work will be further interrupted by political distraction.

28. The new funding conditions present my organization and its members with an impossible choice. My organization could forgo accepting HUD and HHS grant awards and face the direct consequences to my organization’s financial health and ongoing operations. Or, my organization could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

29. My organization fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization concerned about applying or accepting an award. To mitigate these risks, my organization would have to change its practices and risk severely curtailing its efficacy.

VII. These Funding Conditions Threaten to Harm Everyday Rhode Islanders

30. These funding conditions threaten harm to everyday Rhode Islanders. Of course, our work is primarily targeted at the individuals comprising Rhode Island's homeless population. But with so many Rhode Islanders living paycheck to paycheck, where just one misfortune could send a family into financial crisis, our work serves as a buffer between a home and the street for all those experiencing housing instability.

31. Our work has further impact on communities as a whole. Through our social work, we connect constituents to high-quality housing, public education, healthcare, career development, jobs, and more. In doing so, we reduce trauma and pathways toward incarceration, and promote public health. Integrating individuals into community where they can participate economically and socially in a healthy way pays dividends to the entire community.

32. Agreeing to the new funding conditions could require us to give up the holistic approach we take to achieve those dividends for individuals and communities. If we are unable to build relationships with our clients grounded in grace, regardless of their proclaimed identity or individual healthcare choices, our provably effective social work model becomes defunct. Our clients remain unmoored, unhoused, and unable to participate fully in society.

33. Conversely, if my organization or its members turned down the funds because of the conditions, the reduction or outright termination of our services would, as described, have devastating effects on our community, and also our staff. An estimated 80% of HOHCDC staff have experienced of homelessness, substance use disorders, incarceration, and/or other related forms of trauma. They work every day to help others overcome the challenges they once faced. The termination of these grants would result in massive layoffs to those same staff members that serve as leaders to their peers currently using HOHCDC services. To rip them away from their employment and pitch them back into financial and possible housing instability would be a remarkably cruel twist of fate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2025.



Laura Jaworski

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF DAVID LEE

I, David Lee, declare as follows:

I. Background

1. I am the Deputy Director at ValorUS (VALOR), a non-profit organization serving as California's sexual assault coalition.

2. VALOR was founded in 1980 and is headquartered in Sacramento, California. It is both a state sexual assault coalition and a direct service provider committed to advancing equity and ending sexual violence. Through leadership, prevention, and advocacy, VALOR pursues a world free from violence where the dignity of every person is valued and respected.

3. VALOR provides training and technical assistance to California's 66 rape crisis centers and other organizations addressing the needs of sexual assault survivors and working to prevent sexual violence. In California, VALOR also supports programs to address sexual violence for people with developmental disabilities, supporting implementation of Prison Rape Elimination Action (PREA) in prisons, and providing legal services to sexual assault survivors.

In addition, VALOR is a national technical assistance provider on violence prevention, restorative practices and leadership development.

4. My organization receives grants from the Department of Health and Human Services (HHS). My organization has an annual budget of roughly \$5.8 million. Of that total amount approximately \$780,000 comes from HHS grants, including subcontracts.

II. My Organization's Member Organizations

5. VALOR is a membership organization with approximately 100 member agencies. Members fall into one of two categories. The first category of member encompasses 66 California Rape Crisis Centers, which provide services funded by the California Office of Emergency Services Rape Crisis Program. Rape Crisis Centers are voting members of VALOR. The second category of member includes any other agency addressing issues of sexual assault and individuals who are interested in, sensitive to, and supportive of VALOR's work and the needs of sexual assault victims. These members are not voting members, but they are encouraged to engage in the business of the organization and are eligible for nomination to the Board of Directors.

6. VALOR's membership includes a member that is being identified for purposes of this lawsuit as "VALOR Member Doe 1," which supports survivors of Domestic Violence, Sexual Assault, and Human Trafficking in one California county; another member identified for purposes of this lawsuit as "VALOR Member Doe 2," which provides services that support survivors of sexual assault and intimate partner violence in one California county; a member that is being identified for purposes of this lawsuit as "VALOR Member Doe 3," which offers healing-centered services, education, and community engagement to prevent and respond to domestic and sexual violence in two California counties.

7. Members of my organization receive grants from HHS and HUD.

III. HUD's New Funding Conditions

8. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

9. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;" (2) "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 [The False Claims Act];" (3) "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;" and (4) "shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment."

10. I understand that HUD has a general, agency-wide policy of requiring compliance with these Executive Orders, has updated its standard Applicant and Recipient Assurances and Certifications to require applicants grantees to certify that they "[w]ill not use Federal funding to promote diversity, equity, and inclusion (DEI) mandates, policies, programs, or activities that violate any applicable Federal antidiscrimination laws," and that HUD's Office of Community Planning and Development (CPD), which administers the Continuum of Care (CoC) CoC, Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), HOME

Investment Partnership Program (HOME), and Housing Opportunities for Persons With AIDS (HOPWA) programs, among others, issued guidance announcing that it will attach new conditions substantially identical to the CoC Grant Conditions to Fiscal Year 2025 agreements governing all CPD-administered grants.

IV. My Organization's and its Members' HUD Grants

10. My organization's members have received HUD grants, including grants under the CoC Grant Program, the ESG program, and the CDBG Program. Our members receive HUD funding through pass-through organizations, such as local county governments.

11. For example, Doe 1 receives ESG and CDBG program grants. Member Doe 3 receives CoC grants.

12. On July 1, 2024, HUD awarded Member Doe 1 a total of \$26,830 through the Emergency Solution Grants (ESG) as a pass through from their county government. The grant has a period of performance of July 1, 2024 through June 30, 2026 and a budget period of July 1, 2024 through June 30, 2026. Member Doe 1 accepted this award on June 10, 2024. The NOFO and agreement with the agency did not include new HUD funding conditions but, as described above, I am aware that HUD enforces the CoC funding conditions for ESG grants.

13. On May 13, 2025, HUD awarded Member Doe 1 a total of \$10,000 through the Community Development Block Grant (CDBG) program, as a pass through from a City in their county. The grant has a period of performance of July 1, 2025 through June 30, 2026 and a budget period of July 1, 2025 through June 30, 2026. Member Doe 1 accepted this award on May 23, 2025. The NOFO and agreement with the City did not include new HUD funding conditions but, as described above, I am aware that HUD enforces the CoC funding conditions for CDBG grants.

14. Doe Member 1 applied for ESG and CDBG grant funding in response to two NOFOs that closed on July 8, 2025. I expect those grants to be conditionally awarded in August, 2025. I am aware that HUD will enforce the CoC funding conditions for these grants.

15. Declining this funding would have a very significant detrimental impact on my organization's members. Without HUD funding, Doe Member 1 would need to cut staff hours for two employees. The ESG grant funds an employee who supervises staff and answers the 24 hour crisis phone line. The CDBG grant funds a second employee who manages Doe Member 1's satellite office and provides direct services to clients, including restraining order assistance. Reducing hours for these employees would result in a reduction of quality of service at Doe Member 1's domestic violence shelter and longer wait times for service at Doe Member 1's satellite office, potentially eliminating restraining order assistance at that location entirely. When someone needs an emergency restraining order, the wait time matters.

16. On June 27, 2025, HUD awarded Doe Member 3 a total of \$125,151 in grants under the CoC Grant program. The NOA included the new HUD CoC grant conditions. The grant has a period of performance of October 1, 2025 through September 30, 2026 and a budget period of October 1, 2025 through September 30, 2026. Member Doe 3 has not yet accepted the award.

17. Doe Member 3 relies on the CoC Grant program to support its rapid rehousing and transitional housing programs. Doe Member 3 serves 49 individuals through their rapid rehousing program. An additional 6 survivors receive support through their transitional housing program. Without CoC funding, these 55 survivors would likely lose access to safe, stable housing, with no clear alternative source of support to replace what HUD currently provides. Many of these individuals would face an increased risk of homelessness or be forced to return to

(or stay in) abusive situations. Additionally, these funds not only cover rental assistance but also the advocacy services necessary to support survivors on their path to independence and recovery. Without the HUD CoC funds, survivors of violence likely will be homeless and at risk of addiction relapse.

18. My organization's members also intend to apply for the following upcoming HUD Grants: CDBG, CoC and ESG within their respective counties.

V. HHS's New Funding Conditions

19. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients "must comply with all applicable Federal anti-discrimination laws material to the government's payment decisions for purposes of [the False Claims Act];" and (2) it provides that by accepting the grant award, recipients certify 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." HHS states that it "reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott." *Id.* at 19.

20. The HHS GPS applies to nondiscretionary "awards and award modifications that add funding made on or after April 16, 2025," including "supplements to award, competing and non-competing continuations," (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

21. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants,, that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

22. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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 the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”

23. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX certify to the following: (1) that the recipient “is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including 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; (2) that those “requirements are conditions of payment that go to the essence of the Agreement and are therefore material terms of the Agreement”; (3) that “[p]ayments 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”; (4) that the “[r]ecipient 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”; and (5) that “[r]ecipient 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.”

24. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

VI. My Organization’s and its Members’ HHS Grants

25. My organization has applied for and received a competitive grant from the Center for Disease Control (CDC) for the Rape Prevention and Education program for the past 2 years.

26. On June 27, 2025, HHS awarded my organization a total of \$135,000 through the Rape Prevention and Education: Enhancing Capacity for Sexual Violence Prevention by State Sexual Assault Coalition grant (“RPE Coalition Grant”) in FY2025. The grant has a period of performance of June 30, 2025 through June 29, 2026 and a budget period of June 30, 2025 through June 29, 2026. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and CDC Terms and Conditions, which contains the new funding conditions described above, apply to the award. My organization needs to accept this award by drawing down funds by July 30, 2025.

27. My organization has used RPE Coalition Grant funds for many purposes. For instance, these funds support VALOR collaboration with the state sexual assault prevention

action plan, disseminating materials about prevention and collaborate with the state health department in statewide sexual violence prevention efforts.

28. Declining the RPE Coalition Grant funding would have a very significant detrimental impact on my organization. The loss of the RPE Coalition grant would result in a loss of \$135,000 and result in reducing staff. VALOR would no longer be able to fund its participation as the only sexual violence prevention program in California. The RPE Coalition Grant funds support VALOR to provide training and technical assistance to organizations in California providing sexual assault services.

29. On March 7 2025, CDC awarded my organization a total of \$345,000 through the E-Learning Collaborative for Sexual Violence and Intimate Partner Violence Prevention in FY2025. The grant has a period of performance of February 1, 2025 through January 31, 2031 and a budget period of February 1, 2025 through January 31, 2031. My organization accepted this award upon the first draw down of funds on April 25, 2025. The NOFO and NOA did not include the new HHS and CDC funding conditions described above, but I expect that the next award will be subject to the HHS GPS and CDC Terms and Conditions. VALOR was awarded for a 5 year cooperative agreement where we submit non-competitive continuation each year. We expect to complete that continuation application in late 2025.

30. Declining this funding would have a very significant detrimental impact on my organization. The loss of the CDC E-Learning Collaborative for Integrated Violence Prevention, would result in a loss of \$345,00 requiring a reduction of over 2.0 FTE of staffing and discontinuing our national prevention activities. Each year, with this grant VALOR provides web conferences, podcasts, blogs and social media to advance violence prevention efforts. The eLearning collaborative disseminates new research and provides violence prevention

practitioners with strategies to support implementation throughout the country. Without the funding for this grant, VALOR will cease to provide CDC violence prevention grantees and other violence prevention practitioners the training and technical assistance to strengthen violence prevention efforts.

31. My organization's members have received HHS grants, including grants through the CDC under the RPE Program and FVPSA through the Domestic Violence Assistance Program (DVAP). Members receive CDC RPE Program funding as passed through the California Department of Public Health (CDPH). 15 VALOR members received RPE funding from CDPH with 5 year awards for the period of February 1, 2024 to January 31, 2029. Members received HHS funding as passed through the California Governor Office of Emergency Services (Cal OES). Approximately 39 VALOR members receive Cal OES Domestic Violence Assistance Program (DVAP) using HHS FVPS funds each year. Recipients must submit a continuation application each year in the summer.

32. For example, Cal OES awarded VALOR Doe Member 1 a total of \$100,398 through the Cal OES Domestic Violence Assistance Program (DVAP) using HHS FVPS funds in FY2024-2025. The grant has a period of performance of October 1, 2024 to September 30, 2025 and a budget period for the HHS FVPS portion of the funds from October 1, 2024 through July 31, 2025. VALOR Doe Member 1 accepted this award on August 26, 2024. VALOR Doe Member 1 submits a yearly continuation grant application each year during the summer. VALOR Doe Member 1 expects that when it receives the continuation award starting October 1, 2025, the HHS GPS will apply. Additionally, VALOR Doe Member 1 received \$ 208,942 through its county government's Domestic Violence Welfare to Work program using HHS Temporary Assistance for Needy Families funds in FY2024-2025. The grant has a period of performance of

July 1, 2025 to June 30, 2026 and a budget period of July 1, 2025 through June 30, 2026.

VALOR Doe Member 1 accepted this award on April 9, 2025. VALOR Doe Member 1 renews its contract with the county for these funds each year.

33. Finally, CalOES awarded VALOR Doe Member 1 a total of \$ 94,445 through the Cal OES Intimate Partner Violence Prevention Program using HHS FVPS funds in FY2024-2025. The grant has a period of performance of January 1, 2025 to December 31, 2025 and the HHS FVPS funds have a budget period of January 1, 2025 - July 31, 2025. VALOR Doe Member 1 accepted this award on November 4, 2024. VALOR Doe Member 1 submits a yearly continuation grant application each year during the fall. VALOR Doe Member 1 is in the fourth year of a five year grant expecting a continuation grant in Fall 2025 for the next funding period of January 1, 2026 through December 31, 2026.

34. Declining any of these funds would have a very significant detrimental impact on VALOR Doe Member 1. The organization has already lost over 200 planned staffing hours from July 2024 to present, impacting its ability to serve the needs of our community. Losing any HHS grant would mean eliminating more positions or whole departments, impacting shelter clients, crisis line coverage, and crisis intervention and advocacy services at multiple offices. VALOR Doe Member 1 would not survive without the DVAP grants. without the DVAP grants.

35. VALOR Doe Member 1 received HHS Community-Based Child Abuse Prevention Grants (CB-Cap) for \$89,708 from their county for the grant period of July 1, 2025 to June 30, 2027 and the budget period of July 1, 2025 to June 30, 2027. The grant was accepted on May 12, 2205. CB Cap provides school based prevention programming at elementary school level, mostly through after school programs, and intervention programming with known child survivors. Without this funding, VALOR Doe Member 1 would have to eliminate this program.

36. VALOR Member Doe 2 received a total of \$850,00 through the Rape Prevention Education program from California Department of Public Health using HHS RPE funds in FY24-25. The grant has a period of performance of February 1, 2024 to January 31, 2029 and a budget period of February 1, 2024 through January 31, 2029. Member Doe 2 accepted this award on April 29, 2024. Without this funding, Member Doe 2 will be unable to provide sexual assault prevention services in their county. Member Doe 2 implements a community based sexual violence prevention program that includes youth and adult community leaders meetings, hosting sexual violence prevention orientation training for organizations and their leaders, and in partnership with community based organizations, provides multiple workshops about various sexual violence prevention topics and implementations of sexual violence prevention such as community-led campaigns, policies, practices, protocols designed to prevent sexual violence. If VALOR Doe Member 2 loses this funding, over 1.2 FTE staff positions would be eliminated as would support for other community organizations.

37. Cal OES awarded VALOR Member Doe 2 \$97,392 in HHS FVPS funds as a portion of their Cal OES Domestic Violence Assistance Program total grant award for FY2024-2025. The grant has a period of performance of October 1, 2024 to September 30, 2025 and a budget period of October 1, 2024 through September 30, 2025. Member Doe 2 received the executed agreements for these awards on October 30, 2024 and November 4, 2024. Member Doe 2 submits yearly continuation grant applications each year during the summer. Member Doe 2 expects that when it receives the continuations award starting October 1, 2025, the HHS GPS will apply to that.

38. Services provided under DVAP include the following: 24-Hour Crisis Hotline, individual and peer counseling, operating business centers, emergency shelters for survivors and

their children, providing emergency food and clothing, emergency response to calls from law enforcement, medical advocacy and emergency response, transportation for survivors, children counseling, criminal justice and social service advocacy, legal assistance [referrals], court accompaniment, community resource and referral, household establishment assistance, children's programs, and transitional housing assistance. These are all things required by the grant to operate under this funding and are the large majority of VALOR Doe Member 2's offered services. DVAP is one of our single largest funding sources.

39. Cal OES awarded VALOR Member Doe 3 a total of \$97,392 in HHS FVPS funds as a portion of their Cal OES Domestic Violence Assistance Program total grant award for FY2024-2025. The grant has a period of performance of October 1, 2024 to September 30, 2025 and a budget period of October 1, 2024 through September 30, 2025. VALOR Doe Member 3 submits yearly continuation grant applications each year during the summer. VALOR Doe Member 3 expects that when it receives the continuations award starting October 1, 2025, the HHS GPS will apply to that.

40. Services provided under DVAP include the following: 24-Hour Crisis Hotline, individual and peer counseling, operating business centers, emergency shelters for survivors and their children, providing emergency food and clothing, emergency response to calls from law enforcement, medical advocacy and emergency response, transportation for survivors, children counseling, criminal justice and social service advocacy, legal assistance (referrals), court accompaniment, community resource and referral, household establishment assistance, children's programs, and transitional housing assistance. These are all things required by the grant to operate under this funding. DVAP is one of VALOR Doe Member 3's primary funding sources.

41. Declining any of these funds would have a very significant detrimental impact on Partnership Doe Member 3. Losing any of this funding could impact emergency shelter services, crisis line coverage, and crisis intervention and advocacy services.

VII. HUD's and HHS's New Funding Conditions Place My Organization and its Members in an Untenable Position

42. Agreeing to the HUD and HHS conditions would cause my organization and its members profound harm. The funding conditions are vague, and several could be read to conflict with my organization's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HUD and HHS grants. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.

43. My organization and our members are concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, implying that compliance with those antidiscrimination laws is material for False Claims Act Purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. My organization's mission is "Preventing and ending sexual violence by advancing equity and eradicating oppression." It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization could comply with the administration's

interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

44. My organization is also unsure whether it can continue to operate programs that target underserved or marginalized communities. Now, it is unclear whether these programs would fall within the administration's interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs

45. For the same reasons, my organization is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that "advance or promote DEI, DEIA, or discriminatory equity ideology."

46. The new funding conditions present my organization and its members with an impossible choice. My organization could forgo accepting HHS grant awards and face the direct consequences to my organization's financial health and ongoing operations, and the health and operations of its member organizations including possible closure, and to those who receive direct services. Or my organization could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

47. Additionally, my organization's members may have to fundamentally change their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants.

48. My organization fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization

concerned about applying or accepting an award. To mitigate these risks, my organization would have to change its practices, in many cases contrary to its core values.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2025.



David Lee
Deputy Director
ValorUS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF MICHELLE MCCORMICK

I, Michelle McCormick, declare as follows:

I. Background

1. I am the Executive Director at the Kansas Coalition against Sexual and Domestic Violence (“Kansas Coalition”), a nonprofit organization that is Kansas’s federally designated dual sexual assault and domestic violence coalition.

2. My organization was founded in 1990 and is headquartered in Topeka, KS. The Kansas Coalition is dedicated to preventing and ending sexual and domestic violence, dating violence and stalking in Kansas. It supports survivors and the people who serve them by promoting safety, healing, justice, and lasting change.

3. The Kansas Coalition’s work includes providing statewide support for domestic violence and sexual assault programs by offering technical assistance, resources, and guidance to agencies that serve survivors. The coalition also offers expert training and individualized support for advocates, counselors, medical staff, law enforcement, and other personnel working with

survivors. It raises awareness about sexual assault and domestic violence issues to promote prevention across the state. And it uplifts survivor voices by centering the needs and experiences of victims and survivors in everything it does. Additionally, the Kansas Coalition serves an accrediting function for domestic violence and sexual assault service organizations in the state. The coalition creates service standards in coordination with a committee made up of member programs. These standards ensure that member programs provide quality shelter and non-shelter services, and the accreditation process provides a formal mechanism for ensuring the standards are met. Any domestic violence or sexual assault service provider that wishes to receive state general fund grants or sales tax exemptions must receive accreditation of their programs from the Kansas Coalition.

4. The Kansas Coalition operates a housing and economic justice program by directly serving survivors who qualify for rapid rehousing assistance.

5. My organization receives grants from: the Department of Housing and Urban Development (HUD) and from the Department of Health and Human Services (HHS). My organization has an annual budget of roughly \$4,000,000. Of that total amount, roughly \$860,000 comes from HUD grants, including subcontracts; and another \$750,000 comes from HHS grants, including subcontracts.

II. My Organization's Member Organizations .

6. My organization is a membership organization with approximately 24 member agencies that fall into three types of membership. There are: (1) an individual membership open to any person, (2) an organizational membership, open to any organization that supports or is engaged in providing services to victims and survivors of domestic violence, sexual assault, dating violence, or stalking, including non-accredited organizations, allied professional

organizations, companies, and other organizations aligned with the Kansas Coalition; and (3) Program Council Membership, open to any private, 501(c)(3) non-profit organization providing services in Kansas with a program established primarily for the purpose of providing advocacy and services to victims of sexual and/or domestic violence, dating violence, and/or stalking and is accredited. All members pay dues to the Kansas Coalition and the Organizational and Program Council Members are eligible to representation on the Board of Directors..

Additionally, accredited Program Council members are eligible for designated funding from the state of Kansas and receive a state tax exemption as a benefit of their membership. All members have access to training, technical assistance, and public awareness and education resources provided by the Kansas Coalition.

7. The Kansas Coalition's membership includes three members that are being identified for purposes of this lawsuit as "Kansas Member Doe 1", "Kansas Member Doe 2", and Kansas Member Doe 3". All of the Kansas Members are accredited Program Council member programs serving survivors of sexual and domestic violence, stalking, human trafficking, and teen dating violence in Kansas. The services provided by the agencies include a 24-hour helpline, 24-hour crisis intervention, support for survivors engaging with the medical system (including accompaniment during a forensic exam), support through law enforcement and court processes, emergency shelter, supportive counseling, support groups, children and youth services, community education and awareness about these issues.

8. Members of my organization receive grants from the Department of Housing and Urban Development (HUD) and from the Department of Health and Human Services (HHS), most commonly through subcontracts passed through the State of Kansas or other governmental entities, such as their City or County government.

III. HUD's New Funding Conditions

8. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

9. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;" (2) "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 [The False Claims Act];" (3) "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;" and (4) "shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment."

IV. My Organization's and its Members' HUD Grants

10. My organization has applied for and received a competitive grant from HUD for the Continuum of Care Grant Program ("CoC Grant"), for the past 4 years. The Kansas Coalition receives this grant directly from HUD as part of the CoC program. The Kansas Coalition signs grant agreements directly with HUD for both past awards and the current award.

11. On 2/26/2024, HUD awarded my organization a total of \$863,515 through the CoC Grant Number KS0157L7P072302 for FY 24. The grant has a period of performance of January 1, 2025 through December 31, 2025 and a budget period of January 1, 2025 through

December 31, 2025. My organization accepted this award on 11/22/2024. The NOFO and NOA did not include the new HUD funding conditions described above, but I expect that the next award will include those conditions. We received our NOA for FY 25 HUD CoC funding on March 11, 2025, but have not received the grant agreements at this time with the award conditions. This award project period is set to begin January 1, 2026 through December 31, 2026..

12. My organization relies heavily on the CoC Grant to fund critical services to support individuals and families experiencing chronic homelessness in the Kansas Balance of State Continuum of Care region. For instance, these funds support rapid rehousing needs for survivors of domestic and sexual violence who are homeless and seeking permanent housing. This part of the program provides rental assistance, housing relocation and stabilization services including supportive case management including support for financial literacy and economic empowerment. The goal is to rapidly connect survivors to permanent housing while supporting them to resolve the barriers they face to improve safety, stability, and overall well-being. Additionally, our CoC project expanded in FY 23 to include emergency transfer facilitation as required in the re-authorization of the Violence Against Women Act (VAWA). This includes supporting all the steps needed to implement a survivor's emergency transfer to other safe housing, if their current housing situation is compromised due to a threat to their immediate safety. Under the expanded project, we also now provide subject matter expertise to ensure VAWA confidentiality requirements are complied with by providing staff to monitor and evaluate compliance, developing and implementing strategies for corrective actions and providing training on compliance with VAWA confidentiality.

13. Declining the HUD CoC funding would have a detrimental impact on my organization and its mission. Without this funding, nearly 40 households in rural Kansas would immediately lose their access to the housing assistance described above, which could result in their immediate homelessness. Additionally, our organization would have to reduce 5 full-time staff positions who provide direct supportive services to qualifying homeless survivors fleeing domestic or sexual violence. These supportive services include housing relocation, supportive case management, financial literacy, safety planning, and other assistance to improve safety, stability, and overall health. The result of this program is that the survivors who are served achieve permanent, safe, and stable housing to prevent a return to homelessness and to achieve self-sufficiency. These staff members average 60 client contacts per month, helping not only those survivors, but their dependents who benefit from the stabilization services as well. This housing program is the only dedicated HUD CoC funded rapid rehousing program for survivors of domestic and sexual violence in 101 of the most rural Kansas Counties, where barriers to safety and access to resources are much more limited than for the urban centers of the state. It is very likely the Kansas Coalition would have to terminate the housing program altogether without the HUD CoC funding. Another impact would be the loss of subject matter expertise at the State level, as Kansas Coalition staff actively participate in and chair committees for the Kansas Balance of State CoC and are an integral part of ensuring HUD funded partners provide a trauma-informed response to homeless survivors of domestic and sexual violence in Kansas.

14. My organization also intends to apply for continued HUD CoC funding for future fiscal years.

15. My organization's members have received HUD grants, including grants under the HUD HOME ARP program, and the Emergency Solutions Grant (ESG) program. Kansas

Coalition member programs receive grants passed through either from their local unit of government, or as passed through the Kansas Housing Resources Corporation. The Kansas Housing Resources Corporation (KHRC) is a nonprofit public corporation that is the primary administrator of federal housing programs for the State of Kansas. For Kansas Coalition member programs who receive HOME ARP funds, KHRC implements the grants, grant agreements, and grant conditions on behalf of HUD. For ESG funding, Kansas Coalition member programs sign agreements, receive conditions and funding from a local unit of government, such as their City or County, who have the direct engagement with HUD and ensure member programs are in compliance with HUD requirements and conditions..

16. Kansas Member Program Doe 1 (“Doe 1”), receives an Emergency Shelter Grant from their City, which acts as the primary contractor with the Kansas Housing Resource Corporation, which is the pass-through entity for this HUD ESG grant. These funds are utilized by Doe 1 to provide the majority of food that is needed for shelter clients and their children. These funds also cover the costs for other basic necessities for the emergency shelter, including household supplies and hygiene products.

17. On July 3, 2024, HUD awarded Member Doe 1 a total of \$9,877 through the ESG grant for FY 25. The grant has a period of performance of 15 months and a budget period of July 1, 2024 through September 30, 2025. Member Doe 1 accepted this award on July 15, 2024. The NOFO and NOA did not include the new HUD funding conditions described above, but I expect that the next award will include those conditions. Member Doe 1 has been renewed for this funding and accepted the renewal award on July 1, 2025 for the grant period of July 1, 2025 to September 30, 2026 and expects to start expending the renewal funding approximately October 1, 2025.

18. Kansas Member Program Doe 2 (“Doe 2”), receives a HUD Emergency Shelter Grant and HUD HOME ARP grant funds from the Kansas Housing Resource Corporation, which is the pass-through entity for this HUD grant. The ESG funds are utilized by Doe 2 for the operational costs of the emergency shelter which operates 365 days a year, including the salary for a hotline advocate. Additionally, the ESG funds are used to pay emergency relocation expenses for survivors who have to flee from violence. Doe 2 also received HUD HOME ARP funds to expand their existing shelter to meet the demand for additional shelter beds for the large region they serve in rural Kansas.

19. Kansas Member Doe 2 receives HUD ESG funding and HUD Home ARP grant funds. On July 1, 2025, HUD awarded Member Doe 2 a total of \$75,000 through the ESG grant in FY 25. The grant has a period of performance of 15 months and a budget period of July 1, 2025 through September 30, 2026. Member Doe accepted this award on July 9, 2025. This award did not include the new HUD funding conditions described above. On July 12, 2024, HUD awarded Member Doe 2 a total of \$3,965,718.25 amount through the Home ARP grant in FY 24. The grant has a period of performance and a budget period of October 1, 2024 through September 30, 2030. Member Doe accepted this award on September 18, 2024.. The NOFO and NOA did not include the new HUD funding conditions described above, but grant awards were just released and agreements have not yet been sent or signed. Member Doe 2 expects the conditions will be in the forthcoming grant agreements.

20. Kansas Member Program Doe 3 (“Doe 3”), receives an Emergency Shelter Grant (ESG) from the Kansas Housing Resource Corporation, which is the pass-through entity for this HUD grant. These ESG grant funds are used by Doe 3 for the emergency shelter operations

costs, including a portion of the residential manager's salary and for facility maintenance costs for the emergency shelter, which operates 365 days a year.

21. On July 1, 2025 HUD through pass-through agency KHRC awarded Member Doe 3 a total of \$22,966 through the ESG grant in FY 25. The grant has a period of performance of 15 months and a budget period of July 1, 2025 through September 30, 2026. Member Doe has not accepted this award yet, as they have not received the grant agreements to do so. Member Doe 3 expects the grant period will be for October 1, 2025 to September 30, 2026.

22. Declining this funding would have a significantly detrimental impact on my organization's members. Without HUD funding, members would struggle to provide critical resources, such as food and basic necessities, in their emergency shelters which provide refuge for victims and survivors of domestic and sexual violence. In one instance, the HUD HOME ARP funds are being used to expand the emergency shelter to meet the unmet needs of an underserved rural part of the state. Without this funding, requests for emergency shelter will go unmet and could result in victims experiencing additional harms, including lethal violence, if they do not have increased access to emergency shelter. These funds also support emergency relocation assistance for survivors when their HUD subsidized housing becomes unsafe due to additional harm by a perpetrator. Declining these funds would also mean my Members would have to reduce the shelter staff positions that are funded or partially funded by these grants, which could result in an increase of victims requesting crisis services, but being turned away due to a lack of staff.

V. HHS's New Funding Conditions

23. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients "must comply with all applicable

Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and (2) it provides that by accepting the grant award, recipients certify 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.” HHS states that it “reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott.” *Id.* at 19.

24. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

25. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants, including the Family Violence Prevention and Services/State DV Coalition grant, that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

26. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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 the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”

27. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX certify to the following: (1) that the recipient “is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including 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; (2) that those “requirements are conditions of payment that go to the essence of the Agreement and are therefore material terms of the Agreement”; (3) that “[p]ayments 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”; (4) that the “[r]ecipient 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”; and (5) that “[r]ecipient 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.”

28. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

VI. My Organization's and its Members' HHS Grants

29. My organization has applied for and received a grant from HHS's Administration for Children and Families (ACF) for the Family Violence Prevention and Services Act ("FVPSA Grant") since at least 1993.

30. My organization has used FVPSA Coalition Grant funds for many purposes. For instance, these funds support education, support, and technical assistance to domestic violence, family violence, and dating violence service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; to serve as an information clearinghouse, primary point of contact, and resource center on domestic violence, family violence, and dating violence for the State of Kansas; and to support the development of policies, protocols, and procedures to enhance intervention and prevention of these issues in Kansas. The Kansas Coalition works in partnership with the State of Kansas administrator of FVPSA funds to conduct a needs assessment to inform comprehensive responses to domestic violence, family violence, and dating violence as well as participate in the planning and monitoring of the distribution of the State of Kansas formula FVPSA funds. The Kansas Coalition also collaborates to provide training and technical assistance to allied professionals in such fields as housing, health care, social welfare, or business to support the development and implementation of effective policies or programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence. Additionally, the Kansas Coalition works with family law judges, criminal court judges, child protective services, and children's advocates to develop appropriate responses to children's issues related to domestic violence. The focus of all of this work is to support

trauma-informed programming and intervention strategies that address lifetime exposure to family, domestic, and dating violence.

31. On September 11, 2024, HHS awarded my organization a total of \$363,657 through the FVPSA Coalition Grant Number 2401KSSDVC in FY24. The grant has a period of performance of October 1, 2023 through September 30, 2025, and a budget period of October 1, 2024 through September 30, 2025. Although the performance period starts earlier, HHS awards arrive partway through that period. My organization accepted this award on October 22, 2024. The NOFO and NOA did not include the new HHS funding conditions described above. Specifically, this funding process is a 2-year rolling grant where project periods overlap between awards. Some project periods of one award will overlap with the project period of the next award. We received our next award for the upcoming project period starting October 1, 2025 with the new conditions, as described below.

32. On July 8, 2025, HHS awarded my organization a total of \$368,750 through the FVPSA Coalition Grant Number 2501KSSDVC in FY 25. The grant has a period of performance of 10/01/2024 through 09/30/2026 and a budget period of October 1, 2025 through September 30, 2026. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and ACF Standard Terms and Conditions, which contains the new funding conditions described above, applies to the award. My organization needs to accept this award by drawing down funds by October 30, 2025.

33. Declining this funding would have a significant detrimental impact on my organization. Without this funding, the Kansas Coalition would have great difficulty in fulfilling our responsibilities to provide training, technical assistance, or in acting as a primary resource for professionals and service providers on the topics of domestic, family, or dating violence and

effective responses. If this funding were to be declined, it would require a reduction in staff and cutting programs to adjust for this, as the FVPSA Coalitions grant provides primary operational funding for my agency, including for the salaries of executive leadership and administrative support staff. These operational costs, often difficult to get covered by other funding sources, provide the critical funding needed to support the core functions of the Kansas Coalition. Ultimately, if the Kansas Coalition no longer has access to FVPSA funding, victims and survivors of domestic, family, and dating violence in Kansas would see a decline in a trauma-informed and victim-centered approaches by direct victim service providers and allied professionals who respond to these issues, due to the impact on the reduction of core Kansas Coalition programming.

34. My organization has applied for and received a competitive grant from the Center for Disease Control (CDC) for the Rape Prevention and Education program (“RPE Grant”) for the past 2 years.

35. My organization has used RPE Grant funds for many purposes. For instance, these funds support the Kansas Coalition’s capacity building to advance primary prevention of sexual violence in Kansas by funding a specific employee dedicated to primary prevention. On behalf of the Kansas Coalition, this employee collaborates with the Kansas Department of Health and Environment (the state health department or SHD) to enhance the state action plan for sexual violence prevention, including to implement sexual violence prevention approaches in Kansas that build upon partnerships and create new partnerships with those engaged in primary prevention. As a result of this collaboration, the State completed the update to the state action plan, which will guide sexual violence prevention actions for 2025-2030. These efforts included identifying data collection and evaluation methods to determine the effectiveness of the

prevention efforts. This employee also began capacity building efforts with victim service providers to assess their current prevention efforts, to identify gaps and to inform the work plan for building local capacity to implement prevention activities. The CDC RPE funding requires the Kansas Coalition to collaborate with the SHD and other applicable federal, state, tribal, and local entities engaged in sexual violence prevention to address the social and structural determinants of health at the community and societal levels to achieve health equity in Kansas. The Kansas Coalition sexual violence prevention activities are focused on two areas for sexual violence prevention by addressing barriers to affordable childcare and by supporting proactive sexual harassment prevention policies and procedures. Both strategies are community and societal level sexual violence prevention approaches that are effective to reduce disparities in specific social determinants of health.

36. On July 1, 2024, CDC awarded my organization a total of \$135,000 through the RPE Grant 1 NVF1CE002308-01-00 in FY 24. The grant has a period of performance of June 30, 2024 through June 29, 2028 and a budget period of June 30, 2024 through June 29, 2025. My organization accepted this award on September 6, 2024. The NOFO and NOA did not include the new HHS and CDC funding conditions described above. This award is a five-year award, but the financial notice of awards is issued for yearly budget periods and requires that we complete an annual performance report which serves as the non-competing continuation application. This was completed and a NOA with the new conditions was issued on June 27, 2025, as described below.

37. On June 27, 2025, HHS awarded my organization a total of \$135,000 through the RPE Grant 5 NVF1CE002308-02-00 in FY 25. The grant has a period of performance of June 30, 2024 through June 29, 2028 and a budget period of June 30, 2025 through June 29, 2026.

The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and CDC Terms and Conditions, which contain the new funding conditions described above, apply to the award. My organization needs to accept this award by drawing down funds by July 30, 2025, as it is expected that a drawdown will occur within 30 days of the NOA being issued.

38. Declining this funding would have a detrimental impact on my organization. Without this grant, the Kansas Coalition would have limited capacity to engage in sexual violence primary prevention activities in collaboration with our State Health Department. The Kansas Coalition would be required to eliminate the full-time prevention coordinator position and would have difficulty engaging in and maintaining collaboration with federal, state, and local partners who are focused on sexual violence prevention in Kansas. Without this full-time employee able to coordinate with our government partners, the Coalition's ability to contribute to the prevention of the widespread problem of sexual violence in Kansas would be significantly diminished. According to the 2024 Kansas Coalition sexual violence census, 17 of the 24 coalition member programs who completed the survey reported serving 201 victims during the week of the survey. Retaining the RPE funding would allow the Coalition to build the capacity of our Members to put into place programming and policies in their local communities to help prevent victimization.

39. My organization's members have received HHS grants, including FVPSA grants and CDC RPE grants. Member programs primarily receive HHS grants as passed through to them from the State agencies that pass through the funds through subgrants. FVPSA funds are passed through to Member Programs from the Kansas Governor's Grants Program and RPE funds are passed through to a few Member Programs through subgrants from the state health department. Member Programs sign award agreements and accept grant conditions, from the

State pass through agencies, who are required to implement the conditions as directed from HHS (ACF and CDC).

40. For example, Kansas Member Program Doe 1 (“Doe 1”), receives a HHS FVPSA grant as passed through from the State of Kansas–Governor’s Grants Program, which is the pass-through entity for these HHS grants. These funds are utilized by Doe 1 to cover some of the emergency shelter operations costs, including the salary of the shelter manager, shelter supplies, and to pay travel and training costs for staff for professional development.

41. On December 20, 2024, HHS awarded Member Doe 1 a total of \$56,919 through the State of Kansas FVPSA grant program in FY25. The grant has a period of performance and budget period of October 1, 2024 through September 30, 2025. Member Doe accepted this award on December 24, 2024. Member Doe 1 will re-apply for this grant. It is anticipated that the application process will happen in August or September 2025. It is anticipated that when Member Doe receives the award, the HHS GPS will apply.

42. Kansas Member Program Doe 2 receives HHS CDC RPE funding as passed through from the Kansas Department of Health and Environment (state health department) to fund a sexual assault prevention advocate. This advocate works with the State and locally to implement sexual violence prevention programming in their service area. This prevention coordinator is one of the only dedicated sexual violence prevention staff for a large part of rural Kansas.

43. In March 2025, HHS awarded Member Doe a total of \$12,000 as passed through the Kansas Department of Health and Environment through a subcontract through the CDC RPE Program in FY 25. The grant has a period of performance and a budget period of February 1, 2025 through January 31, 2026. Member Doe accepted this award on March 25, 2025. The

State of Kansas receives this award every 4 years, with the budget awarded yearly. It is anticipated that when the State receives the next continuation award, the HHS GPS will apply, if the subcontract is also continued.

44. Declining this funding would have a detrimental impact on the members of my organization. Without the funding for this grant, our members would have to reduce staffing including shelter staff positions that are funded or partially funded by these grants, which could result in an increase of victims requesting crisis services, but being turned away due to a lack of staff. Additionally, declining RPE funding would have limited capacity to engage in sexual violence primary prevention activities in collaboration with our State Health Department. Member Doe 2 would be required to reduce the full-time prevention coordinator position and would have difficulty engaging in and maintaining collaboration with state and local partners who are implementing sexual violence prevention in Kansas. While it is difficult to assess the full impact of losing this funding on rural Kansas, it is known that Members would not be able to contribute to the prevention of the widespread problem of sexual violence.

VII. HUD's HHS's New Funding Conditions Place My Organization and its Members in an Untenable Position

45. Agreeing to the HUD and HHS conditions would cause my organization profound harm. The funding conditions are vague, and several could be read to conflict with my organization's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HUD and/HHS grants. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions

while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.

46. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, implying that compliance with those antidiscrimination laws is material for False Claims Act Purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. My organization's mission may be related to diversity, equity, and inclusion, as many of the services provided adopt the public health model approach for addressing domestic and sexual violence through addressing root cause issues, including but not limited to acknowledging the disproportionate violence that is experienced by different races, genders, people with different sexual orientations, or people with disabilities, as an example. It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

47. My organization is also unsure whether it can continue to operate programs or services that target underserved or marginalized communities, including our sexual violence prevention program, in which the CDC requires a focus on health equity. The CDC NOFO states, "achieving health equity also requires addressing root causes that disproportionately disadvantage people and communities based on characteristics such as race, ethnicity, gender, and ability. These causes can include racism and biases in societal values and public policy." Additionally, the Kansas Coalition frequently responds to technical assistance requests regarding

serving both legal immigrant survivors and undocumented survivors, given the increased vulnerability that these survivors face by those who exploit their immigration status. This includes training and technical assistance for advocates on best ways to conduct outreach to those who speak English as a second language, providing training to interpreters to be trauma informed, providing informational products on legal reliefs to survivors such as U-VISA or T-VISA processes, or related concerns affecting victims and survivors of immigrant communities. Now, it is unclear whether these programs would fall within the administration's interpretation of federal anti-discrimination law as prohibiting DEI and DEIA programs.

48. For the same reasons, my organization is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that “advance or promote DEI, DEIA, or discriminatory equity ideology.”

49. My organization is concerned about the HHS ACF condition requiring a certification of compliance with the Title IX of the Education Amendments of 1972. My organization has always complied with Title IX, but recent executive orders have made clear that the government is advancing a new, unsupported interpretation of Title IX as prohibiting people to participate in single-sex programs based on their gender identity. My organization is concerned as it has been previously understood that VAWA and FVPSA prohibit discrimination against an individual based on their gender identity and therefore the Coalition has assisted Member Programs to understand their obligations to serve transgender survivors to comply, through our training and technical assistance on how to serve the underserved population of LGBTQ+ victims and survivors, including in shelter services. Our concern is that this condition would prohibit us from accommodating the needs of the transgender and nonbinary survivors

that we serve, including by allowing them to be recognized and served in ways that aligns with their gender identity.

50. My organization is also concerned about the HUD condition that prohibits using grant funds to “promote” gender ideology. In providing direct client services and technical assistance, many of my organization’s staff: use clients identified pronouns for people who do not identify with the sex they were assigned at birth, recognize gender identity in providing direct assistance, and accommodate the needs of the LGBTQ+ community in by using inclusive language in our training, in guidance documents, and in our published materials, including public awareness materials. It is unclear whether my organization may continue these practices and activities while complying with the funding condition not to “promot[e] gender ideology.”

51. My organization is concerned about the HUD conditions that prohibit using grant funds to “promote” “elective abortion.” The Kansas Coalition does not provide abortion care, but we do not know what the government may consider “promoting” abortion. Given the high occurrence of reproductive coercion in domestic or dating violence situations, as well as the possibility that an unwanted pregnancy can be a result of rape, the Coalition offers training and technical assistance to healthcare providers, advocates, and other professionals about reproductive coercion. It is unclear if the government would consider these activities as promoting elective abortion.

52. My organization is concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.” This broad and vague language lacks a clear connection to HUD grants and our programming, particularly given the many new executive orders that it implicates.

53. The new funding conditions present my organization and its members with an impossible choice. My organization could forgo accepting HUD and HHS grant awards and face the direct consequences to my organization's financial health and ongoing operations, including on the health and operations of its member organizations, and to those who receive direct services. Or my organization could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements and face enormous risks of litigation and government investigations under the False Claims Act.

54. Additionally, my organization's members would have to fundamentally change their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants. For example, if Members no longer have access to this funding, victims and survivors of domestic, sexual, family, and dating violence in Kansas would see a decline in trauma-informed services due to the impact on the reduction of core programming. Member organizations are concerned if they accept the funding, that the conditions would require devastating, fundamental changes to their programs. For example, in providing direct client services Member organization staff: use clients' identified pronouns for people who do not identify with the sex they were assigned at birth, recognize gender identity in providing direct assistance, and recognizing the needs of the LGBTQ+ community by using inclusive intake forms, presentations that recognize the diversity of people who are victimized, and creating brochures and outreach materials for underserved population, displaying and providing LGBTQ specific support group information within the community, providing clients with local gender affirming care resources, providing gender neutral bathrooms amongst the entire facility, and celebrating Pride Month within the facility amongst staff and residents.. Member organizations are concerned, as it has been previously understood that VAWA and FVPSA prohibit

discrimination against an individual based on their gender, that this condition would prohibit them from accommodating the needs of the transgender and nonbinary survivors that we serve, including by allowing them to be recognized and served in ways that align with their gender identity. It is unclear whether my organization may continue these practices and activities while complying with the funding condition not to “promot[e] gender ideology.” Members also provide services and provide outreach to underserved communities which may be misconstrued as promoting DEI. For example, Member organizations use grant funds to translate materials into languages other than English, create public awareness and outreach campaigns that appeal to Hispanic individuals or other ethnic groups that may underutilize services, and use funds to support the creation of materials that increase the accessibility of information to survivors with disabilities.

55. Member Organizations would be harmed as members would have to fundamentally change their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants. For example, Member Doe 3 reports that during the client intake and hotline process, they gather information about gender identity and specific demographic information to help them to better understand the need for different services and to facilitate proper care and access to available resources. This includes providing legal resources to victims needing immigration assistance. Members must be able to provide individualized services, not a one-size-fits-all approach, and respecting a person’s identity is an important part of these services.. In doing so, they can uphold and begin to restore the dignity of the individual who has been stripped of those things as a result of the victimization they have experienced. Members are concerned that it would have to fundamentally alter our programming in a way that

undermines its ability to serve certain underserved populations and runs contrary to the organization's values.

56. My organization and our members fear that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization concerned about applying or accepting an award. To mitigate these risks, my organization would have to change its practices, in many cases contrary to its core values or jeopardize our compliance with VAWA.

VIII. These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault Victims and Survivors and the Professionals Who Provide Services to Them.

57. These funding conditions threaten harm to our mission of providing essential support for member organizations, advocates, and vulnerable victims and survivors of domestic abuse and sexual violence. The Kansas Coalition's training and technical assistance frames domestic violence and sexual assault as not only criminal offenses but also includes additional context about root causes and social drivers behind instances of domestic violence and sexual assault. This includes providing services that take a public health model approach to preventing domestic violence and sexual assault which is evidence-based and includes components addressing the intersection of violence and oppression, including: racism, classism, homophobia, and ableism. The Kansas Coalition and our Members do not discriminate against anyone, but the broad terms associated with DEI makes it impossible for the Kansas Coalition to know if its training would be considered an out-of-scope activity as provided by this funding condition.

58. Conversely, if my organization or its members turned down the funds because of the conditions, The reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual violence.

59. My organization's operations are essential to coordinated efforts to reduce and eliminate domestic and sexual violence in Kansas. Cuts to staff or reduction in programming, would limit our ability to ensure that services provided to survivors in Kansas are high quality, follow best practices, and meet standards. Our member programs would lose access to core, comprehensive training for their staff necessary to provide ethically compliant services to clients in addition to regular training on emergent issues that ensure front-line staff are able to provide quality services to all survivors. The state would lose critical technical assistance in systemic response improvements that reduce domestic violence and sexual assault, increase effectiveness of legal responses, and dramatically improve survivor response and support efforts. These losses would make the Kansas Coalition less effective as a coalition and undermine its role as the state authority on domestic violence and sexual assault prevention, intervention, and response. In the absence of fully funded Kansas Coalition services, sexual assault victims will be confronted with more barriers when trying to access services following their assault, including discriminatory treatment from medical, law enforcement or courtroom personnel, hotline operators, and therapists who have not received anti-bias and other core victim services training. This will immediately lead to more survivors choosing not to participate in the criminal justice system and fewer being linked to and receiving appropriate medical and therapy services. Direct service providers will be unable to maintain high quality services that follow best practice guidance or even that are fully compliant with the myriad federal, state, and local requirements they would now have to navigate on their own, without the critical assistance of coalitions, while desperately

trying to keep up with the already increasing demand for services. The Kansas Coalition's operations are essential to permitting the network of direct service providers to focus on providing the highest-quality services to the survivors they serve and ensuring that the systems that contribute to addressing and responding to the epidemic of sexual violence are operating with evidence-based, trauma-informed, survivor-centered policies and practices. In the absence of fully funded services, for my organization and the members of my organization, victims and survivors in Kansas would be at continued and increased risk of violence, injury, or death. Without this funding, we would have difficulty providing services to our community's most vulnerable.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 19th, 2025.

/s/Michelle McCormick

Michelle McCormick, LMSW
Executive Director
Kansas Coalition against
Sexual and Domestic Violence

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF KERI MORAN-KUHN

I, Keri Moran-Kuhn, declare as follows:

I. Background

1. I am the Executive Director at Oregon Coalition Against Domestic and Sexual Violence (“Oregon Coalition” or “OCADSV”), Oregon’s federally designated domestic and sexual violence coalition.
2. Oregon Coalition is a dual domestic violence and sexual assault coalition membership organization composed of rural and urban members, founded in 1978 and headquartered in Portland, Oregon. Oregon Coalition provides statewide leadership, technical assistance, and support to member programs that serve survivors, the public, friends, family, and all whose lives are affected by domestic and sexual violence. We believe reaching our goal of a violence- and oppression-free society is most effectively done through grassroots efforts, communities that hold abusers accountable, and networking along with coalition building at the local, state and national levels.

3. My organization receives grants from the Department of Health and Human Services (HHS). My organization has an annual budget of roughly \$1,204,243. Of that total amount, roughly \$588,350 comes from HHS grants, including subcontracts.

II. My Organization's Member Organizations

4. Oregon Coalition is a membership organization with the majority of the community-based direct-service domestic and sexual violence organizations in Oregon as our core members. Members fall into one of two categories. (1) Coalition member programs are local nonprofit organizations and Tribal Nation domestic and sexual violence service programs which provide shelter and community-based advocacy services primarily to survivors of domestic violence, sexual assault, stalking, and human trafficking throughout the state of Oregon. Affiliate and public service supporting members are community organizations and governmental entities (respectively) that support the Coalition's mission and values and are committed to supporting survivors of domestic violence, sexual assault, stalking, and human trafficking.
5. Members of my organization receive grants from HHS and HUD.

III. HUD's New Funding Conditions

8. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.
9. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;” (2) “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 [The False Claims Act];” (3) “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;” and (4) “shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment.”

IV. My Organization’s Members’ HUD Grants

10. My organization’s members have received HUD grants, including grants under the CoC Grant Program. Member Doe 1 receives the grant money as a pass-through from the state and they sign awards directly with HUD.
11. On May 6, 2025, HUD awarded Member Doe 1 an award letter for total of six awards totaling \$2,000,204 through the CoC Grant Program, including for a new Permanent Housing-Rapid Rehousing project funded by Domestic Violence Bonus Funds (PH-RRH DV Bonus Project) and renewals for projects including an RHH project, a Permanent Supportive Housing (PSH) project, the Domestic Violence Bonus Award (DV Bonus), and more. The NOFO and NOA did not include the new HUD funding conditions described above, but Member Doe 1 has not yet received its contract from HUD for these awards. Member Doe 1 expects to receive that contract imminently and expects that when it does, the contract will include the HUD Conditions.. The grant performance and budget periods vary, with the soonest from June 2025-May 31, 2026 for Permanent Supportive Housing

(PSH) project, another from August 1, 2025-July 31, 2026 for a Supportive Services Only (SSO) grant, and others from October 1, 2025-September 30, 2026.

12. Through Member Doe 1's HUD contracts, they directly house a minimum of 55 households of victims of domestic violence or trafficking annually. They have also served more than that consistently for the past five years. Many of these households are already in the program and would at once lose the house they are currently in. HUD funding is a cornerstone of Member Doe 1's housing program and the loss would cause a reduction in program infrastructure, including the loss of 6 full time staffers. Additionally, one of Member Doe's HUD grants is an SSO grant, which funds their work in operating a coordinated entry program. Through this project, they conduct an average of 200 housing assessments a year, manage this waitlist, and help these households navigate into housing. Losing these funds would be devastating and so would agreeing to the conditions, which may require us to revamp the program, reallocate resources, or entirely cancel it.

V. HHS's New Funding Conditions

13. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients "must comply with all applicable Federal anti-discrimination laws material to the government's payment decisions for purposes of [the False Claims Act];" and (2) it provides that by accepting the grant award, recipients certify 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." HHS states that it "reserves the right to terminate financial assistance

awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott.” *Id.* at 19.

14. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.
15. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants, that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.
16. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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 the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”
17. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX certify to the following: (1) that the recipient “is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including 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; (2) that those “requirements are conditions of payment that go to the essence of the Agreement and are therefore material terms of the Agreement”; (3) that “[p]ayments 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”; (4) that the “[r]ecipient 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”; and (5) that “[r]ecipient 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.”

18. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

VI. My Organization’s and its Members’ HHS Grants

19. My organization has applied for and received a grant from HHS’s Administration for Children and Families (ACF) for the Family Violence Prevention and Services Act (“FVPSA Coalition Grant”) for the past 33 years.
20. My organization has used FVPSA Coalition Grant funds for many purposes. For instance, these funds support training and technical assistance to local family violence, domestic

violence, and dating violence service programs and to providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence and dating violence against adults or youth in Oregon. These include training and technical assistance to ensure programs are welcoming and accessible to underserved populations, conducting Statewide Needs Assessments that include member and non-member programs that provide direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth in Oregon; collaborating with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations; working with judicial and law enforcement agencies to encourage appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth; providing information to the public about prevention of family violence, domestic violence and dating violence; and supporting the development of policies, protocols, and procedures to enhance domestic violence intervention and prevention in the state including those related to maintaining the shelter and supportive services for victims of domestic violence and their dependents.

21. HHS awarded my organization a total of \$367,750.00 through the FVPSA Violence Prevention and Services / State Domestic Violence Coalition Grant in FY 26 (FVPSA Coalition Grant). The grant has a period of performance starting in October 1, 2024 through September 30th, 2026, and a budget period of October 1, 2024, through September 30, 2026. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and ACF Standard Terms and Conditions, which contains the

new funding conditions described above, applies to the award. My organization needs to accept this award as soon as possible, but no later than August 1, 2025, for financial reasons.

22. Declining this funding would have a very significant detrimental impact on my organization. Without the funding for this grant, the Oregon Coalition would have to cut staffing FTE, would not be able to provide the supports and technical assistance to local communities across Oregon. In addition we would not be able to provide local service organizations training, policy and education for leadership and staff of those service providers.
23. My organization has applied for and received a competitive grant from the Center for Disease Control (CDC) for the Rape Prevention and Education program (“RPE Grant”) for the past 2 years.
24. My organization has used RPE Grant funds for many purposes. For instance, these funds support the goal to prevent sexual violence among communities in Oregon, through a framework, which addresses ACEs and toxic stress, and incorporates the nine principles of primary prevention. The Oregon Coalition works with the state health department regarding program development, strategic planning and messaging efforts to deepen primary prevention understanding across the state . Oregon Coalition staff promotes social norms that protect against violence.
25. On June 30th, 2025, HHS awarded my organization a total of 135,000 through the RPE Grant in FY26. The grant has a period of performance start date was 06/30/2024 and the end date of the grant is 06/29/2028 and a current budget period of 06/30/2025through 06/29/2026. The NOFO did not include the new funding conditions, but the NOA

indicates that the HHS GPS and CDC Terms and Conditions, which contains the new funding conditions described above, apply to the award. My organization needs to accept this award [either by drawing down funds or otherwise communicating acceptance 30 days upon receipt of the notice of award, by July 30th, 2025.

26. We also receive the Preventative Health & Health Services grant and have every year since 1997. This past year we received \$85,600 from this grant. Our PHHS grant funds a staff person who provides consistent technical assistance and training focused on sexual violence primary prevention based on models and practices that reflect an anti-oppression and trauma informed framework. The Oregon Coalition passes some of the funding to local organizations to build capacity for sexual violence prevention through supporting agencies primary prevention knowledge and skillsets to support future implementation of primary prevention strategies, and we measure and monitor capacity building grantees performance through reviews and workplans. This funding allows the Oregon Coalition to work towards the goal of preventing violence in communities throughout the state.
27. Without this money, or with this money but with limiting conditions, we would have to either cancel this program, fire this staff person, or completely alter the model of the work.
28. My organization's members have received HHS grants, under the RPE Program.
29. On February 1, 2025, HHS awarded Member Doe 2 a total of \$ 35,000 through the RPE in FY25. The grant has a period of performance of 1 year and a budget period of 2024 through 2029. Member Doe 2 accepted this award on February 1, 2024. When Member Doe 2 receives the continuation award, which goes through 2029, Member Doe 2 believes HHS GPS will apply to that.

30. Declining this funding would have a very significant detrimental impact on Member Doe 2. Without the funding for this grant, they would no longer offer domestic and sexual violence prevention services in their county in Oregon. Because Member Doe 2 is the only Confidential Domestic and Sexual Violence Provider offering such services, it would result in extinction of services countywide.
31. Without prevention services, Member Doe 2's community is at a risk of experiencing greater rates of violence in our community and the violence escalates and leads to more dire outcomes like death. Also, this grant funds trauma informed violence prevention parenting classes. These classes would no longer be offered and there could be higher rates and more severe child abuse in our community.

VII. HUD's and/or HHS's New Funding Conditions Place My Organization and its Members in an Untenable Position

32. Agreeing to the HHS conditions would cause my organization profound harm, as would the HUD conditions for my members. The funding conditions are vague, and several could be read to conflict with my organization's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HUD and/or HHS grants. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.
33. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws,

implying that compliance with those antidiscrimination laws is material for False Claims Act Purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. My organization's mission is to provide culturally specific programming and support to all who come through our doors. It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

34. My organization is also unsure whether it can continue to operate programs that target underserved or marginalized communities. For instance, Oregon Coalition's mission statement begins: "[Oregon Coalition] promotes equity and social change in order to end violence for all communities. We seek to transform society by engaging diverse voices, supporting the self-determination of survivors and providing leadership for advocacy efforts." It also contains an express Statement of Equity and Inclusion that states, in part, "We engage in an ongoing process of analysis that sees all systems of oppression as interrelated and work to challenge the power structures that legitimize them and perpetuate injustices. We conduct education about the impact of the various oppressions. We examine and improve practices, policies and protocols, on an ongoing basis, to ensure compliance with this statement and encourage and enable member programs in their equity and inclusion efforts." Now, it is unclear whether these programs would fall within the

administration's interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.

35. For the same reasons, my organization is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that "advance or promote DEI, DEIA, or discriminatory equity ideology."
36. Oregon Coalition is unsure whether it may undertake its day-to-day activities reflecting its mission and guiding principles, which reference "equity," without running afoul of the condition not to "promot[e] or facilitat[e] discriminatory programs or ideology, including illegal DEI" as HHS might interpret those terms. It is also unclear whether Oregon Coalition's mission and guiding principles, which recognize that the criminal offenses of sexual assault and domestic violence carry a systematic social justice element, violate the anti-social justice part of the certification, and whether Oregon Coalition could comply with the anti-social justice condition without adopting a view antithetical to its true beliefs.
37. Oregon Coalition is also concerned that it cannot continue to engage in certain practices that respect the dignity of all victims of sexual violence, regardless of gender and sexual orientation, and are consistent with the VAWA mandate not to discriminate on the basis of gender or sexual orientation. As Oregon Coalition's Philosophy Statement provides, in relevant part, "Collectively, we support the rights of all people to have access to information, advocacy, crisis intervention, treatment, education and prevention services. We support the right of survivors to make choices about reporting, prosecution, pregnancy, future safety and other issues created by their experience. We believe in self-determination, empowerment and the right of all persons to live without fear of

interpersonal violence regardless of race, gender, national origin, age, ability, religion or sexual orientation." It is unclear whether Oregon Coalition may continue its practices and activities while complying with the funding condition not to "inculcat[e] or promot[e] gender ideology."

38. My organization is also concerned about the HHS ACF condition requiring a certification of compliance with the Title IX of the Education Amendments of 1972. Recent executive orders have made clear that the government is advancing a new, unsupported interpretation of Title IX as prohibiting allowing people to participate in single-sex programs based on their gender identity. My organization is concerned that this interpretation could require organizations to ignore federal law prohibiting discrimination based on gender identity and would ultimately result in victims who are transgender or gender-nonconforming being turned away from services.

39. My organization's members are also concerned about the HUD condition that prohibits using grant funds to "promote" gender ideology. In providing direct client services and technical assistance, many member organizations' staff use clients' preferred pronouns to demonstrate support for people who do not identify with the sex they were assigned at birth, recognize gender identity in providing direct assistance, and accommodate the needs of the LGBTQ+ community in providing housing services using HUD grants. It is unclear whether members may continue these practices and activities while complying with the funding condition not to "promot[e] gender ideology."

40. Members are also concerned about the HUD conditions that prohibit using grant funds to "promote" "elective abortion." Members do not provide abortion care, but they do not know what the government may consider to "promote" abortion. Members offer clients

information about any healthcare services that they need. When pregnant survivors request abortion care, members provide them with resources on how to seek that care.

41. Member organizations are also concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.”
42. Members do not know what this condition’s broad and vague language means for their organization or how to comply with it, given the many new executive orders that it implicates.” The new funding conditions present my organization and its members with an impossible choice. My organization and its members could forgo accepting HUD and/or HHS grant awards and face the direct consequences to organizational financial health and ongoing operations and the health and operations of its member organizations, and to those who receive direct services. Or my organization and its members could accept the funding with the conditions and jeopardize our organizations’ missions and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.
43. Additionally, my organization’s members would have to fundamentally change their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants.
44. My organization fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my

organization concerned about applying or accepting an award. To mitigate these risks, my organization would have to change its practices, in many cases contrary to its core values.

45. Agreeing to the conditions would cause Member Doe 1 and 2 profound harm. The funding conditions are vague, and several could be read to conflict with Member Does' organization's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on the grants. The funding conditions may require Member Does to cease engaging in activities that it had previously understood the grants to plainly support. Thus, Member Does do not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for other organizations, advocates, and vulnerable victims and survivors of sexual violence.

46. Member Doe 1 and 2 are concerned about conditions requiring that they certify that it does not operate any programs that violate any applicable Federal antidiscrimination laws, implying that compliance with those antidiscrimination laws is material for False Claims Act Purposes. Although they have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. For example, Member Doe 2's mission is "to provide culturally aware outreach, education, and services for survivors of domestic and sexual violence through leadership, hope, and respect for families." It is unclear whether Member Doe 2's mission and guiding principles violate the certification, and whether Member Doe 2 could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

47. Member Doe 1 and 2 are also unsure whether it can continue to operate programs that target underserved or marginalized communities. Now, it is unclear whether these programs would fall within the administration's interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.
48. For the same reasons, Member Doe 2 is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that "advance or promote DEI, DEIA, or discriminatory equity ideology."

VIII. These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault Victims and Survivors

49. The reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual violence in Oregon.
50. In the absence of fully funded Oregon Coalition services, sexual assault and domestic violence victims will be confronted with more barriers when trying to access services following their assault, including discriminatory treatment from medical, law enforcement or courtroom personnel, hotline operators, and therapists who have not received anti-bias and other core victim services training. This will immediately lead to more survivors choosing not to participate in the criminal justice system and fewer being connected to and receiving appropriate medical and therapy services. Direct service providers will be left without the critical assistance they need to navigate compliance with myriad federal, state, and local requirements, all the while desperately trying to keep up with the already-increasing demand for services. Ultimately, the quality of their services will inevitably suffer.

51. Conversely, if my organization or its members turned down the funds because of the conditions, The reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual violence.
52. Oregon Coalition's operations are essential to permitting the network of direct service providers to focus on providing the highest-quality services to survivors and ensuring that the systems that contribute to addressing and responding to the epidemic of sexual violence are operating with evidence-based, trauma-informed, and survivor-centered policies and practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2025.

/s/Keri Moran-Kuhn
Keri Moran-Kuhn
Executive Director
Oregon Coalition Against Domestic
and Sexual Violence

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF HEMA SARANG-SIEMINSKI

I, Hema Sarang-Sieminski, declare as follows:

I. Background

1. I am the Executive Director at Jane Doe Inc., The Massachusetts Coalition Against Sexual Assault and Domestic Violence (“JDI”), a dual domestic violence and sexual assault coalition membership organization.

2. JDI was founded in 1998 as a dual coalition for domestic violence and sexual assault, and is headquartered in Boston, Massachusetts.

3. JDI is Massachusetts' state domestic violence and sexual assault coalition, comprised of 60 member programs. Through training, policy and systems advocacy, and technical assistance and support for its members, partners, and the public, JDI mobilizes collective power and resources to build a safer, healthier, freer Massachusetts beyond abuse and violence.

4. JDI creates a wide range of resources as a coalition, including toolkits, resource guides, papers, reports, and other documents that inform the field of emerging issues. JDI also convenes regular meetings of program directors and works with external partners to shape public dialogue around issues of sexual violence and domestic violence, ensure accuracy of information, and hold systems accountable.

5. JDI receives grants from the Department of Health and Human Services (HHS) through the Administration for Children and Families (ACF) and the Centers for Disease Control (CDC). JDI has an annual budget of roughly \$1.7M. Of that total amount, \$368,750 is from a direct coalition grant to domestic violence coalitions with another \$135,000 through CDC Rape Prevention and Elimination Coalitions Funding (RPE Program). An additional \$225,000 is passed from HHS through the Massachusetts Department of Public Health through state RPE and PHBG funding.

II. My Organization's Member Organizations

6. JDI is a membership organization with over 60 members. Members of JDI are the hubs of expertise in addressing sexual and domestic violence throughout Massachusetts. JDI's members include nonprofit organizations and domestic violence/sexual assault prevention or direct service providers. Membership is open to organizations for which addressing sexual and domestic violence is either the primary purpose or is part of their mission.

7. JDI provides its members with technical assistance, including around the provision of court-related support for survivors, workforce support, child welfare systems related work, and assistance related to privacy, confidentiality and safety. JDI operates numerous listservs that function as a robust network of advocates. Additionally, JDI creates a wide range of resources such as an online training curriculum, toolkits and resource guides, papers, and reports.

8. JDI's members include Member Doe, an organization that provides free culturally and linguistically responsive safety and support to domestic violence survivors and The Network/La Red which provides services and support for LGBTQ+ survivors of partner abuse. Member Doe receives HUD funding through their Continuum of Care (CoC) as well as HHS (ACF) funding that is passed through the Massachusetts Department of Public Health. The Network/La Red receives HHS(ACF) Funding that is passed through the Massachusetts Department of Public Health.

9. Other members of JDI also receive grants from both HUD and HHS.

I. HUD's New Funding Conditions

8. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

9. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;" (2) "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 [The False Claims Act];" (3) "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;" and (4) "shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment."

II. JDI Members' HUD Grants

10. JDI does not directly receive HUD Funds. However, JDI Member Program Member Doe has received a competitive grant from HUD for the Continuum of Care Grant Program ("CoC Grant"), since 2006. Member Doe is a subrecipient of the Balance of State CoC who releases a competitive grant program periodically. The competition is for renewal, expansion and new projects that provide permanent supportive housing (PSH), rapid rehousing (RRH) or a combination of transitional housing and rapid rehousing (TH-RRH). There is a bonus amount of funds available only for projects that serve victims of domestic violence, dating violence, sexual assault, and stalking.

11. Member Doe has received HUD grants since 2006. On November 2, 2024, the Balance of State CoC through HUD awarded Member Doe a total of \$120,000 through the CoC Grant in FY 25-26. The grant has a period of performance of November 1, 2024 to October 31, 2025. The NOFO and NOA did not include the new HUD funding conditions described above, but they expect that the next award will include those conditions. Member Doe has received this grant award since 2006 for permanent housing, has been selected by the competitive CoC process, and is expected to receive a new contract for the period from November 1, 2025 through October 31, 2026 on or about September 2025.

12. Member Doe relies heavily on the CoC Grant to provide permanent housing units and essential services that support individuals and families experiencing domestic violence, chronic homelessness, and elder survivors with disabilities. This funding also supports critical case management services.

13. Declining HUD CoC funding would have a significantly detrimental impact on Member Doe and its mission. Without this support, Member Doe would lose six units of permanent housing and the capacity of three full-time staff members. Survivors of domestic violence with disabilities, currently residing in Member Doe's permanent housing and working toward long-term safety and stability, would lose their housing and risk becoming homeless again. The broader community would also see an increase in homelessness, particularly among low- to no-income survivors, as the demand for housing continues to exceed availability.

III. HHS's New Funding Conditions

14. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients "must comply with all applicable Federal anti-discrimination laws material to the government's payment decisions for purposes of [the False Claims Act];" and (2) it provides that by accepting the grant award, recipients certify 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." HHS states that it "reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott." *Id.* at 19.

15. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

16. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants, including the Domestic Violence Coalitions Grant, that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

17. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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 the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”

18. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX certify to the following: (1) that the recipient “is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including 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; (2) that those “requirements are conditions of payment that go to the

essence of the Agreement and are therefore material terms of the Agreement”; (3) that “[p]ayments 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”; (4) that the “[r]ecipient 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”; and (5) that “[r]ecipient 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.”

19. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

IV. Jane Doe Inc and its Members’ HHS Grants

20. JDI organization has applied for and received a grant from HHS’s Administration for Children and Families (ACF) for the Family Violence Prevention and Services Act (“FVPSA Grant”) since at least 2007.

21. My organization has used FVPSA Coalition Grant funds for many purposes. The Family Violence Prevention and Services Act (FVPSA) Coalition grants strengthen the capacity of domestic and sexual violence programs in Massachusetts through a comprehensive approach centered on training, technical assistance, needs assessment, and collaboration. JDI uses FVPSA Coalition funding to enhance leadership and advocacy skills among program directors,

managers, and direct service staff. By offering ongoing training, webinars, and peer-led technical assistance, JDI helps programs adopt trauma-informed, survivor-centered practices and improve organizational leadership. An online training platform further supports onboarding and professional development across the field. To ensure services are responsive and accessible, JDI conducts ongoing statewide needs assessments in partnership with state agencies and member programs. These efforts identify service gaps, workforce challenges, and barriers faced by survivors—particularly those in culturally specific, rural, or historically marginalized communities. Data from these assessments inform coalition priorities, support racial equity initiatives, and guide advocacy for sustainable funding. JDI also collaborates with the FVPSA state administrator to monitor and guide the distribution of subgrants, ensuring funding decisions reflect community needs and promote equitable access. In addition, JDI partners with culturally specific organizations, immigrant and refugee advocacy groups, and racial justice leaders to advance culturally responsive services and address systemic barriers. This work includes facilitating collaborations, providing technical assistance, and promoting language justice. Finally, JDI engages with sectors like health care, housing, economic justice, and business to improve survivor access to critical resources and strengthen systemic responses. These partnerships advance policies, practices, and programs that support survivor safety, well-being, and economic security. Through these strategies, FVPSA Coalition grants help JDI foster a stronger, more connected network of programs working toward justice, safety, and healing for all survivors across Massachusetts.

22. On July 8, 2025, HHS awarded my organization a total of \$368,750 through the FVPSA Coalition Grant FY25. The grant has a period of performance of October 1, 2024 September 30, 2026 and a budget period of October 1, 2024 through September 30, 2026 The

NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and ACF Standard Terms and Conditions, which contains the new funding conditions described above, applies to the award. My organization needs to accept this award by drawing down funds by August 15, 2025 due to cash flow needs to support personnel and operating costs of JDI.

23. Accepting this funding with the conditions imposed by this grant source would put our organization at heightened risk for liability should we inadvertently fail to comply with conditions. The broad nature of the conditions imposed on grantees challenge fundamental values and approaches – values and approaches that center equity – to how we work to end domestic violence. Accepting these funds would place us at risk of compromising our commitment and approach to serving survivors. Declining this funding would have a very significant detrimental impact on my organization. Without the funding for this grant, JDI would be forced to reduce our already small team by at least 2 staff members and cease a range of core efforts to improve systems and build capacity of member programs to address the needs of domestic violence survivors. Our ability as a coalition to bring our membership together, to provide effective technical assistance and system intervention and support would be heavily compromised leaving communities of survivors as well as a survivor-advocate workforce without the supports they need to thrive.

24. My organization has applied for and received a competitive grant from the Center for Disease Control (CDC) for the Rape Prevention and Education: Enhancing Capacity for Sexual Violence Prevention Across State and Territory Sexual Assault Coalitions Grant (“RPE Grant”) for the past 2 years.

25. My organization has used RPE Grant funds for many purposes. For instance, these funds supported a comprehensive capacity assessment to strengthen its role in advancing

primary prevention of sexual violence across the Commonwealth. This project focused on evaluating JDI's internal capacity, financial health, and strategic partnerships to ensure its prevention efforts remain sustainable, impactful, and responsive to the needs of diverse communities.

26. A core focus of the project was examining how JDI's financial and staffing resources aligned with its prevention goals. The assessment also explored how to strengthen investments in workforce development, capacity-building, and partnerships. Additionally, it examined how principles of equity—especially around access to services and leadership—could be further integrated into JDI's prevention work and community collaborations.

27. Through this initiative, JDI is enhancing its ability to support member programs and advance a shared vision of community health, financial stewardship, and meaningful violence prevention across Massachusetts.

28. On June 30, 2025, HHS awarded JDI a total of \$135,000 through the RPE Grant in FY25. We are in year two of a multiyear grant (6/2024-6/2028). The grant has a period of performance of June 30, 2025 to June 29, 2026 and a budget period of the same span. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and CDC Terms and Conditions, which contains the new funding conditions described above, apply to the award. My organization needs to accept this award by drawing down funds or otherwise communicating acceptance within thirty days of the NOA as stated in the award notice.

29. Declining this funding would have a very significant detrimental impact on my organization. Without the funding for this grant, a key source of funding for sexual assault prevention work will end. Our organization will be forced to lay off a staff member with expertise in prevention work and end the groundwork laid to build capacity for JDI and member

programs with respect to prevention efforts. Violence prevention work is underfunded in the SA/DV field. This opportunity to focus on prevention is a lifeline to the future of our work to end sexual violence.

30. My organization's members have received HHS grants, including direct discretionary grants through ACF and pass through FVPSA grants through the Massachusetts Department of Public Health. For the purposes of the member programs highlighted below, the two organizations highlighted receive these grants as pass-throughs from the state.

31. For example, The Network/La Red (New England Women's Support, Inc. dba The Network/La Red) has been funded by the Massachusetts Department of Public Health since state domestic and sexual violence funding moved over from DCF in 2018. Their community-based services are partially funded through a pass-through award to DPH from HHS (FVPSA) through June 2026, and expect that funding to be continued at that point. For FY26, they received \$120,657 in FVPSA funds from DPH for performance and budget period of October 1, 2025 through June 30, 2026.

32. The Network/La Red is an LGBTQ+ organization serving LGBTQ+ survivors of partner abuse across Massachusetts. They provide training to mainstream domestic and sexual violence programs about partner abuse in LGBTQ+ communities and technical assistance on how to create a safe and accessible environment for LGBTQ+ survivors in their organizations and programs. They provide similar training for a wide variety of service providers both in and outside of LGBTQ+ communities. They also provide outreach and education for LGBTQ+ communities on how to recognize partner abuse and support survivors. And finally, they promote LGBTQ+ survivor leadership development to address partner abuse in their own communities.

33. The funding conditions described above would require The Network/La Red to completely change their programming. The Network/La Red believes that a diverse staff in an environment that promotes equity and inclusion strengthens the organization and best positions them to serve all members of their communities with cultural competence and with services that do not re-victimize survivors. Promotion of equity and inclusion practices also promotes a welcoming organizational culture that helps to reduce staff turnover. This, in turn, creates more stability for survivors served, and it also has the benefit of staff who use their increasing accumulated experience to better serve survivors and train other programs to do so. They also believe that, generally speaking, LGBTQ+ survivors are best served by LGBTQ+ staff who are also survivors. If they were to accept the grant with this funding condition, they would have to fundamentally change our hiring practices, organizational culture, the communities they serve, and their programming.

34. For example, Member Doe, a member program based in Chelsea, MA received \$152,025 for emergency shelter services from ACF/FVPSA passed through the Massachusetts DPH for FY 26. These subgrants have a period of performance and budget period of July 1, 2025- June 30, 2026. Member Doe accepted this award on June 30, 2025. They expect the HHS GPS will apply to continued funding or ACF will amend the grant to include the conditions. Without this funding, Member Doe would lose shelter beds and the corresponding supportive services provided by trained, multi-lingual staff, resulting in fewer individuals and families fleeing violence in Eastern Massachusetts and across the commonwealth being served. There is already a dearth of shelter options in Massachusetts and this would tax an already strained system.

V. HUD's and HHS's New Funding Conditions Place My Organization and/or its

Members in an Untenable Position

35. Agreeing to the HUD and/or HHS conditions would cause my organization and my member programs profound harm. The funding conditions are vague, and several could be read to conflict with my organization's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HUD and/or HHS grants. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.

36. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, and agreeing that compliance with those antidiscrimination laws is material for False Claims Act purposes implying that compliance with those antidiscrimination laws is material for False Claims Act Purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. My organization's mission enshrines the values underlying any understanding of diversity, equity, and inclusion.

37. As JDI states, "Our work is grounded in racial and economic justice, and we believe that centering the leadership of those most impacted by violence is essential to building a safer, more equitable world." This commitment to confronting all forms of oppression is woven

into every aspect of JDI's mission and coalition work. At the heart of Jane Doe Inc.'s mission is a steadfast commitment to promoting the safety, liberty, and dignity of all survivors of sexual and domestic violence—recognizing that these goals cannot be achieved without addressing the systemic inequities that shape survivors' experiences. JDI's work is grounded in the understanding that racism, xenophobia, homophobia, transphobia, ableism, and other forms of oppression are intertwined with gender-based violence and directly impact access to safety, healing, and justice. As a statewide coalition, JDI intentionally centers marginalized voices, fosters inclusive leadership, and advances survivor-led advocacy that reflects the diverse communities across Massachusetts. Through this lens, JDI works in partnership with its member programs and community organizations to challenge systems of oppression and promote equitable responses to survivors, while building a movement rooted in justice, liberation, and collective care.

38. It is unclear whether my organization's mission and guiding principles violate the conditions placed on us by these funders, and whether my organization could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs. JDI refused to compromise our values.

39. My organization is also unsure whether it can continue to operate programs that are designed to highlight the needs of underserved or marginalized communities, including Black, immigrant and/or LGBTQ+ survivors. Now, it is unclear whether these programs would fall within the administration's interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.

40. For the same reasons, my organization is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that “advance or promote DEI, DEIA, or discriminatory equity ideology.”

41. My organization is also concerned about the HHS ACF condition requiring a certification of compliance with Title IX of the Education Amendments of 1972. Recent executive orders have made clear that the government is advancing a new, unsupported interpretation of Title IX as prohibiting allowing people to participate in single-sex programs based on their gender identity. We are concerned that this interpretation could require organizations to ignore local and federal law prohibiting discrimination based on gender identity and would ultimately result in victims who are transgender or gender-nonconforming being turned away from services. We also regularly ask for and use pronouns and include information about LGBTQ+ survivors in advocacy and public information. My organization is further concerned that we will be unable to deliver training and materials to schools that fully address domestic and intimate partner violence and comply with anti-discrimination provisions.

42. JDI is also concerned about the HHS GPS condition requiring grantees to certify that they do not engage in, and will not during the term of this award engage in, a “discriminatory prohibited boycott.” While our work is not directly impacted by this prohibition, we are concerned with prohibitions that would restrict JDI’s or a member programs ability to engage in activities in alignment of its values.

43. JDI member programs are also concerned about the HUD condition that prohibits using grant funds to “promote” gender ideology. In providing direct client services and technical assistance, many Member Does will routinely use clients’ stated pronouns to demonstrate support for people who do not identify with the sex they were assigned at birth, recognize gender

identity in providing direct assistance, and accommodate the needs of the LGBTQ+ community in providing compassionate, responsive care and referrals. This is keeping with Massachusetts state law and requirements of state funders. It is unclear whether member programs may continue these practices and activities while complying with the funding condition not to “promot[e] gender ideology.”

44. JDI is concerned about the HUD conditions that prohibit using grant funds to “promote” “elective abortion.” While JDI member programs do not provide abortion care, they do not know what the government may consider to “promote” abortion. Reproductive health access, including abortion, is part of JDI’s values and organizational framework, and certainly a framework embraced by JDI members including Member Doe. These programs offer clients information about any healthcare services that they need. When pregnant survivors request abortion care, they provide them with resources on how to seek that care.

45. JDI member programs are concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.” They do not know what this condition’s broad and vague language means for their organization or how to comply with it, given the many new executive orders that it implicates,

46. The new funding conditions present my organization and its members with an impossible choice. JDI and/or its members could forgo accepting HHS or HUD grant awards and face the direct consequences to JDI’s financial health and ongoing operations as well as the health and operations of its member organizations. Or my organization could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory

requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

47. Additionally, my organization's members would have to fundamentally change their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants. For example, during its client intake process, Member Doe and The Network/La Red routinely gather information about gender identity and the need for services, including safe housing or legal advocacy, to facilitate proper care and access to available resources. When carrying out programs under their pass through funding through the MA DPH, Member Doe and the Network/La Red will include in their general intake questions or follow up interviews questions about gender identity and pronouns to ensure that care is respectful, compassionate, and appropriate for each individual. The Network/La Red and Member Doe are concerned that it would have to fundamentally alter this programming in a way that undermines its ability to serve certain underserved populations and runs contrary to the organization's values.

48. My organization fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization concerned about applying or accepting an award. To mitigate these risks, my organization would have to change its practices, in many cases contrary to its core values

V. These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault Victims and Survivors

49. These funding conditions threaten harm to survivor-advocates who comprise the bulk of the sexual assault and domestic violence workforce as well as harm the larger public

comprised of so many survivors who seek JDI's support in advancing systems change work that reflects their needs and experiences.

50. Conversely, if my organization or its members turned down the funds because of the conditions, the reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual violence.

51. Although JDI does not provide direct services, the loss of funding would have a profound impact on survivors across Massachusetts. As the statewide coalition, JDI strengthens the network of domestic and sexual violence programs by providing training, technical assistance, policy advocacy, and critical coordination. Without this backbone support, local programs would face increased isolation, reduced access to vital resources, and fewer opportunities to influence systems that affect survivors' safety, healing, and justice. The ripple effect of losing coalition infrastructure would ultimately leave survivors with fewer protections, less responsive services, and diminished pathways to lasting change.

52. The reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual violence.

53. In the absence of fully funded JDI services and JDI member services, domestic violence and sexual assault victims will be confronted with more barriers when trying to access services by limiting the reach of trusted organizations. The availability of culturally responsive services for survivors who identify as LGBTQ+ and/or immigrants are already limited. All too often, abusers use survivors' identities as a tactic of abuse—often forcing an already vulnerable survivor into silence. The loss of program services that cater to at-risk populations will leave survivors and their communities more vulnerable. There will be less transitional housing support available in Massachusetts. Programs that employ advocates who are often survivors themselves will have to lay off staff. As the state coalition, JDI will have to scale back its ability to provide

training, technical assistance and statewide coordination including involvement with the state Governor's Council to Address Sexual Assault, Domestic Violence, and Human Trafficking, membership convenings for directors, civilian police advocates, and high-risk teams. Direct service providers will be unable to maintain high quality services that follow best practice guidance or even that are fully compliant with the myriad federal, state, and local requirements they would now have to navigate on their own, without the critical assistance of coalitions, while desperately trying to keep up with the already increasing demand for services.

54. JDI's operations are essential to permitting the network of direct service providers to focus on lawfully providing the highest-quality services to the survivors they serve and ensuring that the systems that contribute to addressing and responding to the epidemic of sexual violence are operating within lawful frameworks of evidence-based, trauma-informed, survivor-centered policies and practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2025.

DocuSigned by:
/s/ *Hema Sarang-Sieminski*
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Hema Sarang-Sieminski

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF KIMBERLY SIMMONS

I, Kimberly Simmons, declare as follows:

I. Background

1. I am the Executive Director at The Rhode Island Coalition to End Homeless (RICEH), a coalition that represents the full homelessness response system, including the Coordinated Entry System in RI.
2. My organization was founded in 1988 and is headquartered in Providence, Rhode Island. The Rhode Island Coalition to End Homelessness works collaboratively with advocates, providers, and faith-based organizations to create and advance lasting solutions to prevent and end homelessness. We ensure that all the experiences of homelessness are included in what we do. We also provide supportive services coordination to partner organizations.
3. My organization connects families and individuals who are living outdoors with shelters through our 365 day a year hotline. We manage the statewide database that tracks all persons experiencing homelessness in the state of Rhode Island. We analyze trends in

homelessness to achieve better outcomes, meaning that people are no longer at risk of homelessness or are at least sheltered and out of the elements. We run the SSDI SSI Outreach Access and Recovery (SOAR) program for the state of Rhode Island. SOAR increases access to disability benefits for individual adults, parents, and children who are experiencing homelessness or are at risk of homelessness. We provide the Voices of Homelessness (VOH) speakers bureau, which empowers people who have lived experience with homelessness to learn to tell their story, both in public presentations and public testimony during the legislative session. We also facilitate the monthly meeting of the Constituent Advocacy Committee (CAC), which is one of the standing committees of the Continuum of Care Alliance (CoC), which serves to inform the CoC policy and program development.

4. My organization receives grants from the Department of Housing and Urban Development (HUD). My organization has an annual budget of roughly \$4,871,443.97. Of that total amount, roughly \$1,275,159 comes from HUD grants and \$1,150,220 comes from Continuum of Care HUD grants.

II. HUD's New Funding Conditions

5. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.
6. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;” (2) “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 [The False Claims Act];” (3) “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;” and (4) “shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment.”

III. Rhode Island Coalition to End Homelessness’s HUD Grants

7. My organization has applied for and received competitive grants from HUD for the Continuum of Care Grant Program (“CoC Grant”), for the past 22 years. We are a direct recipient of these grants which provide funding for a variety of our programs and services. We have received CoC grants to support the Homeless Management Information Services program since 2003. We have received CoC grants to support our work in administrating the Coordinated Entry System since 2018. We have received CoC grants to support our Statewide Street Outreach Coordination program since 2021. Finally, we have received CoC grants to implement a new system of coordinating supportive services for victims of domestic violence since 2021.
8. Currently, my organization receives the following HUD grants:
 - a. The HUD COC Coordinated Entry System Grant, which provides a total of \$156,203 for the period July 1, 2024 through June 30, 2025 to support the maintenance of the Coordinated Entry System, which provides a hotline people experiencing homelessness can call to receive our support and guidance to

connect those individuals to supportive services to get them off the street and get back on their feet. The current award was awarded on June 11, 2024, and does not include the new HUD funding conditions described above, but HUD has asked RICEH to sign an NOA for the period of July 1, 2025, through June 30, 2026, and this NOA includes the new HUD funding conditions.

- b. The HUD COC HMIS Grant, which provides a total of \$167,697 for the period July 1, 2024, through June 30, 2025, to support the maintenance of the Homeless Management Information System, which is a system RICEH uses to collect, track, and analyze data about the population of unhoused and unsheltered people in Rhode Island. That data is used to report to various stakeholders and policymakers in the state to steer data driven policy solutions to end homelessness in the state. The current award was awarded on June 11, 2024, and does not include the new HUD funding conditions described above, but HUD has asked RICEH to sign an NOA for the period of July 1, 2025, through June 30, 2026, that does include the new HUD funding conditions.
- c. The HUD COC DV Bonus Grant, which provides a total of \$826,320 for the period January 1, 2025, through December 31, 2025, to support programming that allows RICEH to incorporate victims of domestic violence into the population it serves, with the aim of helping those victims find safe housing and other supportive services to get their lives back on track, known as the DV Bonus program. The current award was awarded on June 17, 2024, and does not include the new HUD funding conditions described above, but HUD has asked RICEH to

sign an NOA for the period of January 1, 2026, through December 31, 2026, that does include the new HUD funding conditions.

- d. The HUD YHDP SOAR Grant, which provides a total of \$32,820 for the period October 1, 2024, through September 30, 2025, to support the SSDI SSI Outreach Access and Recovery (SOAR) program for the state of Rhode Island. SOAR increases access to disability benefits for individual adults, parents, and children who are experiencing homelessness or are at risk of homelessness. The current award does not include the new HUD funding conditions described above, but HUD has asked RICEH to sign an NOA for the period of October 1, 2025, through September 30, 2026, that does include the new HUD funding conditions.
 - e. The HUD YHDP HMIS Grant, which provides a total of \$92,119 for the period November 1, 2025, through October 31, 2026, to support the maintenance of the Homeless Management Information System, which is a system RICEH uses to collect, track, and analyze data about the population of unhoused and unsheltered people in Rhode Island. That data is used to report to various stakeholders and policymakers in the state to steer data driven policy solutions to end homelessness in the state. The current award does not include the new HUD funding conditions described above, but HUD has asked RICEH to sign the NOA for the period of November 1, 2025, through October 31, 2026, that does include the new HUD
9. On May 28, 2025, my organization received requests for certification for the renewal of all the grants listed above. The NOFO for this award did not include the new funding conditions described above, but the NOAs that HUD asked us to sign did. On July 1, 2025, we sent back the NOAs with the new funding conditions stricken, but we do not

know whether HUD will accept the NOAs with the alterations we made. In fact, on July 14, 2025, HUD sent RICEH another NOA for a YHDP Renewal and Replacement Project that had the new funding conditions, which leads me to believe that HUD will not accept the NOAs with the alterations we made, removing those conditions.funding conditions.

10. Because the HMIS and the CES grants are needed for work performed starting July 1, 2025, my organization will need to accept the award by drawing down funds as soon as July 30, 2025 for cashflow reasons. My organization relies heavily on the CoC Grant to fund critical services to support individuals and families experiencing chronic homelessness. For instance, these funds support all the programs mentioned above, which comprise the bulk of the services we provide. Our programs and services are focused on ending homelessness in the state of Rhode Island. Thousands of people in the state are unsheltered; many of those people have intense medical needs brought about by disabilities that they cannot effectively treat without our services. It is not an overstatement to say that our organization uses these funds to save lives. The people we help are too often overlooked by most people and organizations in our state, living largely invisible lives full of danger and uncertainty. We rely on our grant funding to provide supportive services to these people to provide them with shelter, housing, safety, and stability.

11. Declining the HUD CoC funding would have a devastating impact on my organization and its mission and on the most vulnerable Rhode Islanders. We would see a tremendous rise in the homeless population, including among the very sick and disabled. We work with a number of people who would not be able to keep their insulin cold or connect with

health care providers to provide treatment for kidney disease and cancer. To put it bluntly, we would see a rash of people dying out on the street. Without this funding, about 105,000 people would no longer be able to rely on and benefit from our services. We would no longer be able to provide data to HUD about homelessness in Rhode Island. There would be no vehicle for coordinated entry to determine who needs what service and connect those individuals with the right organizations. All these shortfalls would lead to more people living unhoused on the street, unable to access opportunities for housing, employment, social services, and benefits. Veterans would be disproportionately impacted by these shortfalls, as would the BIPOC community. We would also have to undergo severe layoffs without the CoC funding. We currently employ 28 people, and we would probably have to cut down to about 7 staff. We would not have the ability to function as we do now.

12. There are no other HUD grants that we have identified that would support our current mission with or without the new funding conditions described above.

IV. HUD's New Funding Conditions Place My Organization in an Untenable Position

13. Agreeing to the HUD conditions would cause my organization profound harm. The funding conditions are vague, and several could be read to conflict with my organization's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HUD. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support the most vulnerable members of our community, the thousands of unhoused and

unsheltered seniors, veterans, families, runaway youth, and victims and survivors of domestic violence who rely on us and our support services to get off the street and back into safe and stable housing.

14. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, and agreeing that compliance with those antidiscrimination laws is material for False Claims Act purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA.
15. RICEH's mission is to serve the poorest and most vulnerable population, the unsheltered across 39 cities and towns in Rhode Island. Those communities do not all look alike or have the same lived experiences and we cannot do the work with a one size fits all mentality. We need to meet people where they are at, so to speak, which means considering the various aspects of a person's identity to best help them through a frightful and dangerous period of their life. The population we serve tends to be overrepresented by African Americans and Spanish speakers. We have recently seen more families and seniors become unhoused. We serve a lot of runaway homeless youth aged 18-24, a disproportionate number of whom are LGBTQ. We need our staff to be representative of the people we serve, meaning that we need to staff people of color, people with disabilities, members of the LGBTQ community to accurately and compassionately serve the population of unhoused Rhode Islanders. It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization

could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

16. My organization is also unsure whether it can continue to operate programs that target underserved or marginalized communities, including the CES, HMIS, SSOC, SOAR and DV Bonus programs. Now, it is unclear whether these programs would fall within the administration's interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.
17. For the same reasons, my organization is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that "advance or promote DEI, DEIA, or discriminatory equity ideology."
18. My organization is also concerned about the HUD condition that prohibits using grant funds to "promote" gender ideology. In providing direct client services and technical assistance, many of my organization's staff are engaged in and integrate policies that are informed by including and respecting gender diversity. This is crucial in establishing trust between our staff and the people we serve. It is also crucial in developing and maintaining trust within our staff that we adopt policies that recognize and respect all forms of gender identity and sexual orientation. It is unclear whether my organization may continue these practices and activities while complying with the funding condition not to "promot[e] gender ideology."
19. My organization is concerned about the HUD conditions that prohibit using grant funds to "promote" "elective abortion." We don't know whether the work we do would be considered as promoting elective abortion. We are routinely referring people to healthcare

services through our Street Outreach program and are concerned that by referring people to those services we may be considered to have violated that condition.

20. My organization is concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.”

We do not know what this condition’s broad and vague language means for our organization or how to comply with it, given the many new executive orders that it implicates.

21. The new funding conditions present my organization and its members with an impossible choice. My organization could forgo accepting HUD grant awards and face the direct consequences to my organization’s financial health and ongoing operations and to those who receive direct services. Or my organization could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements and face enormous risks of litigation and government investigations under the False Claims Act.

22. My organization fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization concerned about applying for or accepting an award. To mitigate these risks, my organization would have to change its practices, in many cases contrary to its core values.

V. **These Funding Conditions Threaten to Harm the Most Vulnerable People in our State**

23. These funding conditions threaten harm to the thousands of unsheltered and unhoused people in Rhode Island and the many more who are victims of domestic violence. As mentioned above, a core element of our work is to meet people where they are at in order to connect them to supportive services to help them out of the worst moments of their lives. It is crucial that we develop trust between our staff and the people we serve, many of whom are justifiably distrusting and cynical towards institutional actors. We need staff who are representative of the people we serve in order to create that rapport. To reiterate, the people we serve typically have a complicated intersection of obstacles in their lives, many of which are rooted in core aspects of their identity and the impact it has had on their lived experience. It could be an African American Veteran with physical disabilities, an LGBTQ teenager who fled home and is now on the street and struggling to manage and maintain their mental health, or an elderly person with diabetes who cannot reliably obtain insulin or keep it cold when they do. The permutations are endless, but one core truth remains the same; we cannot effectively connect with any of these people and help them get the safe housing and social services they need and are entitled to unless we first develop a relationship grounded in trust and empathy. We are gravely concerned that the new funding requirements are anathema to our existing model, the only model that we have found successful in achieving our mission, and that by agreeing to those conditions the changes it would require in our strategy would fundamentally undermine our operations to the detriment of thousands.

24. Conversely, if my organization or its members turned down the funds because of the conditions, the reduction or outright termination of these services would have devastating effects on the people we currently serve. As I describe above, without the funding that we have relied upon for years, and in some instances decades, we would have to discontinue core aspects of our organization and would no longer be able to effectively serve thousands of people across the state. We would lose the ability to collect data to inform sound policy proposals and, most importantly, we would abandon far too many people to a dangerous and unstable existence.

25. My organization's operations are essential to improving people's lives and making Rhode Island a safer state for everyone to live in. There is no other organization in the state that does this work. If we were forced to discontinue our work, either because we do not receive the grant funding we have been awarded and relied upon for years, or because the work cannot be done while complying with HUD's new funding requirements, unsheltered and unhoused people and victims of domestic abuse would have a tremendously difficult time trying to access the services they need to get their lives back on track. This has a reverberating effect throughout the entire state and on the lives of everyone who lives here. Improving the lives of the people we serve improves the lives of everyone who shares a community with them. We need to maintain our ability to carry out our mission because no one else will.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2025.

Kimberly Simmons, M.Ed.

Kimberly Simmons, M.Ed.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF TAI SIMPSON-BRUCE

I, Tai Simpson-Bruce, declare as follows:

I. Background

1. I am the Executive Director at the Idaho Coalition Against Sexual and Domestic Violence (ICASDV), Idaho's federally designated dual sexual assault and domestic violence coalition.
2. My organization was founded in 1980 and is headquartered in Boise, Idaho. It is a 21-member dual domestic violence and sexual assault coalition membership organization that works to end gender-based violence from its systemic roots, including by providing member organizations with training and technical assistance, access to statewide and national training and development, and participation in State-level advocacy and systems reform. The Idaho Coalition works with over 60 organizational partners, including community-based domestic and sexual violence programs, tribal service providers, culturally specific organizations, and grassroots collectives. Its partners include

organizations and individuals committed to ending gender-based violence, including tribal domestic violence and sexual assault programs, culturally specific nonprofits, LGBTQIA+ organizations, and allied professionals.

3. The Coalition provides support and capacity building to more than 40 direct service organizations annually. These member programs collectively serve tens of thousands of survivors each year. Coalition activities include:
 - a. Delivering training and technical assistance to advocates, legal professionals, and allied stakeholders;
 - b. Disseminating printed and digital resources in English, Spanish, and other languages;
 - c. Supporting youth prevention programs and school-based education efforts;
 - d. Assisting programs with housing stabilization, shelter operations, and rapid re-housing;
 - e. Coordinating statewide prevention and response strategies to domestic and sexual violence, including in rural, frontier, and tribal communities;
 - f. Providing policy guidance and legislative analysis to state and federal partners;
 - g. Maintaining infrastructure for statewide data collection, program evaluation, and survivor-informed practice;
 - h. The Coalition also engages in tribal government-to-government consultation, supports implementation of tribal codes related to domestic and sexual violence, and coordinates cross-jurisdictional responses involving tribal, local, and state law enforcement.

4. My organization has an annual budget of roughly \$2.1 million. The Coalition manages and administers multiple federal grants, including awards from the Family Violence Prevention and Services Act (FVPSA). The FY24 FVPSA Coalition Grant totals \$363,657 and supports core coordination, training, and capacity-building for domestic and sexual violence programs across Idaho. Federal funds make up more than 70% of the organization's total operating budget, with FVPSA funds accounting for approximately 17% on our budget.

II. My Organization's Member Organizations

5. Idaho Coalition is a membership organization with 21 member agencies.

Members include organizations and individuals committed to ending gender-based violence, including tribal DV/SA programs, culturally specific nonprofits, LGBTQIA+ organizations, and allied professionals.

6. Members of my organization receive grants from HUD and HHS.

III. HHS's New Funding Conditions

7. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients "must comply with all applicable Federal anti-discrimination laws material to the government's payment decisions for purposes of [the False Claims Act];" and (2) it provides that by accepting the grant award, recipients certify 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." HHS states that it "reserves the right to terminate financial assistance

awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott.” *Id.* at 19.

8. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.
9. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants, that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.
10. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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 the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”
11. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX certify to the following: (1) that the recipient “is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including 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; (2) that those “requirements are conditions of payment that go to the essence of the Agreement and are therefore material terms of the Agreement”; (3) that “[p]ayments 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”; (4) that the “[r]ecipient 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”; and (5) that “[r]ecipient 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.”

12. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

1. My Organization’s HHS Grants

13. My organization has applied for and received a grant from HHS’s Administration for Children and Families (ACF) for the Family Violence Prevention and Services Act (“FVPSA Grant”) for decades.

14. My organization has used FVPSA Coalition Grant funds for many purposes. For instance, the Idaho Coalition uses FVPSA funding to provide culturally specific technical

assistance to tribal, rural, and community-based domestic violence programs, centering the needs of Indigenous, immigrant, and LGBTQ+ survivors. FVPSA funds support training and capacity building through annual gatherings, regional convenings, and virtual peer exchange sessions focused on topics such as housing access, trauma-informed care, and transformative justice. The Coalition also provides policy guidance, resource development, organizational wellness support, and survivor-led feedback mechanisms to strengthen the sustainability and responsiveness of programs across Idaho.

15. On April 30, 2025, HHS awarded my organization a total of \$363,657 through the FVPSA Coalition Grant in FY2024. The grant has a period of performance of October 1, 2023 through September 30, 2025 and a budget period of October 1, 2023 through September 30, 2025. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and ACF Standard Terms and Conditions, which contains the new funding conditions described above, applies to the award. My organization needs to accept this award by August 1, 2025, because my organization's financial resources and needs require it. I will have no choice but use the funds to pay staff and overhead costs, as we have used other resources to cover expenses in the interim.

16. Declining this funding would have a very significant detrimental impact on my organization. Without the FVPSA Coalition Grant, the Idaho Coalition would be forced to significantly scale back its training, technical assistance, and capacity-building support to over 40 direct service organizations statewide. The loss of funding would jeopardize peer connection spaces, culturally specific guidance for tribal and rural programs, and the

development of survivor-centered resources that are essential to safe, accessible services. Staff positions responsible for community building, policy support, and regional training would likely be reduced or eliminated. This would leave frontline programs—particularly those serving Indigenous, immigrant, and LGBTQ+ survivors—without access to critical support in navigating housing, safety planning, legal advocacy, and systems coordination. Ultimately, declining this funding would create dangerous service gaps and further isolate survivors in Idaho’s most marginalized and under-resourced communities.

HHS’s New Funding Conditions Place My Organization and its Members in an Untenable Position

17. Agreeing to the HHS conditions would cause my organization profound harm. The funding conditions are vague, and several could be read to conflict with my organization’s core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HHS grants. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.
18. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, and implying that compliance with those antidiscrimination laws is material for False Claims Act Purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government

intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. My organization's mission is to serve all people in a culturally specific and genuine way. It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

19. My organization is also unsure whether it can continue to operate programs that target underserved or marginalized communities. Now, it is unclear whether these programs would fall within the administration's interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.
20. For the same reasons, my organization is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that "advance or promote DEI, DEIA, or discriminatory equity ideology."
21. Agreeing to the certifications would cause Idaho Coalition profound harm. The funding conditions are vague, and several could be read to conflict with Idaho Coalition's core mission and the activities it has undertaken for decades in furtherance of that mission and in reliance on the grants. The funding conditions may require Idaho Coalition to cease engaging in activities that it had previously understood the grants to plainly support. Thus, Idaho Coalition does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of domestic abuse and sexual violence.

22. For instance, Idaho Coalition’s mission is “to center collective liberation and address systemic oppression as a praxis for responding to, and preventing, gender-based violence”; it describes its values as “compassion, interconnection, lead[ing] boldly, social equity, and collective liberation.” Idaho Coalition is unsure whether it may undertake its day-to-day activities reflecting its mission and guiding principles, which reference “equity,” without running afoul of the condition not to “promot[e] or facilitat[e] discriminatory programs or ideology, including illegal DEI” as HHS might interpret those terms.
23. My organization is also concerned about the HHS ACF condition requiring a certification of compliance with the Title IX of the Education Amendments of 1972. Recent executive orders have made clear that the government is advancing a new, unsupported interpretation of Title IX as prohibiting allowing people to participate in single-sex programs based on their gender identity. My organization is concerned that this interpretation could require organizations to ignore federal law prohibiting discrimination based on gender identity and would ultimately result in victims who are transgender or gender-nonconforming being turned away from services.
24. The new funding conditions present my organization and its members with an impossible choice. My organization could forgo accepting HHS grant awards and face the direct consequences to my organization’s financial health and ongoing operations and the health and operations of its member organizations, and to those who receive direct services. Or my organization could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

25. My organization fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization concerned about applying or accepting an award. To mitigate these risks, my organization would have to change its practices, in many cases contrary to its core values

These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault

Victims and Survivors

26. These funding conditions threaten harm to the Idaho Coalition. Not having access to funds would severely undermine the Idaho Coalition's ability to function as a state coalition and to provide direct services. The Idaho Coalition would be forced to eliminate multiple staff positions responsible for training, technical assistance, resource development, and coordination with tribal and rural programs. The Coalition would likely need to suspend critical program activities, including multilingual outreach resource production, statewide prevention education, housing advocacy support, and culturally specific programming. Technical assistance to over 40 community-based and tribal service providers would be drastically reduced or discontinued. This would have a cascading impact across Idaho, particularly in underserved rural and frontier areas, where many programs rely on the Coalition for programmatic guidance, legal coordination, and capacity support. Survivor-serving agencies would experience reduced access to training, fewer culturally relevant tools, and less policy support—all of which would weaken the statewide response to gender-based violence.

27. Conversely, if my organization or its members turned down the funds because of the conditions, the reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual violence.
28. The reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual violence.
29. In the absence of fully funded Idaho Coalition services, sexual assault and domestic violence victims will be confronted with more barriers when trying to access services following their assault, including discriminatory treatment from medical, law enforcement or courtroom personnel, hotline operators, and therapists who have not received anti-bias and other core victim services training. This will immediately lead to more survivors choosing not to participate in the criminal justice system and fewer being linked to and receiving appropriate medical and therapy services. Direct service providers will be unable to maintain high-quality services that follow best practice guidance or even that are fully compliant with the myriad federal, state, and local requirements they would now have to navigate on their own, without the critical assistance of coalitions, while desperately trying to keep up with the already increasing demand for services.
30. Idaho Coalition's operations are essential to permitting the network of direct service providers to focus on providing the highest-quality services to the survivors they serve.
31. They ensure that the systems that contribute to addressing and responding to the epidemic of sexual violence are operating with evidence-based, trauma-informed, survivor-centered policies and practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2025.

/s/ tai simpson-bruce

tai simpson-bruce
Executive Director
Idaho Coalition Against Sexual and
Domestic Violence

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF JONATHAN YGLESIAS

I, Jonathan Yglesias, declare as follows:

I. Background

1. I am Director of Mission Advancement at the Virginia Sexual and Domestic Violence Action Alliance (Virginia Action Alliance), Virginia’s federally designated domestic violence and sexual assault coalition.

2. The Virginia Action Alliance was founded in 1981 and is headquartered in Richmond, Virginia. The Virginia Action Alliance is a dual state sexual assault coalition and domestic violence coalition that serves as a non-profit network of survivors, sexual and domestic violence agencies, and allies working to strengthen how communities across Virginia respond to and prevent sexual and intimate partner violence. The Virginia Action Alliance uses its diverse and collective voice to create a Virginia free from sexual and domestic violence—inspiring others to join and support values of equality, respect and shared power.

3. The Virginia Action Alliance provides its member sexual and domestic violence agencies statewide with access to resources, training opportunities, technical assistance, and input on policies and practices that advance safety, justice, and healing for survivors.

4. The Virginia Action alliance receives grants from the Department of Health and Human Services (HHS). The Virginia Action Alliance has an annual budget of roughly \$3,321,500. Of that total amount, roughly \$1,100,000 comes from HHS grants, including subcontracts.

II. My Organization's Member Organizations

5. The Virginia Action Alliance is a membership organization with 73 member agencies. Membership primarily consists of sexual and domestic violence agencies; however, individual and professional memberships are also available to anyone who supports the coalition's mission and values. The Virginia Action Alliance's membership includes three members, which are being identified for the purposes of this lawsuit as "Virginia Member Doe 1," "Virginia Member Doe 2," and "Virginia Member Doe 3." Virginia Member Doe 1 is a domestic violence agency that is a community-based nonprofit with the core function of eradicating domestic violence through the empowerment of survivors. Virginia Member Doe 1 receives funding from HUD and HHS. Virginia Member Doe 1's primary services include counseling, emergency shelter and transitional housing, legal services, child and family advocacy services, domestic violence outreach and prevention, and systems advocacy. Virginia Member Doe 2 is a dual sexual assault and domestic violence agency that is community-based and provides crisis intervention and emotional support, advocacy with medical, police, and court systems, short-term individual and group counseling, information and referrals, emergency shelter, rapid rehousing, and transitional housing, and outreach and prevention programming for survivors of sexual and domestic violence, their families, and partners in the community.

Virginia Member Doe 2 receives funding from HUD and HHS. Finally, Virginia Member Doe 3 is a dual sexual and domestic violence community-based agency that provides safety and support to victims and their families, while working on community solutions to prevent and end violence in their service area. They operate a 24-hour hotline, provide court, medical, and systems advocacy, maintain access to emergency shelter and housing, run a professional development and jobs training program for survivors seeking economic independence, and coordinate robust violence prevention programming within the community. Virginia Member Doe 3 receives funding from HHS.

6. Members of my organization receive grants from HUD and HHS. Approximately 20 members receive direct HUD funding, approximately 55 members receive HHS Family Violence Prevention Services Act (FVPSA) funding as “pass through” funding from other agencies or organizations, and approximately 5 members receive HHS Rape Prevention and Education (RPE) funding as pass through.

III. HUD’s New Funding Conditions

8. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

9. The NOAs for the HUD CoC grants provide that the recipient’s “use of funds provided under” the agreement and its “operation of projects assisted with” grant funds “are governed by ... [a]ll current Executive Orders.” The NOAs also include requirements that the recipient: (1) “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;” (2) “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 [The False Claims Act];" (3) "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;" and (4) "shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment."

IV. Virginia Action Alliance Members' HUD Grants

10. My organization's members have received HUD grants, including grants under the CoC Grant Program, and HUD DV Set Aside. My organization's member agencies receive these funds as part of the local CoC and as pass-through via the Virginia Department of Housing and Community Development. While a majority of my organization's members enter into grants with their local CoC, funding agreements are made directly with HUD.

a. In June 2025, Member Doe 1 received a Notice of Award (NOA) for an approximate total of \$190,000 through the CoC Grant in FY25. The grant has a performance period of July 1, 2025 through June 30, 2026 and a budget period of July 1, 2025 through June 30, 2026. The NOFO for this award did not include the new funding conditions described above, but the NOA did. Member Doe 1 will need to accept the award by August 2025 in order to avert programmatic cashflow issues.

Declining this funding would have a very significant detrimental impact on Member Doe 1. This funding is critical to allowing Member Doe 1 to move survivors from emergency shelter into semi-permanent housing (sometimes for up to 2 years). Through this program, Member Doe 1 is able to pay rent, utilities, deposits, etc. for survivors of domestic violence for whom housing and rental assistance are not typically available. Member Doe 1 has about 20 households in the program per year. These funds pay for roughly 0.75 full time equivalent staff (FTE) at the

agency and without it, they would lose a staff member. Additionally, if they couldn't accept this funding, individuals and families currently in their housing program would be evicted. This would also impact the availability of shelter beds and capacity within the program's emergency shelter program, as they would no longer have the option of moving survivors from shelter into transitional housing. Shelter stays would be longer and the number of survivors being turned away for lack of space would drastically increase. Over 40 children, and their parents, would be evicted. A large majority of the survivors that are moved into transitional housing have children and therefore experience more economic barriers justifying longer-term housing and support services as a wraparound need for the family. Approximately one-third of those served through this agency's transitional housing program are adults and two-thirds are children.

b. In June 2025, HUD awarded Member Doe 2 approximately \$400,000 through the CoC grant in FY25. The grant has a period of performance of July 1, 2025 to June 30, 2026 and a budget period of July 1, 2025 through June 30, 2025. The NOFO for this award did not include the new funding conditions described above, but the NOA did. Member Doe 2 accepted this award in June 2025 by signing an agreement directly with HUD and through their CoC.

Declining this funding would have a very detrimental impact on Member Doe 2. Without HUD funding, this agency would lose approximately 1.5 FTE staff and 39 families in their services area would be evicted from housing. This program funds rapid rehousing, housing location services, mental health services, ongoing case management, and financial assistance for 39 families per year in Member Doe 2's service area.

V. HHS's New Funding Conditions

11. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients "must comply with all applicable

Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and (2) it provides that by accepting the grant award, recipients certify 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.” HHS states that it “reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engage in prohibited boycott.” *Id.* at 19.

12. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

13. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants, including the FVPSA Coalition Grant, that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

14. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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

the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”

15. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX certify to the following: (1) that the recipient “is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including 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; (2) that those “requirements are conditions of payment that go to the essence of the Agreement and are therefore material terms of the Agreement”; (3) that “[p]ayments 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”; (4) that the “[r]ecipient 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”; and (5) that “[r]ecipient 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.”

16. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

VI. My Organization's and its Members' HHS Grants

My organization has applied for and received the Family Violence Prevention and Services Act Grants to State and Territorial Domestic Violence Coalitions from HHS's Administration for Children and Families (ACF) for the Family Violence Prevention and Services Act ("FVPSA Coalition Grant") since it has been made publicly available.

17. My organization has used FVPSA Coalition Grant funds for many purposes. For instance, these funds support state level coordination with partners (coordinated community response teams), the development and delivery of key technical assistance and training projects that build the capacity of local domestic violence programs to engage in best practices in service delivery and prevention programming, and the development and dissemination of resources, brochures, and campaigns designed for the public, for survivors, and for professionals in the field.

18. On July 10, 2025, HHS awarded my organization a total of \$382,407 through the FVPSA Coalition Grant in FY 2025. The grant has a period of performance of October 1, 2024 through September 30, 2026 and a budget period of October 1, 2024 through September 30, 2026.¹ The NOFO did not include the new funding conditions, but the NOA indicates that the ACF Standard Terms and Conditions, which contains the new funding conditions described above, applies to the award. My organization needs to accept this award by drawing down funds by October 31, 2025.

19. Declining this funding would have a very significant detrimental impact on my organization. Without the funding for this grant, the Virginia Action Alliance would need to make staff cuts totaling nearly 3 full time staff members and would be forced to cut a significant

¹ Note that the award for this grant occurs annually, with year 2 of the 2 year grant being awarded partway through the overall performance period.

portion of training and technical assistance to member agencies statewide. This would include the availability of our basic and intensive advocacy trainings, partnership coordination and systems advocacy work on behalf of survivors, statewide meetings and convenings designed to advance best practices among professionals in the field, and resource and campaign development intended to create greater survivor access to services and support.

20. My organization has applied for and received a competitive grant from the Center for Disease Control (CDC) for the Rape Prevention and Education program (“RPE Grant”) since the funds have been publicly available.

21. My organization has used RPE Grant funds for many purposes. For instance, these funds support key initiatives to build statewide capacity for sexual violence prevention, including developing and delivering training and technical assistance to member agencies, Coalition staff, and Virginia Action Alliance governing body members about the principles of primary prevention, with specific emphasis on strategies at the community and societal level that seek to promote optimal health for all. This funding has also supported the initiation of a statewide “Primary Prevention Learning Collaborative” with sexual violence prevention partners as well as making critical modifications to our VAdata Prevention Form and all associated reports that help the Virginia Action Alliance and our state partners to collect and analyze statewide data on prevention practices and activities. VAdata, managed by the Virginia Action Alliance, is Virginia’s web-based data collection system. VAdata was developed in 1996 to enhance the collection of data from all survivors who use the services of member programs across Virginia. The system documents the experiences of survivors seeking services from community-based programs, prevention activities implemented by programs throughout the

Commonwealth, and training and technical assistance efforts of Coalition staff. The VAdata system is currently used by more than 60 SDVAs.

22. We also use funds from this grant to support staff efforts to adapt and evaluate the Coalition's existing "DO YOU Campaign." The DO YOU Campaign, launched in 2014, seeks to address youth violence by confronting root causes and enhancing protective factors to promote positive development and healthy relationships through creative expression. The Campaign is comprised of two phases: DO YOU (comprised of ten 90-minute sessions with youth to promote compassion and empathy) and DO SOMETHING (a youth-led project to make change in their community).

23. We have recruited members and other sexual violence prevention partners to serve as members of our DO YOU Steering Committee. Members have already given feedback on their implementation of the DO YOU Campaign, and the Virginia Action Alliance has established infrastructure to have them continue to provide feedback as the team develops and tests adaptations. These funds are also used to support collaborative meetings and planning with Virginia Department of Health (VDH) partners.

24. On June 26, 2025, HHS awarded my organization a total of \$135,000 through the Rape Prevention and Education: Enhancing Capacity for Sexual Violence Prevention Across State and Territory Sexual Assault Coalitions Grant (RPE Grant) in FY 2025. The grant has a period of performance of June 30, 2024 through June 29, 2028 and a budget period of June 30, 2025 through June 29, 2026. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and ACF Standard Terms and Conditions, which contains the new funding conditions described above, apply to the award. My organization needs to accept this award by drawing down funds by July 31, 2025.

25. Declining this funding would have a very significant detrimental impact on my organization. Without the funding for this grant, the Virginia Action Alliance would have to eliminate approximately 1.2 full time staff members and eliminate foundational technical assistance and training to member programs who implement primary prevention programming throughout the state.

26. Federal Rape Prevention and Education funding is designed with the knowledge that the root causes of violence must be addressed in order to achieve the mission of anti-violence agencies, to eradicate sexual and domestic violence. This is the nation's only federal funding stream dedicated to using a public health framework to identify individual, relational, and community risk factors for violence and to use data and the best available research evidence to inform our strategies to tangibly reduce risk for violence and to create protective factors against it. Eliminating the infrastructure to support primary prevention work at sexual and domestic violence coalitions nationwide would have deep generational impacts.

27. My organization's members have received HHS grants, including grants through the CDC under the RPE Program. These grants are primarily distributed to our member agencies as pass-through funds from the Virginia Department of Health ("VDH"). Agencies funded to do Rape Prevention and Education work with VDH enter into contracts that include a workplan and budget describing how their work will accomplish programmatic goals designed and outlined in partnership between VDH and the CDC. Awards are provided directly through VDH and contracts are entered into with this agency.

a. In February 2025, HHS awarded Member Doe 3 an approximate total of \$100,000 through the RPE grant program in FY25. The grant has a period of performance of February 1, 2025 to January 31, 2026 and a budget period of February 1, 2025 through January 31, 2025.

Member Doe 3 accepted this award in January 2025. When this project and budget period expire, Member Doe 3 will have the opportunity to renew and continue for up to 3 successive grant cycles (3 years), contingent on availability of funds and pending certification agreements. Member Doe anticipates that the HHS Conditions will apply to its continuation awards.

28. Declining this funding would have a very significant detrimental impact on Member Doe 3 and the community members they serve. Immediate impact would include a reduction in programming staff by 1.35 FTE, including one agency staff member and one lived-experience consultant and programmatic expert. Many of the key partnerships and collaborative efforts to implement and maintain community violence prevention programming would no longer exist in the agency's service area. Programming to address root causes of violence, including poverty and hunger in the community, would cease. This includes year-round maintenance of spaces that are used as sites to bring partners and community members together to engage in violence prevention programming, to produce food, and to share vital resources intended to build social cohesion and to address the social determinants of health that create protective factors against violence. In the course of a single year, Member Doe 3 reaches over 100 families and approximately 200 individuals through their prevention programming. Additionally, over 1,300 pounds of fresh produce are grown and distributed to families and individuals in the program, whose service area is a rural locality that is considered a "fresh food desert." Member Doe 3's programming provides vital skills building workshops, education, gathering and resource connection to a significant portion of their rural population. Without this programming, hundreds of community members and families would no longer have access to these life-changing services.

VII. The New Funding Conditions Place My Organization and its Members in an Untenable Position

29. Agreeing to the HUD and HHS conditions would cause my organization profound harm. The funding conditions are vague, and several could be read to conflict with my organization's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HUD and HHS grants. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.

30. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, and agreeing that compliance with those antidiscrimination laws is material for False Claims Act purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. The Virginia Action Alliance is unsure whether it may undertake its day-to-day activities reflecting its mission and guiding principles, which reference "equity" and "diversity," without running afoul of the condition not to "promot[e] or facilitat[e] discriminatory programs or ideology, including illegal DEI" as HHS might interpret those terms. It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

31. Many of the Virginia Action Alliance’s activities in furtherance of its HHS grant-funded direct service programs may also conflict with the new funding conditions. For instance, the Virginia Action Alliance currently operates programs and activities that promote access to services, dignity and healing for all people, and that focus on populations of people who traditionally have faced barriers to such access—including with disabilities, people for whom English is not their primary language, and people who have been excluded from specific services such as shelter due to their gender. In addition, the Virginia Action Alliance’s statewide data system collects demographic information and history of violence information that has the potential to raise questions about services being provided to people who fall within the very broad group of people who might be included in “illegal” DEI categories. Furthermore, the programmatic goals and strategies outlined within the Rape Prevention and Education (RPE) grant acknowledge co-occurring risk factors for violence and underscore historical inequities in community access to resources like housing, food, schools and jobs, and other factors that are shown to lead to healthy outcomes. The work of preventing sexual violence is inextricably linked to work to create well-resourced communities with a high degree of social cohesion. This means that much of this work focuses on eliminating health inequities and focusing on historically under-resourced populations (based on identity categories that align with gender, race, sexuality, and more). For more information on programmatic theory and goals, see the CDC’s Sexual Violence Prevention Technical Package:

https://www.cdc.gov/violenceprevention/pdf/SV-Prevention-Resource_508.pdf

32. Now, it is unclear whether these programs would fall within the administration’s interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.

33. For the same reasons, my organization is concerned that it cannot comply with HHS conditions that prohibit the operation of any programs that “advance or promote DEI, DEIA, or discriminatory equity ideology.”

34. My organization is concerned about the HHS ACF condition requiring a certification of compliance with the Title IX of the Education Amendments of 1972. Recent executive orders have made clear that the government is advancing a new, unsupported interpretation of Title IX as prohibiting allowing people to participate in single-sex programs based on their gender identity. My organization is concerned that, given the history of HHS in funding Virginia-based primary prevention projects such as the Red Flag Campaign, Peer Education Facilitator Guides, Campus Best Practices for Addressing Gender-Based Violence, and DO YOU, to the extent that Title IX applied, this condition could be construed as prohibiting us from providing technical assistance, training, and resource and campaign development that addresses the needs of all students, and especially those who identify as transgender and LGBTQ+. Some of the funded programs, that are made widely available to K-12 schools and college campuses, not only recognize that rigid conformity with gender norms in relationships is a risk factor for acceptance and use of violence, but they also employ gender-selective groups (based on identity and expression, as opposed to biological sex) as a strategy to safely deliver prevention activities that are tailored to those audiences most impacted by these risk factors. This condition would require college campuses and K-12 schools who utilize these programs to do so without regard to best available research evidence.

35. My organization is also concerned about the HHS GPS condition requiring grantees to certify that they do not engage in, and will not during the term of this award engage in, a “discriminatory prohibited boycott.” The Virginia Action Alliance continually contracts

with agencies that identify as small women and minority (SWAM) owned businesses, and we do not monitor to what extent these agencies conduct their business based on external factors like political beliefs. Therefore we cannot with certainty certify that we are not engaging with businesses allied with or against particular nations.

36. My organization's members are also concerned about the HUD condition that prohibits using grant funds to "promote" gender ideology. In providing direct client services and technical assistance in HUD-funded programs, member organizations' staff support housing for transgender and LGBTQ+ people, including by using clients' preferred pronouns to demonstrate support for people who do not identify with the sex they were assigned at birth, recognizing gender identity in providing direct assistance, and accommodate the needs of the LGBTQ+ community in providing housing. It is unclear whether member organizations may continue these practices and activities while complying with the funding condition not to "promot[e] gender ideology."

37. My organization's member agencies are concerned about the HUD conditions that prohibit using grant funds to "promote" "elective abortion." While our member agencies do not use funding to provide abortion services, they do, with the intention of meeting the needs of the survivors they are working with in HUD funded programs, provide direct community referrals to reproductive healthcare services when a pregnant survivor wishes to terminate a pregnancy, or when a survivor is concerned with the potential to become pregnant. A person's sexual and reproductive health are directly impacted by experiences of sexual and intimate partner violence. Because acts of violence serve to remove power and agency from individuals, informed consent is imperative for treating survivors. Allowing survivors to make informed decisions regarding their care is an empowering step toward recovery. Furthermore, given the complexity of violence

and survivorship, disparities based on age, gender identity, race, ethnicity, and socioeconomic status often limit access to quality health information and services, constrain the ability to control one's own body and health decisions, and make survivors from historically marginalized and oppressed groups more vulnerable to poor health outcomes.

38. My organization's members are concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by "[a]ll current Executive Orders." Given the reality that many of the executive orders referenced ask service providers to limit availability of their services to specific populations (LGBTQ survivors, immigrant survivors, etc.) in order to comply and therefore receive funding, this puts members in untenable positions to determine whether to forgo critical funding—and possibly in the process evict survivors and their families—or to sign and either eliminate services to populations or risk running afoul of certifications.

39. The new funding conditions present my organization and its members with an impossible choice. My organization and its members could forgo accepting HUD and/or HHS grant awards and face the direct consequences to organizational financial health and ongoing operations. Or my organization and its members could accept the funding with the conditions and jeopardize our missions and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

40. Additionally, my organization's members would have to fundamentally change their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants. For example, in order to comply with certifications regarding "gender ideology," when providing services to trans and LGBTQ survivors, Member Doe 1 would have to ignore intake and assessment factors related to an individual's status for imminent danger,

safety, and the need for emergency or long-term housing support in favor of new, non-evidence based criteria that seeks to prioritize only those survivors who are non-LGBTQ+. This is not only in direct conflict with Member Doe 1's mission statement and organizational values, but it is in direct conflict with federal non-discrimination policies and puts the agency at risk of breaking the federal and state laws. The Virginia Action Alliance fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization concerned about applying or accepting an award. To mitigate these risks, Member Doe 1 would have to change its practices, in many cases contrary to its core values

VIII. These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault Victims and Survivors

41. The reduction or outright termination of these services would have devastating effects on the community of survivors and victims of sexual and domestic violence in Virginia.

42. In the absence of a fully funded network of service providers in Virginia, sexual and domestic violence victims will be confronted with more barriers when trying to access services following their assault, including discriminatory treatment related to housing and shelter access. This will immediately lead to more survivors choosing not to seek help, and for those survivors who do, services and housing that are unavailable (due to shelter capacity and inability to provide services based on social and identity factors). Direct service providers will be unable to maintain high quality services that follow best practice guidance or even that are fully compliant with the myriad federal, state, and local requirements they would now have to

navigate on their own, without the critical assistance of coalitions, while desperately trying to keep up with the already increasing demand for services.

43. The operations of the Virginia Action Alliance and our member agencies' operations are essential to enabling direct service providers to provide the highest-quality services to the survivors they serve and ensuring that the systems that contribute to address and respond to the epidemic of sexual violence operate with evidence-based, trauma-informed, survivor-centered policies and practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2025.

/s/Jonathan Yglesias

Jonathan Yglesias
Director of Mission Advancement
The Virginia Sexual and Domestic
Violence Action Alliance

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 25-cv-342

DECLARATION OF KELSEN YOUNG

I, Kelsen Young, declare as follows:

I. Background

1. I am the Executive Director at the Montana Coalition Against Domestic and Sexual Violence (hereinafter “Montana Coalition”), Montana’s federally designated domestic violence and sexual assault coalition.

2. The Montana Coalition was founded in 1986 and is headquartered in Helena, Montana.

3. The Montana Coalition is a dual domestic violence and sexual assault coalition and membership organization. The Montana Coalition provides training and technical assistance to service providers addressing domestic and sexual violence in the State and serves as a resource for member and allied organizations by providing training, technical assistance, conducting statewide planning and needs assessment, developing and enhancing service standards, and gathering and disseminating critical resources and information.

4. The Montana Coalition was founded to strengthen the support systems serving survivors of domestic and sexual violence by facilitating networking among member programs while advocating for social and systems change in Montana. The Montana Coalition is the designated State Coalition for Montana by related federal government agencies.

5. The Montana Coalition is the only statewide organization providing training and technical assistance to the array of service providers that address domestic and sexual violence in the state. One of the Montana Coalition's primary goals is to increase the representation of underserved populations in the coordination of activities and identifying gaps in services. We hold a number of training and membership events throughout the year that focus on promoting coalition building and collaboration, developing and enhancing strategies to address problems, and increasing the capacity of advocates and other system personnel to meet the diverse needs of survivors.

6. The Montana Coalition has an annual budget of approximately \$1.2 million. Of that total, 97 percent—over \$1 million—is from direct federal funds. At least 50 percent of the Montana Coalition's budget is from grants issued by the U.S. Department of Health and Human Services (HHS) Family Violence Prevention Services Act (FVPSA) program. MCADSV also receives funding from HHS under the Rape Prevention and Education (RPE) housed within the Centers for Disease Control (CDC). MCADSV does not receive funding directly from the Department of Housing and Urban Development (HUD) but our member organizations do receive funding directly from HUD.

II. The Montana Coalition Member Organizations

7. The Montana Coalition is a membership organization with 40 member organizations. Members include nonprofit organizations with the primary mission of providing

services to survivors of domestic violence, dating violence, sexual assault, or stalking, and state and local victim assistance programs and supports associated with the local prosecutors' or law enforcement office.

8. Member organizations receive regular email updates on related state and federal policy; receive access to the Montana Coalition trainings and conference, with options for need-based scholarships; opportunities to network with other members at membership and regional meetings throughout the state; and access to an extensive resource library, technical assistance, and webinars on a wide variety of topics.

II. Grants That Montana Coalition Members Currently Have or Have Intended to Apply For

9. Montana Coalition members receive and/or have intended to apply HUD grants.

10. Montana Coalition member Friendship Center of Helena, Inc. receives Rapid Rehousing funds directly from HUD. Their contract renewal will require them to sign the new certifications from HUD.

III. HUD's New Funding Conditions

11. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

12. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "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;” (2) “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 [The False Claims Act];” (3) “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;” and (4) “shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment.”

IV. My Organization’s Members’ HUD Grants

13. My organization’s members have received HUD grants, including grants under the CoC Grant Program. They receive the funds directly from HUD and are required to sign a grant agreement that is an agreement between HUD and the member organization. These grant agreements are not all on the same timeline as each project has its own unique project period.

14. For example, the Friendship Center is a member organization who receives CoC funds from HUD directly. When they are asked to sign the new grant agreement this Fall, they will be required to assert that they will follow the new certification requirements. Complying with the requirements will significantly impact the services they provide to survivors and, should they instead not receive funding, it would create an immediate reality of survivors not receiving housing support or being removed from the housing support that is currently operating.

15. On June 19, 2024, HUD awarded Friendship Center of Helena, Inc. (TFC) a total of \$186,226 through the CoC Grant in FY2023. The grant has a period of performance of 1-year and a budget period of January 1, 2025 through December 31, 2025. TFC accepted this award on June 19, 2024. The NOFO and NOA did not include the new HUD funding conditions described above, but expect that the next award will include those conditions. As a part of the CoC FY2024 award announcement on March 26, 2025, TFC learned that they were awarded \$236,061. It is a

renewal grant with an expected project period of January 1, 2026, through December 31, 2026. They have successfully received a renewal grant every year that they have applied. They provide assistance for a 2-year period.

16. Without these funds, TFC will no longer be able to provide rental assistance to current program participants past December 31, 2025, and will be forced to end their assistance early. Without CoC funds, 3 individuals and 3 families, including 8 children, would lose their housing support from the Friendship Center of Helena, Inc. and be at risk of immediate eviction and homelessness. Safe and independent housing is a key factor for safety after fleeing domestic and sexual violence. Prematurely ending rental assistance will not only destabilize client's housing but could jeopardize their safety and sustainability. As of January 1, 2026, the Friendship Center of Helena, Inc. will also not be able to enroll any new program participants, severely limiting options for many victims and survivors in our difficult housing market. It is also possible that TFC may need to reduce staff or staff hours due to the loss of funding, reducing support and services related to housing. Declining this funding would have a very significant detrimental impact on TFC's clients and our community.

V. HHS's New Funding Conditions

17. The new HHS Grants Policy Statement (GPS) imposes the following new conditions on grantees: (1) it requires that all grant recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and (2) it provides that by accepting the grant award, recipients certify 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.” HHS states that it “reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott.” *Id.* at 19.

18. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

19. In addition to the GPS conditions, HHS’s Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants, [including name any grants you have from ACF where you have received or expect to receive NOAs including conditions], that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

20. The new ACF Standard Terms and Conditions document provides that a “Civil Rights Assurance” applies to new awards made on or after May 8, 2025, which requires that recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and provides that, “[b]y 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 the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology.”

21. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX

certify to the following: (1) that the recipient “is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including 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; (2) that those “requirements are conditions of payment that go to the essence of the Agreement and are therefore material terms of the Agreement”; (3) that “[p]ayments 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”; (4) that the “[r]ecipient 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”; and (5) that “[r]ecipient 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.”

22. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

VI. My Organization’s and its Members’ HHS Grants

23. My organization has applied for and received a formula grant from HHS’s Administration for Children and Families (ACF) for the Family Violence Prevention and Services Act (“FVPSA Grant”) for the past three decades at least and likely longer.

24. My organization has used FVPSA Coalition Grant funds for many purposes. For instance, the Montana Coalition collaborates with the Montana Board of Crime Control on technical assistance and support to member programs regarding their administrative and programmatic capacity. This includes financial management and grant compliance, policies and procedures for internal and external operations, staff hiring and supervision, allowable expenses and federal rules for grants, as well as many other topics as needed. We hold regular calls and meetings with directors of programs in order to do so. We would not be able to afford the efforts at the same level if we lost our HHS/FVPSA grant.

25. On July 9, 2025, HHS awarded my organization a total of \$382,407 for the FVPSA State Coalition grant. The grant has a period of performance of October 1, 2025 through September 30, 2026. The NOFO did not include the new funding conditions, but the NOA indicates that the ACF Standard Terms and Conditions, which contains the new funding conditions described above, applies to the award. My organization needs to accept this award by drawing down funds by October 1, 2025.

26. Declining this funding would have a very significant detrimental impact on my organization. Without the funding for this grant, it would severely undermine the Montana Coalition's ability to function effectively and provide invaluable training and services to its members and other service providers in the community. Losing the Coalition Grant alone would result in a \$382,407 loss of funds for the next fiscal year. Without these funds, the Montana Coalition would have to reduce the size of its staff and its services to members significantly.

27. My organization has applied for and received a grant from the HHS Center for Disease Control (CDC) for the Rape Prevention and Education program ("RPE Grant") for the past two years.

28. On June 27th, 2025, HHS/CDC awarded my organization a total of \$135,000 through the RPE Grant. The grant has a period of performance of June 2025 – June 2026. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and CDC Terms and Conditions, which contains the new funding conditions described above, apply to the award. My organization needs to accept this award by drawing funds by July 31, 2025.

29. Declining this funding would limit our ability to conduct prevention efforts in Montana and would result in the loss of a full-time staff person at our organization. The project started in 2024 and the prior year's funding was a planning process. By not being able to accept the award, we will face further delays in getting the project moving forward towards tangible results and detailed prevention planning activities occurring in Montana. This will also impact the state health department as we are required to partner on all activities.

30. My organization's members have received HHS/FVPSA grants, including grants that are passed through the Montana Board of Crime Control (MBCC) and fund domestic violence shelters throughout Montana. MBCC has not yet been notified of their FVPSA State grant award, but the same requirements will exist in the state grant. Therefore, those restrictions will pass through to the domestic violence shelter members as well. This will significantly impact the provision of direct services to survivors and their children who are often in the most need and the most danger.

VII. HUD's and HHS's New Funding Conditions Place My Organization and its

Members in an Untenable Position

31. Agreeing to the HHS conditions would cause my organization profound harm. The funding conditions are vague, and several could be read to conflict with my organization's core mission and the activities it has undertaken for years in furtherance of that mission and in

reliance on HHS grants. The funding conditions may require my organization to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of domestic violence.

32. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws, and implying that compliance with those antidiscrimination laws is material for False Claims Act Purposes. Although we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from HHS indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. My organization is concerned about how we can stay true to our mission and the essential support it has provided to member organizations, advocates, and vulnerable victims and survivors of domestic and sexual violence for four decades. It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

33. As one example of the potential misalignment between the Montana Coalition's work and the new conditions imposed by HHS/FVPSA is the Coalition's self-described goal to "uproot violence and oppression in order to end domestic and sexual violence in Montana." In furtherance of this goal, the Montana Coalition provides technical assistance and training to member organizations and allied organizations regarding the disproportionate impact of violence on marginalized communities in Montana. Those efforts evolve based on the most pressing

issues of the time, but, for example, we actively support efforts to address the Missing and Murdered Indigenous People Crisis in Montana. These efforts are critical to addressing the particular needs of Indigenous people, who the federal government has recognized are at a disproportionate risk of experiencing violence or murder or going missing. The Coalition also supports tribal programs directly while there is no designated tribal coalition in Montana.

34. The Montana Coalition also operates programs designed to advocate for justice, inclusion, and full community participation, remove barriers, real or perceived, to encourage the widest possible participation from vulnerable communities. Accordingly, the Montana Coalition is unsure whether it may undertake its day-to-day activities reflecting its mission and guiding principles without running afoul of the condition not to “promot[e] or facilitat[e] discriminatory programs or ideology, including illegal DEI” or “inculcat[e] or promot[e] gender ideology” as HHS might interpret those terms.

35. Many of the Montana Coalition’s activities in furtherance of its HHS/FVPSA grant-funded training programs may also conflict with the new funding conditions. It is unsure if it may operate its current trainings that address explicit and implicit bias in program development, service delivery, and interactions with survivors, and the disparate impacts of societal risks and systems of oppression on survivors. Again, the Coalition does not know if those trainings would be construed as “promoting or facilitating discriminatory programs or ideology, including illegal DEI” as HHS might interpret those terms.

36. The Montana Coalition is also concerned that it cannot continue to engage in certain practices that respect the dignity of all victims of domestic and sexual violence, regardless of gender and sexual orientation, and are consistent with the FVPSA mandate not to discriminate on the basis of gender or sexual orientation. It offers training on how to help

advocates be attuned to and appropriately address specific needs of LGBTQ+ survivors, and the technical assistance they provide to Montana agencies, member programs, and community partners include information about compliance with the U.S. Housing and Urban Development's, FVPSA's and VAWA's anti-discrimination mandates. The Coalition also regularly requests and uses pronouns, participates in an LGBTQ+ Coalition, includes information about LGBTQ+ survivors in advocacy and public information, and again, complies with anti-discrimination provisions under VAWA and FVPSA. It is unclear whether it may continue these practices and activities while complying with the HHS's funding condition not to "inculcat[e] or promot[e] gender ideology."

38. My organization is also concerned about the HHS ACF condition requiring a certification of compliance with the Title IX of the Education Amendments of 1972. Recent executive orders have made clear that the government is advancing a new, unsupported interpretation of Title IX as prohibiting participation in single-sex programs based on their gender identity. My organization is concerned that this interpretation could require organizations to ignore federal law prohibiting discrimination based on gender identity and would ultimately result in victims who are transgender or gender-nonconforming being turned away from services.

39. My organization is also concerned about the HUD condition that prohibits using grant funds to "promote" gender ideology. In providing direct client services and technical assistance, many of my organization's members' staff use clients' preferred pronouns to demonstrate support for people who do not identify with the sex they were assigned at birth, recognize gender identity in providing direct assistance, and accommodate the needs of the LGBTQ+ community. It is unclear whether our members may continue these practices and activities while complying with the funding condition not to "promot[e] gender ideology."

40. My organization is concerned about the HUD conditions that prohibit using grant funds to “promote” “elective abortion.” Our member organizations do not provide or fund abortion but they do make referrals to clinics as needed for reproductive care and abortion in cases where the survivor desires that resource. Reproductive health access, including abortion, is part of our organization framework, and we offer clients information about any healthcare services that they need. When pregnant survivors request abortion care, we provide them with resources on how to seek that care.

41. My organization is concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.” We do not know what this condition’s broad and vague language means for our organization’s members or how to comply with it, given the many new executive orders that it implicates.

42. The new funding conditions present my organization and its members with an impossible choice. My organization and its members could forgo accepting HUD and HHS grant awards and face the direct consequences to my organization’s financial health and ongoing operations, and the health and operations of our member organizations, and to those who receive direct services. Or my organization and its members could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

44. My organization fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization

concerned about applying or accepting an award. To mitigate these risks, my organization would have to change its practices, in many cases contrary to its core values.

VIII. These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault

Victims and Survivors

45. These funding conditions threaten harm services to victims of domestic violence and their children across the state of Montana. Given that MCADSV and our member organizations rely entirely on federal funds for operation, this would result in real life consequences of death and increased injury without access to emergency shelter, housing assistance, and other forms of support offered by member organizations in Montana with these vital funding streams.

46. Programs in Montana, including MCADSV, are not able to turn down these federal funds to continue to operate. In the absence of fully funded Montana Coalition services, domestic and sexual violence victims and survivors will be confronted with more barriers when trying to access services following their assault, including discriminatory treatment from medical, law enforcement or courtroom personnel who have not received anti-bias and other core victim services training. This will immediately lead to more survivors choosing not to participate in the criminal justice system and fewer being connected to and receiving appropriate medical and therapy services. Direct service providers will be unable to maintain high quality services that follow best practices guidance and comply with the myriad federal, state, and local requirements they would now have to navigate on their own, without the critical assistance of the Montana Coalition, while desperately trying to keep up with the already increasing demand for services.

47. The Montana Coalition's operations are essential to permitting the network of direct service providers to focus on providing the highest quality services to the survivors they serve and ensuring that the systems that contribute to addressing and responding to the epidemic of domestic violence are operating with evidence-based, trauma-informed, survivor-centered policies and practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18th, 2025.

/s/ Kelsen Young

Kelsen Young
Executive Director
Montana Coalition Against Domestic
and Sexual Violence