

Congress of the United States

Washington, DC 20515

October 28, 2026

The Honorable Todd Blanche
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

The Elliot Gaiser
Assistant Attorney General
DOJ Office of Legal Counsel
950 Pennsylvania Avenue, NW
Washington, DC, 20530

Dear Attorney General Blanche and Assistant Attorney General Gaiser,

We write to express our profound opposition to the Department of Justice Office of Legal Counsel (OLC) opinion issued August 12, 2026, declaring three National Science Foundation (NSF) STEM programs unconstitutional and directing their termination.¹ This opinion is the latest step in a coordinated effort by this Administration to dismantle decades of bipartisan work expanding educational opportunities for minorities historically underrepresented in STEM. Ensuring that students from minority communities have access to STEM programs is vital to strengthening our American scientific workforce and ensuring that the United States remains globally competitive in science and technology.

The opinion targets the Louis Stokes Alliances for Minority Participation (LSAMP), the Alliance for Graduate Education and the Professoriate Program (AGEP), and the Improving Undergraduate STEM Education program (IUSE-HSI). These programs accounted for approximately \$104 million of the \$938 million that Congress appropriated to NSF under the STEM Education (EDU) account for the benefit of thousands of students.²

For most of our nation's history, Black Americans, Hispanic Americans, Indigenous Americans, and other minority groups were denied access to educational institutions, scientific professions, and research opportunities. Congress has worked diligently to ensure Americans from all backgrounds can participate in STEM. In 1991, Congress created the Alliances for Minority Participation (later renamed the Louis Stokes Alliance for Minority Participation) to support students from underrepresented groups in STEM disciplines.³ Other programs followed, including AGEP, which is intended to broaden participation in the STEM workforce, and IUSE-HSI, which was designed to strengthen STEM capacity at Hispanic-Serving Institutions.⁴

Moreover, the last four decades have established a clear and consistent record of congressional intent. Congress has held hearings, stood up, funded, and conducted oversight on each of these programs. These efforts have established that these programs achieve a compelling government interest in remedying current and historic discrimination and the underlying statute was successful in narrowly tailoring each of these programs to achieve their purposes. OLC's opinion ignores both our nation's social history and congressional intent.

¹ <https://www.justice.gov/olc/media/1457731/dl>

² https://www.appropriations.senate.gov/imo/media/doc/fy26_cjs_jes.pdf

³ <https://www.ncat.edu/provost/nclsamp/index.php>

⁴ <https://www.insidehighered.com/news/government/science-research-policy/2026/08/14/doj-declares-3-race-based-stem-programs>

Under OLC's opinion, the government can only remedy past discrimination through specific identified instances and has no compelling interest to address societal disparities.⁵ This narrow interpretation effectively prohibits Congress from addressing systemic disparities.

At a time when the nation should be working to expand its STEM workforce, this Administration is continuously eliminating programs that are designed to ensure that gifted and talented students from all backgrounds have access to training and experience in scientific disciplines. The OLC opinion is part of a broader pattern of attacking diversity, equity, and inclusion initiatives and programs throughout the federal government. It will undermine the work Congress has done for decades to strengthen scientific education, research, and workforce.⁶

We therefore request answers to the following questions no later than November 12, 2026:

1. Did OLC consult with NSF regarding the effectiveness and outcomes of LSAMP, AGEP, and IUSE-HSI?
2. What evidence did OLC rely on to conclude the government had no compelling governmental interest in supporting these programs?
3. Please provide all memoranda, analyses, briefing materials, drafts, and supporting documentation relied upon in reaching the conclusions contained in the August 12 opinion.

Congress has continued to support and fund these programs because our nation cannot afford to leave talent on the sidelines and ignore that discrimination exists. OLC's decision to ignore this simple principle and instead lead with ideology threatens to weaken not only the scientific workforce but also American innovation and economic growth.

We urge the Department to reverse course and strengthen, instead of dismantling, the pathways that allow students from every background and community to contribute to our nation's future.

Cc: Brian Stone, Chief of Staff, Performing the Duties of the Director of the National Science Foundation

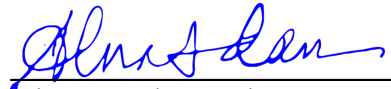
Sincerely,

⁵ <https://www.justice.gov/olc/media/1457731/dl> pg 5

⁶ <https://www.justice.gov/olc/media/1457731/dl> pg 5



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Melanie Stansbury
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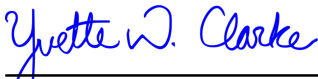
Eleanor Holmes Norton
Member of Congress



Lucy McBath
Member of Congress



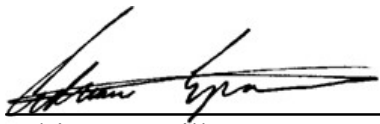
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Yvette D. Clarke
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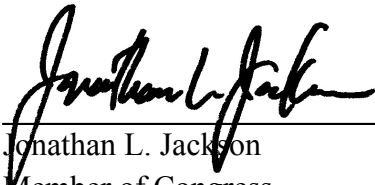
Paul D. Tonko
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Adriano Espaillat
Member of Congress



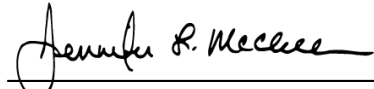
Frederica S. Wilson
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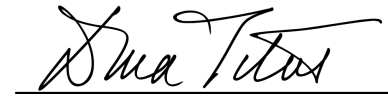
Jonathan L. Jackson
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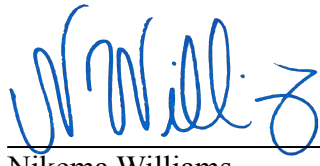
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