

United States Senate

WASHINGTON, DC 20510

November 17, 2025

The Honorable Robert F. Kennedy Jr.
Secretary
Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

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

Dear Secretary Kennedy and Director Vought,

We write to express deep concern regarding the Department of Health and Human Services' (HHS) and the Office of Management and Budget's (OMB) delay in disbursing funds appropriated by Congress for the Head Start Program during the period of January 20, 2025, to April 15, 2025.¹ According to a recent report by the Government Accountability Office (GAO), HHS withheld disbursement funds appropriated for Head Start grant funds during the period, compared to the same timeframe in Fiscal Year 2024, without providing a legally sufficient justification or explanation in violation of the *Impoundment Control Act of 1974* (ICA). Furthermore, we understand that Head Start grant recipients continue to experience delays in receiving Notices of Award and drawing down funds that have already been awarded to them.

When funds are delayed, many Head Start programs must plan for a disruption in services by notifying staff and families of a possible closure. In extreme cases, Head Start programs have had to close due to funding delays and lack of communication by the Administration. These issues were compounded by the government shutdown, which created an additional and immediate crisis for Head Start programs. The lapse in federal appropriations left many grantees uncertain about how they will keep their programs operating, forcing them to scale back services and staff, temporarily close classrooms, and leaving children and families without childcare. The shutdown placed enormous pressure on programs that were already struggling to recover from delayed disbursements earlier this year, risking the stability of Head Start centers and the continuity of care for the children they serve.

We are particularly concerned about the 140 Head Start grantees serving nearly 65,000 children in over 40 states, who were expecting a federal grant renewal in October and November. As of November 5th, Head Start programs in 17 states and Puerto Rico have had to close their doors, leaving over 9,000 children and families without Head Start's comprehensive services.² Without their next grant awards, more programs will face the imminent risk of closure, staff layoffs, and service interruptions—impacting critical early learning and family support services for thousands of children nationwide.

¹ <https://www.gao.gov/products/b-337202#:~:text=Yet%20publicly%20available%20evidence%2C%20including,that%20HHS%20violated%20the%20ICA.>

² <https://www.ffyf.org/resources/2025/11/shutdown-2025-impact-on-head-start-programs/>

Additionally, we are deeply concerned that some Head Start programs might have been forced to pay operational costs out-of-pocket, take out loans, or open private lines of credit during the shutdown to keep their doors open to children and families. These programs operate on tight budgets with little to no reserve funds. We strongly urge HHS to ensure that impacted Head Start grants are backdated to ensure programs can be reimbursed once funding is restored. No Head Start grantee should bear the financial burden of lapse appropriations or delayed federal disbursement.

As you are aware, the ICA prohibits executive branch officials from withholding or delaying the obligation of appropriated funds unless specific, limited statutory conditions are met.³ GAO has concluded that the Department violated the ICA by failing to disburse Head Start funds promptly, and notes that HHS has not provided GAO with the factual or legal rationale behind the delays. Furthermore, the *Head Start Act* provides clear statutory protections for grant recipients, including the requirement that financial assistance cannot be suspended unless there are emergency situations, and the affected grant recipients must be given notice and an opportunity to respond.⁴

Congress has a constitutional responsibility to ensure that funds it appropriates in law are executed faithfully without undue interference by the executive branch. The delays in disbursement to Head Start caused harmful consequences for vulnerable children and families who depend on services and raised serious concerns about HHS's compliance with statutory mandates and its regard for Congressional authority over federal spending. Many Head Start programs have had to issue layoff notices to staff as a result of delayed funds and notify families of a potential closure. When staff experience job insecurity, retention becomes a problem, leading to closed classrooms and fewer children being served. This uncertainty erodes trust with staff and families that Head Start programs have spent years building and threatens their ability to effectively staff and enroll their programs going forward.

We are particularly alarmed that there have been no assurances by HHS that funding delays for this critical program have been resolved, especially as Head Start programs continue to face issues drawing down their funding, which puts the livelihoods of their employees and families served at risk. Additionally, the Senate will soon be voting on key HHS nominations, including the nominees for General Counsel, Assistant Secretary for Financial Resources, and Assistant Secretary for Family Support. When asked during the confirmation process, none of these nominees would commit to working to prevent future delays.

To that end, we request your immediate response to the following:

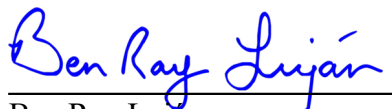
³ <https://www.gao.gov/legal/appropriations-law/impoundment-control-act#:~:text=In%201974%2C%20Congress%20enacted%20the,otherwise%20authorized%20to%20withhold%20them.>

⁴ <https://headstart.gov/policy/head-start-act>

1. Who specifically within OMB authorized or approved the withholding or delay of Head Start disbursements during this period?
2. Did OMB issue an apportionment that delayed HHS in awarding Head Start funds in a timely manner?
3. What was the rationale for withholding disbursement rates under the ICA? What was the legal basis for the withholding of funds?
4. Given that the Head Start funds were finally released, what measures are in place to ensure future compliance with the ICA, and how does the Administration plan to prevent a recurrence of this unlawful conduct?
5. Can HHS provide assurances that all future grants will be made on time, no later than the first of the month following the end of the previous performance period?
6. Head Start provides critical services for children with disabilities, and the Head Start Act requires Head Start agencies to provide appropriate and inclusive services. Yet, Head Start programs report that they have been told by HHS officials that they cannot use funds to train staff on the Americans with Disabilities Act (ADA).⁵ How will HHS ensure that Head Start programs continue to support children with disabilities and are not penalized for training staff and supporting inclusive settings?

Head Start programs ensure children receive appropriate health and dental care, nutrition support, and referrals to other critical services for parents, such as job training, adult education, nutrition services, and housing support. We strongly urge HHS to take immediate steps to ensure Head Start funds are delivered promptly and equitably to serve the children and families who depend on them, especially as the government shutdown and limited funding threaten to disrupt services for the 134 grantees whose programs are November 1st grant recipients. These programs, their staff, and the families they serve cannot afford further uncertainty or delay.

Sincerely,



Ben Ray Lujan
United States Senator



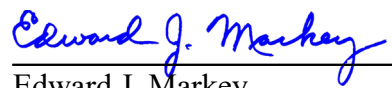
Raphael Warnock
United States Senator

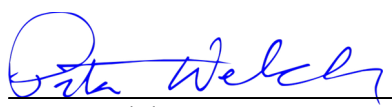
⁵ <https://www.edweek.org/teaching-learning/head-start-confronts-more-funding-disruptions-and-policy-whiplash/2025/08>


Jeffrey A. Merkley
United States Senator

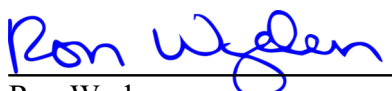

Angela D. Alsobrooks
United States Senator

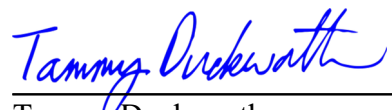

Kirsten Gillibrand
United States Senator

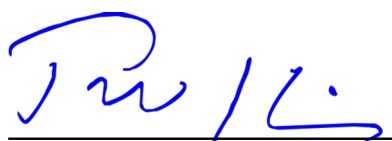

Edward J. Markey
United States Senator


Peter Welch
United States Senator


Ruben Gallego
United States Senator

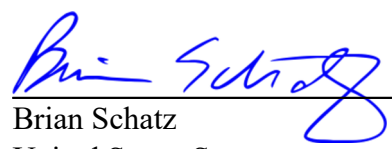

Ron Wyden
United States Senator


Tammy Duckworth
United States Senator


Tim Kaine
United States Senator

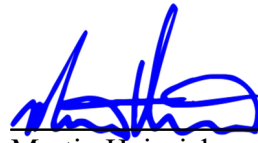

Mark R. Warner
United States Senator


Chris Van Hollen
United States Senator


Brian Schatz
United States Senator



Alex Padilla
United States Senator



Martin Heinrich
United States Senator



Elizabeth Warren
United States Senator



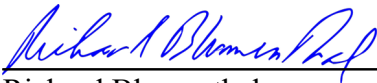
Richard J. Durbin
United States Senator



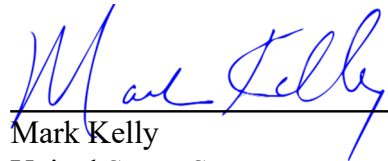
Tina Smith
United States Senator



Michael F. Bennet
United States Senator



Richard Blumenthal
United States Senator



Mark Kelly
United States Senator