

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

WOONASQUATUCKET RIVER
WATERSHED COUNCIL, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF AGRICULTURE,
et al.,

Defendants.

Case No. 1:25-cv-00097-MSM-PAS

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Since taking office, the Trump administration has cut off federal funding for vital services and projects in this District and across the country. A series of unprecedented and sweeping executive orders and agency directives have halted duly authorized payments and processing of grants, loans, reimbursements, and other financial assistance. That funding is critical to sustain programs that touch nearly every aspect of American life.

Without regard for the consequences, the administration has pulled the rug out from under those programs and the communities that rely on them. The full extent of the harm caused by those efforts is still unfolding and “difficult to fully grasp,” but already they have led to “chaos” and “far-reaching effects.” *Nat’l Council of Nonprofits v. OMB*, No. 1:25-cv-239, 2025 WL 368852, at *13 (D.D.C. Feb. 3, 2025) (*NCN I*); *see also New York v. Trump*, No. 1:25-cv-39, 2025 WL 715621, at *14 (D.R.I. Mar. 6, 2025) (finding that precipitous halt to federal funding “threaten[s] the loss of

essential services to protect the health, safety, and welfare of the States’ residents”), *appeal pending*, No. 25-1236 (1st Cir.).¹

This case concerns one important part of that broader assault that continues to harm Plaintiffs here, along with countless others: the freeze on billions of dollars in funding appropriated by two laws passed by Congress during the prior administration, the Inflation Reduction Act and the Infrastructure Investment and Jobs Act (also known as the Bipartisan Infrastructure Law). These laws support projects that keep children safe from lead exposure, renovate homes of low-income Americans to keep them safe from mold and carbon monoxide exposure, help family farms make the most of technology to stay in business, conserve irreplaceable natural resources, promote resilience in the face of natural disasters, support local economies, and much more. But—without regard for the importance of that work, and the many people who rely on it—the administration has chosen to broadly and indiscriminately put a stop to it all.

Defendants the Departments of Agriculture, Energy, Interior, and Housing and Urban Development, EPA, and those agencies’ leadership, with assistance from Defendant the Office of Management and Budget, have each acted to halt funding authorized by the IRA and IIJA. In doing so, they have acted unlawfully. Their freeze

¹ Already, numerous courts have considered these attacks on funding, found them to be likely unlawful, and ordered preliminary relief. *E.g.*, *New York v. Trump*, 2025 WL 715621; *California v. Dep’t of Educ.*, No. 25-cv-10548, 2025 WL 760825 (D. Mass. Mar. 10, 2025) (*California*), *appeal pending*, No. 25-1244 (1st Cir.); *Aids Vaccine Advoc. Coal. v. Dep’t of State*, No. 1:25-cv-00400, 2025 WL 752378 (D.D.C. Mar. 10, 2025); *Massachusetts v. Nat’l Institutes of Health*, No. 25-cv-10338, 2025 WL 702163 (D. Mass. Mar. 5, 2025) (*Massachusetts v. NIH*); *NCN I*, 2025 WL 368852.

of IRA and IIJA funding is blatantly arbitrary and capricious, including because it fails to account for the significant reliance interests of grantees and other recipients who reasonably expect—and need—to be able to draw on open awards of funding in order to provide services. That freeze is also being undertaken without statutory authority and is contrary to law, including the regulations that govern the handling of federal grants. Plaintiffs therefore are highly likely to show that Defendants’ actions to interrupt congressionally mandated funding violate the Administrative Procedure Act. Those actions are causing, and if not enjoined will continue to cause, serious and irreparable harms to Plaintiffs, Plaintiff National Council of Nonprofits’ members, and countless others nationwide. Those factors, plus the public interest, strongly favor an immediate injunction to stop Defendants’ devastating and unlawful acts.²

BACKGROUND

A. Congress enacts the Inflation Reduction Act and Infrastructure Investment and Jobs Act to fund important services and programs.

The Inflation Reduction Act (IRA), Pub. L. 117-169, 136 Stat. 1818 (2022), and the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58, 135 Stat. 429 (2021), also referred to as the Bipartisan Infrastructure Law, or BIL, are significant pieces of legislation passed during the previous presidential administration. Each law appropriates and allocates billions of dollars for federal programs and projects that Congress determined were important and in the national interest. Those projects are

² Pursuant to Local Civil Rule 7(c), Plaintiffs respectfully request oral argument, and estimate that each party would require approximately half an hour.

wide-ranging and include promoting domestic energy security, combating climate change, conservation initiatives, modernizing and expanding American infrastructure, programs to promote health and safety, and expanding broadband access. Congress chose to pursue many of these objectives by way of grants, loans, and other financial assistance programs to nonprofit organizations and others who would play a key role in carrying out the actual work on the ground.

B. President Trump directs an immediate freeze on funding appropriated by the IRA and IIJA.

From day one, the new presidential administration has engaged in an unprecedented effort to restrict and disrupt the orderly flow of federal financial assistance—including assistance that has already been awarded and on which recipients reasonably rely in order to conduct business, provide services, and otherwise undertake the projects for which they receive funding. *See Aids Vaccine Advoc. Coal. v. Dep’t of State*, 2025 WL 752378 (preliminarily enjoining freeze on foreign aid programs); *Massachusetts v. NIH*, 2025 WL 702163, at *1 (preliminarily enjoining cuts to biomedical research); *New York v. Trump*, 2025 WL 357368 (D.R.I. Jan. 31, 2025) (issuing temporary restraining order to halt freeze on essentially all federal financial assistance programs); *Nat’l Council of Nonprofits v. Office of Management & Budget*, 2025 WL 314433 (D.D.C. Jan. 28, 2025) (issuing administrative stay to halt that freeze).

Plaintiffs here seek relief as to one particular—and highly significant—part of the administration’s overall assault on federal funding: the ongoing freeze on the processing and payment of funding appropriated under the IRA and IIJA.

President Trump directed that such funds be halted in a day-one executive order, *Unleashing American Energy*, Exec. Order No. 14,154, 90 Fed. Reg. 8353 (Jan. 20, 2025). Section 7(a) of that order commands “[a]ll agencies” to “immediately pause the disbursement of funds appropriated through the [IRA] or the [IIJA].” *Id.* at 8357. It further tells agencies to “review their processes, policies, and programs for issuing grants, loans, contracts, or any other financial disbursements of such appropriated funds for consistency with the law and the policy outlined in section 2 of this order.” *Id.*

Section 2, in turn, sets out nine policy objectives, such as “encourag[ing] energy exploration and production on Federal lands and waters” and “ensuring that an abundant supply of reliable energy is readily accessible.” *Id.* at 8353. The order goes on to state that:

No funds identified in this subsection (a) shall be disbursed by a given agency until the Director of OMB and Assistant to the President for Economic Policy have determined that such disbursements are consistent with any review recommendations they have chosen to adopt.

Id. at 8357.

The order provides no explanation why it targets those two laws in particular and likewise does not explain why an immediate halt to the congressionally authorized spending in those statutes is necessary.

C. Defendants act to freeze IRA and IIJA funding.

Following the *Unleashing* order, Defendants took steps to broadly halt the processing and payment of funding appropriated under the IRA and IIJA.

The day after the *Unleashing* order, Defendant OMB issued a memorandum, M-25-11, titled *Guidance Regarding Section 7 of the Executive Order Unleashing American Energy*. Ex. A, ECF No. 21-1. That memo directs agencies—including the Departments of Agriculture, Energy, Interior, HUD, and EPA—to “immediately pause” disbursement of IRA and IIJA funds “that may be implicated by” or “that contravene” the policies in Section 2 of the *Unleashing* order. It further states that “[a]gency heads may disburse funds as they deem necessary *after consulting with the Office of Management and Budget*.” Ex. A, ECF No. 21-1 (emphasis added).

Defendants the Departments of Agriculture, Energy, Interior, HUD, and EPA have broadly frozen funding appropriated under the IRA and IIJA—including, in many instances, funding that in no way implicates or contravenes any of the policies listed in Section 2 of the *Unleashing* order.

In numerous instances, Defendants have openly announced these decisions. The Department of Agriculture, for example, has explained: that it will not process reimbursements “due to the recent executive orders issued under the Trump Administration,” *see* Ex. J; that “payments on contracts funded through the Inflation Reduction Act are currently on pause”; that “President Trump signed an Executive Order that placed a freeze on spending authorized by the [IRA] and the [IIJA]”; and that “USDA leaders have been directed to assess whether grants, loans, contracts, and other disbursements align with the new administration’s policies,” Ex. K.

Last month, Secretary of Agriculture Brooke Rollins announced that the Department would “release the first tranche of funding that was paused due to the

review of funding in the Inflation Reduction Act”—a mere \$20 million out of the billions in IRA funding that agency administers. Press Release, Dep’t of Agric., *Secretary Rollins Releases the First Tranche of Funding Under Review* (Feb. 20, 2025), <https://perma.cc/UD67-F97T>. Agriculture has continued to withhold other IRA-appropriated funds. *See, e.g.*, Ex. M ¶ 7; Ex. N ¶¶ 14–15; Ex. O ¶¶ 12–13.

The week after the *Unleashing* order, EPA issued a memorandum—“based on instruction from OMB”—directing a freeze on IRA and IIJA funds “to allow for the review of processes, policies, and programs as required by Section 7” of that order. Ex. B, ECF No. 21-2. Following that memo, EPA sent grant recipients an email stating that “EPA is working diligently to implement President Trump’s *Unleashing American Energy* Executive Order” and that therefore “[t]he agency has paused all funding actions related to the Inflation Reduction Act and the Infrastructure Investment and Jobs Act at this time.” Ex. C, ECF No. 21-3. The message further stated that “EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the Executive Order.” *Id.*

A subsequent memo cited purported concerns about “the need for oversight of funds provided to [EPA] in the Inflation Reduction Act” and “potential waste, fraud, and abuse of hard-earned American taxpayer dollars.” Ex. E, ECF No. 21-5. The memo also described “EPA’s mission and our moral responsibility to be good stewards of our environment for generations to come.” The memo therefore ordered an immediate review of grant payments “where Agency personnel suspect that the grant is unlawful or contrary to Agency policy priorities, or suspect that the grant

program implementation or payment might be fraudulent, abusive, duplicative, or implemented in a way that failed to safeguard Agency dollars.” *Id.*

Further correspondence with grant recipients confirmed that IRA and IIJA funding lines were “temporarily paused . . . pending a review for compliance with applicable administrative rules and policies.”³ Consistent with those admissions, EPA has continued to withhold disbursement of IRA and IIJA funding. *E.g.*, Ex. P ¶¶ 7, 12–15; Ex. Q ¶¶ 9–11.

At the Department of Interior, Secretary Burgum initiated a review of funding under the IRA and IIJA soon after the *Unleashing* order and froze funding pending that review. Sec’y of the Interior, Order No. 3418, *Unleashing American Energy* (Feb. 3, 2025), <https://perma.cc/6CUZ-A89U>; Austin Corona, *Will Trump Review Lead to Smaller Monuments, More Mines on Public Lands? What to Know*, Ariz. Republic (Feb. 28, 2025), <https://perma.cc/BYF8-QWMZ>. In communications with grant recipients, Interior officials have answered questions about the inaccessibility of funds by referring them to OMB Memo M-25-11, Ex. G, ECF No. 21-7, and have also informed grantees that financial assistance agreements administered by the National Park Service, a subagency of Interior, will remain frozen if they “include BIL or IRA funding.” Ex. R ¶ 12. Consistent with those statements, grantees with IRA or IIJA funding administered by Interior and its subagencies have been unable to access their awarded funds. *E.g.*, Ex. S ¶¶ 4–5; Ex. R ¶¶ 5, 11–13.

³ Brad Johnson, *Trump EPA Again Freezes All Biden-Era Programs*, Hill Heat (Feb. 10, 2025), <https://perma.cc/4CAN-3U52>.

Energy likewise halted the processing and payment of much IRA and IIJA funding. Energy issued a memorandum announcing “a review under varying criteria . . . to ensure all [program and administrative] actions are consistent with current Administration policies and priorities, including budgetary priorities.” Ex. I at 1, ECF No. 21-9. The memo stated that “[t]he reviews are necessary to facilitate a comprehensive review of the Department’s ongoing activities and to align these efforts with Congressional authorizations and the Administration’s priorities, to ensure that resources are allocated efficiently, and that the Department’s initiatives are in line with the statutory mission of DOE and the priorities of the Administration.” *Id.* As to “Funding Actions” in particular, Energy announced a freeze on all activities “until a review of such takes place to ensure compliance with Congressional authorization and Administration policy.” *Id.* at 2. Consistent with those statements, grantees with Energy IIJA funding have been unable to access these awards. *E.g.*, Ex. T ¶¶ 11–12.

HUD, too, has frozen IRA appropriations under its Green and Resilient Retrofit program and specifically cited the *Unleashing* order in correspondence with grant recipients whose funds it refuses to release. Am. Compl. ¶ 50; Ex. L ¶ 10.

D. Related litigation against Defendants’ unlawful freeze has not ended that freeze with respect to Plaintiffs and others similarly situated.

In January, a coalition of 22 states and the District of Columbia filed suit in this District, seeking to challenge implementation of an OMB memo that commanded a near-immediate halt to all federal financial assistance. Compl., *New York v. Trump*, No. 1:25-cv-00039 (D.R.I. Jan. 28, 2025). The states subsequently filed an amended

complaint that also expressly challenged the *Unleashing* order and the related OMB Memo M-25-11. Am. Compl., *New York v. Trump*, No. 1:25-cv-00039 (D.R.I. Feb. 13, 2025).

Judge McConnell issued a temporary restraining order barring the defendant federal agencies and officers from “affect[ing] a pause, freeze, impediment, block, cancellation, or termination” of federal financial assistance. *New York v. Trump*, 2025 WL 357368, at *5 (Jan. 31, 2025). In a subsequent order, that Court made clear the broad scope of the preliminary relief it had ordered and further emphasized that its order applied to any funding freeze “based on the President’s 2025 Executive Orders,” specifically including “Section 7(a) of the *Unleashing* Executive Order,” as well as the related OMB Memo M-25-11. *New York v. Trump*, 2025 WL 440873, at *1–2 (D.R.I. Feb. 10, 2025).

After further briefing and a hearing, Judge McConnell replaced the temporary restraining order with a preliminary injunction. *New York v. Trump*, 2025 WL 715621 (D.R.I. Mar. 6, 2025). As relevant here, that Court concluded that “the Agency Defendants’ implementation of a categorical federal funding freeze, under . . . Section 7(a) of the *Unleashing* EO,” constituted “final agency action” subject to review under the Administrative Procedure Act. *Id.* at *8; *see generally* 5 U.S.C. § 704. That Court found that the plaintiff states were likely to succeed on their claims that the freeze was contrary to law, *New York v. Trump*, 2025 WL 715621, at *9–11, as well as arbitrary and capricious, *id.* at *11–12. It also detailed at length the irreparable harm that was likely to result without preliminary relief. *Id.* at *13–15. Finding that these

two factors supported a stay, and that the public interest and balance of equities likewise “weigh[] heavily” in favor of relief, the Court issued a preliminary injunction. *Id.* at *15–16. Unlike the temporary restraining order, its preliminary injunction ordered relief “to the States” but did not specifically order relief as to other parties, such as Plaintiffs, their members, and similarly situated parties. Defendants have appealed the grant of a preliminary injunction. *See New York v. Trump*, No. 25-1236 (1st Cir.).

LEGAL STANDARD

“A plaintiff seeking a preliminary injunction must establish that [it] is likely to succeed on the merits, that [it] is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [its] favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The final two factors “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

The first factor—likelihood of success—is the “most important.” *Akebia Therapeutics, Inc. v. Azar*, 976 F.3d 86, 92 (1st Cir. 2020). At this preliminary stage, however, courts “need not conclusively determine the merits of the underlying claims” but only assess “probable outcomes.” *Id.* at 93 (internal citations omitted).

The second factor—irreparable injury—operates “as a sliding scale, working in conjunction with a moving party’s likelihood of success on the merits.” *Vaqueria Tres Monjitas, Inc. v. Irizarry*, 587 F.3d 464, 485 (1st Cir. 2009). Thus, “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. Markets Inc.*, 622 F.3d 36, 42-43 (1st Cir. 2010)).

In addition to issuing injunctions under Rule 65, courts hearing APA cases “may ‘issue all necessary and appropriate process to preserve status or rights pending conclusion of the review proceedings’ when doing so is ‘necessary to prevent irreparable injury.’” *Nat’l Council of Nonprofits v. Office of Management & Budget*, 2025 WL 597959, at *11 (D.D.C. Feb. 25, 2025) (“*NCN II*”) (quoting 5 U.S.C. § 705) (alteration omitted). “Both provisions [Rule 65 and § 705] provide a mechanism for issuing injunctive relief and operate under the same four-factor test.” *Id.*

ARGUMENT

I. Plaintiffs Are Likely to Succeed on the Merits

Plaintiffs are likely to prevail on their claims that Defendants’ widespread freeze on funding appropriated by the IRA and IIJA is arbitrary and capricious, undertaken without statutory authority, and contrary to law. Defendants have no legal basis on which they can unilaterally institute a non-individualized, across-the-board freeze on funds duly appropriated by Congress. And even if they had that authority—which they do not—Defendants’ actions were both substantively unreasonable and unsupported by any reasonable explanation.

A. Defendants’ freezing of IRA and IIJA funds constitutes final agency action.

The Administrative Procedure Act makes reviewable “final agency action.” 5 U.S.C. § 704. 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) (quotation marks omitted). Plaintiffs are likely to show that each of the Defendant agencies’ freezes of the IRA and IIJA funding that they are charged to administer constitute final agency action.

First, Defendants’ sweeping halts to the ordinary payment and processing of funding appropriated by the IRA and IIJA marks the “consummation of the agenc[ies]’ decisionmaking process” because there are no further steps the agencies need take to determine whether they will freeze that funding. *See New York v. Trump*, 2025 WL 715621, at *9 (finding that “the implementation [by individual agencies of] IIJA and IRA funding pauses likely marked the consummation of each agency’s decision to comply with the *Unleashing* EO, the *Unleashing* Guidance, or both”); *see also Louisiana v. Biden*, 622 F. Supp. 3d 267, 291-92 (W.D. La. 2022) (collecting over a dozen cases in which courts found that agencies’ pause or delay to particular programs was final agency action).

The mere possibility that the agencies may change course in the future and unfreeze and make available the money does not alter the fact that the agencies have frozen it *now*. *See U.S. Army Corps of Eng’rs v. Hawkes Co.*, 578 U.S. 590, 598 (2016) (holding that the mere fact that agency may change course in the future “is a common characteristic of agency action, and does not make an otherwise definitive decision nonfinal”); *Clean Air Council v. Pruitt*, 862 F.3d 1, 6 (D.C. Cir. 2017) (holding that agency’s decision to stay a regulation marked the consummation of the agency’s

decisionmaking process as to whether the rule should presently take effect, notwithstanding that the agency might lift the stay in the future).

Second, Defendants' freezing of IRA and IIJA funding constitutes action "by which rights or obligations have been determined, or from which legal consequences will flow," *Bennett*, 520 U.S. at 178, because its direct result (and express purpose) is to cut off access to funding for grantees and others who would otherwise have a right to apply for, draw on, or otherwise access those funds. *See New York v. Trump*, 2025 WL 715621, at *9 (finding that funding freeze "commanded in the ... *Unleashing* EO" resulted in "legal consequence" in the form of "the abrupt, categorical, and indefinite pause of obligated federal funds"); *NCN I*, 2025 WL 368852, at *11 ("By any measure, Defendants' action [ordering a blanket freeze on federal financial assistance] led to legal consequences and constituted final agency action.").

B. Defendants' funding freezes are arbitrary and capricious.

Under the APA, a court must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). "The scope of review under the 'arbitrary and capricious' standard is narrow and a court is not to substitute its judgment for that of the agency." *Motor Vehicle Mfrs. Ass'n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). Nevertheless, "[a]n agency action qualifies as 'arbitrary' or 'capricious' if it is not 'reasonable *and* reasonably explained.'" *Ohio v. EPA*, 603 U.S.

279, 292 (2024) (emphasis added) (quoting *FCC v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021)).

Defendants’ freezes are neither reasonable nor reasonably explained. As another court in this District explained, “[r]ather than taking a deliberate, thoughtful approach” to addressing potential waste or fraud, for example, “the Defendants abruptly froze billions of dollars of federal funding for an indefinite period. It is difficult to perceive any rationality in this decision—let alone thoughtful consideration of practical consequences” *New York v. Trump*, 2025 WL 715621, at *12. Or, as another court put it, in considering a similar agency action: “Defendants essentially adopted a ‘freeze first, ask questions later’ approach that ‘entirely failed to consider [multiple] important aspect[s] of the problem.’” *NCN II*, 2025 WL 597959, at *14 (second quote from *State Farm*, 463 U.S. at 43).

First, Defendants’ actions to halt the ordinary disbursement of funding on open grants, loans, and other awards appropriated under two duly enacted statutes—seemingly for no reason other than hostility to the statutes at issue—is “likely substantively unreasonable in violation of the APA.” *New York v. Trump*, 2025 WL 715621, at *12 (citing *Multicultural Media, Telecom & Internet Council v. FCC*, 873 F.3d 932, 936 (D.C. Cir. 2017) (Kavanaugh, J.) (distinguishing between claims that agency action “was substantively unreasonable” and claims that “the agency has failed to adequately address all of the relevant factors or to adequately explain its [decision]”); *see also NCN II*, 2025 WL 597959, at *14 (holding that the OMB funding freeze “was not—and could never be—rational”).

As laid out Section II below and in the attached declarations, Defendants' sudden and indefinite halt to billions of dollars in IRA and IIJA funding has caused and continues to cause serious irreparable harm to Plaintiffs, Plaintiff NCN's members, and countless others across the country. Plaintiffs are likely to establish on the merits that Defendants' actions were fundamentally arbitrary, especially with respect to the freezing of already awarded grants and other financial assistance. Defendants are *unlikely* to be able to show that their actions met baseline standards of rationality, particularly given that Defendants could simply have carried out their review of IRA and IIJA spending while allowing financial assistance programs to continue in the ordinary course, rather than abruptly “cut[ting] the fuel supply to a vast, complicated, nationwide machine—seemingly without any consideration for the consequences of that decision.” *NCN I*, 2025 WL 368852, at *11; *see also id.* (“If Defendants intend to conduct an exhaustive review of what programs should or should not be funded, such a review could be conducted without depriving millions of Americans access to vital resources.”).

Second, none of the Defendant agencies has ever offered an adequate explanation for their actions. *See Ohio v. EPA*, 603 U.S. at 292 (emphasizing that agency action must be both reasonable “and reasonably explained”); *see also Massachusetts v. NIH*, 2025 WL 702163, at *16 (“A fundamental requirement of administrative law is that an agency set forth its reasons for decision; an agency’s failure to do so constitutes arbitrary and capricious agency action.”) (brackets and quotation marks omitted). This is true both for the OMB Memo M-25-11

implementing the *Unleashing* order and the subsequent actions by the grant-making agencies.

Defendants' various public statements and memoranda, *see supra* at 6–9, fall far short of “reasonably explain[ing]” their indefinite withholding of duly authorized IRA and IJA funding. “[C]onclusory statements will not do; an agency’s statement must be one of *reasoning*.” *Massachusetts v. NIH*, 2025 WL 702163, at *17 (quoting *Amerijet Int’l, Inc. v. Pistole*, 753 F.3d 1343, 1350 (D.C. Cir. 2014) (emphasis in original)). But there is no reasoning to be found. A vague reference to the *Unleashing* order, the “Green New Deal,” or “administration priorities” does not suffice: “[F]urthering the President’s wishes cannot be a blank check for [an agency] to do as it pleases.” *NCN I*, 2025 WL 368852, at *11. The agencies have utterly failed to explain why a widespread pause, with all the grave harm it entails, is the best way—or even just a reasonable way—to accomplish their stated goals.

The agencies also do not explain how their intentional blanket freezes on funding that Congress appropriated for specific ends that it judged important could possibly *improve* the agencies’ alignment with congressional authorization, *see* Ex. I at 1, instead of actively undermining it. Nor do they explain how freezing funds intended to promote the resilience of infrastructure, reduce pollution, promote affordable housing, and improve national security would support the agencies’ missions, instead of directly conflicting with them. *See Massachusetts v. NIH*, 2025 WL 702163, at *20 (“In short, the [Defendants] fail[ed] to consider the impact the [Freezes] would have on . . . the purpose of the entire regulatory regime.”).

The agencies' lack of reasoning is underscored by OMB Memo M-25-11, which limits the reach of the *Unleashing* order. That memo clarifies that the freeze on IRA and IIJA-appropriated funds "only applies to funds supporting programs, projects, or activities that may be implicated by the policy established in Section 2 of the order." Ex. A, ECF No. 21-1. And the subset of "objectives that contravene the policies established in section 2," *id.*, is narrow: the "policy" in section 2 of the executive order is to encourage energy exploration, establish the United States's position as a leader regarding minerals, ensure an abundant supply of reliable energy, protect consumers' freedom to choose various appliances and vehicles, and abide by procedural regulatory requirements. *See* 90 Fed. Reg. at 8353–54.

Even if an executive order could undo the IRA and IIJA's appropriation of funds (which it cannot), the reach of that order, as defined by OMB Memo M-25-11, is limited. Very little—if any—IRA and IIJA appropriations contravene these policy goals, and significant portions actively further those goals.⁴ Agencies cannot freeze funding outside the scope defined by memorandum and reasonably say they are doing so in furtherance of the administration's priorities. The agencies do not even attempt to explain this irrationality.⁵ And even if the agencies had abided by the terms of

⁴ *See, e.g.*, Dep't of Energy, *Infrastructure Programs at Department of Energy*, <https://perma.cc/9WAU-H8UH> (last visited Mar. 13, 2025); Dep't of Energy, *Rare Earth Security Activities*, <https://perma.cc/QG69-S3ZC> (last visited Mar. 13, 2025).

⁵ As explained above, several agencies note that they have enacted the freeze in partnership with or at the behest of OMB. To the extent that OMB (or Director Hassett) is involved in or directing the freezes, or is withholding consent for an agency to release funds appropriated under the IRA or IIJA, OMB is likewise acting arbitrarily and capriciously. OMB has offered no explanation for those actions, particularly in contravention of OMB and Director Hassett's own limiting

Memo M-25-11—which they have not—that alone would not render their action reasonable or reasoned, given the myriad other deficiencies underlying the freezes.

To the extent that agencies contend that they enacted a broad funding freeze to root out alleged waste and fraud, they offer no reasoning to support the sledgehammer approach they selected. EPA, for example, requires a further review—that is, a freeze—when it “suspect[s]” that a grant payment might be fraudulent or abusive. But a suspicion as to a *particular* grant payment cannot substantiate a freeze on *every disbursement* under the IRA or IIJA. And “[t]he desire to review programs for efficiency or consistency . . . does not have a rational connection to the directives to proceed with a sudden, blanket suspension of congressionally appropriated aid.” *Aids Vaccine Advoc. Coal. v. Dep’t of State*, 2025 WL 752378, at *10 (D.D.C. Mar. 10, 2025).

In addition to having no reasoned basis for freezing funds appropriated under the IRA and IIJA generally, the agencies failed to anticipate, acknowledge, or address the harm that would result—or to weigh that harm against whatever reasoning the agencies could muster. *Cf. Michigan v. EPA*, 576 U.S. 743, 753 (2015) (“[R]easonable regulation ordinarily requires paying attention to the advantages *and* the disadvantages of agency decisions.”). An agency action that completely fails to consider its most direct and obvious practical consequences is by definition arbitrary and capricious. *Cf. Ohio v. EPA*, 603 U.S. at 293–94 (holding that EPA likely acted

construction of *Unleashing American Energy*. But to the extent that any IRA and IIJA appropriations actually do “contravene” section 2 of that executive order, OMB offers no reasoned basis on which they should be withheld.

arbitrarily and capriciously where it purportedly did not consider the specific question of how the number of states participating in an emissions-limitation plan would “affect what measures maximize cost-effective downwind air-quality improvements”). The agencies here failed to consider the effects of suddenly cutting off even one grant, to say nothing of the magnitude of their freeze on billions of dollars in appropriated funds all at once.

Defendants also violated the fundamental administrative law requirement that an agency must “consider responsible alternatives to its chosen policy and to give a reasoned explanation for its rejection of such alternatives.” *Spirit Airlines, Inc. v. Dep’t of Transp.*, 997 F.3d 1247, 1255 (D.C. Cir. 2021). “This principle goes to the heart of reasoned decisionmaking; it is not limited to rulemaking.” *Id.* Here, the agencies appear to have made no effort to consider alternatives—such as whether to make the pause one of short, finite duration (rather than the indefinite freeze they chose, which multiplies the harm caused and makes it impossible for grantees to plan for the future) or to review the purposes and performance of specific funding programs *before* attempting to cut them off.

The freezes are arbitrary and capricious for the additional, independent reason that they do not account for grantees’ weighty reliance interests in receiving already awarded funds. “When an agency changes course, as [Defendants] did here, it must ‘be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account.’” *U.S. Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 30 (2020). Here, that required Defendants, before

abruptly changing course with respect to funds appropriated under the IRA and IIJA, “to assess whether there were reliance interests, determine whether they were significant, and weigh any such interests against competing policy concerns.” *Id.* at 33. But they did none of those things.

Defendants’ “failure to provide a reasoned explanation is ‘even more egregious in light of the drastic change’ from the existing policies under which the grant awards had been authorized.” *California*, 2025 WL 760825, at *3 (quoting *Massachusetts v. NIH*, 2025 WL 702163, at *18); *Citizens Awareness Network, Inc. v. Nuclear Regul. Comm’n*, 59 F.3d 284, 290 (1st Cir. 1995) (“An agency changing its course must . . . supply a reasoned analysis for the change.”). The Freezes “fail[] to contemplate the budgets” of grant recipients, formulated “before the [Freezes] sudden implementation.” *Massachusetts*, 2025 WL 702163, at *20; *see also* Ex. M ¶ 13; Ex. S ¶ 10; Ex. T ¶ 16–17, 19–21; Ex. R ¶ 17; Ex. O ¶¶ 15, 17–18; Ex. N ¶¶ 9–10; Ex. Q ¶¶ 11, 14; Ex. P ¶¶ 6–7, 16; Ex. L ¶¶ 12, 14–15; Ex. V ¶¶ 7–8, 10–11.⁶ They “fail[] to contemplate the life, careers, and advancement that will be lost as these budgets are indiscriminately slashed.” *Massachusetts v. NIH*, 2025 WL 702163, at *20; *see also* Ex. M ¶¶ 10–11; Ex. S ¶¶ 2, 7–9; Ex. T ¶¶ 14–15, 20–21; Ex. R ¶¶ 16, 18, 20–21; Ex. O

⁶ Even at the merits stage, an association may establish standing even though its members are anonymous. *See Advocs. for Highway & Auto Safety*, 41 F.4th 586, 594 (D.C. Cir. 2022) (holding that “anonymity is no barrier to standing on this record”) (internal citation omitted). Give the harassment that litigants have experienced in similar litigation over funding freezes, *see, e.g.*, X, <https://perma.cc/C69L-39D6> (“we’re engaged in a war that will decide the trajectory of our civilization, and NGO’s [sic] are a major front . . . TO ARMS.”), some member declarations have been submitted in redacted form to protect members’ anonymity. The redacted information is “not material.” *See Guidance Regarding Motions Filed Pursuant to LR Gen 102 in Civil Cases*, <https://perma.cc/6869-NEF9> (last visited Mar. 16, 2025).

¶ 15; Ex. N ¶¶ 17–19; Ex. Q ¶ 15; Ex. P ¶¶ 20–21, 27; Ex. L ¶¶ 8, 13; Ex. V ¶¶ 6, 12–13. And they fail to consider the communities that will ultimately be harmed by not having access to important benefits and services such as ventilation that will make their air quality safer, training to prevent lead poisoning, weatherization that will reduce their housing costs, develop more efficient agricultural practices for local family farmers, and a clean, protected natural environment. *See, e.g.*, Ex. T ¶ 15; Ex. M ¶ 9; Ex. S ¶ 6; Ex. R ¶¶ 15–16, 19; Ex. O ¶¶ 16–17; Ex. N ¶¶ 10–12; Ex. Q ¶¶ 4, 13, 16–17; Ex. P ¶¶ 22–26, 28–30; Ex. L ¶¶ 8, 13, 15; Ex. V ¶¶ 6, 14–15. Any one of these failures would support a finding that the Freezes run afoul of the APA; taken together, the question is beyond dispute.

C. Defendants lack statutory authority to broadly freeze IRA and IIJ funding.

“Administrative agencies are creatures of statute. They accordingly possess only the authority that Congress has provided.” *Nat’l Fed’n of Indep. Bus. v. OSHA*, 595 U.S. 109, 117 (2022). “An agency,” in other words, “*literally has no power to act*”—including under its regulations—unless and until Congress authorizes it to do so by statute.” *FEC v. Cruz*, 596 U.S. 289, 301 (2022) (emphasis added). Under the APA, courts must hold unlawful final agency action taken “in excess of statutory jurisdiction, authority, or limitations.” 5 U.S.C. § 706(2)(C).

Defendants Departments of Agriculture, Energy, Interior, HUD, and EPA, lack statutory authority to broadly halt the disbursement of funding appropriated by the IRA and IIJA. Neither the *Unleashing* order nor the related OMB memo cite any statutory provision that would give Defendants that authority. So far as the record

reveals and Plaintiffs are aware, Defendants themselves also have not identified any such provision in their public statements concerning the freeze. *See* Am. Compl. ¶¶ 38–41 & nn.8–9, 11.

Nor could these agencies seek to base their authority here on their general statutory purposes or missions. *See, e.g.*, 7 U.S.C. § 2201 (establishing Department of Agriculture and describing its “general design and duties”); 43 U.S.C. § 1457 (tasking Secretary of Interior with “the supervision of public business relating to [an enumerated list of] subjects and agencies”). The overall purposes and goals of an agency, “[c]ommendable though these goals may be,” do not authorize the agency to act as a “roving commission” with “default authority” to take whatever actions it determines would advance its general goals. *Michigan v. EPA*, 268 F.3d 1075, 1084 (D.C. Cir. 2001); *see also City of Providence v. Barr*, 954 F.3d 23, 31 (1st Cir. 2020) (“When an executive agency administers a federal statute, the agency’s power to act is ‘authoritatively prescribed by Congress.’” (quoting *City of Arlington v. FCC*, 569 U.S. 290, 297 (2013))).

Likewise, Defendant OMB lacks statutory authority to direct agencies to freeze these funds (or to achieve the same result by withholding purportedly necessary approvals to the disbursements of funds, *see* Am. Compl. ¶¶ 34, 52–54). OMB has limited statutory authority to establish government-wide financial management policies for executive agencies and to provide them with guidance on financial management matters. 31 U.S.C. § 503(a). OMB lacks statutory authority to direct executive agencies to undertake a blanket freeze of even a subset of funding

appropriated by the IRA and IIJA. *Cf. NCN II*, 2025 WL 597959, at *15 (finding that OMB likely lacked statutory authority to direct broad halts of federal funding and explaining that OMB’s statutory responsibilities to “provid[e] overall direction and establishing financial management policies do not clearly confer the power to halt all finances, full-stop, on a moment’s notice”).⁷

Defendants’ lack of authority is particularly apparent in light of the sweeping and unprecedented nature of the power they seek to exercise. The Supreme Court has emphasized repeatedly in recent years that it “expect[s] Congress to speak clearly when authorizing an agency to exercise powers of vast economic and political significance.” *Nat’l Fed’n of Indep. Bus. v. OSHA*, 595 U.S. 109, 117 (2022) (quoting *Ala. Ass’n of Realtors v. HHS*, 141 S.Ct. 2485, 2489 (2021)). That rule, the Court has held, applies equally in cases involving regulatory obligations and “in cases involving benefits.” *Biden v. Nebraska*, 143 S. Ct. 2355, 2374 (2023).

There can be no doubt that the power Defendants claim here—to precipitously halt disbursement of many billions of dollars in duly appropriated funding under two major recent statutes—is one of “vast economic and political significance.” *OSHA*, 595 U.S. at 117; *see also NCN II*, 2025 WL 597959, at *16 (holding that OMB likely lacked

⁷ To the extent Defendants may seek to shift the blame for the freeze to officials affiliated with various DOGE entities, *see* Am. Compl. ¶¶ 39, 52, it is plain that those entities lack statutory authority to themselves determine whether federal funds are disbursed—as the government itself recently acknowledged. *See* Defs.’ Mot. for Partial Reconsideration at 14, *CREW v. U.S. DOGE Service*, No. 1:25-cv-00511 (D.D.C. Mar. 14, 2025) (“USDS and the USDS Temporary Organization have no statutory basis and thus no statutory authorities. Their existence and authorities are purely a creature of several executive orders—none of which confer any authority to direct the actions of agencies or agency employees.”).

authority to order funding freeze in part because “[t]he scope of power OMB seeks to claim is ‘breathtaking,’ and its ramifications are massive”). The disruption and hardship the freeze has already caused, and the sheer scale and breadth of funding Defendants are refusing to release, amply demonstrate the major significance of their actions. *See infra* Section II. “Given these circumstances, there is every reason to ‘hesitate before concluding that Congress’ meant to confer on [Defendants] the authority [they] claim[].” *See West Virginia v. EPA*, 597 U.S. 697, 725 (2022) (quoting *Brown v. Williamson*, 529 U.S. 120, 1296 (2000)).

D. Defendants’ freeze of IRA and IIJA funding is contrary to law.

The APA further directs courts to hold unlawful final agency action “found to be . . . otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). That reference to “law,” the Supreme Court has held, “means, of course, *any* law, and not merely those laws that the agency itself is charged with administering.” *FCC v. NextWave Pers. Commc’ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original). Plaintiffs are likely to prevail on their claim that Defendants’ broad halt to funding appropriated by the IRA and IIJA is contrary to those two statutes, to the statutes governing programs that are funded by the IRA and IIJA, and to Defendants’ own regulations governing the administration of federal grants.

The IRA and IIJA each authorize and appropriate billions of dollars in funding for specific grants, loans, disbursements and other federal financial assistance programs. *E.g.*, Pub. L. 117-58, § 40551, 135 Stat. 429, 1075 (provision of IIJA providing \$3.5 billion over several years for weatherization assistance program

established by 42 U.S.C. § 6861); Pub. L. 117-169, § 23003(a), 136 Stat. 1818, 2026 (provision of IRA providing \$1.5 billion over several years for the Urban and Community Forestry Assistance Program established by 16 U.S.C. § 2105(c)). Many of these appropriations extend across multiple fiscal years.

For some of these programs, the IRA and IIJA provide more specific commands to agencies, such as that the Secretary of Agriculture, in allocating funding to support public-private conservation efforts via the Regional Conservation Partnership Program, “shall prioritize” the funding of projects intended to “improv[e] soil carbon, reduc[e] nitrogen losses, or reduc[e] . . . emissions, associated with agricultural production.” Pub. L. 117-169, § 21001(a)(4), 136 Stat. 1818, 2016-17. The programs funded through the IRA and IIJA in turn are governed by statutory provisions that determine the purposes to which the money can be used and give further direction to the agencies that administer that funding. *E.g.*, 42 U.S.C. § 6863(d)(2) (directing that certain amounts appropriated for weatherization assistance “shall be granted” to tribal organizations serving low-income members).

By implementing broad and indefinite halts on the disbursement of funding Congress allocated in the IRA and IIJA, and for reasons completely unrelated to the purposes for which Congress allocated that money, Defendants seek to override the judgments Congress made in duly enacted statutes. “But ‘[a]bsent congressional authorization, the Administration may not redistribute or withhold properly appropriated funds in order to effectuate its own policy goals.’” *New York v. Trump*, 2025 WL 715621, at *11 (quoting *City & Cnty. of San Francisco v. Trump*, 897 F.3d

1225, 1235 (9th Cir. 2018)). Accordingly, Plaintiffs here “have substantiated a likelihood of success on the merits that the Agency Defendants acted ‘not in accordance with the law’—in violation of the APA.” *Id.*⁸

Defendants’ sweeping and indefinite freezes of IRA and IIJA funding also cannot be squared with the regulations that govern the Defendant agencies’ administration of federal grants. The bulk of those regulations are set out in 2 C.F.R. § 200.0 *et seq.* Those rules dictate things like how agencies must announce new funding opportunities, *id.* § 200.204, what information about grants they must make publicly available, *id.* § 200.212, and how they audit grants, *id.* § 200.501.

As relevant here, those regulations also control how agencies are to measure grantees’ performance, and they require agencies to make those measures of performance clear to grantees at the outset, *id.* § 200.301 (directing agencies to “establish program goals and objectives during program planning and design” and “clearly communicate the specific program goals and objectives in the Federal award”). The regulations further direct grantees to monitor and report on their success *in meeting those specified performance goals*. *Id.* § 200.329. The rules also control under what circumstances the agency can suspend grants, terminate grants,

⁸ To be sure, the Impoundment Control Act (ICA) provides the executive branch with limited authority to delay or even cancel spending (actions that the ICA calls “deferrals” and “recissions,” respectively). *See* 2 U.S.C. §§ 683, 684. But Defendants have not sought to use the specific procedures set out in the ICA and have not claimed that the specific conditions under which that statute allows deferrals and rescissions exist here. So the ICA does not render Defendants’ actions valid and “in accordance with law,” 5 U.S.C. § 706(2)(A), assuming it even could. *Cf. New York v. Trump*, 2025 WL 715621, at *10 (finding plaintiffs were likely to succeed “in proving that the Executive’s actions were contrary to law when bringing about a deferral of budget authority without sending a special message to Congress as the ICA requires”).

or “[w]ithhold further Federal funds (new awards or continuation of funding).” *Id.* § 200.339. And they require that the agency “must clearly and unambiguously specify all termination provisions in the terms and conditions of the Federal award.” *Id.* § 200.340.

Rather than following these regulations, Defendants have ignored them. They have frozen funding based not on an individualized assessment of how particular grants have performed or after taking into consideration the terms of particular grant agreements, *see id.* §§ 200.339–200.340, but on the irrelevant fact that money for those grants was appropriated under the IRA and IIJA. Defendants thus have acted without regard for and actually contrary to their own regulations governing how grants are administered, including in what circumstances agencies may “[w]ithhold . . . continuation of funding.” *Id.* § 200.339. For this reason too, Plaintiffs are likely to demonstrate as this case proceeds that Defendants’ sweeping freezes to IRA and IIJA funding are “not in accordance with law.” 5 U.S.C. § 706(2)(A).

II. Without Preliminary Relief, Plaintiffs and Their Members Will Likely Suffer Irreparable Injury

“District courts have broad discretion to evaluate the irreparability of alleged harm and to make determinations regarding the propriety of injunctive relief.” *K-Mart Corp. v. Oriental Plaza, Inc.*, 875 F.2d 907, 915 (1st Cir. 1989). “To establish irreparable harm, . . . a plaintiff need not demonstrate that the denial of injunctive relief will be fatal to its business”; rather, “[i]t is usually enough if the plaintiff shows that its legal remedies are inadequate.” *Ross-Simons of Warwick, Inc. v. Baccarat, Inc.*, 102 F.3d 12, 18 (1st Cir. 1996) (citations omitted). Thus, “[i]f the plaintiff suffers

a substantial injury that is not accurately measurable or adequately compensable by money damages, irreparable harm is a natural sequel.” *Id.* at 19. Additionally, “[o]bstacles that unquestionably make it more difficult for the plaintiff to accomplish its primary mission provide injury for purposes of irreparable harm.” *Massachusetts v. NIH*, 2025 WL 702163, at *30 (quoting *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 9 (D.C. Cir. 2016)) (internal quotation marks, citation, and alterations omitted).

The record is replete with examples of just such harms. As Plaintiffs and their members attest, Defendants’ intentional funding freezes will require (and in some cases have already required) Plaintiffs and their members to reduce planned hiring or even furlough or lay off staff, shuttering planned projects and curtailing the amount of work these organizations are able to accomplish in support of their missions. *See, e.g.*, Ex. M ¶ 11; Ex. S ¶¶ 7–9; Ex. T ¶ 14; Ex. R ¶¶ 17–18, 20; Ex. O ¶¶ 15–18; Ex. N ¶¶ 15, 17, 20; Ex. Q ¶ 15; Ex. P ¶ 20–22; Ex. L ¶¶ 12–13; Ex. V ¶¶ 6, 11–12; *see also, e.g., California v. Dep’t of Educ.*, 2025 WL 760825, at *4 (finding irreparable injury where universities were forced to cancel certain projects or lose full-time employees). As in *California*, the record shows that the freezes here have “upended months, if not years, of work required to implement programs that rely on these grants,” and have “impacted budgets . . . and existing projects or projects already in progress.” *Id.* at *4 (internal quotation marks and citations omitted).

The Freezes have endangered, for example, Plaintiff Childhood Lead Action Project’s (CLAP) plan to undertake a multi-front campaign to reduce childhood lead

poisoning in Providence, an effort that was supposed to be funded by a grant that EPA has now frozen. Ex. P ¶ 22. CLAP has been forced to delay planned trainings, meaning that “lead-safe repairs on local homes may have been delayed.” *Id.* ¶ 26. And CLAP’s staff has been forced to devote unexpected time to managing the uncertainty created by the Freezes—diverting resources from other mission-critical activities. *Id.* ¶ 27. “These challenges have resulted in a delay in the progress [CLAP] reasonably expected to make towards improving lead hazard awareness, increasing local compliance with lead safety rules, and ultimately preventing childhood lead exposure during recent months.” *Id.* ¶ 28. “Even if [CLAP’s] access to grant funding is fully restored today, as an organization and a community, we can never get this time back.” *Id.* The resulting consequences could not be starker. “Childhood lead exposure can cause permanent damage in a single day, and only gets worse the longer it continues.” *Id.* ¶ 24.

One NCN member organization runs trainings on how to “weatherize the homes of low-income Americans in an effort to lower their utility bills when they are struggling to make ends meet, which helps them stay in their homes.” Ex. T ¶ 5. This process “also includes a lot of important health and safety factors,” such as ensuring appropriate ventilation to prevent mold, avoid carbon monoxide, and improve air quality. *Id.* ¶ 6. But because of Defendant Department of Energy’s intentional freeze on payments, this member has not been able to offer its trainings, limiting the

number of low-income Americans whose health and pocketbooks would benefit from efficiently weatherizing their homes. *Id.* ¶ 13.⁹

Plaintiff Codman Square Neighborhood Development Corp., a nonprofit community development corporation based in Boston, similarly planned to use its grant funds to improve the ventilation of an affordable housing development for elderly residents in a neighborhood with high asthma rates. Ex. L ¶¶ 7–9, 13. But because of the Freezes, that grant—and the project it would enable—are on hold. *Id.* ¶¶ 12–13.

“The potential loss of human capital and talent . . . poses yet another harm incapable of run-of-the-mill legal relief.” *Massachusetts v. NIH*, 2025 WL 702163, at *28. For example, as a result of the Freezes, Plaintiff Woonasquatucket River Watershed Council, a local nonprofit group, has been forced to halt its training programs in forest management and tree stewardship, which has resulted in lost job opportunities for the community along the Woonasquatucket Greenway—and has also been unable to hire for new positions, limiting the amount of work it can accomplish. Ex. M ¶¶ 10–11. Plaintiff Green Infrastructure Center, a nonprofit based in Virginia and with offices, staff, and projects in Rhode Island, has already had to furlough some staff and estimates that it is only 45 days away from layoffs. Ex. N ¶¶ 17–18. Plaintiff Eastern Rhode Island Conservation District has already had to

⁹ This member recently received second-hand reports that the program through which it receives funding may resume payments. The member, however, remains unable to access funds through its grant and has received no information from the Department of Energy indicating that funding will resume. There is also no indication that the Department has withdrawn its memo ordering a halt to all “Funding Activities.” Ex. I at 2, ECF No. 21-9.

stop grant-supported work developing smart agricultural practices for local farmers, using technology and data to help them grow more efficiently and sustainably. Ex. Q ¶ 13. It estimates that it has about a month left before needing to lay off staff, exacerbating the problem, and making it unlikely that the Conservation District can accomplish other aspects of its organizational mission, such as helping address flooding after major storms. *Id.* ¶¶ 15, 17.

The Freezes will likewise harm the environment, reducing habitats for animals, diminishing the resilience of forests against fungus, bacteria, and insects that can kill trees, and affecting the people who live nearby. Ex. M ¶ 9; Ex. O ¶ 16. For example, 8,300 hours on planned invasive plant management at one NCN member organization “just won’t happen now”—and “[i]f [they] are ever able to manage these invasive species in the future, it will be more difficult and more expensive because they will have spread more: [the organization] can’t readily make up for this delay.” Ex. S ¶ 6.

Another NCN member likely must postpone a planned project monitoring bark beetle attacks on vulnerable and irreplaceable giant sequoia trees, making it more difficult for national parks to manage the trees effectively. Ex. R ¶¶ 5–10, 19. Halting these projects impairs the organization’s mission to study such old trees and ancient forests, including gathering information on threats to trees and how to protect them, *id.* ¶¶ 2-3, and also “is incredibly harmful . . . for scientific progress more generally” because other researchers rely on data these organizations collect for their own research, creating “cascading impacts on their scientific progress,” *id.* ¶¶ 16, 21.

Defendants’ intentional freezes have also cut off funds for the Green Infrastructure Center to plan and manage trees in disadvantaged communities in need of the benefits provided by healthy trees of “cleaner air and water, cooler summer temperatures, reduced flooding and erosion, and increased property values.” Ex. N ¶¶ 12–13. And another NCN member—based in Rhode Island—has had to halt a planned food-waste reduction and composting project, which means that because of the freeze more food waste is dumped into the landfill, producing additional methane, a known contributor to global warming. Ex. V ¶¶ 14–15.

Those freezes will also irreparably harm Plaintiffs and NCN members’ relationships with their communities. *See HIAS, Inc. v. Trump*, 985 F.3d 309, 326 (4th Cir. 2021) (finding a “significant and irreparable” injury where, even if an organization’s affiliates survived, “the community connections they have developed are likely to erode”); *see also K-Mart*, 875 F.2d at 915 (noting that “harm to goodwill, like harm to reputation,” is not readily measurable and thus likely to be found irreparable).

For example, the Green Infrastructure Center invested significant time working with the Mississippi Band of Choctaw Indians in order to establish the trust necessary to sign an agreement to help the tribe manage their forests for years into the future. Ex. N ¶¶ 12, 22. With their grant money frozen, however, the Center cannot follow through on that project, and they expect that the “whole relationship and the trust [they] built won’t recover if this continues.” *Id.* ¶ 22. Similarly, the freezes caused the NCN member organization that offers weatherization services to

have to cancel a planned conference that would have built relationships with state, local, and tribal officials as well as others in the broader nonprofit sector. Ex. T ¶¶ 17–18. Having to cancel has already “undermine[d] those relationships and makes it harder to rebuild.” *Id.* ¶ 18.

Another NCN member organization explains that halting a project—that is supported by a frozen grant—to remove vegetation to reduce the risk of wildfire and improve water quality will “lead to the loss of trust from landowners interested in carrying out restoration and stewardship on their properties,” which “endangers [the organization’s] credibility and effectiveness, puts our local landowners at risk, and reduces our long term ability to achieve our organizational and shared mission, which benefits all residents within our service area.” Ex. O ¶¶ 14, 16.

“These harms, and many more, do not only impact the Plaintiff[s], but the communities and people they serve.” *Massachusetts v. NIH*, 2025 WL 702163, at *31. *See, e.g.*, Ex. P ¶ 24 (explaining that the delay in implementing planned lead safety projects “means that there are families who would have been reached and helped sooner,” who “won’t be reached in time to prevent significant harm [to children], or may never be reached at all”); Ex. L ¶¶ 8, 12–13 (explaining that being unable to provide housing updates—such as new ventilation and air quality systems—will impact vulnerable, low-income seniors in a neighborhood with high asthma rates); Ex. T ¶¶ 5–6, 15 (explaining that canceling weatherization trainings “means that fewer people in poverty are getting their homes weatherized,” so “they are less safe in their homes, and less able to make ends meet”); Ex. S ¶ 6 (“This means that

potentially thousands of acres will not be managed, with negative impacts for visitors to public lands, hunting and fishing, and wildlife populations due to loss of habitat.”); Ex. M ¶¶ 5, 10 (describing community education programs and skills and job training initiatives); Ex. R ¶ 21 (describing “cascading impacts” to scientific research partners); Ex. O ¶ 5 (noting that “[o]ne of the big goals of [their] work is to improve fish and wildlife populations that are enjoyed by conservationists and also pursued by hunters and anglers in [their] area”); Ex. N ¶ 10 (noting storm recovery plans to help restore a town’s “primary economic driver”); Ex. Q ¶¶ 16–17 (describing impact on local farmers and emergency flooding relief); Ex. V ¶ 6 (describing estimated community impact from its now-paused grant project, including creating or maintaining 36 direct jobs and 32 construction jobs and conserving 569 million gallons of water). In other words, “[e]ach day that the pause continues to ripple across the country is another day that Americans are being denied access to programs” they need. *NCN I*, 2025 WL 368852, at *13.

These irreparable harms represent only a small sampling of the injuries faced by IRA and IIJA grant recipients in Rhode Island and across the country. *See* Ex. U ¶¶ 2, 5, 9–10. “And when there is no end in sight to the Defendants’ funding freeze, that harm is amplified because those served by the expected but frozen funds have no idea when the promised monies will flow again.” *New York v. Trump*, 2025 WL 715621, at *13. “[T]here is no [legal] remedy that can compensate Plaintiff[s] for the disruptions and discord resulting from the abrupt [freeze] of these grants.” *California*, 2025 WL 760825, at *4.

III. The Balance of Equities and Public Interest Strongly Favor a Preliminary Injunction

Just as another court in this District found in a case addressing the impact of the Freezes on state plaintiffs, “the balance of equities weighs heavily in favor of granting the [Plaintiffs’] preliminary injunction motion.” *New York v. Trump*, 2025 WL 715621, at *15. “[T]here is ‘substantial public interest in having governmental agencies abide by the federal laws.’” *Massachusetts v. NIH*, 2025 WL 702163, at *32 (quoting *Newby*, 838 F.3d at 12) (internal quotation marks omitted). Conversely, of course, “there is no public interest in upholding unlawful agency action,” because “the government cannot suffer harm from an injunction that merely ends an unlawful practice.” *Id.* (internal quotation marks and citation omitted). Thus, “Defendants are not harmed where [an] order requires them to disburse funds that Congress has appropriated.” *New York v. Trump*, 2025 WL 715621, at *16.

This Court need look no further. But if it did, it would find the scales solidly tipped in favor of Plaintiffs. “Courts have consistently held there is a strong public interest in health and safety,” *Massachusetts v. NIH*, 2025 WL 702163, at *32, and Plaintiffs have marshaled strong evidence that the ill effects of the Freezes extend well beyond Plaintiffs and their members, affecting the safety of their homes, their communities’ ability to withstand natural disasters, access to food from local farms, and a clean and safe environment. *See supra* Section II.

On the other side of the scale? Little more than vague, unsubstantiated, and post hoc murmurings about “waste” and “efficiency.” But it is Defendants’ conduct that is creating waste and inefficiency as planned programs lie fallow and recipients

are forced to divert resources from their missions in order to deal with the disruption created by the sudden halt in previously reliable sources of funding. Defendants' hollow words about waste and fraud cannot outweigh the concrete harms caused by their own actions. *See NCN II*, 2025 WL 597959, at *19 ("Because the public's interest in not having trillions of dollars arbitrarily frozen cannot be overstated, Plaintiffs have more than met their burden here.").

IV. Relief Should Extend to All Recipients of IRA and IIJA Funding Administered by Defendants

"[I]n drafting equitable relief, courts must consider 'what is necessary, what is fair, and what is workable.'" *Massachusetts v. NIH*, 2025 WL 702163, at *33 (quoting *North Carolina v. Covington*, 581 U.S. 486, 488 (2017)). "[T]here are appropriate circumstances during which nationwide injunctions are not only appropriate, but necessary." *Id.* This case presents just such circumstances.

First, it would be impracticable, if not impossible, to limit relief in this case just to Plaintiffs and their members. Plaintiff NCN represents 30,000 members nationwide, and unknown hundreds if not thousands of those members are recipients of funding through the IRA and IIJA. *See id.* (explaining that broad relief may be necessary "where the plaintiffs are dispersed throughout the United States"). Artificially limiting the scope of relief in this case to Plaintiffs and their members would require Defendants to somehow identify which funding streams were going to NCN members. That task that would be made even more formidable by the fact that some NCN members receive grant funding not directly from Defendants but as

subgrantees from other organizations that are themselves the direct recipients from the agencies. *See, e.g.*, Ex. N ¶ 9; Ex. Q ¶ 9.

Second, “there are certainly other similarly situated nonparties” who are being harmed in the same way as Plaintiffs and by the same unlawful actions. *Massachusetts v. NIH*, 2025 WL 702163, at *33–44. It is thus appropriate that they receive the same measure of relief as Plaintiffs here. *See id.*; *HIAS, Inc.*, 985 F.3d at 326 (“[A] nationwide injunction may be appropriate when the government relies on a ‘categorical policy,’ and when the facts would not require different relief for others similarly situated to the plaintiffs.”).

Third, the nature of this case also weighs in favor of broad relief. “The normal remedy for a successful APA challenge is vacatur of the rule and its applicability to all who would have been subject to it.” *Massachusetts v. NIH*, 2025 WL 702163, at *34 (citing, among others, *Gailius v. INS*, 147 F.3d 34, 47 (1st Cir. 1998)). Given that final relief in this case would apply “to all who . . . have been subject to” Defendants’ unlawful conduct, it is appropriate that preliminary relief be so extensive as well. *Id.*; *see also District of Columbia v. Dep’t of Agric.*, 444 F. Supp. 3d 1, 47, 49 (D.D.C. 2020) (explaining that “[w]hen a reviewing court determines that agency regulations are unlawful, the ordinary result is that the rules are vacated—not that their application to the individual petitioners is proscribed” and that “[t]he same reasoning has force in the preliminary injunction context” (internal citation omitted)).

Moreover, a stay under 5 U.S.C. § 705 provides for a court reviewing agency action to “issue all necessary and appropriate process to . . . preserve the status or

rights pending conclusion of the review proceedings.” This, too, contemplates setting aside the agency action itself, rather than providing limited relief to only the parties who happen to appear in court.¹⁰

CONCLUSION

For all these reasons, the Court should grant Plaintiffs’ motion and enter a preliminary injunction as set forth in the attached proposed order.

Dated: March 17, 2025

Respectfully submitted,

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¹⁰ Plaintiffs respectfully submit that, if the Court enters a preliminary injunction, it should also either waive any bond requirement under Rule 65(c) or set the amount at \$0. Defendants could not plausibly claim to suffer any cognizable form of “costs and damages” merely from having to administer funding appropriated by the IRA and IIJA as Congress directed, so no security is required here.

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* admitted *pro hac vice*

CERTIFICATE OF SERVICE

On March 17, 2025, I caused the foregoing and accompanying declarations and proposed order to be served by certified mail on Defendants, the Attorney General, and the U.S. Attorney's Office for the District of Rhode Island at the below addresses. On the same day, I further caused these documents to be served via email on Daniel Schwei, of the Department of Justice, who has represented himself as the appropriate contact for this case.

Department of Agriculture and
Secretary Brooke Rollins
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

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

Department of Energy and
Secretary Chris Wright
1000 Independence Ave., SW
Washington, DC 20585

Attorney General Pam Bondi
Department of Justice
950 Pennsylvania Avenue, NW,
Washington, DC 20530

Department of the Interior and
Secretary Doug Burgum
1849 C Street, N.W.
Washington DC 20240

Director Kevin Hassett
National Economic Council
1600 Pennsylvania Ave NW
Washington, DC 20500

Environmental Protection Agency
and Administrator Lee Zeldin
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

United States Attorney's Office
District of Rhode Island
One Financial Plaza, 17th Floor
Providence, RI 02903

Department of Housing and Urban
Development and Secretary Scott
Turner
451 Seventh Street, S.W.
Washington, DC 20410

/s/ Miriam Weizenbaum
Miriam Weizenbaum

EXHIBIT J

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Garrison, Nicholas - RD, DE** [REDACTED]
Date: Tue, Feb 4, 2025 at 9:56 AM
Subject: RE: [External Email]Re: USDA FY24 REAP Award – Butterbee Farm
To: Butterbee Farm <[REDACTED]>
Cc: Weaver, Bruce - RD, DE [REDACTED] Katie Jester
[REDACTED]

Good morning,

I looked in our system and the payment for the recent reimbursement was rejected. This is due to the recent [executive orders issued under the Trump Administration](#). We will need to wait and see if the hold will be lifted, for now we cannot process the reimbursement.

Nicholas Garrison
State Office Specialist

Rural Development | Business and Cooperative Team
Delaware – Maryland State Office

[REDACTED]

Rural Development

[REDACTED]

[REDACTED]

EXHIBIT K

-----Original Message-----

From: "Marriott, Emily - FPAC-NRCS, MA" [REDACTED]
Sent: Tuesday, February 11, 2025 9:59am
To: "Ryan Voiland" <[REDACTED]>, "Barker Plotkin, Jeremy - FPAC-NRCS, MA"
[REDACTED]
Subject: RE: [External Email]RE: receipts for SCA spreading

Hi Ryan,

Thank you for sending the receipts. We will work on getting this certified ASAP. However, payments on contracts funded through the Inflation Reduction Act are currently on pause.

On January 20, 2025, President Trump signed an Executive Order that placed a freeze on spending authorized by the Inflation Reduction Act (IRA) of 2022 and the Infrastructure Investment and Jobs Act (IIJA). This includes payments under NRCS conservation program contracts that are funded through the IRA and IIJA.

USDA leaders have been directed to assess whether grants, loans, contracts, and other disbursements align with the new administration's policies. Once Brooke Rollins is confirmed—hopefully later this week—she will have the opportunity to review the programs and work with the White House to make determinations as quickly as possible.

In the meantime, USDA appreciates farmers' patience and recognizes the vital role the agricultural community plays in strengthening and sustaining our nation. We understand that uncertainty can be challenging, especially for those already navigating the unpredictable forces of nature.

I will keep you informed as I receive more information.

Best,
Emily

Emily Marriott
Soil Conservationist
Western Massachusetts | Hampden, Hampshire, and Franklin Counties
Hadley Field Office



Natural Resources Conservation Service
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

EXHIBIT L

DECLARATION OF GAIL LATIMORE

I, Gail Latimore, declare as follows:

1. I am the Executive Director of Codman Square Neighborhood Development Corporation (CSNDC).

2. CSNDC is a nonprofit community development corporation that responds to the needs of our community, particularly in the areas of affordable housing development, economic development, and community organizing. We're also very involved in environmental sustainability issues.

3. For more than 40 years, we have operated in the Codman Square district in Dorchester, a neighborhood of Boston. Codman Square is one of the biggest inner-city neighborhoods in Boston and has many low-income residents.

4. The neighborhood is predominantly a neighborhood of color, with a large percentage of that being Afro-American, Afro-Caribbean, with a significant Latino population and a small but meaningful Asian population as well. The median income is probably in the area of forty or fifty thousand dollars. People speak a variety of languages: English, Spanish, Haitian Creole, Cape Verdean Creole, Vietnamese and Cambodian.

5. As Codman Square experienced arsons for profit, block busting and white flight in the 1970s, community leaders mobilized to create affordable homeownership solutions, and eventually CSNDC was incorporated in September 1981 as a 501(c)(3) organization.

6. Last August, we applied for a grant through the Green and Resilient Retrofit Program, which is run by the Department of Housing and Urban Development. That program is meant to support investments in energy efficiency, greenhouse gas reductions, and healthy housing specifically in HUD-assisted multifamily housing in affordable housing communities. The funding for that program comes from the Inflation Reduction Act.

7. CSNDC plans to use the money from that grant to help fund a rehab and renovation project on a 31-unit affordable housing development for elderly residents here in Dorchester.

8. That project will involve a number of energy-related upgrades, including better weatherizing of the units to increase energy efficiency, which helps the environment and also helps us save money we can put back into the operations of the property. It will also involve upgrading the building's ventilation with installation of a new energy recovery ventilation system. This system will improve the indoor air quality, lower humidity, and reduce mold growth potential, which is important for our elderly residents. These are very vulnerable, low-income seniors and there are high asthma rates in this neighborhood.

9. HUD awarded us the grant in November, and we received the award letter. The grant is for \$750,000, and 70% of the grant will be used to improve the ventilation of the building with the installation of the new ERV system. We countersigned the Elements Award Commitment letter in November and sent it back. The staff we had working on this had a virtual meeting with a HUD representative

at an initial kickoff call with the grants administrator which took place early this year. The next step was supposed to be HUD uploading the Elements Award Commitment Letter into their system called Greenlight, but this did not happen.

10. HUD stopped communicating with us after the change in administration. On February 11, they finally told us in response to our inquiries that they weren't able to upload the Commitment Letter to approve closings or disbursements at that time. They blamed it on an executive order called Unleashing American Energy.

11. Since then, we're still waiting for the fully executed Commitment Letter to be uploaded into Greenlight. Communication from HUD has been pretty limited so far. We just contacted them on March 11 and received a response saying they had no information and would update us when they did.

12. CSNDC was counting on this grant we were awarded to help fund the rehab and renovation of this building. Our plan was to start work early this summer, but we don't know if that's going to happen if the grant remains frozen.

13. We may be able to complete some work without the grant coming through, but it would be on a much smaller scale than what we planned. And that impacts our senior residents. It's updates to their housing that we wouldn't be able to provide, including installation of the new ventilation and air quality systems. It also means the loss of savings from improvements in weatherization, savings that would help us to fund additional social services. Without the upgrades we planned to do, it means money lost every month that we could be putting toward our mission.

14. Another result of the freeze to our grant is that, the longer the delay, the more the costs of our project go up. I've been doing this for 30 years, and there's almost never a time that construction costs go down. They always go up. And they can go up quickly. This is especially a concern right now because of how new tariffs are already impacting the construction industry. So, every delay to this project means our costs go up, and that's ultimately money we can't use to carry out other parts of our work.

15. Right now, our contractor has quoted us a set price for the work, but we don't know how long he'll hold that price. He's been nice, but a lot of things have happened since then. Contractors are really nervous about the tariffs right now. This delay just creates a lose-lose situation for us and the residents.

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

Executed on March 17, 2025.

Gail Latimore

Gail Latimore

EXHIBIT M

DECLARATION OF ALICIA LEHRER

I, Alicia Lehrer, declare as follows:

1. I am the Executive Director of the Woonasquatucket River Watershed Council (WRWC), a nonprofit based in Providence, Rhode Island. WRWC is a member of the Alliance for Nonprofit Impact in Rhode Island, a member of the National Council of Nonprofits.

2. The statements in this declaration are based on my personal knowledge and my review of WRWC business records.

3. WRWC incorporated as a nonprofit in Providence in 2001. Its mission is to create positive environmental, social and economic change by revitalizing the Woonasquatucket River, its Greenway, and its communities. The Greenway is a seven-mile-long multiuse trail and linear park that follows the river from downtown Providence to neighboring Johnston. It has been recognized as a model community revitalization effort.

4. We pursue our work on a number of different fronts. One is environmental restoration, where we work to improve natural habitats, restore fish passage on the river, and protect stream banks that have been damaged due to flooding, particularly in the urban sections of the lower watershed where the impacts are the greatest and affect the largest populations. There are parts of the trail and riverbank that have really become compromised by strong storms in recent years. Taking care of riparian buffers and wetlands is important for protecting against future damage from flooding.

5. In addition, we care for and extend, expand, and activate the Greenway, including by removing invasive plants so we can bring back native species that provide a great home for birds, mammals, amphibians, and other local animals. We do community education programs for children and adults and skills and job training initiatives. And for many years, we have worked with all levels of government to address severe dioxin contamination at the Centerdale Manor Superfund Site in North Providence and Johnston, RI.

6. WRWC receives about 70–80% of our funding from federal grants. We work with a pretty diverse group of agencies: several USDA subagencies, the Department of Transportation, Housing and Urban Development, and the US Environmental Protection Agency. We employ around 32 staff members, some of whom are part time.

7. Since the end of January, we have had a grant of \$1 million frozen that we cannot access while it is under review. We are actually a subgrantee and were contracted to receive these funds through another nonprofit group that has a grant directly from the U.S. Forest Service. They notified us that the money was inaccessible because it was funded under the Inflation Reduction Act.

8. That pause to our grant has completely halted the project we planned to carry out and disrupted our operations more broadly. The grant was meant to fund a project to build capacity for urban forestry along the Woonasquatucket Greenway. It was a pilot program to create what is known as a Miyawaki forest, a method of

forestry that is meant to create the conditions to mimic multilayered, old growth forests in a short amount of time.

9. Besides providing a habitat for a broader variety of animal species and creating a relaxing place for people to enjoy and keep cooler during the summer, the advantage of old-growth forests is that they are much more resilient than younger forests. They can better withstand different types of stressors—fungus, bacteria, and other things that can damage and kill trees. That kind of resilience is particularly important at a time of rapid changes to the climate, which can introduce new stressors on local forests.

10. We planned to engage resident community leaders and students to build these forests. On top of the conservation benefits of this project, it also feeds our education and community action programs. We train students and adults in restoring and improving the environment and give them leadership skills and job-related skills such as forest management and tree stewardship. This and other projects create job opportunities for people that live near the Greenway. But none of that is happening now as a result of this pause, which means the loss of a workforce-development opportunity.

11. We planned to use this grant to hire people to help with this project and with other parts of our mission that we cannot now hire. Our River Ranger team, led by year-round professionals, and including six to eight seasonal Rangers, care for the river and the Greenway. Through this funding, we planned to hire two new full-time Ranger staff that will become our tree experts and will lead more than 10 trainees

and community members that will receive stipends as tree stewards. Now, because this grant is frozen, we are unable to hire those two full-time positions and employ the many other members of the team that will be responsible for all the other planting and tree projects we have throughout the Greenway. We were counting on those team members who are critical when we are caring for 7 miles and 75 acres of public green spaces and multi-use trail. So this freeze creates problems not only for the pilot forestry program but for WRWC's other work as well. We are now unable to hire for positions we planned to fill.

12. Another challenge is that so much of our work is seasonal. The season runs basically April through November. Now is when we need to be doing our hiring so we can have a team in place and trained up by the time we need people out in the field. If the money stays tied up long enough, we won't be able to carry out the grant project until next year at the earliest.

13. It is hard to plan for the future when we cannot trust that grants we've been awarded are going to be available when we need them. I already had to put together the organizational budget for 2025. The positions we intended to fill were integrated into quite a few of our program areas. Without those positions, we're going to be stretched thin and simply unable to get done all that we hoped to be able to achieve for the river and the local community.

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

Executed on March 11, 2025.

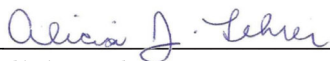

Alicia Lehrer

EXHIBIT N

DECLARATION OF KAREN FIREHOCK

I, Karen Firehock, declare as follows:

1. I am the co-founder and executive director of Green Infrastructure Center, Inc. (GIC), a nonprofit based in Charlottesville, Virginia. We have an office and 2 full-time and 1 part-time employees in Providence, Rhode Island and carry out on-going work in that state and others, as described below.

2. The statements made in this declaration are based on my personal knowledge and review of GIC business records.

3. GIC is a member of the National Council of Nonprofits.

4. GIC was formed in 2006 to help local governments, communities, and developers evaluate their green infrastructure assets and make plans to conserve them.

5. “Green infrastructure” is the interconnected network of waterways, wetlands, woodlands, and other natural habitats; greenways and parks; farms and ranches; and other open spaces that support native species, maintain natural ecological processes, sustain air and water resources, and contribute to people’s health and quality of life. This green infrastructure needs to be planned and cared for just as localities plan for their “grey infrastructure” of roads, power lines, and sewage systems.

6. We provide the communities we work with the tools needed to protect and restore their natural assets, such as economic analysis, mapping, and land-use planning and asset assessment. We help them to execute these plans too. We work at

the regional and local scale in rural, suburban and urban environments across multiple states, including on-going programs in Rhode Island, Virginia, South Carolina, Mississippi, and Georgia as well as projects in many other states including, but not limited to Montana, New York, Florida, Puerto Rico, and others. We have a staff of 20 people.

7. GIC participates in the Urban and Community Forestry Program. That's a program run by the U.S. Forest Service that funds efforts by states and partner organizations to plant and maintain community trees, forests, and green spaces, including in disadvantaged areas.

8. The Inflation Reduction Act provided \$1.5 billion in funding for the Urban and Community Forestry Program to support those efforts.

9. GIC relies on funding through that program for many of our projects. That funding has been awarded as grants to states and then to us as state subrecipients. We were awarded several multiyear grants in late 2023 and early 2024, which we draw from the states after they've drawn it from the federal government. Those grants range from about \$200,000 over a year and a half to more than \$2 million over five years. They are hugely important for work and our mission, accounting for 80 percent of our budget. We expanded with new field staff specifically to meet the goals for the IRA funds.

10. We also receive funding from the Bipartisan Infrastructure Law. Those grants are for technical support to help cities and towns in Virginia to improve policies to protect trees in their communities and for plans such as new tree-canopy

goals for small and rural towns such as Buena Vista, as well as storm recovery plans for hurricane-ravaged Damascus to help restore trees there and the Creeper Trail, which is the town's primary economic driver. This money has been frozen since February 14.

11. We use the funds from our IRA grants to help towns and localities plan and carry out plans for planting more trees and managing the forests they have.

12. For example, last year we announced an initiative with the Mississippi Forestry Commission to help Natchez, Gulfport, and Laurel, Mississippi to plan and manage trees in disadvantaged neighborhoods. That effort will help ensure equitable access to the many benefits healthy trees provide, such as cleaner air and water, cooler summer temperatures, reduced flooding and erosion, and increased property values. That same initiative expanded to three additional communities this spring, including working with the Mississippi Band of Choctaw Indians to help manage their forests. The initiative is funded with money from the Inflation Reduction Act.

13. These efforts take time—usually several years—because we have to map existing tree cover, set goals and then plant and care for the trees themselves, which need time to grow. The initiative in Mississippi, for example, is supposed to run through 2027. For our projects to be a success, we need time to build trust before, during, and after the actual planting, especially in the kind of communities where we work. These smaller communities are often overlooked and lack the resources to restore tree cover on their own, many of them still recovering from past hurricanes.

14. I don't know how much time we'll have, though, because the funding for these projects has been frozen by the Forest Service. As a result, the states we work with have been unable to draw funds on the federal grants they were awarded.

15. The states in turn have told us to stop work because they lack the funds to pay. We have a multimillion dollar grant with Virginia, for example, but they've told us to stop work. Mississippi has told us the same thing. Georgia told us we didn't have to stop our projects but that they would not pay bills, until the Forest Service restarts reimbursements. Well, we can't afford to carry out work, place large tree orders for this fall, and set community meetings, when we don't know if we'll be able to draw on the grants we were awarded. We've cancelled many community events and trainings that took months to plan and organize, and now we've let everybody down. And possibly lost their trust in us.

16. Staff at the Forest Service don't know what's going on and haven't been able to say when payments might resume or even whether they will resume at all. They're just being told by leadership that they're having a "pause" on these programs.

17. We are in a crisis at this point. I've already had to furlough four members of our staff to half time status in Virginia and Mississippi. We're lucky that we had a small operating reserve to make it this long, but we can't keep absorbing losses and won't be able to support staff indefinitely.

18. I estimate we're 45 days away from having to lay off staff at this point. The only reason it's not sooner is thanks to what little reserve we have and the fact that Rhode Island and South Carolina have continued to pay us for work, even while

they themselves still can't draw on their federal grants. We don't know how long they will continue to do so, meaning that our work there may have to stop as well.

19. If we did have to lay people off, they probably won't be coming back because they're going to have to find other jobs. Some of our staff are young people who don't own their homes and are early in their careers; they don't have the ability to wait for funds to resume. And it's really hard to hire for these positions and train people up. Each staff person underwent 6 months of training to perform highly technical work for us,

20. We're already feeling the effects in other ways too. For example, now is the time we need to be ordering trees for planting in the fall. And we order a lot of them, so this has to be done well ahead of time. If we bought those trees, and then found out these grants are done, we'd be left holding the bag for hundreds of thousands of dollars. I don't know what we're going to do if payments remain halted.

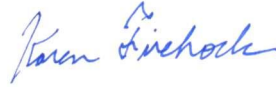
21. If this funding does not resume, our projects in Virginia, Mississippi, and other states won't either. And if the freeze continues, I don't think we're ever going to regain the trust we built in some of these communities before we started working there.

22. In Mississippi, for example, we've worked with the Choctaw Indians. We had multiple meetings with the tribe and tribal council in the process of getting an agreement drafted to show we were serious and would be helping with them in coming years to manage their forest. And now we can't follow through. If you think about America's history with the tribes—it was hard to overcome. And then at the

eleventh hour, we disappear. That whole relationship and the trust we built won't recover if this continues.

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

Executed on March 13, 2025.



Karen Firehock

EXHIBIT O

DECLARATION OF [REDACTED]

I, [REDACTED], declare as follows:

1. I am the Director of Programs of the [REDACTED], a nonprofit organization based in [REDACTED], and a recognized leader in science- and community-based watershed protection and restoration.

2. The statements made in this declaration are based on my personal knowledge and information made available to me in the course of my duties.

3. [REDACTED] works closely with local people and organizations as well as state and federal agencies to help maintain and improve water quality and habitat conditions of the [REDACTED] River and its watershed.

4. To give just a couple of examples, we have worked with landowners and other local partners on prairie habitat restoration, we regularly carry out projects to improve stream habitats and connectivity for fish migration, and we assist local businesses and other urban property owners plan for and undertake storm water management projects.

5. One of the big goals of our work is to improve fish and wildlife populations that are enjoyed by conservationists and also pursued by hunters and anglers in our area. Part of that means removing pollutants and other harmful toxins from the local waterways that make their way into wildlife habitats, but also into the homes of the people who reside in this shared community. We work hard to engage all stakeholders in our service area, and the work we do represents this wide range of interests.

6. We compete for and receive a number of federal grants, some directly and some as a subrecipient from other grantees. These grants are administered by several different agencies, including the Department of Agriculture, the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration. Some of these grants are funded by the Inflation Reduction Act and some are funded by the Bipartisan Infrastructure Law.

7. [REDACTED] has a staff of 12, including our newest staff member we brought onboard in February.

8. [REDACTED] is a member of the National Council of Nonprofits.

9. Since February, we've had intermittent trouble accessing federal funding through our awarded grants.

10. Early that month, we became unable to access the "ASAP" portal, which is an online system the federal government uses for disbursing funds on open grants. That meant we couldn't make any draw downs of three grants.

11. That freeze continued for 6 days, which led to delays in work planning and contracting, as well as uncertainty that has led to many hours of lost productivity and wasted time.

12. More recently, we learned on March 6 that normal payments on another open grant were frozen.

13. The grant is through the Regional Conservation Partnership Program, which funds public-private conservation projects by landowners and communities. The program is run by the Natural Resource Conservation Service—part of the

Department of Agriculture. We're a subrecipient of funds through that program that flow to us through the direct grantee, the [REDACTED] Agricultural Trust. The program is funded with money from the Inflation Reduction Act.

14. The goal of this specific grant is to remove vegetation in order to reduce the risk of wildfires and improve habitat and water quality in the area. The money from that grant funds our staff time directly and also helps cover costs for participating landowners to do work on their property. The grant provides us with about \$4.4 million for those purposes, and between \$5 and 6 million more for conservation and agricultural land easements, which are important for protecting farmland.

15. Even though it's only been a few days, [REDACTED]'s work is already being disrupted as a result of this money becoming unavailable. We hired a person based on getting this grant. She started in early February. We did the recruiting late last year. That position is three quarters funded by this program. Now we're scrambling to figure out how to pay this person.

16. If [REDACTED] isn't able to resume drawing those funds in the ordinary course, the whole project is going to have to halt, which means worse outcomes for the watershed here and everything that lives in it, people included, in terms of wildfire risk and water and habitat quality. It will also lead to the loss of trust from landowners interested in carrying out restoration and stewardship on their properties, the loss of projects that would considerably increase the quantity and quality of oak habitat in our area, and the inability to build local capacity for

sustainable fuels reduction and wildfire prevention work. All of this endangers our credibility and effectiveness, puts our local landowners at risk, and reduces our long term ability to achieve our organizational and shared mission, which benefits all residents within our service area.

17. If more funding from the IRA and BIL gets held up, the consequences for [REDACTED] could be devastating. Those grants are essential for our work. Federal funds make up nearly 36% of our fiscal year 2025 budget. Federal funds account for more than 90% of the funds that our regional partnership, the [REDACTED], has secured over the last five years. Losing those funds now would mean a huge setback to our collaborative work, ecological impact, efforts to decrease wildfire risk and improve drinking water quality, and eliminate the positive contributions to our local economy that our work provides through the hiring of local contractors. We would have to let go of most of our shared staff and cancel contracts with local businesses.

18. Already, these freezes have caused problems for us. It's hard for us to plan for the future if we don't even know if we'll be able to draw on these grants when we need them. We are a small non-profit with widespread support from all constituents in our service area. We don't have sufficient reserves or alternate funding sources to make up for the loss of these federal funds.

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

Executed on March 13, 2025.

A large black rectangular redaction box covering the signature area.

A small black rectangular redaction box covering the name area.

EXHIBIT P

DECLARATION OF LAURA BRION

I, Laura Brion, declare as follows:

1. I am the Executive Director of Childhood Lead Action Project (CLAP), a nonprofit dedicated to eliminating childhood lead poisoning in Rhode Island.

2. CLAP was founded in the early 1990s by parents of lead-poisoned children, medical professionals, activists, and others who saw how lead poisoning was affecting their communities and wanted to do something to stop it.

3. Many people are at risk of lead poisoning due to the presence of lead in old paint on homes, contamination in soil from leaded gasoline, lead from drinking water pipes, and other sources. Lead is a neurotoxin, and even exposure to small amounts can lead to permanent, lifelong harms. Children are especially at risk; no amount of lead exposure has been proven to be safe. Children can experience a range of negative effects, many of which are irreversible and impede success in school, decrease earning potential and can even increase the likelihood of committing violent crime as a young adult. Put most simply, lead poisoning causes brain damage, with increasing severity due to length and degree of exposure.

4. CLAP works statewide, prioritizing the areas that are hardest hit by lead poisoning. Our community education methods include door-to-door outreach, tabling at community events, and workshops for a variety of audiences. Instead of expecting people to have the time to come to us, we try to find where people most at risk of lead poisoning are likely to be so we can reach them. We also organize families who are affected to work on education and advocacy campaigns to improve

overall conditions. And we help connect homeowners to information about steps they can take themselves and to sources of funding that can help them finance work to make their homes safer.

5. We're also a licensed training provider to teach lead-safe practices to landlords and workers, and we engage in policy and advocacy work at multiple levels.

6. CLAP is a small, but highly effective organization. We have four full-time and one-part time employees. In the past, we've had a number of federal grants through EPA that have made a big difference for our ability to carry out our mission. We've been a good fit for those grants and performed well. In 2005, we were honored to receive an EPA Children's Environmental Health Excellence Award.

7. We have an open grant of \$500,000 through EPA that we can't access right now. The purpose of the grant is to fund a multi-pronged, multi-year campaign to address lead poisoning in Providence. The grant is funded with money from the Inflation Reduction Act.

8. Part of that campaign means providing free trainings on lead-safe practices to workers who are involved in renovating old homes and doing work that may disturb old lead paint. We teach them to work safely so that they can protect themselves and those living in the homes they work on.

9. Part of the campaign also involves bringing together state and city officials, along with community members, to develop and execute on a plan to bring landlords into compliance with lead-safety laws. It will also include lead safety

workshops for landlords, neighborhood canvassing, and a training program to educate community health workers about lead poisoning hazards so they can identify those and teach families how to address them.

10. The goal of the project is that all these efforts will complement and reinforce each other in order to turn some of these homes and areas of the city from being dangerous for lead exposure to being a safe place for little kids to grow up. We were phenomenally excited when we got the grant because this really represents a step up for CLAP; it would allow us to scale up our work to a new level in order to help so many more people than we could before.

11. CLAP began to draw down grant funds in December 2024 and January 2025—about \$ 49,745. But that didn't last long.

12. In late January, we lost access to the funds. Sometimes, we were blocked entirely from accessing the online portal, ASAP, which is what EPA uses to disburse money for grants. Other times, we could log into the portal, but our grant was missing. We reached out to tech support for the ASAP system, to our grant office, to everyone we could think of. At one point, tech support said our grant had been suspended and that we would need to contact EPA. EPA acknowledged it was happening, but didn't give a reason why.

13. We kept trying to access the grant, and on Friday, February 7 we regained access through ASAP. But on Monday, February 10, the grant had disappeared again in ASAP. I have heard of other grantees who experienced the same thing.

14. Access turned back on 9 days later, but by March 10, it was back off again. I noticed that the grant became frozen again just a few days after the district court in *New York v. Trump* entered an injunction that seemed to apply only to the states, but not to groups like CLAP.

15. Right now, we're back where we were about a month ago: We can log into ASAP, but the grant is missing. EPA has not explained why. I have not gotten anything from them about termination.

16. If the grant remains frozen, we're not going to be able to carry out our planned initiative in Providence, or at least not on nearly the same scale. CLAP does not have a big budget, and that \$500,000 was huge for us and our work.

17. We had immediate plans to launch a big door-to-door outreach campaign to connect with tenants and homeowners starting as soon as the weather warmed up enough this spring—to talk with them about topics including lead hazards, short-term lead safety methods to immediately reduce contamination, and financial assistance available to address lead hazards in the medium and long term. This represents information and a connection to resources that could make the difference between a child growing up safe and healthy and a child suffering irreparable harm.

18. We have already had to scale back recent plans for grant-funded trainings and workshops, as described below. Even if we are able to do some of what we wanted, we're not going to be able to pursue the multi-front strategy we've planned, which means each piece is going to be significantly less effective than if

they all worked in tandem. That hurts our core mission and the kids and adults we're trying to protect.

19. The way the grant works, CLAP draws down funds from EPA to cover grant-related expenses within five business days of when those expenses occur. What that means is that we need to be able to access the grant reliably and predictably or it's almost like not having it at all. We can't incur big upfront costs only to find out later that we can't get reimbursed with money from the grant that was awarded to us.

20. Already, the disruption caused by the freeze of this grant has hurt us. The full scope of the grant-funded work we expected to carry out in early 2025 was impossible due to the uncertainty and lower staffing than expected caused by our inability to access grant funding when we needed it. CLAP planned to add another full-time position to our staff with the money from the grant, but I've had to hold off on doing that. I can't hire someone if I have no idea if I'm going to be able to pay them. That means we're missing that extra set of hands we'd planned on, which makes all our work harder and stretches our existing staff and resources thinner.

21. The other piece of this is that I would need to be transparent about the situation even if we were to be able to hire someone. I'd have to tell them when they applied about the uncertainty that we'd be able to count on federal grants in the future. And that's going to make CLAP less competitive for getting the best candidates we possibly can and bringing someone on board who can help expand our capacity to carry out our mission.

22. We also had to postpone plans to schedule the first series of lead safety workshops for community health workers to be supported by this grant. The trainees we would have recruited from partner social service agencies and community groups have broad community networks and caseloads and would have been able to help to share information about lead hazards and prevention resources with families at risk. In turn, families could then take action and get help before their children were lead poisoned, or before children already affected suffered further exposure.

23. We know from past experience that this is a highly effective, “train the trainer” community education method that leverages funds and resources beyond the investment of a single grant or funder.

24. The delay in implementing these plans means that there are families who would have been reached and helped sooner, won’t be reached in time to prevent significant harm, or may never be reached at all. Childhood lead exposure can cause permanent damage in a single day, and only gets worse the longer it continues.

25. We also ended up with a waiting list of workers who wanted to take our grant-funded Lead Paint Renovation, Repair, and Painting Rule trainings. In these classes, we teach workers and DIY homeowners and landlords how to stay safe during repairs on pre-1978 homes that may contain lead paint. This course is required by law for many jobs and gives workers the skills they need to protect

themselves, their own families, and the families who will live in the homes they are working on from the dangers of lead paint dust.

26. Because of the grant drawdown pause, we were unable to change our existing schedule to add additional trainings that would have been supported by our EPA grant, despite the demand. We have been unable to train as many local workers to conduct lead-safe repairs as we would have otherwise. At a minimum, this means that lead-safe repairs on local homes may have been delayed.

27. On top of this, multiple staff and board members had to devote unexpected effort to monitoring grant drawdown access and to developing, implementing, and adjusting contingency plans needed to manage this unprecedented level of uncertainty—for both the grant-funded project and the organization overall. This meant extra, unnecessary stress and time taken away from other important activities.

28. These challenges have resulted in a delay in the progress we reasonably expected to make towards improving lead hazard awareness, increasing local compliance with lead safety rules, and ultimately preventing childhood lead exposure during recent months. Our work is all about empowering stakeholders throughout the community to work together to prevent lead poisoning, and the timing is critical. The sooner we act, the more children are protected from the permanent harm caused by lead exposure. Even if our access to grant funding is fully restored today, as an organization and a community, we can never get this time back.

29. In short, the drawdown pause has hampered progress towards our mission of eliminating childhood lead poisoning. This damage will increase if our access to grant funding continues to be blocked. Immediate restoration of our grant funding can prevent future harm and is urgently needed.

30. Going forward, even as we continue to do our best to work as effectively as we can, the reduced capacity caused by the pause means that every day, more local children will be at risk for longer than they would have been otherwise. This has the potential to leave a long-lasting impact on our organization, local children and families, and the community overall.

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

Executed in Providence, Rhode Island, on March 17, 2025.



Laura Brion

EXHIBIT Q

DECLARATION OF SARA CHURGIN

I, Sara Churgin, declare as follows:

1. I am District Manager of the Eastern Rhode Island Conservation District (ERICD). We were established by state statute in 1944, and ERICD has been a 501(c)(3) organization since 2019. ERICD has five full-time and one part-time staff.

2. We're one of three conservation districts here in Rhode Island. There are more than 3,000 across the country.

3. Conservation districts were established to help farmers through the hardships they faced as a result of the Dust Bowl. Today, seventy-five percent of our clientele are still farmers.

4. We help with the conservation of prime farmland so that we can make sure that our farmers can keep the family farms their families have worked for decades, and even centuries, and make sure our communities can have local food from local farmers.

5. We also provide financial and technical assistance to farmers and other landowners. Imagine a beginning farmer who just got a piece of property and doesn't know what to do with it. We can help, for example, by doing soil testing and working with them on how to care for and get the best out of their land.

6. We're a free resource for practical knowledge to get started or for problems that will come up even with experienced farmers. We advise on best management practices. Anybody who comes to me or calls me about a natural resource concern, I direct them to get the help they need.

7. We also work with local municipalities and do outreach education in schools, teaching children about taking care of the land for future generations. We help run the Portsmouth AgInnovation Farm, a sustainable farm that includes an afterschool and camp program. We also work to help develop best management practices for soil and water conservation and teach those to landowners.

8. We're heavily reliant on federal grants to continue to operate and provide the services we do. But right now, we have two major grants we can't access.

9. One comes from the EPA. It's a Community Change Grant funded through the Inflation Reduction Act. The [REDACTED] received a \$ [REDACTED] grant from EPA through that program, and we are a subrecipient through them. We were set to receive \$349,077.

10. That money was set to address food waste in Rhode Island. We planned to use it to fund education and outreach efforts to reduce food waste and its negative impacts on the environment. Those efforts were going to include setting up the first municipal composting site in Rhode Island. Presently, there are none. That would be a really significant step and an opportunity for education and better resource management that might not happen now.

11. That's because the grant has been frozen off and on for weeks. The [REDACTED] hasn't been able to access those funds reliably through the online portal that grantees use to seek payment on open awards from EPA. As a result, they've had to instruct us to stop work. We don't have the reserve to work without being paid or knowing we'll be paid in the future. We're such a tiny

organization. We don't have a big donor base or anything like that. We haven't been able to carry out the work we planned with those funds.

12. We also have a five-year USDA grant that is also funded by the IRA. We're a subrecipient of that through the Rhode Island Association of Conservation Districts. Each conservation district was able to hire one full-time staff member to work on this agreement.

13. The continued money for that grant is to help develop smart agriculture practices for our landowners, which means using technology and data to help them grow more efficiently and sustainably. The freeze on funding has meant we are no longer to work on this agreement and provide the needed support to our community.

14. The grant has been completely frozen since late January. Not being able to continue work on this contract has significantly limited the work we are able to do. We have had to very quickly shift staff around to other agreements, which is seriously stretching ERICD's resources. This is causing irreparable harm to the organization.

15. Without being able to access this federal funding, I'm going to have to let someone go, or definitely do a reorganization. I won't be able to keep four staff members plus myself. Unless things change and we can regain access to these funds for our work, I can probably go for two pay periods, which is a month, before needing to let someone go. That's no time at all. And if there's a shutdown, that only makes it worse because then we know we're going to have to go longer without access to our funding.

16. Our community suffers too. The farmers are already suffering because a lot of the USDA payments for cost-share that farmers have to front aren't being reimbursed. And then, with all that suffering already going on, we're not going to be able to be there to help them with anything. Farmers count on us for programs we aren't going to be able to provide because these grants are locked. That resource will just not be there for farmers.

17. We've been in existence so long. If we have to shut down, it means the loss of so many services that people here rely on. Besides our work on farm practices, we work on emergency watershed protection. We work with the municipalities on programs to address flooding. If we had a hurricane tomorrow, I don't know if we'd be able to help people rebuild if we aren't able to operate.

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

Executed on March 13, 2025.

sara churgin

Sara Churgin

EXHIBIT R

DECLARATION OF [REDACTED]

I, [REDACTED], declare as follows:

1. I am the Executive Director of the [REDACTED] a nonprofit in [REDACTED]. The [REDACTED] is a member of Plaintiff National Council of Nonprofits.

2. I co-founded the [REDACTED] in 2020. Our organizational mission is to study and protect old trees and ancient forests, especially giant sequoias. We are an affiliate member of the [REDACTED], so we work with all of the landowners across the Sierra Nevada whose property has sequoia groves. Our work is aimed at assisting the National Parks and other landowners with the conservation and protection of trees and forests.

3. My specialty is canopy science. We climb these massive trees and make measurements, collect samples, and install sensors in the canopies to help us (and other scientists) understand the impact of climate change, drought, and fire—and how to protect these trees. We also collect cones from the trees for reforestation efforts and genetic seed banking.

4. We are primarily funded by federal grants through a Cooperative Agreement with the National Park Service. We have ten different accounts in ASAP.gov, which is the payment portal we use to draw down funds from those grants. Some of these funding lines are from the Inflation Reduction Act or the Infrastructure Investment and Jobs Act, and some (our Disaster Relief funds) are

not. As of January 24, 2025, we had a total cumulative authorization of about \$2.159 million.

5. One of our funding lines from the Inflation Reduction Act is a grant for \$210,000 to start a giant sequoia bark beetle monitoring project. This grant is from the Department of the Interior, through the National Park Service.

6. The bark beetle monitoring project is important because it will fill a major informational gap on the status of bark beetle attacks on giant sequoias. Fire damage and drought have made giant sequoias weakened and vulnerable to beetle attack, where they are normally able to resist. So this is an emerging threat: a number of trees have already been attacked and killed.

7. These iconic trees are irreplaceable. There are so few of them: there are only approximately 25,000 acres of mature giant sequoias in the world—and new estimates suggest that about 20% have been killed by fire since 2015. We can't afford to lose any more of these trees: every single one matters.

8. The bark beetle monitoring project is therefore a major threat that all land managers with giant sequoias are concerned about, but there is currently no systematic tracking of which trees have been attacked and the extent of the problem. Our project is an attempt to systematically track beetle attack over time to understand the severity and develop a strategy to counteract. Because we work across different land management agencies and jurisdictions, we can develop an understanding throughout the range, sharing information with land managers to

reduce the threat. This is an intensive project that will require tracking, mapping, and climbing individual trees to monitor bark beetle activity.

9. Because bark beetles are in the process of attacking trees even now, this project cannot be delayed. But if we are not able to start the project very soon, we will likely have to postpone it until next year: summer is the field season, and it is already very late in the calendar year to plan and hire for that work.

10. Unfortunately for us—and the giant sequoias—it is likely that we will have to postpone this project, because this funding line has been frozen, and we are not able to access it.

11. On January 27, I saw in the news that federal funds might be frozen. I had been preparing some invoicing for payments, so I tried to submit them on January 29. When I tried to do so, I was prevented from accessing our funds in ASAP.gov. ASAP.gov displayed a screen showing that the funds had been frozen on January 24.

12. On January 31, I received the following message from our awarding officer: “Effective 1/30/25: In accordance with M-25-14, which rescinded M-25-13 and the rescission of the associated DOI PGM PAN, NPS has begun to remove the hold on all financial assistance ASAP accounts to restore availability of funds for recipient draw down with the exception of NPS FA agreements that include BIL or IRA funding. While many NPS FA ASAP accounts are now available we expect it to take a couple days to restore all applicable ASAP availability.” On February 4, I received an identical message.

13. I understand from our government partners that they believe our IRA funds are still frozen under the authority of OMB Memo M-25-11. This does not make sense to me. OMB Memo M-25-11 specifically says that “[t]he directive in section 7 of the Executive Order entitled *Unleashing American Energy* requires agencies to immediately pause disbursement of funds appropriated under the Inflation Reduction Act of 2022 (Public Law 117-169) or the Infrastructure Investment and Jobs Act (Public Law 117-58). This pause only applies to funds supporting programs, projects, or activities that may be implicated by the policy established in Section 2 of the order.” It also says that “[f]or the purposes of implementing section 7 of the Order, funds supporting the ‘Green New Deal’ refer to any appropriations for objectives that contravene the policies established in section 2.”

14. I went back and re-read section 2 of the *Unleashing American Energy* Executive Order, and it says that it is the policy of the United States: (a) “to encourage energy exploration and production on Federal lands and waters”; (b) “to establish our position as the leading producer and processor of non-fuel minerals”; (c) “to protect the United States’ economic and national security and military preparedness by ensuring that an abundant supply of reliable energy is readily accessible”; (d) “to ensure that all regulatory requirements related to energy are grounded in clearly applicable law”; (e) “to eliminate the ‘electric vehicle (EV) mandate’”; (f) to safeguard the American people’s freedom to choose from a variety of goods and appliances; (g) “to ensure that the global effects of a rule, regulation, or

action shall, whenever evaluated, be reported separately from its domestic costs and benefits”; (h) “to guarantee that all executive departments and agencies provide opportunity for public comment and rigorous, peer-reviewed scientific analysis”; and (i) “to ensure that no Federal funding be employed in a matter contrary to the principles outlined in this section, unless required by law.”

15. I do not see how monitoring bark beetle attacks on giant sequoias in order to better protect these national treasures could possibly contravene any of those policy objectives.

16. Not being able to access these funds is incredibly harmful for the [REDACTED] and for scientific progress more generally.

17. We were about to hire a new full-time employee to start March 1, funded by this IRA grant, to work on the bark beetle monitoring project. We had to hold off, and if the funds aren’t unfrozen, we cannot hire them. We also had planned to hire up to six part-time contract tree climbers to assist with this project, but cannot do this without this funding.

18. We have only four full-time employees, so adding a fifth would have made a big difference to our capacity. Although the bulk of their work would have been leading the bark beetle effort, in such a small organization, everyone pitches in and contributes to every project. Not having a fifth employee has a meaningful impact on the amount of work we are able to do to fulfill our mission.

19. In addition to the harms that the [REDACTED] will experience, I am worried about the consequences for the trees themselves. Without

the information we are able to provide, parks will not be able to manage them as well.

20. The fifth employee we planned for would have been able to pitch in on projects like maintaining sensors we've installed to study drought impacts on these trees, and to help complete our cone collection before the cones burn in a wildfire, forever losing the genetic components of unique groves.

21. Partners and researchers rely on our data for their own research, and so halting our data collection will have cascading impacts on their scientific progress as well.

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

Executed on March 8, 2025, in

[REDACTED]

[REDACTED]

[REDACTED]

EXHIBIT S

DECLARATION OF [REDACTED]

I, [REDACTED], declare as follows:

1. I am the Field Crew Programs Director at the [REDACTED] [REDACTED]. [REDACTED] is a member of Plaintiff National Council of Nonprofits.

2. [REDACTED] is a nonprofit organization and AmeriCorps grantee that engages hundreds of youth and young adults in programs to improve access to outdoor recreation, restore natural habitats, protect waterways, and respond to community needs and natural disasters. Our programs also provide technical skills training, educational activities, and career-building skills.

3. We work across a large portion of the central United States—in more than a dozen states, on an average year—to partner with federal, state, and local agencies and nonprofits to do conservation work and help with disaster responses for hurricanes, wildfires, and floods.

4. As part of this work, we receive federal grants from the Department of the Interior and Department of Agriculture. Right now, we have approximately \$621,927.88 of that federal grant money (from Interior) that is frozen. We understand from our project managers and from staff at the National Park Service that these funds are frozen because they were appropriated under the Inflation Reduction Act or the Infrastructure Investment and Jobs Act.

5. I found out these funds were suspended when I logged into the Automated Standard Application for Payments (ASAP) system, which is an online

portal we use to draw on our federal grants. I went to draw funds as usual and they were marked red in the system and suspended. We don't know when they'll be unfrozen.

6. We had planned on these funds supporting an invasive plant management team that would work with national parks in the center of the United States, ranging from Arkansas to Ohio to Minnesota. We estimated spending about 8,300 hours on planned invasive plant management that just won't happen now. This means that potentially thousands of acres will not be managed, with negative impacts on access for visitors to public lands, hunting and fishing, and wildlife populations due to loss of habitat. If we are ever able to manage these invasive species in the future, it will be more difficult and more expensive because they will have spread more: we can't readily make up for this delay.

7. We had also planned on these funds supporting two individual placements of invasive plant management and restoration specialists at the St. Croix National Scenic Riverway. But now we cannot pay for them. Their work would have supported high park priority invasive plant management and vegetation restoration practices, assisting with manual and chemical plant control, native plant seeding and planting, equipment maintenance, data collection, outreach, and education.

8. We had also planned on these funds supporting a crew dedicated to the Mississippi Park Connection. We had planned about 10,000 hours of work—the equivalent of five full-time employees. We are now not able to complete this project.

9. Although we have not yet ended any members' AmeriCorps service terms, and are working to reassign them to other projects and roles, if this freeze lasts, or we lose additional funds, we may have to terminate members' service terms.

10. In addition to these impacts we are already feeling, we know there is more to come. We have millions of dollars in fee-for-service agreements with states and other nonprofits that may be frozen, but the impact hasn't flowed down yet. But we're already starting to see that partner organizations have eliminated positions. We expect that the funding freeze has even more impact to come.

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

Executed on March 14th, 2025, in [REDACTED].

[REDACTED]

EXHIBIT T

DECLARATION OF [REDACTED]

I, [REDACTED] declare as follows:

1. I am the executive director of the [REDACTED]

[REDACTED] is a member of the National Council of Nonprofits through its state affiliate, the [REDACTED].

2. Community Action Agencies were established under the Economic Opportunity Act of 1964 as part of the War on Poverty. CAAs are local nonprofits that work to improve the lives of low-income residents through increased self-sufficiency and community participation. In other words, the federal government puts funding in local communities to address poverty in ways the local community sees as most appropriate and most effective.

3. There are [REDACTED] CAAs in [REDACTED] all of which are members of the [REDACTED] board comprises the [REDACTED] directors of those CAAs.

4. [REDACTED] primary role is to provide training and technical assistance to community action staff. That includes putting on conferences for them to attend, webinars, and mental health and wellness training. We also manage several grants that we distribute to CAAs, while ensuring grant compliance. And we also advocate at the state level for policies that benefit CAAs and [REDACTED] who live in poverty.

5. [REDACTED] training role also includes running a weatherization training center, which we have done since 2011. The basis of this program is to help weatherize the homes of low-income Americans in an effort to lower their utility

bills when they are struggling to make ends meet, which helps them stay in their homes. Weatherization includes an energy audit of a home to see if there are places where cold air is getting in during winter months, or escaping in summer months. The audit checks to see if there is a hole in the roof, if leakage is coming in under the doors, if the attic needs insulation, if windows need to be recaulked so less air gets through—it includes a lot of different things that make a home run more efficiently.

6. The audit also includes a lot of important health and safety factors. For example, the audit will check to see if a bathroom is sufficiently ventilated so that mold won't grow in the house, and may result in installing a fan in the bathroom for better ventilation. The audit will also check the carbon monoxide output on appliances and make sure they are vented appropriately so carbon monoxide is not getting into the home. This weatherization process has a big impact on air quality in the home.

7. [REDACTED] has a 6,000-square foot lab and classroom space for our training center with mini-module homes that we can use to help people learn how to run an energy audit on a house. We have also used grant funds appropriated under the Bipartisan Infrastructure Law (BIL) to rent a home near our office, so we have one full-sized two-bedroom house that we use in trainings so they can see the process on an actual house. This is really helpful because we can take them into the attic to test for leaks, and show them how to check for temperature variations. We train folks on how to use insulation machines to put insulation in the attic to

regulate the temperature in the house. We have both technical equipment (like carbon monoxide meters and kits to test for lead-based paint) and equipment to do hands-on activities (like going to the lab kitchen to test a stove and see if it's venting properly).

8. [REDACTED] employs an expert who understands the federal and state specifications for weatherization programs to run these trainings. The trainings can run from a two-to-three day class on a specific issue, like duct leakage, to a weeklong class aimed at different certification levels, all the way from retrofit installer (the base-level installer on a team) to quality control inspector (the highest level of certification).

9. Our training center is one of only twenty-two in the country that is certified by the Interstate Renewable Energy Council, which accredits weatherization centers to qualify for Department of Energy programs. So our training center serves not only [REDACTED] (including the six of our member CAAs that have weatherization departments), but also folks in other states.

10. In typical times, we usually train over 200 people in about 40 classes per year. But, since January, we have not been in typical times.

11. Our funding for this weatherization program comes entirely from grant funds appropriated under the BIL, awarded by the U.S. Department of Energy, and passed through the state of [REDACTED]. When the BIL passed, Community Action Agencies were urged by both the federal and state government to ramp up their weatherization efforts, and so they hired more staff and put more time and effort

into this project. My association entered talks with prospective trainers with a plan to increase our training staff. Our BIL weatherization grant accounts for around fifteen percent of our total budget.

12. But since January 30, those funds have been frozen. We are no longer able to draw down on the roughly \$250,000 left in this grant line. And we also have about \$75,000 in unpaid invoices for work already done in November and December for which we cannot be reimbursed. We have not received any communications about the cause of this freeze or if or when it will end. When I e-mailed contacts at the Department of Energy, I simply got a form response saying that they will reply when they can respond—and I understand from other organizations in the same boat that they have received the same (non)response.

13. As a result of this funding freeze, we are currently not able to offer weatherization training to our network, because there is no way for us to be paid for it.

14. The BIL weatherization funds pay 100% of our training director's salary, 75% of our weatherization program assistant's salary, and 25% of my own salary. So far, I have been able to shift my and the program assistant's work to other grants, and have been able to continue paying our full salaries. But just yesterday, I had to e-mail the training director about the fact that we are probably going to need to move him to at least some portion of unpaid leave, because we have just run out of our reserves, and can't bill him to any other grant.

15. When we aren't able to train folks on weatherization, it means that fewer people living in poverty are getting their homes weatherized. And that means they are less safe in their homes, and less able to make ends meet. Even if we get the money back later, it will never make up for the time lost to training and weatherization now.

16. We were also in the process of putting together a weatherization conference planned for July 2025, but that is now on hold. We haven't been able to move forward with the contractor or the hotel, because there is too much uncertainty.

17. Because these funds are frozen, we have also had to cancel a conference we had planned for this April. That conference was set to focus on three main areas: mental health, leadership, and community action skills. We've held this spring conference before, but this is the first time that we designed the conference theme to appeal not only to CAA staff, but also to the broader nonprofit sector, to help strengthen skills and abilities for anyone working in the nonprofit arena. We were also excited because it was the first time we have been able to partner with a tribal nation to have a conference at one of their facilities.

18. We already had the entire agenda and speakers lined up for the conference. We had included speakers from state agencies and from the City of [REDACTED] and were really excited for this opportunity to partner with them and their employees. It is very important to us to build those relationships because we are all trying to help the same population. We called this a conference for

community builders, so the idea was to get all sorts of folks in a room together working on building community to build partnerships and increase their skill sets. But now, none of that can happen. And having to cancel the conference has had an impact on our relationships with other nonprofits and the governments we had made this outreach to. It is really important in this line of work to build successful relationships built on trust, and when we can't follow through on commitments because our funding has been precipitously stopped, that undermines those relationships and makes it harder to rebuild.

19. Additionally, the conference would have brought in revenue through registrations and sponsorships, which account for a big portion of the unrestricted funds [REDACTED] has in a given year. This exacerbates the funding crunch we are already experiencing, and ties our hands with what we can do with the money we do have, reducing the flexibility that has become even more important in light of the freeze.

20. The BIL funding freeze is also already affecting our plans for the next several years. In November, we entered into a two-year contract with the Community Action Association of [REDACTED] under the Unified Weatherization Workforce Initiative. The program was intended to train our training director, officer manager, and myself on how we could, in turn, conduct trainings on workforce issues. The goal was for the three of us to gain expertise and learn how to offer training to the six weatherization departments at our member CAAs, with a further goal of improving their efforts at employee recruitment and

retention—enabling them to weatherize more homes. We knew that this expertise would be value to our entire network, well beyond the two years of this program.

21. Our proposal to spend BIL funds on this program had already been approved by the state when we signed the contract with [REDACTED]. We had made one payment to [REDACTED] for the first three months (November 2024 to January 2025) when the funding freeze occurred. We are therefore no longer able to meet the budgeted \$156,000 for 2024–2025 and \$141,000 for 2025–2026, as those were all BIL funds. As a result of the freeze, we were forced to pause all efforts for this program indefinitely.

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

Executed on March 11, 2025.

[REDACTED]

EXHIBIT U

DECLARATION OF DIANE YENTEL

I, Diane Yentel, declare as follows:

1. I am the President and CEO of the National Council of Nonprofits (NCN), which is the largest sector-wide network of nonprofits in the United States.

2. Our members include state associations that collectively represent more than 30,000 nonprofit members across the country, including 425 in Rhode Island.

3. The statements in this declaration are based on my firsthand knowledge and on review of NCN's business records.

4. My job as the leader of NCN is to give voice to the many nonprofits across the United States, many of which are small, and do not have the capacity to advocate on their own behalf—because they are so focused on fulfilling their missions of service.

5. As part of that job, I spend significant time engaging and listening to our nonprofit members. In the less than two months since the administration began freezing money appropriated by the Inflation Reduction Act and Infrastructure Investment and Jobs Act, I and my colleagues have heard from hundreds of our nonprofit members about their experience with that freeze.

6. Of these member organizations from whom we have heard, all share that the impact of not being able to access their funding ranges from deeply worrying to potentially catastrophic. These nonprofits often rely on scheduled disbursement of federal grants to keep their doors open.

7. Many of these nonprofits are small. They have no savings to fall back on. Missing expected payments from an open grant can mean they miss payroll and are forced to lay people off, unable to pay rent, cover operating expenses, or maintain programs. For many nonprofits, continuing to miss payments could mean shutting down.

8. The two laws the defendants have targeted are important to our members and to the people our members serve because they fund so many different programs and services that ultimately are carried out on the ground by nonprofits. Those programs are administered by a number of different agencies, and we have many members who receive funding from each of the agencies named as defendants in this case.

9. I realize that hearing from me is different from hearing from each of these nonprofits individually. I submit this declaration for two reasons: 1) because there is no feasible way to capture all of the stories of our nonprofit members who are currently unable to access federal funds appropriated under the IRA or IIJA and who face severe consequences as a result. It would take weeks, if not months, to do so. And 2) because small nonprofit organizations that receive federal funding to do their vital work may fear potential retribution and a longer-term loss of the funding that is essential for their work.

10. The examples being submitted with this filing today are just that: examples, of an extremely widespread problem caused by the defendants.

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

Executed on March 16, 2025.


Diane Yentel

EXHIBIT V

DECLARATION OF [REDACTED]

I, [REDACTED], declare as follows:

1. I am the President of the Board of the [REDACTED] [REDACTED], which is a 501(c)(3) organization. The [REDACTED] is a member of Plaintiff National Council of Nonprofits.

2. The [REDACTED]'s mission is to promote an equitable, accessible, environmentally sustainable and economically vibrant food system in Rhode Island. We do that by creating partnerships and programs across the entire food system that enhance food businesses, environmental sustainability, and access to food for all Rhode Islanders. The [REDACTED] works with the state Department of Health to support Food Is Medicine related initiatives, collaborates with the state Department of Commerce to create and implement the state's food strategy, leverages work done by the state Department of Environmental Management to provide programs for farmers and fisherpeople, provides technical assistance to small farmers and small businesses, and advocates for policy in alignment with its mission as directed by its members.

3. Last year, the [REDACTED] acted as lead applicant in a successful grant application with the Environmental Protection Agency. This project included nine subawardees, including two municipalities, three community-based organizations, and four other nonprofit organizations. The project takes a multilevel approach to food waste reduction, donation and recycling. By engaging many collaborators, the project was designed to decrease the food wasted within schools, businesses and

homes, increase donations from food businesses to non-profits and increase both the capacity for compost processing and participation in these programs. This includes direct technical assistance for schools and businesses, training community members, setting up local and centralized composting options, and community outreach.

4. There are several nonprofit organizations and small businesses in Rhode Island that collect food scraps, and they've proven that these composting programs can be effective. But they have limited capacity. Only one commercial-scale composting facility exists in the state. This project would grow capacity exponentially through 37 food waste collection stations (15 community-based and 22 school-based) and nine new composting sites (7 small, 1 medium, 1 large).

5. The project will support workforce development and new community leadership opportunities, create high-quality jobs, build community engagement in environmental- and climate-related issues, and reduce wasted food, which will, in turn decrease methane outputs; increase food donation rates to food security organizations; and establish stronger, more climate resilient local farming, landscaping, and gardening practices.

6. The following impacts were estimated by [REDACTED] and partners:

- 206 [REDACTED] members and peer educators identified and trained to lead resident and business engagement, provide

behavior change education, and participate in communal food recovery efforts

- 343 businesses, schools, and other organizations engaged
- 23,166 residents engaged
- 582 people trained for the circular economy
- 36 direct jobs created / maintained
- 32 construction jobs created / maintained
- 15,825 households participating in composting
- 15 food waste collection stations installed (in addition to sites at 22 schools)
- 2,477 tons surplus food recovered and donated
- 8,708 tons food scraps composted
- 11,185 tons total of food waste diverted from landfills
- 9 composting sites/facilities built or upgraded (7 small, 1 medium, 1 large)
- 5,500 tons new compost processing capacity / year from the medium and larger sites alone
- 26 school and community gardens built or upgraded that receive free finished compost
- 4,354 tons of finished compost produced
- 15,265 Metric Tons of CO2 Equivalent reduced
- 12,896.5g particulate matter reduced
- 569 million gallons water conserved

7. EPA awarded us around \$18.7 million over three years. These funds were appropriated under the Inflation Reduction Act.

8. Our work started on January 1, 2025. We had a signed contract with the EPA, and had our first coalition meeting to get everyone kicked off on January 13, 2025.

9. On January 28, 2025 we received an official communication from EPA saying that the project and funds were paused. The first time that we were unable to access funds because the ASAP portal was frozen was on January 29, 2025. Funds have been frozen/suspended and then unfrozen/open a few times. We were able to bill for \$23,195.70 for January expenses on February 10, 2025 and draw down an advance for equipment of \$9,416.30 on March 4, 2025. We have not been able to access funds since March 4, 2025.

10. After the freeze, we ultimately had to tell everyone to stop work, because we did not know if funds to reimburse expenses would become available. The way our grant is structured is that we and our grant partners have to pay costs up front, and then get reimbursed, so if we can't draw down from our grant as we expect, then we are out that money that we fronted.

11. As a result of the freeze, most of our work on this project will not continue unless or until the grant is officially unpaused. We and many of our partners have had to pause hiring, selecting contractors from RFPs, and most of the work.

12. The [REDACTED] was planning to hire three full-time employees to run this project. We had started the search, but not yet hired anyone, when the funds were frozen. Nearly 50 applications were submitted for these three jobs. All applicants were told that the process had been postponed, and that we would contact them if/when it was possible to move forward again.

13. Although these three new employees would have been focused on this new project, their presence would also have created meaningful efficiencies of scale for our current employees. We currently have two full-time employees working on a state-level organic waste plan that includes composting and waste diversion—in other words, the same problem, but from a different angle. Two of the new hires' work would have created efficiencies and lessons that we would pull into the state-level plan, which we now cannot make up for, while the other hire would have been responsible for ensuring we remained compliant with EPA financial, reporting, procurement, and other administrative requirements.

14. While the funds are frozen, and we cannot undertake our planned work, the landfill continues to fill up. Once wasted food is dumped in a landfill, you can't claw it back.

15. Not only is our landfill rapidly filling, but organic waste itself produces a lot of methane, which is a known contributor to global warming. It has a real environmental impact for state air quality. Our project was expected to divert 11,000 tons of food waste from the landfill, eliminating over 15,000 tons of CO₂

equivalent from the atmosphere. But while the funds are frozen, those emissions will continue. And you can't claw those back, either.

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

Executed on March 17, 2025.

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

WOONASQUATUCKET RIVER
WATERSHED COUNCIL, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF AGRICULTURE,
et al.,

Defendants.

Case No. 1:25-cv-00097-MSM-PAS

[PROPOSED] ORDER

Upon consideration of Plaintiffs' motion for a preliminary injunction, Defendants' opposition, and Plaintiffs' reply, it is hereby

ORDERED that the motion is **GRANTED**; it is further

ORDERED that Defendants are **ENJOINED** from freezing, halting, or pausing on a non-individualized basis the processing and payment of funding appropriated under the Inflation Reduction Act and Infrastructure Investment and Jobs Act; it is further

ORDERED that Defendants take immediate steps to resume the processing, disbursement, and payment of funding appropriated under the Inflation Reduction Act and Infrastructure Investment and Jobs Act, and to release funds previously withheld or rendered inaccessible because they were appropriated under the Inflation Reduction Act and Infrastructure Investment and Jobs Act; it is further

ORDERED that Defendants are **ENJOINED** from implementing, giving effect to, or reinstating under a different name the directive to freeze funding appropriated under the Inflation Reduction Act and Infrastructure Investment and Jobs Act in the *Unleashing American Energy* executive order or OMB Memorandum M-25-11; it is further

ORDERED that this Order shall apply to the maximum extent provided for by Federal Rule of Civil Procedure 65(d)(2) and 5 U.S.C. §§ 705 and 706; it is further

ORDERED that Defendants shall file a status report on or before [DATE] apprising the Court of the status of its compliance with this Order and providing a copy of any directive Defendants provided to their employees or agents pursuant to this Order.

SO ORDERED.

Dated: _____, 2025

THE HON. MARY S. McELROY
UNITED STATES DISTRICT JUDGE