

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

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY
AS PRESIDENT OF THE UNITED STATES, et al.,

Defendants.

C.A. No. 1:25-cv-00039

**SECOND MOTION TO ENFORCE THE COURT’S JANUARY 31, 2025, TEMPORARY
RESTRAINING ORDER**

Plaintiff States, through this motion, respectfully request that the Court use its inherent authority to enforce the Temporary Restraining Order entered on January 31, 2025, ECF No. 50, subsequent orders regarding the TRO entered on February 10, 2025 (ECF No. 96) and February 12, 2025 (ECF No. 107), or any preliminary injunction entered by the Court. Plaintiff States specifically request that the Court order Defendant the Federal Emergency Management Agency (“FEMA”) to provide information on its compliance with the Court’s orders promptly showing either that access to the funds identified below has been restored or that FEMA is otherwise complying with the TRO.¹ If FEMA is unable to establish compliance, Plaintiff States respectfully request that the Court order FEMA to cease freezing obligated funds and that the Court direct that notice of such order, along with notice of the court’s TRO, February 10 order, February 12 order (ECF No. 50, 96, and 107, respectively), or any other forthcoming Order the Court deems relevant, be provided to FEMA’s leadership and staff, as described below, *see infra* p. 8.

¹ Plaintiff States are not moving for contempt at this time.

The Court's intervention is necessary because, following the Court's February 10 order, Plaintiff States have continued to experience significant obstacles to accessing federal funds. Although Plaintiff States have successfully worked with Defendants to fully or partially restore access to certain funds without the Court's involvement, the parties have reached an impasse as to millions of dollars in obligated FEMA awards, which are and have remained frozen dating to as early as February 7. The Court should enforce the TRO.

FACTUAL BACKGROUND

I. The Court's Orders

The Court's January 31, 2025, TRO prohibited Defendants from "paus[ing], freez[ing], imped[ing], block[ing], cancel[ing], or terminat[ing] Defendants' compliance with awards and obligations to provide federal financial assistance to the States," and provided that "Defendants shall not impede the States' access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms." ECF No. 50, at 11. That order expressly prohibited the Defendants from using "'identif[ication] and review' of federal financial assistance programs" to implement a "pause, freeze, impediment, block, cancellation, or termination of Defendants' compliance with such awards and obligations, except on the basis of the applicable authorizing statutes, regulations and terms." *Id.* at 12. Included among the Defendants for purposes of the TRO was the Federal Emergency Management Agency, a defendant named in the original Complaint. ECF No. 01, ¶ 41.²

Following the entry of that order, Plaintiffs conferred with counsel for Defendants about ongoing freezes of numerous grants and awards but were unable to reach agreement. ECF No. 66,

² FEMA remains a defendant in the Amended Complaint because the Department of Homeland Security is a defendant.

at 7-8. Plaintiffs moved to enforce the TRO on February 7, 2025. ECF No. 66. On February 10, 2025, the Court granted that motion, ordering among other things that:

1. The Defendants must immediately restore frozen funding during the pendency of the TRO until the Court hears and decides the Preliminary Injunction request.
2. The Defendants must immediately end any federal funding pause during the pendency of the TRO.
3. The Defendants must immediately take every step necessary to effectuate the TRO, including clearing any administrative, operational, or technical hurdles to implementation.

ECF No. 96, at 4.

The Court subsequently issued an order affirming that the TRO “permits the Defendants to limit access to federal funds ‘on the basis of the applicable authorizing statutes, regulations, and terms’” and clarifying that neither the TRO nor the February 10 order instituted a “preclearance” or “prior approval” requirement. ECF No. 107 at 3.

II. Federal Grants and Awards Remain Frozen

Since the Court’s February 10 order, Plaintiff States have worked diligently with counsel for Defendants to address compliance issues with the Court’s orders, including providing counsel with lists of awards spanning multiple agencies that remained inaccessible even after the Court’s orders. *See* Correspondence between Kate Sabatini and Daniel Schwei, attached as Exhibit D to the Affirmation of Theodore McCombs (“McCombs Aff.”). As a result of Plaintiff States’ efforts, many funds frozen as of the Court’s February 10 order have now been made available. *Id.*

Nevertheless, the parties have reached an impasse as to millions of dollars of FEMA funds that have been awarded and obligated but have remained inaccessible to Plaintiff States—some for almost three weeks. As of February 28, 2025, at least 140 FEMA grants from at least twenty different FEMA grant programs have been frozen or otherwise rendered inaccessible in sixteen

Plaintiff States, including Arizona, California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Maine, Michigan, North Carolina, New Jersey, New York, Rhode Island, Vermont, Washington, and Wisconsin. Funds have been reported frozen as early as February 7, with an increasing number of grants reported frozen during the weeks of February 17 and 24. In several cases, the freezes apply to multiple grants in the same grant programs spanning several fiscal years. The FEMA grant programs subject to freezes include, but are not limited to, the following:

- Assistance to Firefighters Grant Program
- Building Resilient Infrastructure and Communities (incl. FYs 2020-2023)
- Community Assistance Program – State Support Services Element
- Cooperating Technical Partners
- Emergency Management Performance Grant (incl. FYs 2022-2024)
- Emergency Operations Center (incl. FYs 2022-2024)
- Emergency Management Preparedness Grant
- Flood Mitigation Assistance
- Floodplain Mapping Program - Cooperating Technical Partnership Award
- Hazard Mitigation Grant Program
- Hazard Mitigation Grant Program Post Fire
- Homeland Security Grant Program (incl. FYs 2021-2024)
- Legislative Pre-Disaster Mitigation (incl. FYs 2022-2023)
- Nonprofit Security Grant Program (incl. FYs 2021-2024)
- Port Security Grant Program
- Pre-Disaster Mitigation (incl. FYs 2019-2024)
- Regional Catastrophic Preparedness Grant Program
- Safeguarding Tomorrow Revolving Loan Fund Program
- Shelter and Services Program Grant
- State and Local Cybersecurity Grant Program (incl. FYs 2022-2024)
- Targeted Violence and Terrorism Prevention Grant Program
- Cooperating Technical Partners (CTP)

These grants comprise millions of dollars in essential health, safety and welfare funds for wildfire prevention response, flood mitigation, and emergency management that are not timely flowing to the States. And some states cannot even submit a request for reimbursement, because the system blocks them from doing so.

Plaintiff States have worked diligently with Defendants' counsel to obtain clarity as to the status of these funds. Ex. D to McCombs Aff. On February 18, Counsel initially sent to Plaintiffs'

counsel redacted copies of emails dated February 10 and 11 from FEMA. *Id.* The February 10 email from the Director of FEMA’s Office of Grants Administration, titled “URGENT: Holds on awards,” instructs, “put financial holds on all your awards – all open awards, all years.” Ex. D-1 to McCombs Aff. (emphasis in original). The February 11 email, from the same director, instructs FEMA staff to amend “existing awards” to institute a novel payment review process, taking up to 30 days, whereby “reimbursement requests will be manually reviewed and manually processed upon approval by program/financial staff.” Ex. D-2 to McCombs Aff. This email states,

Note that these are not “holds.” We are modifying our programs so that payment requests are now reviewed manually and processed manually. “Holds” implies what we were directed to originally [do] with OMB M-25-13, which was rescinded and a TRO injunction placed. We are not holding on awards, we will still be processing our awards but will be adding a level of internal controls to ensure that payment requests are reviewed prior to payments be[ing] released to recipients.

Id. (emphasis in original). Notwithstanding this directive, FEMA grants in at least Arizona, California, Colorado, Hawaii, Illinois, Maryland, Maine, Michigan, New York, North Carolina, Rhode Island, Vermont, Washington, and Wisconsin were frozen, with FEMA’s Payment and Reporting System (“PARS”) listing *all* of these grants as subject to a “Hold” and/or “under review” as of February 27. Draw-downs submitted as early as February 7 are still unpaid, and the system it generates an error message for many if state agencies attempt to submit a request for reimbursement. *E.g.*, McCombs Aff. ¶¶ 6, 17; Ex. A, C to McCombs Aff. (Arizona, California, Colorado and New York screen captures).

Following Defendants’ February 18 email, Plaintiffs tried to resolve the FEMA issues twice more, on February 21 and 25. Ex. E to McCombs Aff. While Defendants’ Counsel responded with some additional information about the status of the FEMA disbursements, Defendants’ Counsel maintained that the delays in these disbursements were not in violation of the TRO. *Id.*

LEGAL STANDARD

Courts may issue further orders to obtain “compliance with a court order.” *United States v. Saccoccia*, 433 F.3d 19, 27 (1st Cir. 2005) (citing *McComb v. Jacksonville Paper Co.*, 336 U.S. 187, 191 (1949)). In the First Circuit, a party seeking such an order must show: (1) notice of the court order; (2) clarity and lack of ambiguity of the order; (3) ability to comply; and (4) violation of the order. *Letourneau v. Aul*, No. CV 14-421JJM, 2024 WL 1364340, at *2 (D.R.I. Apr. 1, 2024) (citing *Hawkins v. Dep’t of Health & Hum. Servs.*, 665 F.3d 25, 31 (1st Cir. 2012)).

ARGUMENT

Plaintiffs have satisfied the first two factors: FEMA had notice of the Court’s order, and the Court has now twice made clear the extent and scope of the TRO. Similarly, the third factor is satisfied because FEMA is plainly able to comply with the TRO by releasing frozen funds in existing automated payment systems.

As to the fourth factor, FEMA appears to have violated the TRO. To reiterate, the TRO prohibits FEMA from “paus[ing], freez[ing], imped[ing], block[ing], cancel[ling], or terminat[ing] [its] compliance with awards and obligations to provide federal financial assistance to the States,” except on the basis of the applicable statutes, regulations, and terms. ECF No. 50, at 11. The TRO further states that, if an agency “engage[s] in the ‘identif[ication] and review’ of federal financial assistance programs, as identified in the OMB Directive, such exercise shall not [e]ffect a pause, freeze, impediment, block, cancellation, or termination of [its] compliance with such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms.” ECF No. 50, at 12.

FEMA appears to be violating the TRO. FEMA has admitted that it is “engag[ing]” in a “review” of federal financial assistance, which is why critical funds are inaccessible to Plaintiff

States. The institution of this review coupled with its practical outcome—a categorical and indefinite freeze of many FEMA grants—reflects a TRO violation. Moreover, the delays prompted by FEMA’s manual review process are significant and indefinite. Some States have requested disbursements of funds as long ago as February 7—three *weeks* ago. Most affected States have been unable to access funds for multiple weeks running. And the PARS system that governs access to these funds does not even allow Plaintiff States to submit disbursement requests at all. FEMA’s insistence that “these are not ‘holds,’” Ex. D-2 to McCombs Aff., is belied by its own disbursement system, which informs Plaintiff States attempting to submit requests that there is a “hold” on their funds. McCombs Aff. ¶¶ 6, 17; Exs. A, C to McCombs Aff. On these facts, FEMA’s manual review process is simply a freeze by another name, and it violates the TRO.

FEMA has identified no “basis [in] applicable authorizing statutes, regulations, and terms,” ECF No. 50, at 11, that could justify its decision to freeze access to these funds. Although the February 11 email refers generally to “2 CFR Part 200 principles”—an apparent reference to the regulations generally governing federal financial assistance—that passing reference identifies no authority that could justify a weeks-long funding freeze of this sort. Ex. D-2 to McCombs Aff. To the extent FEMA’s view is that the freeze is authorized by 2 C.F.R. § 200.305(b), that section at most applies to non-State recipients, and does not authorize the indefinite suspension of payments to States. *Cf.* Ex. F to McCombs Aff. And neither FEMA nor its counsel has identified any other legal authority that might justify freezing Plaintiff States’ access to these funds for fire prevention, emergency management, and flood mitigation. The Court should issue an order enforcing its TRO.

RELIEF SOUGHT

Plaintiff States move the Court, under its inherent powers, to require FEMA, by a date certain, to provide to the Court evidence of their compliance with this Court’s January 31, 2025,

Temporary Restraining Order and February 10, 2025, Order, or any subsequent orders the Court deems relevant, promptly showing either that access to the funds identified herein has been restored or that FEMA is otherwise complying with the TRO. If FEMA is unable to establish compliance, Plaintiff States respectfully request that the Court order FEMA to immediately halt the challenged practice and that the Court direct that notice of such order, along with notice of the court's TRO, February 10 order, February 12 order (ECF No. 50, 96, and 107, respectively), or any forthcoming orders the Court deems relevant, be provided to FEMA's leadership, as well as all FEMA staff who administer these grants and other federal financial assistance, with confirmation of such notice, including the names of recipients of the notice, no later than 48 hours after such order.

Dated: February 28, 2025

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*Admitted *Pro Hac Vice*

***Pro Hac Vice* Motion forthcoming

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

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DONALD TRUMP, in his official capacity as President
of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

AFFIRMATION OF THEODORE MCCOMBS

THEODORE MCCOMBS, an attorney admitted to practice *pro hac vice* before this Court and admitted to practice before the courts of the State of California, does hereby state the following under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am Theodore McCombs, Deputy Attorney General in the Office of the Attorney General for the State of California, and I appear on behalf of the State of California in this action.

2. I submit this declaration in support of Plaintiff States' Second Motion to Enforce the Court's January 31, 2025, Temporary Restraining Order (ECF No. 50), and subsequent orders regarding the TRO entered on February 10, 2025 (ECF No. 96) and February 12, 2025 (ECF No. 107). The facts set forth herein are based upon my personal knowledge and/or a review of the files in my possession.

3. In this declaration, I highlight several grants from the Federal Emergency Management Agency (FEMA) to state agencies in Arizona, California, Colorado, Hawaii, Illinois, Maine, Maryland, Michigan, New Jersey, New York, Vermont, Washington, and Wisconsin that remain frozen and unavailable for drawdown.

4. The Arizona Department of Emergency and Military Affairs is the recipient of an Emergency Management Performance Grant for Fiscal Year 2024. As of February 20, 2025, award of the grant is delayed pending review and approval of the Office of the Chief Counsel for compliance with the President's Executive Order.

5. The Arizona Department of Homeland Security is the recipient of a grant under the Nonprofit Security Grant Program for Fiscal Years 2022 (grant number EMW-2022-UA-00008) and 2023 (grant number EMW-2023-UA-00017). On February 19, 2025, a hold was placed on both the 2022 and 2023 grants. A true and correct screen capture of the Payment and Reporting System ("PARS") portal reflecting freezes of the 2022 and 2023 grants is attached as Exhibit A.

6. The California Governor's Office of Land Use & Climate Innovation (LCI), formerly the Office of Planning & Research, is the recipient of a Cooperative Technical Partnership grant (grant number CA-EMF-2022-00014) under the National Flood Insurance Program. On February 21, 2025, a hold was placed on LCI's grant. On February 24, FEMA staff responded to LCI's inquiry, "No FEMA funding is paused but the agency does continue to review program delivery to ensure alignment with all White House directions and Executive Orders." A true and correct screen capture of the PARS portal reflecting the freeze is reproduced below, and a true and correct copy of FEMA's February 24, 2025 email is attached as Exhibit B.

GRANT INFORMATION for : EMF-2022-CA-00014					
Grant Number:	EMF-2022-CA-00014				
Grantee Name:	GOVERNORS OFFICE OF PLANNING & RESEARCH				
Acceptance Date:	09/27/2022				
Holds?	<table><tr><th>Hold Date</th><th>Hold Amount</th></tr><tr><td>02/21/2025</td><td>\$ 254000</td></tr></table>	Hold Date	Hold Amount	02/21/2025	\$ 254000
Hold Date	Hold Amount				
02/21/2025	\$ 254000				
Grant Amount:	254,000.00				
Amount Previously Dispersed:	204,299.53 view payment history				
Amount On Hold:	254000.00				
Amount Available:	0.00 cancel payment request				

7. The Colorado Department of Natural Resources is the recipient of thirty-four grants under the Floodplain Mapping Program - Cooperating Technical Partnership Award from Fiscal Years 2018 through 2022, all of which have been on hold in PARS since February 21 (grant numbers EMD-2022-CA-00022, EMD-2022-CA-00027, EMD-2022-CA-00024, EMD-2022-CA-00028, EMD-2022-CA-00018, EMD-2022-CA-00020, EMD-2020-CA-00020, EMD-2022-CA-00024, EMD-2020-CA-00021, EMD-2019-CA-00049, EMD-2022-CA-00023, EMD-2019-CA-00037, EMD-2019-CA-00038, EMD-2020-CA-00025, EMD-2019-CA-00057, EMD-2018-CA-00014, EMD-2021-CA-0027, EMD-2021-CA-0025, EMD-2019-CA-00050, EMD-2022-CA-00021, EMD-2021-CA-0029, EMD-2021-CA-0026, EMD-2022-CA-00018, EMD-2019-CA-00034, EMD-2020-CA-00027, EMD-2018-CA-00011, EMD-2019-CA-00028, EMD-2020-CA-00021, EMD-2021-CA-0025, EMD-2019-CA-00031, EMD-2021-CA-0024, EMD-2021-CA-0029, EMD-2022-CA-00023, and EMD-2021-CA-0028) A true and correct screen capture of the PARS portal reflecting the freeze for 2022 grant number EMD-2022-CA-00022 is attached as Exhibit C.

8. The Colorado Division of Homeland Security & Emergency Management is the recipient of Emergency Operations Center Grant Program grants for Fiscal Years 2023 and 2022 (grant numbers EMD-2023-EO-00003 and EMD-2022-EO-00001), Homeland Security Grant Program grants for Fiscal Years 2023, 2022, 2021 (grant numbers EMW-2023-SS-00050, EMW-2022-SS-00041, EMW-2021-SS-00044), Nonprofit Security Grant Program grants for Fiscal Years 2023, 2022, and 2021 (grant numbers EMW-2023-UA-00047, EMW-2022-UA-00040, and EMW-2021-UA-00081), State and Local Cybersecurity Grant Program grants for Fiscal Years 2023 and 2022 (grant numbers EMW-2023-CY-00061, EMW-2022-CY-00045), and Targeted Violence and Terrorism Prevention Grant Program grants for Fiscal Year 2023 (EMW-

2023-GR-00129). These grants have been reported as becoming inaccessible for payment between February 19th and 21st and remain frozen.

9. The Colorado Division of Homeland Security & Emergency Management is also the recipient of a Shelter and Services Program Grant. The agency has received correspondence from FEMA claiming that it is out of compliance with various requirements of federal law, and that FEMA intends to claw back the grant funds.

10. The Hawaii Department of Law Enforcement is a recipient of Homeland Security Grant Program grants for Fiscal Years 2021, 2022, 2023, and 2024 (grant numbers EMW-2021-SS-00030, EMW-2022-SS-00026, EMW-2023-SS-00026, and EMW-2024-SS-05015); Nonprofit Security Grant Program grants for Fiscal Years 2022, 2023, and 2024 (grant numbers EMW-2022-UA-00027, EMW-2023-UA-00028, and EMW-2024-UA-05010); and State and Local Cybersecurity Grant Program grants for Fiscal Years 2022, 2023, and 2024 (grant numbers EMW-2022-CY-00024, EMW-2023-CY-00021, and EMW-2024-CY-05274). These funds have been reported to be inaccessible in PARS since at least February 25, 2025.

11. The Illinois Emergency Management Agency-Office of Homeland Security is the recipient of Homeland Security Grant Program grants for Fiscal Years 2021, 2022, and 2023 (grant numbers EMW-2021-SS-0001, EMW-2022-SS-00025, and EMW-2023-SS-00013), and Nonprofit Security Grant Program grants for Fiscal Years 2021, 2022, and 2023 (grant numbers EMW-2021-UA-0002, EMW-2022-UA-00013, and EMW-2023-UA-00013). As of February 20, 2025, these grants appeared as “On Hold” in PARS. The Maine Emergency Management Agency is the recipient of Homeland Security Grant Program grants for Fiscal Years 2021, 2022 and 2023 (grant numbers EMW-2021-UA-00065, EMW-2022-UA-00032, and EMW-2023-UA-00012) and Nonprofit Security Grant Program Grants for 2021, 2022, and 2023 (grant numbers

EMW-2021-UA-00057, EMW-2022-UA-00032, and EMW-2023-UA-00012), as well as a Emergency Management Performance Grant (EMB-2023-EP-00004) and a Pre-Disaster Mitigation grant (EMB-2023-PD-004). No funds have been received since February 10 to cover regular reimbursed expenses and “holds” were placed on these grants in PARS between February 18 and 21.

12. The Maryland Department of Emergency Management is the recipient of Homeland Security Grant Program grants for Fiscal Years 2021, 2022, and 2023 (grant numbers EMW-2021-SS-00047, EMW-2022-SS-00009, EMW-2022-SS-00009, EMW-2023-SS-00011, EMW-2023-SS-00011), Nonprofit Security Grant Program grants for Fiscal Years 2022 and 2023 (grant numbers EMW-2022-UA-00006-S01 and EMW-2023-UA-00010), and State and Local Cybersecurity Grant Program grants for Fiscal Years 2022 and 2023 (grant numbers EMW-2022-CY-00028-501 and EMW-2023-CY-00006), as well as a Targeted Violence Prevention Program grant (grant number EMW-2022-GR-00056-S01), a Regional Catastrophic Preparedness Grant Program grant (grant number EMP-2022-CA-00011), and an Emergency Management Performance Grant (grant number EMP-2023-EP-0001). Holds were placed on each of these grants between February 21 and 27.

13. The Michigan State Police are recipients of Homeland Security Grant Program grants for Fiscal Years 2022 and 2023 (grant numbers EMW-2022-SS-00031 and EMW-2023-SS-00022) and Nonprofit Security Grant Program Grants for 2021, 2022, and 2023 (grant numbers EMW-2021-UA-00050, EMW-2022-UA-00031, and EMW-2023-UA-00039). Draws were submitted for the Nonprofit Security Grant on February 7; for the 2022 Homeland Security Grant Program grant on February 12; and for the 2023 Homeland Security Grant Program grant

on February 14. None of the grants have been disbursed in PARS. On February 19, a hold was placed on the Nonprofit Security Grant Program grants in PARS.

14. The Michigan State Police are also recipients of a Safeguarding Tomorrow Revolving Loan Program grant for Fiscal Year 2024. The grant had initially been approved in September 2024 and since then had been in “final review.” On February 18, 2025, the Regional Administrator stated that the terms and conditions of the grant were “being reviewed to ensure consistency with the President’s Executive Orders.”

15. The New Jersey Department of Environmental Protection (NJDEP) is the recipient of a grant under the Community Assistance Program – State Support Services Element (CAP-SSSE), established by the National Flood Insurance Act of 1968. The grant number is EMN-2024-GR-05017. On February 18, 2025, NJDEP received a stop work order from the FEMA CAP-SSSE Program Lead for all activities relating to the terms “Disadvantaged, Marginalized, Underserved, Low-Income, Environmental Justice, Climate, Equity, Equitable, Inclusion, Diversity, Minority, Affirmative Action, Accessibility, Culture, Federal Flood Risk Management Standard (FFRMS), and Justice 40.”

16. The New York Department of Environmental Conservation is the recipient of a CAP-SSSE grant. New York has received a stop work order from the FEMA CAP-SSSE Program Lead for all activities relating to the terms “Disadvantaged, Marginalized, Underserved, Low-Income, Environmental Justice, Climate, Equity, Equitable, Inclusion, Diversity, Minority, Affirmative Action, Accessibility, Culture, Federal Flood Risk Management Standard (FFRMS), and Justice 40.”

17. The New York Division of Homeland Security and Emergency Services administers Preparedness and Disaster Recovery grants from FEMA. Between February 18 and

21, 2025, DHSES learned that all FEMA Preparedness Grants for FY 2020, FY 2021, FY 2022, and FY2023 have holds that prevent DHSES from submitting drawdown requests on PARS.

Similarly, DHSES learned on February 21 that all Hazard Mitigation Assistance Grants for FY 2019-2024 had holds on drawdowns. Among the Preparedness grants that are affected are:

Homeland Security Grant Program (HSGP), Nonprofit Security Grant Program (NSGP), Regional Catastrophic Grant Program (RCPGP), Emergency Management Performance Grant (EMPG), Emergency Management Performance Grant-American Rescue Plan Act (EMPG-ARPA), Emergency Operations Center Grant Program (EOCGP) and Targeted Violence and Terrorism Prevention (TVTP). Among the Hazard Mitigation Assistance Grants that are on hold are pre-Disaster Mitigation, Flood Mitigation Assistance, SWIFT Current (subset of FMA), Revolving Loan Fund (STORM Act), and Legislative Pre-Disaster Mitigation (Congressional Community Grants). All told, New York has hundreds of millions of dollars in FEMA grants that are inaccessible. When New York attempts to submit a drawdown request they have gotten error messages, of which the below true and correct screen capture is an example:

then click the "Submit Payment Request" button.

The following errors have occurred:
INVALID PAYMENT AMOUNT REQUESTED! This grant has \$0.00 available. You may only request up to an amount of 0.00. Please enter a valid payment request amount and try again.

GRANT INFORMATION for : EMN-2020-PC-0001

Grant Number: EMN-2020-PC-0001
Grantee Name: HOMELAND SECURITY AND EMERGENCY SER
Acceptance Date: 07/20/2021

Holds?	Hold Date	Hold Amount
	02/21/2025	\$ 11861145.55

Grant Amount: 11,861,145.55
Amount Previously Dispersed: 10,747.57 [view payment history](#)
Amount On Hold: 11861145.55
Amount Available: 0.00 [cancel payment request](#)

Payment Request Amount: \$ Enter the requested amount in dollars.

18. The Vermont Agency of Natural Resources is the recipient of a CAP-SSSE grant. The agency has received a stop work order from the FEMA CAP-SSSE Program Lead for all activities relating to the terms “Disadvantaged, Marginalized, Underserved, Low-Income, Environmental Justice, Climate, Equity, Equitable, Inclusion, Diversity, Minority, Affirmative Action, Accessibility, Culture, Federal Flood Risk Management Standard (FFRMS), and Justice 40.”

19. The Washington Military Department Emergency Management Division is the recipient of multiple FEMA public assistance grants. As of February 17, 2025, reimbursement of the funds were being held “under review” by FEMA.

20. The Wisconsin Department of Military Affairs is the recipient of Homeland Security grants for 2021, 2022, and 2023 (grant numbers EMW-2021-SS-00068, EMW-2022-SS-00035, and EMW 2023-SS-00041), and Nonprofit Security Grant Program grants for 2021, 2022, and 2023 (grant numbers EMW-2021-UA-00060, EMW-2022-UA-00039, and EMW-2023-UA-00023). As of February 21, 2025, the Wisconsin Department of Military Affairs has been unable to draw down these grants.

21. Counsel for the parties has conferred extensively on these FEMA grants, as well as other disruptions to awarded funding. On February 11, Plaintiff’s counsel sent a chart of still-frozen awards under the Infrastructure Investment and Jobs Act (“IIJA”) and Inflation Reduction Act (“IRA”). In the same email, Plaintiff’s counsel raised public reporting that the Director of the Office of Grant Administration for FEMA has directed her team to put financial holds on all awards for fiscal years 2021, 2022, 2023, and 2024. In emails dated February 12, 13, and 14, counsel continued to confer on whether FEMA had instituted a categorical freeze on awards, and on February 18, Defendants’ counsel provided redacted copies of two communications from the


Director of the Office of Grants Administration, dated February 10 and 11. A true and correct copy of the February 11 to 18 emails is attached as Exhibit D, with true and correct copies of the February 10 and 11 redacted emails attached as Exhibits D-1 and D-2, respectively.

22. Over February 21 to 26, Plaintiffs' counsel continued to confer on FEMA grants as well as a similar issue with the Department of Energy's payment review process for IIJA/IRA funds. On the FEMA grants, the parties appear to have reached an impasse, with Defendants' counsel asserting that the manual payment review process resulting in widespread holds in PARS is neither a "hold" nor a "freeze." A true and correct copy of the February 21 to 26 correspondence is attached as Exhibit E.

23. On February 28, shortly before filing the present motion, several Plaintiff States, including California, Illinois, and New York, received an email from the FEMA Recovery Directorate, stating that FEMA is implementing "an additional review process of allocations before releasing funds for all grants" and that "payment requests may take up to 30 days to process." The email cites "2 C.F.R. Part 200." A true and correct copy of the FEMA Recovery Directorate's email is attached as Exhibit F.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Dated: San Diego, California
February 28, 2025



Theodore A.B. McCombs
Office of the Attorney General
State of California

Exhibit A



Federal Emergency Management Agency Payment And Reporting System (PARS)



Main

Payments

Main Menu

Help

Logout

Grant Maintenance

Payment Requests

Your Vendor
Number is:
866004801

Grant Maintenance

Request a Payment

This section allows you to request a payment from your grant.

STEP 2:

Enter the dollar amount of your payment request in the space provided below.
then click the "Submit Payment Request" button.

GRANT INFORMATION for : EMW-2022-UA-00008

Grant Number: EMW-2022-UA-00008

Grantee Name: HOMELAND SECURITY, ARIZONA OFFICE OF

Acceptance Date: 09/28/2022

Holds?

Hold Date	Hold Amount
02/19/2025	\$ 528053.27

Grant Amount: 2,906,542.10

Amount Previously Dispensed: 2,378,488.83 [view payment history](#)

Amount On Hold: 528053.27

Amount Available: 0.00 [cancel payment request](#)

Payment Request Amount: \$ Enter the requested amount in dollars.

Period Covered FROM:

Period Covered TO:

SUBMIT PAYMENT REQUEST



Federal Emergency Management Agency Payment And Reporting System (PARS)



Main

Payments

Main Menu

Help

Logout

Grant Maintenance

Payment Requests

Your Vendor
Number is:
866004801

Grant Maintenance

Request a Payment

This section allows you to request a payment from your grant.

STEP 2:

Enter the dollar amount of your payment request in the space provided below.
then click the "Submit Payment Request" button.

GRANT INFORMATION for : EMW-2023-UA-00017

Grant Number: EMW-2023-UA-00017

Grantee Name: HOMELAND SECURITY, ARIZONA OFFICE OF

Acceptance Date: 08/31/2023

Holds?

Hold Date	Hold Amount
02/19/2025	\$ 1291146.67

Grant Amount: 4,075,729.00

Amount Previously Dispensed: 2,784,582.33 [view payment history](#)

Amount On Hold: 1291146.67

Amount Available: 0.00 [cancel payment request](#)

Payment Request Amount: \$ Enter the requested amount in dollars.

Period Covered FROM:

Period Covered TO:

SUBMIT PAYMENT REQUEST

Exhibit B

From: [REDACTED]
To: [REDACTED]
Cc: FEMA-R9-Grants-Services-Action-Office; [REDACTED]
Subject: RE: Revision Needed: SF-425 for Award EMF-2022-CA-00014
Date: Monday, February 24, 2025 2:33:10 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi [REDACTED]

No FEMA funding is paused but the agency does continue to review program delivery to ensure alignment with all White House directions and Executive Orders.

Thank you,

[REDACTED]
Grants Management Specialist | Grants Management Division | Region 9
Mobile: [REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Monday, February 24, 2025 10:58 AM
To: FEMA-R9-Grants-Services-Action-Office [REDACTED]
Cc: [REDACTED]
Subject: Re: Revision Needed: SF-425 for Award EMF-2022-CA-00014

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please select the Phish Alert Report button on the top right of your screen to report this email if it is unsolicited or suspicious in nature.

Hi [REDACTED]

I hope this email finds you well. I was just informed by my accounting team that our award, EMF-2022-CA-00014 was placed on hold, effective 02/21. Can you share any insight on why this hold was placed?

Best,
[REDACTED]

[REDACTED]

Exhibit C



**Federal Emergency Management Agency
Payment And Reporting System (PARS)**

Main Payments

Grant Maintenance
Payment Requests

Your Vendor Number is:
840644739E

Grant Maintenance

Request a Payment

This section allows you to request a payment from your grant.

STEP 2:

Enter the dollar amount of your payment request in the space provided below.
then click the "Submit Payment Request" button.

GRANT INFORMATION for : EMD-2022-CA-00022

Grant Number: EMD-2022-CA-00022

Grantee Name: DEPARTMENT OF NATURAL RESOURCES COLORADO

Acceptance Date: 10/24/2023

Holds?

Hold Date	Hold Amount
02/21/2025	\$ 1887751

Grant Amount: 1,887,751.00

Amount Previously Dispersed: 417,903.00 [view payment history](#)

Amount On Hold: 1887751.00

Amount Available: 0.00 [cancel payment request](#)

Exhibit D

[REDACTED]

From: Schwei, Daniel S. (CIV) [REDACTED]
Sent: Tuesday, February 18, 2025 5:03 PM
To: Kate Sabatini [REDACTED]
Cc: Sarah Rice [REDACTED]; Muqaddam, Rabia [REDACTED]; Thomas-Jensen, Molly [REDACTED]
[REDACTED]; Freidah, Andrew F. (CIV) [REDACTED]; Sirkovich, Eitan R (CIV) [REDACTED]
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

As noted in my e-mail below, attached are redacted copies of the two FEMA e-mails.

From: Schwei, Daniel S. (CIV)
Sent: Tuesday, February 18, 2025 5:02 PM
To: 'Kate Sabatini' [REDACTED]
Cc: Sarah Rice [REDACTED]; [REDACTED]; [REDACTED]; Freidah, Andrew F. (CIV)
[REDACTED]; Sirkovich, Eitan R (CIV) [REDACTED]
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Kate,

Regarding FEMA, I still do not think there is any basis for your continued concerns. You have not identified any funding that has actually been “held” or otherwise paused, and as I’ve already explained, the press reports do not convey the full picture in light of the subsequent February 11 e-mail making clear that FEMA is “not holding on awards.” Thus, I do not think there is any basis for raising this issue with the Court, and certainly not on any sort of expedited timeline. Nonetheless, in an effort to demonstrate our good faith (and without conceding that any inquiry into Defendants’ internal processes or documents is warranted), I will attach redacted copies of the two communications in a follow-up message (to avoid any file-size issues). I believe that these should resolve the matter.

For CDC, I believe this issue is now moot – I’m told that the relevant grants have been approved for release. All Notices of Awards should have been issued earlier this afternoon, though recipients may not see the awards until later tonight or tomorrow.

Finally, on EPA IRA/IIJA grants, EPA has informed me that I can represent the following to you all: “EPA intends to clear any remaining pauses on IRA/IIJA funds disbursement. As of 10am on February 18, 2025, the Office of the Chief Financial Officer is still in the process of unlocking the relevant accounts. That work should be completed no later than the morning of February 19th.”

Thank you,
Daniel

From: Kate Sabatini [REDACTED] >
Sent: Monday, February 17, 2025 7:43 PM
To: Schwei, Daniel S. (CIV) [REDACTED] >
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; [REDACTED]; Freidah, Andrew F. (CIV)
[REDACTED] >; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: [EXTERNAL] RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Daniel:

Regarding FEMA, thank you for alerting us to the communications. If you are able to provide them to us, that would help us evaluate whether we can avoid motion practice on this matter.

With respect to IRA/IIJA, we have yet to hear any reassurance from you that, as to a vast majority of the grants—including several highlighted in Plaintiff States’ first motion to enforce—those funds are not being paused or frozen in violation of the TRO. Indeed, we have received no information from you whatsoever regarding the reasons for these continued disruptions. Please confirm to us no later than 5 pm EST tomorrow (Tuesday) that all pauses or freezes of these funds have been ended, so that we can avoid further motion practice.

Finally, we would like to return to the issue of the CDC Rape Prevention and Education Grants. In addition to California, we have now learned that New York's RPE Grants are suspended. You previously said that this was being done independently as an exercise of "agency discretion." But the authorizing statute does not provide the agency with any discretion. See 42 U.S.C. § 280b-1b ("The Secretary . . . shall award targeted grants to States . . ."). This is squarely covered by the Court's TRO. As with the IRA/IIJA grants, we ask that you confirm to us no later than 5 pm EST tomorrow (Tuesday) that all such pauses or freezes have been ended, so that we can avoid motion practice.

Best,
Kate

Kathryn M. Sabatini (she/her)
Special Assistant Attorney General
Chief | Civil Division
Office of the Attorney General
150 South Main Street | Providence, RI - 02903
[REDACTED] www.riag.ri.gov



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From: Schweig, Daniel S. (CIV) <[REDACTED]>
Sent: Friday, February 14, 2025 6:12 PM
To: Kate Sabatini <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; M. [REDACTED]; Freidah, Andrew F. (CIV) [REDACTED]; Sirkovich, Eitan R (CIV) [REDACTED]
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

[External email: Use caution with links and attachments]

Sorry, one more technical clarification from DOE given the complexity of these programs. Payment to New York under the Methane Emissions Reduction Program (MERP) may not be ripe yet because there may still be some negotiations required between DOE and the State. So DOE's intent to make those payments is subject to the required negotiations.

Thank you,
Daniel

From: Schweig, Daniel S. (CIV)
Sent: Friday, February 14, 2025 5:32 PM
To: 'Kate Sabatini' <[REDACTED]>
Cc: 'Sarah Rice' <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) [REDACTED]; Sirkovich, Eitan R (CIV) [REDACTED]
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Sorry, a couple slight corrections regarding DOE. First, the HER/HERE payment to NYSERDA has been approved, and I understand that HER/HERE payments for other states are in line for approval, but I'm not sure if those other states' payments have actually yet been approved. Second, regarding the spreadsheet, Solar for All is listed as a DOE program but it's an EPA program – so DOE "currently intend[ing] to make those payments," as stated in my email below, would not extend to Solar for All which is not their program.

Thank you,
Daniel

From: Schweig, Daniel S. (CIV)
Sent: Friday, February 14, 2025 4:57 PM
To: 'Kate Sabatini' <[REDACTED]>
Cc: 'Sarah Rice' <[REDACTED]>; 'F. [REDACTED]' <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) [REDACTED]; Sirkovich, Eitan R (CIV) [REDACTED]
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Kate,

Following up on the Department of Energy grants, with reference to the spreadsheet you provided in your e-mail of Tuesday

(February 11) at 4:55pm, my understanding is that Department of Energy currently intends to make those payments. I'm told that the HER/HERE payment to New York (NYSERDA) has already been approved for payment (\$25,935.84 most recently), as well as HER/HERE payments to other states.

Regarding FEMA, I now have copies of two communications – both the February 10 e-mail (mentioned in news reports) and a follow-up February 11 e-mail making clear that “[w]e are not holding on awards, we will still be processing our awards but will be adding a level of internal controls to ensure that payment requests are reviewed prior to payments be released to recipients[.]” They are fairly programmatic in nature and I would not want them released publicly without review for potential redactions. But if providing copies would help avoid unnecessary motion practice, I am open to doing that – please let me know.

Thank you,
Daniel

From: Schwej, Daniel S. (CIV)
Sent: Friday, February 14, 2025 2:23 PM
To: Kate Sabatini <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Kate,

Regarding “account suspensions in ASAP,” I am not entirely sure as to which agency or grants you’re referring. I assume that most of them are EPA grants (based on the spreadsheet you sent over earlier). We have again passed along your concerns to EPA and they are aware of the Court’s Orders. Unfortunately, I don’t have further information from EPA that I can share with you at this time.

To the extent the account suspensions in ASAP are also the Department of Energy grants listed on your earlier spreadsheet, DOE is looking into those. I may have more information soon about payments on the accounts listed in that spreadsheet, and will pass along any further information when I receive it.

For the CDC award referenced below, my understanding is that the program involved was paused based on a directive from the Acting Secretary on January 21, 2025 to pause issuing documents and public communications, which was done independently of the EOs and the OMB Memo. Because it was based on agency discretion separate from the OMB Memo and the EOs, it falls outside the scope of the TRO.

On FEMA, my understanding continues to be that, outside of a small number of programs such as SSP (as noted below), the press reports are inaccurate as to a general pause on funding. Despite your concerns based on those news reports, you have not identified any funding that has actually been “held” or otherwise paused. If you can identify specific funding that the Plaintiffs have not been able to access from FEMA, we can try to resolve any concerns regarding those specific items.

When I have further information to report, I’ll let you know.

Thank you,
Daniel

From: Kate Sabatini <[REDACTED]>
Sent: Thursday, February 13, 2025 9:21 PM
To: Schwej, Daniel S. (CIV) <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: [EXTERNAL] RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Daniel:

The account suspensions in ASAP the states and nonprofits within our states have been experiencing appear to be continuing today, days after we first notified you of this issue. The January 31, 2025 TRO specified that to the extent the Defendants were engaged in any “‘[i]dentification] and review’ of federal financial assistance programs, . . . , such exercise shall not affect a pause, freeze, impediment, block, cancellation, or termination of Defendants’ compliance with such awards and obligations.” The Court has further clarified that “The Defendants must comply with the plain text of the TRO not to pause any funds based on pronouncements pausing funding incorporated into the OMB Directive, like Section 7(a) of the Unleashing Executive Order, and the OMB Unleashing Guidance. The TRO requirements include any pause or freeze included in the Unleashing Guidance,” and “The Defendants must immediately restore withheld funds, including those federal funds appropriated in the Inflation Reduction Act and the Infrastructure Improvement and Jobs Act. The directives in OMB M-25-11 are included in

the TRO.”

Plaintiff States still cannot access the federal funds appropriated in the Inflation Reduction Act and the Infrastructure Improvement and Jobs Act (nor the DERA clean diesel grants we mentioned in my previous email) in what seems to be a sweeping deletion of many of their grant accounts in ASAP. Furthermore, we are hearing that states may have to stop work on programs funded by these awarded grants. Given these facts, please explain why Defendants believe they are in compliance with the TRO. If there are any communications from EPA or other defendant agencies related to the account deletions in ASAP, please provide them.

Further, the detail you have provided regarding FEMA does not reassure the Plaintiff States that there is compliance with the TRO. Public reporting referenced a communication that ordered a general pause in funding. Your answer that FEMA is developing a review process does not answer whether FEMA is in compliance with the Order — it only raises more questions. Moreover, we note that the Order prohibits any such review from delaying or impeding funding. Can you provide the publicly reported communication please? If there were subsequent communications withdrawing that communication or otherwise modifying it, please provide those as well.

Finally, I wanted to share CA's CDC grant number: CDC-RFA-CE-24-0027

Thank you,
Kate

Kathryn M. Sabatini (she/her)
Special Assistant Attorney General
Chief | Civil Division
Office of the Attorney General
150 South Main Street | Providence, RI - 02903
Office: [REDACTED]
[REDACTED] | www.nag.ri.gov



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From: Schweig, Daniel S. (CIV) <[REDACTED]>
Sent: Wednesday, February 12, 2025 7:47 PM
To: Kate Sabatini <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

[External email: Use caution with links and attachments]
Kate,

Regarding California's OJJDP Title II grant, I'm told that there is a hold in place on that grant and that the hold has been in effect since December 6, 2024, which is the same date that the award itself was made.

My understanding is that, when reviewing California's application for Title II funding, OJJDP determined that the application lacked required information (or provided information that needed clarification in order for OJJDP to determine sufficiency). OJJDP nonetheless elected to make the award, but informed the State that drawdowns would be held under the award until such time as the State provided the missing information. The hold is still in effect because the State has not yet provided the required information to OJJDP. I'm told that OJJDP has been working with California to obtain the required information, and California is well aware of what the condition is and why the hold is in place.

In light of the above, I don't see how this hold relates to the issues in this case or any aspect of TRO compliance.

--Daniel

From: Schweig, Daniel S. (CIV)
Sent: Wednesday, February 12, 2025 6:05 PM
To: Kate Sabatini <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Kate,

I have passed along your concerns (both in this email and from last night) to EPA and am trying to get more information that I can provide to you all.

On FEMA, my understanding is that, with the exception of a small number of programs (such as the Shelter and Services Program, addressed in the Hamilton declaration filed last night), FEMA has not implemented a categorical pause or freeze on reimbursements for FEMA grants, but rather is developing a review process for payment requests, as part of FEMA's own statutory and regulatory authorities.

My contact at DOJ-OJJDP said he was unaware of California's Title II award being paused but is looking into it.

On the California CDC grant, do you have the grant number available? I have passed along your message but the grant number would likely help expedite efforts to identify what's happening there.

I hope you all can appreciate that we are doing our best to look into these issues while also complete our filing due tonight. I'll let you know when I have more information I can share.

Thanks,
Daniel

From: Kate Sabatini <[REDACTED]>
Sent: Wednesday, February 12, 2025 4:49 PM
To: Schwei, Daniel S. (CIV) <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED] Freidah, Andrew F. (CIV) <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: [EXTERNAL] RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Daniel:

We are continuing to hear from state agencies and nonprofits located in our states that their grants related to IRA/IIJA are unavailable in ASAP.

Additionally, Massachusetts is reporting that state Clean Diesel grants (Diesel Emissions Reduction Act Electric Solicitation Grants) have been suspended in ASAP. These grants fund important projects that accelerate the retirement of less efficient, more polluting diesel vehicles, engines, and equipment.

California is also reporting that its USDOJ Office of Juvenile Justice Delinquency Prevention Title II grant has been paused, and that there is no word on as to when the already awarded funds will be provided. This grant provides critical support for aftercare/reentry to avoid future recidivism, alternatives to juvenile detention and placement, and community-based programs (diversion, job training, mentoring, counseling, and training programs) that prevent crime and keep our communities safe.

In addition, California's award of funding from CDC for Rape Prevention and Education as part of the national sexual violence prevention program has been delayed; funding should have been received by or about January 31, 2025. The CDC portal for grants is not accessible.

Please share any information you have on these matters, or those raised last night in my email with respect to FEMA, as soon as possible.

Best,
Kate

Kathryn M. Sabatini (she/her)
Special Assistant Attorney General
Chief | Civil Division
Office of the Attorney General
150 South Main Street | Providence, RI - 02903
Office: [REDACTED]
[REDACTED] www.riag.ri.gov/



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From: Schwei, Daniel S. (CIV) <[REDACTED]>
Sent: Tuesday, February 11, 2025 8:16 PM
To: Kate Sabatini <[REDACTED]>

Cc: Sarah Rice [REDACTED]; [REDACTED]; Freidah, Andrew F. (CIV)
<[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

[External email: Use caution with links and attachments]
Kate,

As you saw, we filed a motion regarding FEMA funding for one program, which I believe is the subject of some of the reporting in that NBCNews article. As noted in our motion, the funding for that program was paused as an exercise of the agency's own authorities. In terms of the broader alleged pause reported in that article, I was not aware of it prior to reading the article. I've contacted my colleagues at DHS and FEMA, and my preliminary understanding is that there is not actually a blanket pause or freeze on funding for FEMA grants, but rather a new review process before releasing funds for reimbursement. I'm trying to get more details but I wanted to pass along what I have now.

As for EPA, I have also reached out to them and will let you know what I'm able to find out.

Thank you,
Daniel

From: Kate Sabatini <[REDACTED]>
Sent: Tuesday, February 11, 2025 4:55 PM
To: Schwei, Daniel S. (CIV) <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: [EXTERNAL] RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Daniel:

Thank you for letting me know.

We had been planning to bring to your attention immediately some reports that we are receiving in the news and from various Plaintiff states about continued non-compliance with the Court's TRO, including reports in the news that Stacey Street, Director of the Office of Grant Administration for FEMA has directed her team to put financial holds on all awards for fiscal years 2021, 2022, 2023, and 2024. <https://www.nbcnews.com/politics/donald-trump/fema-official-ignores-judge-order-freeze-grant-funding-rcna191674>

We are also aware that EPA's Office of Budget and Planning announced to EPA staff that twenty-eight IJA and IRA programs—including CPRG and air monitoring grants—"are temporarily paused for new obligations or disbursements for assistance agreements, loans, rebates, interagency agreements, procurements, and no-cost actions." Email from Budget & Planning re: Additional Information on IJA and IRA – program review pause (Feb. 7, 2025). <https://hillheat.com/2025/02/10/trump-epa-again-freezes-all-biden-era-programs>. Consistent with this, at least ten plaintiff states have reported experiencing interruptions accessing IRA and IJA funds. A chart identifying these issues is attached.

Please note that as we are sending you this communication, we are being advised of additional disruptions from additional states.

Please advise on the Defendants' compliance with respect to these disruptions as soon as possible.

Thank you,
Kate

Kathryn M. Sabatini (she/her)
Special Assistant Attorney General
Chief | Civil Division
Office of the Attorney General
150 South Main Street | Providence, RI - 02903
Office: [REDACTED]
[REDACTED] www.riag.ri.gov



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From: Schwej, Daniel S. (CIV) <[REDACTED]>
Sent: Tuesday, February 11, 2025 4:35 PM
To: Kate Sabatini <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : Corrected Declaration

[External email: Use caution with links and attachments]
Kate,

Thanks for explaining that filing. As a heads up, I wanted to let you know that Defendants will be filing an emergency motion as soon as possible, pertaining to certain FEMA funding and requesting the Court's confirmation that Defendants may continue to withhold that funding.

Thank you,
Daniel

From: Kate Sabatini <[REDACTED]>
Sent: Tuesday, February 11, 2025 12:15 PM
To: Schwej, Daniel S. (CIV) <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Subject: [EXTERNAL] CA25-39JJM State of NY, et al. v. Trump, et al. : Corrected Declaration

Daniel:

Wanted to let you know that we just filed a corrected declaration. Due to a technological issue when redacting, certain characters had been removed from the original declaration.

Thank you,
Kate

Kathryn M. Sabatini (she/her)
Special Assistant Attorney General
Chief | Civil Division
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Exhibit D-1

[REDACTED]

From: [REDACTED]
Sent: Monday, February 10, 2025 4:31 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: URGENT: Holds on awards

Importance: High

Good afternoon, all.

AAD is handling for FEMA GO for FY24 awards – [REDACTED] is putting hold toggles on all programs listed in the Daily Dash.

For all awards FY23 and prior: put financial holds on all of your awards – all open awards, all years (2021, 2022, 2023, 2024).

- [REDACTED] you can toggle in **FEMA GO** and do so for all of your fire-related programs
- [REDACTED] your team will need to go in **ND Grants** and put individual holds on all HSGP and NSGP awards
- [REDACTED] your team will need to go in **ND Grants** and put individual holds on all EMPGP, RCPGP, EOCGP, THSGP awards
- [REDACTED], your team will need to go in **ND Grants** and put individual holds on all SLCGP and TCGP awards

Please confirm once completed.

[REDACTED]

[REDACTED]
Director, Office of Grants Administration
Grant Programs Directorate | Resilience
Office: [REDACTED] | Mobile: [REDACTED]
[REDACTED]

Federal Emergency Management Agency
[fema.gov](https://www.fema.gov)



Exhibit D-2

From: [REDACTED]
Sent: Tuesday, February 11, 2025 2:10 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Follow-up
Importance: High

Hi everyone, follow up to yesterday's verbal late afternoon discuss and to the subsequent Teams meeting we had just a short while ago. Here is our action plan going forward:

Awards will be amended so that the following grant programs will result in reimbursement requests being manually reviewed and, when approved by staff, manually reimbursed to recipients:

Already Standard Manual Approach Employed (no changes needed)

- Assistance to Firefighters Grant (AFG) Program
- Fire Prevention & Safety (FP&S) Grant Program
- Staffing for Adequate Fire and Emergency Response (SAFER)
- Shelter and Services Program (SSP)
- State and Local Cybersecurity Grant Program (SLCGP) (FY24)

Existing awards (FY2024/2023/2022/2021/2020) will be modified so that reimbursement requests will be manually reviewed and manually processed upon approval by program/financial staff. Upon approval of reimbursement requests, GPD will have 30 days to process payment, per 2 CFR Part 200.

- PSGP
- TSGP
- IBSGP
- THSGP
- RCPGP
- EOCGP
- HSGP
- NSGP
- EMPG
- SLCGP
- TCGP

I am setting up a training meeting today with our system colleagues so that they can walk us through steps. PMO will also be able to add rights to staff to help in amending existing awards.

I will set up a timeline action plan with timelines, roles, and responsibilities for all staff to complete the amendments. I will also coordinate with program colleague counterparts across Resilience and ORR to help ensure that they are aware and can also replicate across their grant program portfolios and will be asking our AAD-Mitigation team members to assist their program colleague counterparts in amending awards.

I am working with [REDACTED] to craft an Information Bulletin that will explain this approach to our grant program recipient stakeholders.

Last but not least, [REDACTED] and I will work to modify the CY25 performance plans to account for this scope of responsibility and ensure that, upon manual review *approvals*, payments will be made within the allotted 30-day maximum timeline noted by 2 CFR Part 200. We will also provide guidance very shortly on program office versus financial office roles and responsibilities with manual reviews and manual reimbursements. I expect that we will model the fire grants approach whereby program offices have primary lead on reimbursement reviews, approval determinations, and manual reimbursement release processings.

Note that these are not “holds.” We are modifying our programs so that payment requests are now reviewed manually and processed manually. “Holds” implies what we were directed to originally due with OMB M-25-13, which was rescinded and a TRO injunction placed. We are not holding on awards, we will still be processing our awards but will be adding a level of internal controls to ensure that payment requests are reviewed prior to payments be released to recipients (in order to ensure that payments align to the award project, NOFO scope of allowability, 2 CFR Part 200 principles, etc.) For FY 2025, the intent is to have this approach as standard in the NOFOs.

Happy to discuss, thank you.

[REDACTED]
[REDACTED]
Director, Office of Grants Administration
Grant Programs Directorate | Resilience
Office: [REDACTED] | [REDACTED]
[REDACTED]

Federal Emergency Management Agency
[fema.gov](https://www.fema.gov)



Exhibit E

From: [Schwei, Daniel S. \(CIV\)](#)
To: [Kate Sabatini](#); [Theodore McCombs](#); [Sirkovich, Eitan R \(CIV\)](#)
Cc: [Sarah Rice](#); [REDACTED]; [Freidah, Andrew F. \(CIV\)](#); [Hall, Emily \(CIV\)](#)
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance
Date: Wednesday, February 26, 2025 8:48:42 AM
Attachments: [image001.png](#)

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Kate,

I'm writing to follow-up on the FEMA issue in your message below. We disagree that a "review" process is the same as a "freeze" on funding. Under a review process, the agency fully intends to issue payments but is simply ensuring that all payments are appropriate, and doing so under the terms of the grant program itself – which is fundamentally different than the type of "freeze" that Plaintiffs challenged in this case and that is governed by the TRO. Thus, we do not think that FEMA's review process, implemented as part of the agency's own statutory and regulatory authorities, violates the TRO.

Regarding the February 10 e-mail, as I have already explained (and as the February 11 e-mail makes clear), FEMA did not intend to implement a "hold" in the sense of a pause or withholding of grant funds—*i.e.*, the type of action at issue in this case. Instead, the "hold" referred to in that e-mail was part of implementing the manual review process pursuant to FEMA's own authorities.

That is the same answer for the screenshot you have provided, which simply reflects that the remaining balance is on "hold," but does not reflect that FEMA is unwilling to pay that balance amount. FEMA has confirmed to me that, for the particular grant referenced in the screenshot (the Arizona Office of Homeland Security, number EMW-2022-UA-00008), FEMA will process payment requests and approve them for payment as appropriate. My understanding is that, within PARS itself, FEMA has included a description for the "hold" on funds, stating that the hold is for purposes of "Additional Manual Review" – not an unwillingness to make payments.

I'll circle back later today once I have more substantive information from DOE (probably even sooner than this evening).

Thank you,
Daniel

From: Schwei, Daniel S. (CIV)
Sent: Tuesday, February 25, 2025 8:52 PM
To: Kate Sabatini <[REDACTED]>; Theodore McCombs <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Hall, Emily (CIV) <[REDACTED]>
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Kate,

I'm conferring with my clients on your e-mail, and will circle back tomorrow morning regarding FEMA.

Regarding DOE, as noted in my prior email, DOE has been continually working to expedite its payments. Along those lines, my understanding is that DOE has recently implemented changes that should make its payment approval process faster, and that they think should eliminate your concerns going forward, with all programs directed to pay invoices. Given your list of sixteen accounts that are purportedly not available, obviously that is a concern as to whether the system is working. DOE would like to investigate those accounts but they are not able to do so before noon tomorrow (given that we did not receive your inquiry until after 4pm today, and given the inclusion of sixteen accounts on the list). DOE expects it should be able to provide a more substantive response by tomorrow evening, and hopefully avoid the need for motion practice on these issues.

Thank you,
Daniel

From: Kate Sabatini <[REDACTED]>
Sent: Tuesday, February 25, 2025 4:12 PM
To: Schwei, Daniel S. (CIV) <[REDACTED]>; Theodore McCombs <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Hall, Emily (CIV) <[REDACTED]>
Subject: [EXTERNAL] RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Daniel:

Thank you for your email. We can confirm that DOE appears to have restored access to the five grants that Ted emailed about. California has

identified a sixth frozen DOE grant, the Weatherization Assistance Program funded under the IJA, and other Plaintiff States have identified further frozen DOE grants (see attachment).

In our view, DOE appears to have instituted an across-the-board funding freeze spanning multiple programs under the guise of a "review." Although we have attached a document that identifies affected grants in Plaintiff States, we disagree that we are under any obligation to identify specific grants to DOE in order to permit it to unfreeze the relevant funds. Rather, the TRO imposes an affirmative obligation on DOE to unfreeze those funds itself. We notice that many of the same programs are getting the same error messages in different States, so we assume the problems are more widespread among Plaintiff States than just those for which we are providing grant numbers for now. Indeed, at least one of our agencies has received a mass email from DOE attempting to suspend grants in which the email author wrote, "I am unable to provide your specific award number(s) as this email is going to all active awards for our office." If DOE isn't taking the time to identify which grants it is threatening by grant number, we are unsure why they are requiring it now.

It does not matter that DOE calls the freeze a "review." Many of our agencies' DOE grants have been frozen or missing in ASAP for three weeks or more, with some frozen or missing since the issuance of OMB M-25-13. A delay of this sort is unprecedented in our agencies' experience working with federal partners, and plainly reflects an express decision to freeze funding streams while reviewing federal programs for consistency with executive priorities. The freeze appears to be categorical in nature, and it applies only to "disfavored" programs, such as those funded by the IRA and IJA. Under these facts, DOE's "review" process is simply a freeze by another name, and so it violates the TRO.

The same appears to be true at FEMA. As the emails you sent reflect, on February 10 (shortly after the issuance of the TRO), a FEMA official imposed "financial holds on all . . . awards – all open awards, all years (2021, 2022, 2024, 2024)." The February 11 email attempts to relabel this across-the-board freeze as a manual "review" process but, again, that is a distinction without a difference: many of our agencies have been waiting over two weeks to obtain funding under these grants, and FEMA's payment portal (see attached screenshot) states that these funds are still subject to "holds." Under these circumstances, too, FEMA's "review" process appears to be simply a freeze by another name, and it, too, violates the TRO.

We continue to hope to avoid motion practice on these matters. We therefore ask that DOE and FEMA cease freezing funds and resume funding to Plaintiff States under all grant programs that are currently subject to manual "review" processes. Please let us know by noon tomorrow whether your clients will do so.

Thank you,
Kate

Kathryn M. Sabatini (she/her)
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From: Schwei, Daniel S. (CIV) <[REDACTED]>
Sent: Monday, February 24, 2025 3:57 PM
To: Theodore McCombs <[REDACTED]>; Kate Sabatini <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED] Freidah, Andrew F. (CIV) <[REDACTED]>; Hall, Emily (CIV) <[REDACTED]>
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

[External email: Use caution with links and attachments]

Kate, Ted,

Regarding your message below, we've conferred with our clients and do not believe there is any need or basis for motion practice.

In terms of the DOE grants, the only list of grant numbers we received was Ted's e-mail below – *i.e.*, listing five specific grants involving California agencies and entities. DOE has investigated those grants, and confirmed that all of them are available for Plaintiffs to receive funding from DOE. DOE therefore disagrees that those grants are or were "frozen." As you note, DOE is using a process for reviewing and approving payment requests, but that is not the same as a "freeze" on the relevant grants; to the contrary, DOE is continually working to expedite payments further.

Going forward, to the extent Plaintiffs identify other DOE funding that Plaintiffs believe is not properly available, DOE is willing to investigate – but their ability to do so requires knowing sufficient information about the relevant contract (*e.g.*, the DOE Contract Number, the state involved, the name of the grant, etc.). And it would be most useful if Plaintiffs submit any queries on a rolling basis as they arise, rather than asking DOE to investigate numerous different funding streams all at once. As the parties have already demonstrated, we think that working cooperatively in this manner is the best path for resolving any issues, rather than unnecessary (and potentially premature) motion practice.

As for the FEMA issue, FEMA has likewise informed us that none of the grant programs you list has been “suspended.” Again, FEMA has expanded its manual review process to additional grant programs, including some of the ones you list below. (My understanding is that, even before this Administration, the State and Local Cybersecurity Grant Program was subject to this manual review process, as noted in the February 11th FEMA e-mail I previously attached.) Just as with DOE, however, we do not understand this review process, implemented based on the agency’s own statutory and regulatory authorities, to violate the TRO. If there is specific FEMA funding that you believe has been improperly “suspended,” please let us know and we can provide a more specific response.

Thank you,
Daniel

From: Theodore McCombs <[REDACTED]>
Sent: Friday, February 21, 2025 1:15 PM
To: Kate Sabatini <[REDACTED]>; Sirkovich, Eitan R (CIV) <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Schwei, Daniel S. (CIV) <[REDACTED]>; Hall, Emily (CIV) <[REDACTED]>
Subject: [EXTERNAL] RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

Eitan and Daniel,

Below are the DOE-administered grants received by California state agencies and entities, which are still experiencing freezes:

DOE	CEC - California Energy Commission	Home Electrification and Appliance Rebates (HEEHRA) Program	DE-SE0000080
DOE	CEC - California Energy Commission	State Energy Program (SEP)	DEEE0010060
DOE	CEC - California Energy Commission	Energy Efficiency and Conservation Block Grant (EECBG) Program	DESE0000299
DOE	SDSU - San Diego State University	Industrial Assessment Centers, SDSU (ITACs)	DE-EE0010197 (CFDA: 81.117)
DOE	SJSU - San Jose State University	Energy Efficiency and Renewable Energy Information Dissemination, Outreach, Training, and Technical Analysis/Assistance Grant	DE-EE001094 (CFDA: 81.117)

Thanks,
-Ted

From: Kate Sabatini <[REDACTED]>
Sent: Friday, February 21, 2025 9:31 AM
To: Sirkovich, Eitan R (CIV) <[REDACTED]>
Cc: Sarah Rice <[REDACTED]>; [REDACTED]; Freidah, Andrew F. (CIV) <[REDACTED]>; Schwei, Daniel S. (CIV) <[REDACTED]>; Hall, Emily (CIV) <[REDACTED]>; Theodore McCombs <[REDACTED]>
Subject: RE: CA25-39JJM State of NY, et al. v. Trump, et al. : TRO Compliance

[EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.]

Eitan and Daniel:

Thank you for your emails.

With respect to the DOE grants, as a gesture of good faith, we will provide you with a list of the grant numbers that we are aware have been frozen in violation of the Court's TRO. At the same time, the TRO requires all relevant grants to be unfrozen, not merely the grants whose grant numbers we provide to DOE. To the extent these freezes are attributable to a newly instituted process of review and approval by political appointees, that policy violates the TRO. We will send grant numbers as we have them in batches. We expect any grants we specifically identify today to be unfrozen no later than Monday at noon. If DOE does not unfreeze these specific grants, or if we identify further DOE grants that remain frozen as of 5 PM on Monday, we will proceed to seek relief from the Court.

We are continuing to hear about additional freezes from other agencies, which we will compile and share when we are able.

We also wanted to return to the FEMA issue. Several Plaintiff States are experiencing suspensions and delays of FEMA funds, in particular funds associated with the State and Local Cybersecurity Grant Program, Homeland Security Grant Program, Nonprofit Security Grant Program, and Emergency Management Performance Grant Program. The February 11 email that you provided to us appears to have instructed staff to institute what amounts to a hold, by instructing staff to institute a new requirement to manually review and process payment requests. The freezes that result from this new process are likewise an impediment to access obligated funds in violation of the TRO. These are essential health, safety and welfare funds that are not timely flowing to the states. We ask that you correct this violation immediately, but no later than 5pm on Monday.

Best,
Kate

Kathryn M. Sabatini (she/her)
Special Assistant Attorney General
Chief | Civil Division
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Office: [REDACTED]
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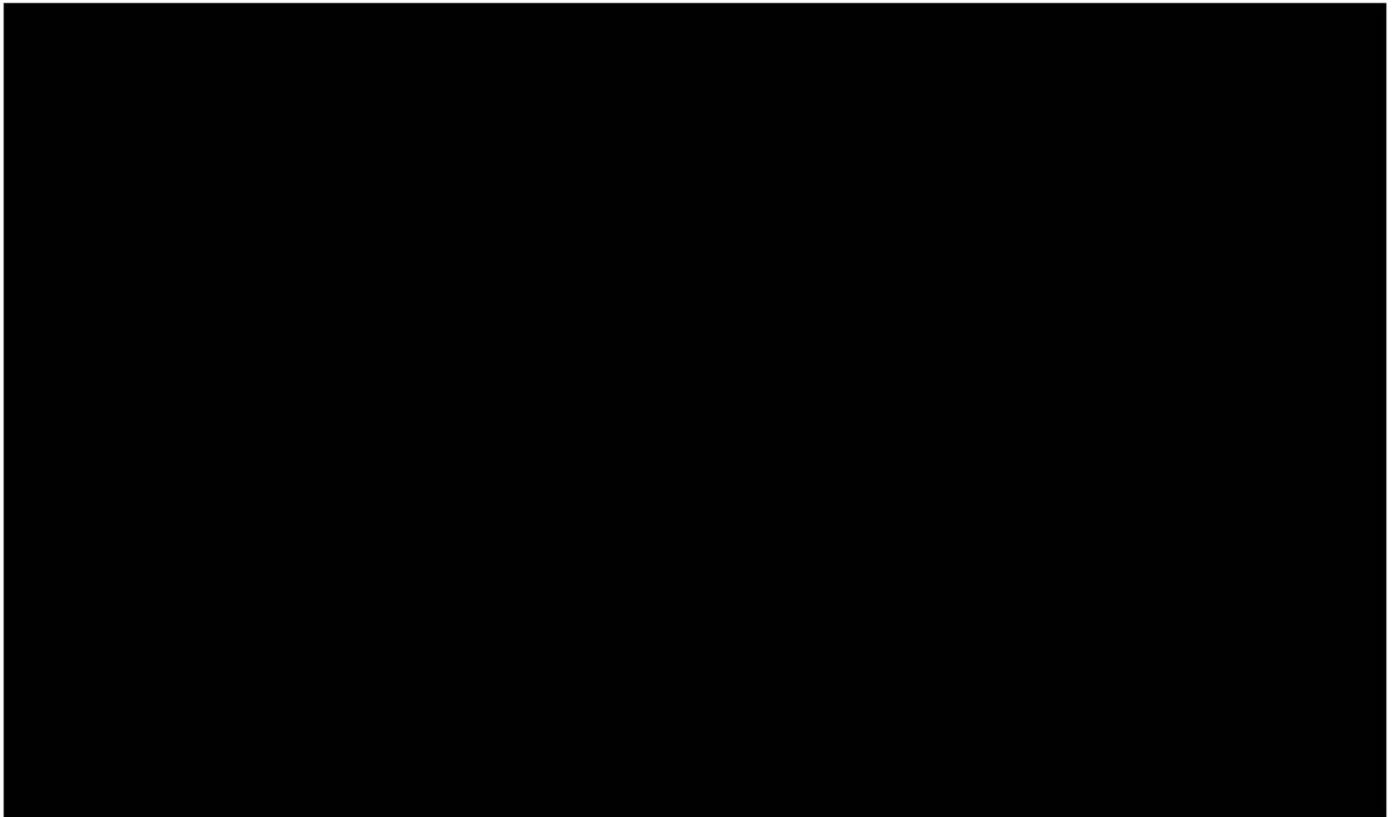


Exhibit F

From: support.pagrants@fema.dhs.gov
To: [REDACTED]
Subject: [External] FEMA PA Notification - Message to Grant Recipients on Review Process Updates
Date: Friday, February 28, 2025 10:17:00 AM

Dear Recipient,

The Federal Emergency Management Agency (FEMA) is taking swift action to ensure the alignment of its grant programs with Secretary Noem's direction. In accordance with this direction, FEMA and the Department of Homeland Security (DHS) are instituting additional reviews on the allowability of costs for all grant payments and obligations, as permitted by 2 C.F.R Part 200, where applicable.

Effective immediately, FEMA and DHS are implementing an additional review process of allocations before releasing funds for all grants. These actions will ensure that funding is obligated and disbursed in line with the Secretary's direction.

Upon completion of reviews, approved funding will be processed through the respective grant systems. Per 2 C.F.R. Part 200, payment requests may take up to 30 days to process depending on the size and scope of the submission. If additional information is needed, a request for information will be issued, and the timeline may be extended.

For existing payment requests currently in the system, FEMA will reach out if additional information is needed.

Thank you,
FEMA Recovery Directorate

If you require additional assistance with the [FEMA Grants Portal](#), please contact the Grants Portal Hotline at (866) 337-8448 or FEMA-Recovery-PA-Grants@fema.dhs.gov

Please do not respond to this e-mail. This mailbox is not monitored, and you will not receive a response.