

**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

**RENEWED SECOND MOTION TO ENFORCE THE COURT’S ORDERS PERTAINING
TO FREEZE OF FEMA FUNDS**

Plaintiff States, through this motion, respectfully request that the Court use its inherent authority to enforce the Preliminary Injunction Order entered on March 6, 2025. Plaintiff States specifically request that the Court order Defendant the Federal Emergency Management Agency (“FEMA”) to cease freezing obligated funds and that the Court direct that notice of such order, along with notice of the court’s March 6, 2025 Order, be provided to FEMA’s leadership and staff, as described below.

The Court’s intervention is necessary because, following the Court’s March 6 order, Plaintiff States have continued to experience significant obstacles to accessing federal funds. This is so despite the Court’s direction to Defendants to “file a status report on or before March 14, 2025, informing the Court of the status of their compliance with” the March 6 Order. ECF No. 161, at 45. The parties remain at an impasse as to millions of dollars in obligated FEMA awards, which are and have remained frozen dating to as early as February 7. Plaintiff States will need to wind down important programmatic emergency services, including disaster relief to people and communities affected by the Maui wildfires, in short order if funding is not immediately unfrozen.

Speer Decl. ¶ 18, attached as Exhibit 1. The Court should enforce its March 6 preliminary injunction with respect to FEMA.

FACTUAL BACKGROUND

I. The Court's Orders

The Court's January 31, 2025, TRO prohibited Defendants from "paus[ing], freez[ing], impeded[ing], block[ing], cancel[ling], 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 FEMA, a defendant named in the original Complaint. ECF No. 1, ¶ 41.¹

Following the entry of that order, counsel for Plaintiff States conferred with counsel for Defendants about ongoing freezes of numerous grants and awards, but were unable to reach agreement. ECF No. 66, at 7–8. Plaintiff States 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.

¹ FEMA remains a defendant in the First Amended Complaint because the Department of Homeland Security is a defendant, and FEMA is an agency within the Department of Homeland Security. ECF No. 114, ¶ 55.

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.

Plaintiff States continued to experience disruptions in federal funding, one of which was particularly acute and widespread—the funding freeze implemented by FEMA, which has impacted many public safety programs. Therefore, on February 28, Plaintiff States filed a Second Motion to Enforce based on continued inability to access these important funds. ECF No. 160.

On March 6, the Court issued its preliminary injunction order. ECF No. 161. In relevant part, the Court enjoined Defendants, including FEMA, “from pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement of appropriated federal funds to the States under awarded grants, executed contracts, or other executed financial obligations based on the OMB Directive, . . . or any other materially similar order, memorandum, directive, policy, or practice under which the federal government imposes or applies a categorical pause or freeze of funding appropriated by Congress.” ECF No. 161, at 44. At the same time, the Court recognized that the Second Motion to Enforce was mooted by the decision on the preliminary injunction, but nevertheless ordered FEMA to submit a status report by March 14. ECF No. 161, at 45.

II. FEMA Grants and Awards Remain Frozen, Endangering Important State Disaster Relief Programs

The issues raised in Plaintiff States’ Second Motion to Enforce continue largely unabated. As Plaintiff States reported on March 17, “[a]s of March 12, 2025, at least 215 FEMA grants to at least nineteen plaintiff states remain frozen or otherwise rendered inaccessible.” ECF No. 167, at 2. Now, approaching the close of the quarter, lack of access to funding is poised to disrupt programs.

For Hawai‘i, this means the imminent cessation of case management services for victims of the 2023 Maui wildfires, “including the wildfire-initiated urban conflagration that caused extreme damage to the historic town of Lahaina, killed over 100 people and displaced thousands of Hawai‘i residents from their homes.” Speer Decl. ¶ 3. Before FEMA initiated its categorical, indefinite pause of funding, Hawai‘i usually received reimbursement within approximately one week of submitting a request, a time period that allowed for FEMA’s review and the mechanics of the fund transfer. *Id.* ¶ 13. As of today, Hawai‘i has waited nearly 30 days for reimbursement. *Id.* ¶ 12. This abrupt change in practice is near fatal because a key requirement of FEMA regarding these grant funds is that Hawai‘i is precluded from maintaining more than three business days’ worth of cash on hand. *Id.* ¶ 18. If Hawai‘i does not receive reimbursement by March 31, it will be forced to discontinue its “work with survivors to create unique disaster recovery plans that are individualized to each household, and . . . help survivors navigate their recovery and work with the myriad of resources available to meet their needs.” *Id.* ¶¶ 6, 18. Hawai‘i currently provides these services to more than 4,000 individual wildfire survivors, but that work will cease as of April 4 if funds are not released. *Id.* ¶¶ 6, 8, 18. Hawai‘i has raised these serious issues with its counterpart grant administrators at FEMA. *Id.* ¶¶ 16, 18. Despite seeking reassurance or guidance

from FEMA, “there is no known timeline for when FEMA or the federal Department of Homeland Security will determine if, or when, it will approve” Hawai‘i’s pending funding requests. *Id.* ¶ 16.

Oregon is waiting on \$129.4 million in federal funds and has not received payment on any of its FEMA requests for more than 30 days. McMahon Decl. ¶ 20, attached as Exhibit 2. Most of Oregon’s grants are granted on to subrecipients such as local and tribal governments, *id.*, which are facing issues with timely reimbursement, *id.* ¶ 21. Oregon’s Emergency Management Performance Grant coordinates local, state, and interstate resources to address life-safety needs through funding projects like auxiliary communications systems and joint training exercises. *Id.* ¶ 23. After the close of the first quarter on March 31, Oregon’s emergency management agency will not have the funds to continue supporting these activities, including staff salaries, without FEMA reimbursement. *Id.* ¶ 22.

Colorado has experienced very similar disruption. From February 18 to March 24 Colorado’s emergency management agency has requested or attempted to request over \$33 million in reimbursement costs from FEMA under 14 grant programs. Haney Decl. ¶ 6, attached as Exhibit 3. None of the requests have been approved. *Id.* Many of Colorado’s requests for payment were made more than 30 days ago. *Id.* ¶¶ 7–20. Colorado’s grants fund flood hazard mitigation and the development of local hazard mitigation plans, among other important emergency preparedness goals. *Id.*

In their status report filed on March 14, Defendants asserted that this indefinite pause on obligated federal grant monies is not in violation of this Court’s orders, including the preliminary injunction. ECF No. 166. That is, instead of taking this Court’s order to provide a status report as an opportunity to inform the States of when they might expect an end to this widespread inaccessibility of funding administered by FEMA, Defendants provided no definite date by which

such pause might cease. *Id.* As described in Plaintiff States’ Response, ECF No. 167, at 6–8, and further below, Defendants are wrong in their contention that statute or regulation authorizes them to withhold funding for 30 days for any purported “manual review” process. But regardless of the legal merit of that contention (there is none), as a factual matter, multiple states have funding requests that have been pending for longer than 30 days. McMahon Decl. ¶ 20; Haney Decl. ¶¶ 7–20; Rice Decl. ¶¶ 5–7, attached as Exhibit 4.

In addition, among Defendants’ other arguments, they have asserted that the FEMA manual review process is “not new,” implying some history of or relation to past manual review processes. ECF No. 166, at 3. But their own statements belie that claim: on March 18, FEMA asserted to Colorado that it would, “effective immediately” institute “an additional review process of allocations before releasing funds for all grants.” Rice Decl. Ex. A. This was followed on March 19 with an announcement by FEMA of “additional reviews on all grant payments and obligations to ensure allowability in accordance with 2 C.F.R. § 200.305.” Rice Decl. Ex. B. None of this correspondence to recipients referenced any prior manual review or linked the newly applicable procedures to any past procedure. Rice Decl. Exs. A–B.

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 made numerous pronouncements about the scope and effect of its Orders. Similarly, the third factor is satisfied because FEMA is plainly able to comply with the preliminary injunction by lifting its pause on funding to Plaintiff States.

As to the fourth factor, FEMA appears to be violating the preliminary injunction. To reiterate, the preliminary injunction prohibits FEMA “from pausing, freezing, blocking, canceling, suspending, terminating, or otherwise impeding the disbursement of appropriated federal funds to the States under awarded grants” if that action is “based on the OMB Directive, . . . or any other materially similar order, memorandum, directive, policy, or practice under which the federal government imposes or applies a categorical pause or freeze of funding appropriated by Congress.” ECF No. 161, at 44.

As explained in Plaintiff States’ March 17, 2025 Response to Defendants’ Status Report, FEMA’s categorical and indefinite freeze of funding appears to be violating the preliminary injunction for at least four reasons. *See* ECF No. 167, at 6–8.

First, FEMA’s own statements to this Court have characterized Plaintiff States’ inability to access funds as a “hold” or a “pause.” Specifically, defendants’ submissions state that FEMA “has paused” funding to entire programs, ECF No. 166-1 (Hamilton Decl.), ¶ 3, has put “hold toggles” on these programs in FEMA’s payment system, *id.* ¶ 4, and has put “financial holds” on these awards, *id.* ¶ 4. Moreover, a memorandum issued on February 14, 2025 quite plainly calls for a “Hold of Funds” under some FEMA grants, ECF No. 166-7, at 2.

Second, regardless of whether a delay of limited duration would violate the Court’s orders, the sweeping, indiscriminate, and indefinite pause implemented by FEMA under the guise of a

purported “manual review” process is essentially the same funding pause pending purported review of grant programs that OMB directed each agency to carry out, and which this court enjoined. *See* ECF No. 1 (Compl.), Ex. B. After OMB called for agencies to freeze funding disbursements, it provided a spreadsheet of funding streams to review before payments could be authorized. *Id.* Here, similarly, FEMA has frozen federal funding disbursements en masse while it purports to review funding streams to find irregularities it has not identified or review grant recipients’ compliance with obligations it has not specified.

Third, FEMA errs in arguing that a 30-day payment window that appears in 2 C.F.R. § 200.305(b)(3) demonstrates that payments are not paused. *See, e.g.,* Hamilton Decl. ¶ 20; ECF No. 166-5 (Email from Stacey Street, Feb. 11, 2025) (stating that FEMA “will have 30 days to process payment”). As an initial matter, that deadline is plainly inapplicable to disbursements to States. 2 C.F.R. § 200.305(b)(3); *see* 31 C.F.R. § 205.33(a) (requiring fund transfers to States to be “as close as is administratively feasible to a State’s actual cash outlay”). In any event, for many States, FEMA has been continuing to refuse to release requested funds for more than thirty days. Thus, even if 31 C.F.R. Part 205 Subpart B controlled here—which it does not—FEMA has exceeded the timeframe contemplated by those regulations. FEMA’s failure to abide by the (inapplicable) 30-day window that it invoked further demonstrates that its actions are an indefinite pause of funding in violation of the Court’s preliminary injunction.

Indeed, after FEMA filed its status report, the agency has started claiming that it is entitled to *multiple* 30-day review periods that have no set end, all while obligated funding remains paused. In particular, on March 19, 2025, FEMA wrote to Plaintiff States that it is entitled to a *series* of 30-day reviews, relying on the same authorities discussed above. Rice Decl. Ex. B. FEMA has now asserted that it may deny a request for reimbursement “[i]f an adequate response is not

received” to its informational demands, in which case Plaintiff States “may need to submit a new reimbursement request; this will re-start the 30-day timeline.” *Id.* There is no basis, even in the inapplicable 2 C.F.R. § 200.305(b)(3) regulation, for a series of rolling 30-day windows for approval of reimbursement requests. FEMA’s actions essentially extend indefinitely a categorical pause on all grant funding it administers based on unarticulated criteria that are not based in any statute or regulation.

Fourth, FEMA identified no other legal basis in its status report for its withholding of funds with no end date, invoking only “inherent authority” that it is not granted under statute, citing 2 C.F.R. § 200.300(a). *See* ECF No. 166, at 2; Hamilton Decl. ¶ 5. That regulation provides no basis for the funding pause that FEMA has placed in effect. Rather, 2 C.F.R. § 200.300(a) is a regulation promulgated by the Office of Management and Budget for federal grants generally, and it simply provides that federal agencies must administer federal awards to ensure that programs are implemented “in full accordance with the U.S. Constitution, applicable Federal statutes and regulations.” 2 C.F.R. Part 200 specifies the mechanisms that federal agencies may use to manage performance and ensure appropriate controls, including Subpart D (Post Federal Award Requirements) and Subpart F (Audit Requirements). *See especially* 2 C.F.R. §§ 200.339(a) (specifying the circumstances when grantor agencies may temporarily withhold payments for noncompliance), 200.501 (grantee audit requirements). The general duties of § 200.300(a) do not add to these mechanisms and provide no authority to implement a freeze with no set end date.

FEMA may not, consistent with the preliminary injunction, subject Plaintiff States to a pause without end to conduct a new process that is not authorized by law or regulation. FEMA’s current actions mean that at minimum five States have now been unable to access funds for more than 30 days, with states such as Hawai‘i now poised to discontinue critical programming.

RELIEF SOUGHT

Plaintiff States move the Court, under its inherent powers, to order FEMA to immediately halt the challenged practice and to direct that notice of such order, along with notice of the court's preliminary injunction, 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: March 24, 2025

Respectfully Submitted,

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*Admitted *Pro Hac Vice*

Exhibit 1

**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-JJM-PAS

DECLARATION OF TRISTA SPEER

I, Trista Speer, declare as follows:

1. I am a resident of the State of Hawai‘i (State). I am over the age of 18 and have personal knowledge of all the facts stated herein, except those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the State of Hawai‘i, Department of Human Services as Deputy Director.

3. In August 2023, wildfires on the island of Maui (the 2023 Maui Wildfires), including the wildfire-initiated urban conflagration that caused extreme damage to the historic town of Lahaina, killed over 100 people and displaced thousands of Hawai‘i residents from their homes.

4. The Department of Human Services is responsible for administering the Federal Emergency Management Agency (FEMA) funded Disaster Case Management Program (DCMP) on behalf of the State for the survivors of the 2023 Maui Wildfires.

5. As a Deputy Director for the Hawai'i Department of Human Services, I was responsible for drafting and submitting the State's September 2023 application for the FEMA DCMP grant and overseeing the administration of the program on behalf of the state.

6. The DCMP connects survivors of disasters with specially trained Disaster Case Managers (DCMs) to help assess and address their disaster-related unmet needs. To accomplish this, DCMs work with survivors to create unique disaster recovery plans that are individualized to each household, and include resources, decision-making priorities, guidance, and tools. The DCMs act as a "quarterback" to help survivors navigate their recovery and work with the myriad of resources available to meet their needs. Our DCMP services are available to all survivors impacted by the 2023 Maui Wildfires.

7. The DCMP is a team of more than 120 staff members across the Department of Human Services, its contracted provider, and the provider's subcontracted local community-based organizations that provide these crucial recovery services to the more than 6,300 survivors we have assisted since November 2023.

8. The DCMP currently serves approximately 1,729 active cases, totaling more than 4,431 individuals, and has made more than 9,000 referrals to community resources which has resulted in approximately \$106 million of non-federal funds (Social Return On Investment) that have satisfied survivors' disaster related needs, and has successfully assisted more than 180 households to achieve their DCMP recovery plans.

9. To date, FEMA has awarded the State \$25,210,370.39 for a period of performance from August 10, 2023, through August 10, 2025, for the purpose of administering the DCMP.

10. The State has expended nearly all but approximately sixty (60) days of funds from the initial \$5,738,960 obligation.

11. On February 21, 2025, in accordance with FEMA guidance, the State submitted a second obligation request for \$5,738,959 (Second Obligation Request), and that request is still pending review with FEMA as of March 21, 2025, the date of the signing of this declaration.

12. On February 24, 2025, the State submitted a \$475,423.62 drawdown reimbursement request through the federal Payment Management System (PMS) for essential expenses incurred in the administration of the DCMP, including payroll and invoices for direct services to survivors (PMS Request). That request is still pending with FEMA as of the signing of this declaration.

13. In the past, it typically took approximately 1 week for the state to receive federal funds from a PMS drawdown request. This process is a result of 1 to 3 business days for FEMA to review and approve a PMS drawdown request, and then another one to three business days for the transfer of federal funds to the State.

14. Based upon the unprecedented delay in approvals, it appears to me that the disbursement of federal funds for the DCMP has been paused, frozen, blocked, suspended, or otherwise impeded by FEMA.

15. The state intends to submit another drawdown request on or about March 21, 2025, for approximately \$463,550 to cover additional essential expenses associated with the DCMP.

16. Our assigned FEMA grant team has stated via email, and I understand also verbally in our monthly FEMA grant team meeting, that there is no known timeline for when

FEMA or the federal Department of Homeland Security will determine if, or when, it will approve our pending PMS Request or the Second Obligation Request.

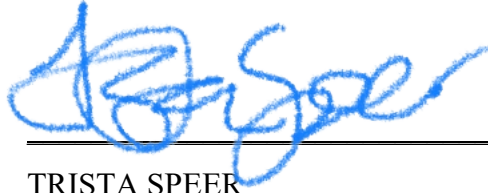
17. The Department of Human Services' budget for this year has relied on these FEMA grant funds, and we made plans and allocated funding for staffing, office space, telecommunications equipment, and entered into contractual agreements with non-profit organizations to manage and provide the direct disaster case management services to the more than 6,300 survivors assisted through this program—who lost nearly everything in devastating fires—based on the anticipated receipt of federal funding promised to be provided on a swift, and timely, reimbursable basis following grant fund drawdown requests.

18. Any pauses in our federal funding predictably result in the almost immediate cessation of the DCMP because a key requirement of FEMA regarding these grant funds is that the State is precluded from maintaining more than three (3) business days' worth of cash on hand. Specifically, because of the current pause, the Department of Human Services has informed FEMA that if the State does not receive notice of approval for the Second Obligation Request on or before March 31, 2025, all services of the DCMP will cease on **Friday, April 4, 2025**, due to insufficient funding.

19. The uncertainty of funding for this program has irreparably harmed this program in multiple ways, including: (1) our ability to hire additional staff and service providers as approved in the budget to meet the demand and capacity needed for these services for survivors; (2) our ability to timely cover expenses incurred by this program; (3) our ability to cover payroll for state employees hired and completely funded by these grant funds; and (4) our ability to provide assurances to the thousands of survivors served by this program that this critical assistance will continue as originally promised by FEMA.

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

Executed on March 21, 2025, at Honolulu, Hawai'i.

A handwritten signature in blue ink, appearing to read "Trista Speer", is written over a solid black horizontal line.

TRISTA SPEER

Exhibit 2

**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-JJM-PAS

DECLARATION OF ERIN MCMAHON

I, Erin McMahon, declare as follows:

1. I am a resident of the State of Oregon. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am the Director of the Oregon Department of Emergency Management (OEM).

3. As noted in my previous declaration, I oversee emergency management and homeland security services for the State of Oregon, including disbursing federal funds for emergency management and homeland security needs statewide. Federal funding plays a critical role in state-level emergency management by providing financial support to help the state and local jurisdictions prepare for, respond to, and recover from disasters. The Federal Emergency Management Agency (FEMA) is the primary agency responsible for providing this support.

4. FEMA funds and OEM manages state and local emergency preparedness and hazard mitigation projects. FEMA also reimburses state and local agencies and some nonprofits for the cost of disaster response and recovery in presidentially-declared disasters.

5. Oregon's emergency management system as built out over decades has relied on funding from FEMA. This funding facilitates communication and coordination between the federal government, state governments and local governments, a critical element of Oregon's emergency response plans.

6. OEM currently administers 29 separate FEMA grants or lines of federal disaster assistance that FEMA has effectively frozen. These grants fund activities including disaster preparedness, disaster response and mitigation, and recovery planning and training. There have been delays in reimbursement to Oregon and to local partners for losses experienced during major disasters, delaying recovery efforts and reimbursement for critical infrastructure repair and other essential recovery activities. There have also been delays in obligating subrecipient projects so that losses incurred during a declared disaster can be recovered in a timely way. On information and belief, OEM is not the only Oregon agency with FEMA grants that are currently frozen. I understand both the Oregon Water Resources Department and the Oregon Department of Geology and Mineral Industries have been unable to draw funds on multiple FEMA grants as well, including High Hazard Potential Dam grants.

7. The awarded FEMA grants and lines of disaster assistance from which OEM is currently unable to draw funds include the following:

- a. Public Assistance Grants along eight federal lines of disaster assistance for disasters including severe winter storms, flooding, mudslides, landslides, wildfires, and COVID-19

- b. Flood Mitigation Assistance fiscal year (FY) 2021 and 2023 grants
- c. Seven Hazard Mitigation Grant Program grants
- d. Building Resilient Infrastructure and Communities grants for fiscal years 2021, 2022, and 2023
- e. Pre-Disaster Mitigation Competitive Grant Program FY 2018 grant
- f. Cooperating Technical Partners (RiskMAP Program) FY 2022 grant
- g. Legislative Pre-Disaster Mitigation grants, for fiscal years 2022 and 2024
- h. Two Emergency Management Performance Grant Program grants
- i. Emergency Operations Center Grant Program FY 2022 and 2023 grant
- j. Four Homeland Security Grant Program grants
- k. Two Nonprofit Security Grant Program grants
- l. Two Individual State Earthquake Assistance grants
- m. State and Local Cybersecurity Grant Program FY 2022 grant

8. Public Assistance grants are used to help communities recover from disasters that have impacted Oregon over the last several years. At this time over \$120 Million in public assistance grant dollars are frozen – these dollars need to be put back into the communities to support recovery efforts.

9. All the federal funding committed to OEM in these programs supports critical services in Oregon. For example, the Emergency Management Performance Grant (EMPG) supports state, tribal, and local emergency management services. OEM distributes 80% of EMPG grant funds to local agencies (35 counties, 7 cities, and 7 tribal nations for FY24). Emergency management systems in rural areas of Oregon rely particularly heavily on these

federal grant funds. These funds specifically support OEM staff and local emergency manager personnel costs to support emergency response, planning, training and exercises and more.

10. The Hazard Mitigation Grant Program funds support specific projects designed to mitigate disasters such as earthquakes, flooding, tsunami, and wildfires. Hazard Mitigation Grant Program also funds natural hazard mitigation plans which are required to be FEMA approved and locally adopted for federal funding. For example, the Building Resilient Infrastructure and Communities FY 2022 grant program has approximately \$120 Million in proposed projects that harden critical infrastructure such as Grants Pass's Water Treatment facility, Columbia Memorial Hospital's (Astoria) tsunami vertical evacuation structure, and the State of Oregon's natural hazard mitigation plan.

11. The Flood Mitigation Assistance grant funds help to purchase properties that are severe repeated losses during flood events. These property acquisitions remove people from the dangers of flooding and return the property back to its natural state. Flooding is the most predictable of all natural hazards. Flood Mitigation Assistance grants also fund flood and other water inundation studies to protect communities.

12. The Homeland Security Grant Program, Nonprofit Security Grant Program and the State Local Cybersecurity Grant Program provide funds to state, local, and tribal governments and nonprofits to prevent, protect against, prepare for, and respond to terrorist or other extremist acts. Funded projects include physical security improvements, cybersecurity enhancements, and emergency equipment and preparation activities.

13. The Emergency Operations Center Grant Program provides funds to improve emergency management and preparedness capabilities by supporting flexible, sustainable,

secure, strategically located, and fully interoperable emergency operations centers to be used in times of crisis.

14. The Individual State Earthquake Assistance funds efforts to enhance and implement earthquake risk reduction at the state and local level.

15. FEMA's Cooperative Technical Partners (CTP) grant funds Oregon's RiskMAP program. This program is a community collaborator to map, assess, and plan for identified risks throughout the state. This funding includes staff salary and travel expenses.

16. FEMA uses three separate payment platforms to track and fund its grants and federal assistance—PARS, FEMAGO, and PMS. OEM's general practice in drawing federal funds has been to draw funds once per week. FEMA has in the past typically provided requested funds within three business days.

17. OEM has several grants on the FEMAGO platform that are paused. FEMA, through that platform, currently allows only one funding request to be made on a grant or line of federal assistance at a time, and each such funding request is reportedly subject to a 30-day review. On its FEMAGO grants, OEM has been unable to draw any funds since February 20, 2025. And OEM and its local partners have continued to incur costs for which OEM is unable to even request payment on the FEMAGO platform.

18. Many of OEM's FEMA grants are hosted on the PARS platform. That platform shows that every such FEMA grant is on hold as of March 7. OEM has been unable to draw funds from any PARS-hosted grant since February 20, 2025.

19. Multiple of OEM's paused FEMA grants are hosted on the PMS platform. On that platform, OEM is able to submit payment requests to the queue and has done so. But requests

have not been paid since February 20, 2025. These grants are all reportedly on a 30-day FEMA review.

20. OEM has requested payment from FEMA on most of its paused grants but has not received payment from FEMA for more than 30 days. OEM has received no federal FEMA funds since February 20. OEM is waiting on approximately \$129.4 million in federal funds, including \$129.2 million in funding for subrecipients such as cities, counties, and tribal governments and \$200K for OEM staff and administrative costs.

21. The unavailability of committed FEMA funds has created significant uncertainty and risk for emergency management in Oregon. OEM funding operates on a reimbursement model. OEM expends funds and only after expending funds does it seek federal reimbursement. OEM has been able to continue its service delivery to date, but OEM cannot continue to do so indefinitely without the receipt of committed federal funds. FEMA's funding pause has caused OEM to be unable to process reimbursements to its local partners in a timely way, which creates challenges for those local entities as well.

22. As one example, the Emergency Management Performance Grant quarter closes March 31. OEM does not have funds to cover the costs of these services without receipt of FEMA funding. We are and will continue to be unable to reimburse local emergency management programs in which salaries are funded by these FEMA grant funds.

23. At OEM and county, city and tribal level, EMPG and other preparedness grants fund:

- a. Coordinating local, state and interstate emergency response resources to address life-safety needs.

- b. Updating emergency operations plans and associated annexes that provides the framework and outlines roles and responsibilities of jurisdictions and agencies to respond to emergencies.
- c. Maintaining the auxiliary communications systems utilized by the state emergency coordination center and local Emergency Operations Centers to ensure resilient communication with tribal, local, state, and federal emergency response personnel.
- d. Conducting training and exercises to ensure emergency managers and whole community partners are able to fulfill their roles in response and recovery operations to address disaster impacts ensuring direct and immediate support to victims in our next disaster.

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

Executed on March 24, 2025, at Washington, DC.



Erin McMahon, Director

Exhibit 3

**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

**DECLARATION OF THE COLORADO DIVISION OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT IN SUPPORT OF
THE STATES' RENEWED SECOND MOTION TO ENFORCE THE COURT'S ORDERS
PERTAINING TO FREEZE OF FEMA FUNDS**

I, Michael Haney, declare and state as follows:

1. I am the Director of the Office of Grants Management at Colorado's Department of Public Safety's Division of Homeland Security and Emergency Management ("DHSEM"). I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify completely to the truth of the matters stated herein.

2. As the Director of the Office of Grants Management, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.

3. I am providing this declaration to explain the continued impacts of FEMA's denial of access to funds that had been guaranteed to the State of Colorado under various grant programs, described below.

4. The DHSEM's mission is to lead and support Colorado's effort to prevent, protect, mitigate, respond to and recover from all hazardous events.

5. The DHSEM is responsible for administering grants and managing homeland security and emergency management programs. Approximately half of DHSEM's funding comes from the federal government.

6. From February 18, 2025, to March 24, 2025, DHSEM has requested or attempted to request over \$33 million in reimbursement costs from FEMA under 14 grant programs. None of the requests have been approved.

7. The FEMA Public Assistance program provides assistance so that communities can quickly respond to and recover from major disasters or emergencies. DHSEM is awaiting reimbursement from FEMA for \$24,199,379.20 under this program, having submitted requests to FEMA that are still pending on February 19, March 5, and March 14, 2025.

8. The State Homeland Security Grant Program provides risk-based grants to assist state, local, tribal and territorial efforts in preventing, protecting against, mitigating, responding to and recovering from acts of terrorism and other threats. DHSEM is awaiting reimbursement from FEMA for \$438,999.60 under this program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 19, February 20, March 5, and March 17, 2025.

9. The Emergency Management Performance Grant provides state, local, tribal and territorial emergency management agencies with the resources required for implementation of the

National Preparedness System and works toward the National Preparedness Goal of a secure and resilient nation. The grant's allowable costs support efforts to build and sustain core capabilities across the prevention, protection, mitigation, response and recovery mission areas. DHSEM is awaiting reimbursement from FEMA for \$2,372,068.62 under this program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 18, February 19, March 3, March 5, March 13, and March 17.

10. The Nonprofit Security Grant Program provides assistance to enhance security for nonprofit organizations that are at high risk of terrorist attack. DHSEM is awaiting reimbursement for \$514,373.02 under this program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 19, March 5, March 10, and March 17, 2025.

11. The Emergency Operations Center Grant improves emergency management and preparedness capabilities. DHSEM is awaiting reimbursement for \$1,143.91 under this program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 19 and March 17, 2025.

12. The State and Local Cybersecurity Grant program provides funding to eligible entities to address cybersecurity risks and threats to information systems owned or operated by or on behalf of state, local, or tribal governments. DHSEM is awaiting reimbursement for \$4,513,194.65 under this program, having either submitted a request to FEMA that is still pending or having been denied access to submit the request on February 19, March 5, and March 17, 2025.

13. The Building Resilient Infrastructure and Communities program supports states, local communities, tribes and territories as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards. DHSEM is awaiting reimbursement for

\$7832.43 under this program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 19, March 5, and March 17, 2025.

14. The Flood Mitigation Assistance grant program provides funding to state, territory and local governments and federally recognized Tribal Nations for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the National Flood Insurance Program. DHSEM is awaiting reimbursement for \$136.54 under this program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 19 and March 4, 2025.

15. The Hazardous Materials Emergency Preparedness grant program provides support to increase State, Territorial, Tribal, and local effectiveness in safely and efficiently handling hazardous materials incidents. DHSEM is awaiting reimbursement for \$938.41 under this program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 19 and March 5, 2025.

16. The Pre-disaster Mitigation grant program provides funding to state, local, tribal, and territorial governments to plan for and implement sustainable cost-effective measures designed to reduce the risk to individuals and property from future natural hazards, while also reducing reliance on federal funding from future disasters. DHSEM is awaiting reimbursement for \$45,405.01 under the program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 19, March 5, and March 17, 2025.

17. The Shelter and Services Program supports Customs and Border Protection in the safe, orderly, and humane release of noncitizen migrants from short-term holding facilities. DHSEM is awaiting reimbursement for \$266,601.47 under the program, having either submitted

a request to FEMA that is still pending or having been denied access to submit a request on February 19, 2025.

18. The Targeted Violence and Terrorist Prevention grant program provides funding for state, local, tribal, and territorial governments; nonprofits; and institutions of higher education to establish or enhance capabilities to prevent targeted violence and terrorism. DHSEM is awaiting reimbursement for \$61,077.79 under the program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 19, March 5, and March 17, 2025.

19. The Urban Area Security Initiative grant program provides funding to enhance regional preparedness and capabilities in designated high-threat, high-density areas to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other threats. DHSEM is awaiting reimbursement for \$735,642.68 under the program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 19, March 5, and March 17, 2025.

20. The Hazard Mitigation Grant Program provides funding to state, local, tribal and territorial governments so they can develop hazard mitigation plans and rebuild in a way that reduces, or mitigates, future disaster losses in their communities. This grant funding is available after a presidentially declared disaster. DHSEM is awaiting reimbursement for \$542,909.11 under this program, having either submitted requests to FEMA that are still pending or having been denied access to submit the requests on February 21, March 5, and March 17, 2025.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 24th day of March, 2025, in Centennial, Colorado.

/s/

Michael Haney
Director, Office of Grants Management
Colorado Division of Homeland Security and
Emergency Management

Exhibit 4

**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

AFFIRMATION OF SARAH W. RICE

SARAH W. RICE, an attorney admitted to practice before this Court and admitted to practice before the courts of the State of Rhode Island, does hereby state the following under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am Sarah W. Rice, Assistant Attorney General in the Office of the Attorney General for the State of Rhode Island, and I appear on behalf of the State of Rhode Island in this action.

2. I submit this declaration in support of Plaintiff States' Renewed Second Motion to Enforce the Court's Orders Pertaining to Freeze of FEMA Funds. The facts set forth herein are based upon my personal knowledge and/or a review of the files in my possession.

3. On March 18, Colorado received an email from FEMA staff, stating that FEMA would "[e]ffective immediately" implement "an additional review process of allocations before releasing funds for all grants." A true and correct copy of the March 18 FEMA email is attached as Exhibit A.

4. On March 19, several Plaintiff States, including Colorado and Rhode Island, received an email from FEMA, announcing that FEMA was “instituting additional reviews on all grant payments and obligations to ensure allowability in accordance with 2 C.F.R. § 200.305.” In its email, FEMA also asserted that it may deny a request for reimbursement “[i]f an adequate response is not received,” to its informational demands, in which case the State “may need to submit a new reimbursement request; this will re-start the 30-day timeline.” A true and correct copy of the March 19 FEMA email is attached as Exhibit B.

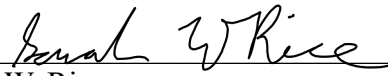
5. Arizona has not received reimbursement for more than thirty days on a grant first mentioned in the State’s Second Motion to Enforce, ECF No. 160-1, ¶ 5. Arizona has additional reimbursement requests that have been pending for more than thirty days in five other grant programs.

6. Illinois has not received reimbursement on any of the grants first mentioned in the State’s Second Motion to Enforce, ECF No. 160-1, ¶ 11. It has been more than thirty days since these funds were available to Illinois.

7. Rhode Island’s FEMA grants have similarly been unavailable for more than thirty days, including the 2022 State and Local Cybersecurity Grant Program (EMW-2022-CY-00004), 2023 State and Local Cybersecurity Grant Program (EMW-2023-CY-00049), 2022 Emergency Operations Center Grant Program (EMN-2022-EO-00001), 2023 Emergency Operations Center Grant Program (EMB-2023-EO-00001), 2022 Homeland Security Grant Program (EMW-2022-SS-00007), 2023 Homeland Security Grant Program (EMW-2023-SS-00020), 2022 Nonprofit Security Grant Program (EMW-2022-UA-00001), 2023 Nonprofit Security Grant Program (EMW-2023-UA-00021), 2022 Emergency Management Performance Grant (EMB-2022-EP-00001), and 2023 Emergency Management Performance Grant (EMB-2023-EP-00001).

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

Dated: March 24, 2025

By: 

Sarah W. Rice

Rhode Island Office of the Attorney General
State of Rhode Island

Exhibit A

Leonard Giarrano

From: [REDACTED]@fema.dhs.gov>
Sent: Tuesday, March 18, 2025 5:32 PM
To: [REDACTED] - CDPS,
Cc: [REDACTED]
Subject: RE: Colorado ARPA projects

Hi [REDACTED],

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 so that we can continue to support and prioritize communities and disaster survivors who rely on FEMA for assistance.

If additional information becomes available, I will be happy to share it with you.

Thank you,

[REDACTED]
COVID Section Chief | Recovery Division | FEMA Region 8
Mobile: [REDACTED]
[REDACTED]@fema.dhs.gov

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

From: [REDACTED]@fema.dhs.gov>
Sent: Friday, March 14, 2025 12:05 PM
To: [REDACTED] CDPS,
[REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: RE: Colorado ARPA projects

Hi [REDACTED],

We haven't talked in a long time. I hope you are doing well.

[REDACTED] and [REDACTED] are out of the office today. The 2/28/2025 email message from FEMA Grant Programs Directorate indicated due to the additional review payment requests may take up to 30 days to process depending on the size and scope of the submission. I am not aware of a funding hold but only the request to include the additional information when submitted payment requests. I understand your frustration in provided the additional

information however I believe the request from Grants Program Directorate is an effort to streamline the payment requests.

■ or ■ may be able to provide additional information when they return to the office next week.

Have a great weekend!

■
Emergency Management Specialist | Recovery Division | Region 8
Mobile: ■
■@fema.dhs.gov

Federal Emergency Management Agency
fema.gov

From: ■ CDPS, ■@state.co.us>

Sent: Friday, March 14, 2025 11:41 AM

To: ■@fema.dhs.gov ■

Cc: ■

Subject: Re: Colorado ARPA projects

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.

Dear ■,

I am writing to follow up on my previous email regarding the Colorado projects. I would appreciate clarification on whether our drawdowns are currently being processed or if they are on hold. We have not received a reimbursement for any Public Assistance projects since 2/19/2025.

As I noted in my earlier message, the information requested by the new guidance from the Grants Program Directorate is already accessible to FEMA. So a hold doesn't make sense, if there is one.

Thank you for your time and attention to this matter.

Sincerely,

■ | Director, Office of Grants Management



OFFICE OF GRANTS MANAGEMENT (OGM)
■ Mobile

8000 S. Chester Street, Suite 575 Centennial, CO 80112
[REDACTED] | www.dhsem.state.co.us
www.readycolorado.com | www.coemergency.com
Twitter: @COEmergency | @READYColorado
Facebook: COEmergency | READYColorado

On Thu, Mar 6, 2025 at 12:06 PM [REDACTED] CDPS, [REDACTED] wrote:

Hi [REDACTED],

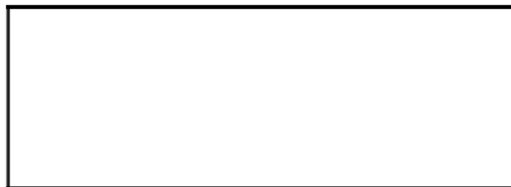
Thank you for reaching out to us and I want to let you know that we appreciate that things are changing quickly and we are all trying to do the best we can. Unsurprisingly, I'm confused. On Friday, February 28, we received two different communications; one from the Recovery Division and one through the Grants Program Directorate. The key difference between the two is that the one from the Recovery Division just mentioned the additional time for review and specifically did not request any additional information. As you say, the one from the Grants Program Directorate asks for redundant information (the four bullet points). I, perhaps mistakenly, thought that that meant we would not get questions about the four bullet points from any Recovery Division grants. Can you help me understand this discrepancy?

Additionally, as I'm sure you know, you already have the information related to the four bullet points.

- Are there any subrecipients: As you know we draw down by PW that specifically lists the subrecipient, if there is one.
- How much is going to a subrecipient: Again, you already know this based on the PW
- What activities will be funded: Again, this is already listed in the PW
- What is the time period covered by the request: There is already a period of performance in the PW

Again, I know we're all trying to do our best on this but I also have to object when the requests don't make sense and increase the administrative burden on the State.

[REDACTED] | Director, Office of Grants Management



OFFICE OF GRANTS MANAGEMENT (OGM)

[REDACTED] Mobile
8000 S. Chester Street, Suite 575 Centennial, CO 80112
[REDACTED] | www.dhsem.state.co.us
www.readycolorado.com | www.coemergency.com
Twitter: @COEmergency | @READYColorado
Facebook: COEmergency | READYColorado

On Thu, Mar 6, 2025 at 10:18 AM [REDACTED] CDPS, [REDACTED] wrote:

Are you familiar with this? [REDACTED] states that we need four bullet points for the manual review.

Thanks,

[REDACTED]

[REDACTED], Recovery Grants Manager



Office of Grants Management (OGM)

[REDACTED] Mobile

8000 S. Chester Street, Suite 575 Centennial, CO 80112

[REDACTED] | DHSEM.Colorado.gov

COEmergency.com | MARS.Colorado.gov | COBEOC.Colorado.gov

Twitter: [@COEmergency](https://twitter.com/COEmergency) | Facebook: [COEmergency](https://www.facebook.com/COEmergency)

SERVICE * TEAMWORK * RESPECT * INTEGRITY * VISION * EXCELLENCE

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

From: [REDACTED] [@fema.dhs.gov](mailto:[REDACTED]@fema.dhs.gov)>

Date: Thu, Mar 6, 2025 at 10:09 AM

Subject: Colorado ARPA projects

To: [REDACTED] [@state.co.us](mailto:[REDACTED]@state.co.us) [REDACTED]

[REDACTED]

Cc: [REDACTED]

Hello all,

I am attaching a file with a list of projects that have ARPA funding braided into the fund codes. You can see in column AF and AG the drawdown data that we have as of Feb 18th, when this report was generated. I highlighted the three big ticket projects we discussed in today's meeting.

Don't forget to refer to the new guidance provided by the FEMA Grant Programs Directorate and include the four bullet points required with each drawdown for the manual review.

I appreciate that a lot is changing and information is coming from all angles. Thank you for being patient as we figure out this shifting landscape!

Take care,

[REDACTED]

[REDACTED]

Emergency Management Specialist | Recovery Division | Region 8

Mobile: [REDACTED]

Email: [REDACTED]

Federal Emergency Management Agency

[fema.gov](https://www.fema.gov)



FEMA

Exhibit B

Leonard Giarrano

From: FEMA (Federal Emergency Management Agency) [REDACTED]@service.govdelivery.com>
Sent: Wednesday, March 19, 2025 6:51 PM
To: [REDACTED] (EMA)
Subject: Instructions to Grant Recipients Pursuing Payments in FEMA GO and ND Grants/PARS

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious



Instructions to Grant Recipients Pursuing Payments in FEMA GO and ND Grants/PARS

FEMA and the Department of Homeland Security (DHS) are instituting additional reviews on all grant payments and obligations to ensure allowability in accordance with 2 C.F.R. § 200.305. As noted in the February 28, 2025, *Message to Grant Recipients on Manual Review Process*, the Federal Emergency Management Agency (FEMA) is taking swift action to ensure the alignment of its grant programs with Secretary of Homeland Security Kristie Noem's direction.

These measures will ensure funds are disbursed appropriately while continuing to support and prioritize communities and disaster survivors who rely on FEMA for assistance. Once a recipient submits a payment request, FEMA will review the request. If FEMA approves a payment, it will process the payment through the respective non-disaster grant systems and inform recipients accordingly for drawdown purposes. If FEMA disapproves a payment, FEMA will inform the recipient.

Processing and Payment Timeline:

FEMA must comply with regulations governing payments to grant recipients. See 2 C.F.R. § 200.305. For grant recipients other than States, 2 C.F.R. § 200.305(b)(3) stipulates that FEMA is to make payments on a reimbursement basis within 30 days after receipt of the payment request, unless FEMA reasonably believes the request to be improper. For state recipients, 2 C.F.R. § 200.305(a) instructs that federal grant payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements ("Treasury-State

agreement") and default procedures codified at 31 C.F.R. part 205 and Treasury Financial Manual (TFM) 4A-2000, "Overall Disbursing Rules for All Federal Agencies." See 2 C.F.R. § 200.305(a).

Treasury-State agreements generally apply to "major federal assistance programs" that are governed by 31 C.F.R. part 205, subpart A and are identified in the Treasury-State agreement. 31 C.F.R. §§ 205.2, 205.6. Where a federal assistance (grant) program is not governed by subpart A, payment and funds transfers from FEMA to the state are subject to 31 C.F.R. part 205, subpart B. Subpart B requires FEMA to "limit a funds transfer to a state to the minimum amounts needed by the state and must time the disbursement to be in accord with the actual, immediate cash requirements of the state in carrying out a federal assistance program or project. The timing and amount of funds transfers must be as close as is administratively feasible to a state's actual cash outlay for direct program costs and the proportionate share of any allowable indirect costs." 31 C.F.R. § 205.33(a). Nothing in 31 C.F.R. part 205, subpart B or the Treasury Financial Manual (TFM) 4A-2000 prohibits FEMA's manual review process. Nearly all FEMA grants are not "major federal assistance programs." As a result, payments to states for those grants are subject to the "default" rules of 31 C.F.R. part 205, subpart B.

If additional information is needed, a request for information will be issued by FEMA to the recipient; recipients are strongly encouraged to respond to any additional FEMA request for information inquiries within three business days. If an adequate response is not received, the request may be denied, and the entity may need to submit a new reimbursement request; this will re-start the 30-day timeline.

Submission Process

All non-disaster grant program reimbursement requests must be reviewed and approved by FEMA prior to drawdowns.

For all non-disaster reimbursement requests (regardless of system), please ensure submittal of the following information:

1. Grant ID / Award Number
2. Total amount requested for drawdown
3. Purpose of drawdown and timeframe covered (must be within the award performance period)
4. Non-Governmental Organizations (NGOs) Funding Details (if applicable).
 - Is funding provided directly or indirectly to an NGO?
 - If **no**, include statement "This grant funding is not being directed to NGOs."
 - If **yes**, provide the following details:
 1. The name, mission statement, and purpose of each NGO receiving funds, along with the amount allocated and the specific role or activity being reimbursed.
 2. Whether the NGO's work or mission involves supporting aliens, regardless of whether FEMA funds support such activities.
 3. Whether the payment request includes an activity involving support to aliens?
5. Supporting documentation to demonstrate that expenses are allowable, allocable, reasonable, and necessary under 2 CFR Part 200 and in compliance with the

grant's Notice of Funding Opportunity (NOFO), award terms, and applicable federal regulations.

In some cases, additional supporting documentation may be required (if not already stipulated in the NOFO and/or award Terms and Conditions). Additional documentation could include:

- Invoices
- Purchase Orders – Supporting documentation for procured goods/services
- Evidence that the Indirect Cost Rate Agreement is current (if applicable)

If required, additional documentation would be submitted through the respective grants system (ND Grants or FEMA GO). Please coordinate with your FEMA program officer for more guidance.

For non-disaster grant programs, FEMA uses two different systems; each system requires different processes. More recent grant awards are managed (including payments) through the FEMA Grants Outcomes (FEMA GO) system. Older/legacy awards are managed in the Non-disaster Grants (ND Grants) System; ND Grants payments are facilitated through the separate Payment and Reporting System (PARS).

FEMA GO

FEMA GO Steps to Submit Payment Requests for active grant awards – Authorized Organizational Representative (AOR) User Role

The following guide provides instructions for FEMA GO external users to log-in, navigate the system, complete a request for payment, and view the request or FEMA decision. Once the grantee submits the payment request in FEMA GO it will contain the amount requested. The payment is then reviewed and approved/denied/returned by FEMA. If payment is approved, it is sent to the financial processing system to be processed by Treasury. Once processed, FEMA GO will notify the grantee of the final decision via email through the FEMA GO system and a copy of the email will be saved in the Grant File in the FEMA GO System. If FEMA disapproves a payment, FEMA will inform recipient. Please use the guide to submit the required information as noted under "Submission Process" above.

- [FEMA GO Request for Payment Guide \[links-2.govdelivery.com\]](https://links-2.govdelivery.com)

For assistance, please contact the FEMA GO Help Desk, Monday-Friday | 9 a.m. – 6 p.m. E.T. | 1-877-585-3242 | FEMAGO@fema.dhs.gov

ND Grants/PARS

Steps to Submit Payment Requests

Historically, grant recipients whose awards were located in ND Grants visit PARS to draw down for reimbursement. Given the manual review process underway, **grant recipients must now submit a narrative amendment first in ND Grants**. FEMA will review the narrative amendment and communicate approval status back to the recipient. If approved, the recipient will be instructed to draw down their approved monetary amount from PARS. If FEMA disapproves a payment, FEMA will inform recipient.

The following guide – [ND Grants Creating Narrative Only Amendment \[links-2.govdelivery.com\]](#) - provides instructions for grant recipients to submit payment requests via a narrative amendment approach in ND Grants.

For system assistance, please contact the ND Grants Service Desk. For programmatic or grants management questions, please contact your Program Manager or Grants Specialist, Monday – Friday, 9 a.m. – 6 p.m. E.T. at 1-800-865-4076 or by email at NDGrants@fema.dhs.gov.

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