

The following is an update on the status of the FY 2025 HSGP (including SHSP, UASI, and Operation Stonegarden), EMPG, NSGP, and SLCGP awards, related litigation, and the status of reimbursements for DHS/FEMA non-disaster grant programs.

Q:	What is the status of the FY 2025 HSGP (including SHSP, UASI, and Operation Stonegarden) grant award?
A:	<p>On October 1, 2025, DHS rescinded its FY 2025 HSGP grant award to California from FEMA GO, following the issuance of a temporary restraining order issued by the Rhode Island District Court in the <i>State of Illinois v. Kristi Noem, et al.</i>, Case No. 1:25-cv-00495, which ordered DHS and the other federal defendants to rescind all FY 2025 HSGP award notifications and to de-obligate the associated funds. Following the federal defendants' filing of a motion to reconsider the issuance of the TRO, the Rhode Island District Court issued an order on October 21, 2025, which provided the following:</p> <p>De-obligation of Funds: Defendants must de-obligate \$245,565,440 from the FY 2025 Homeland Security Grant Program by revising award notifications for jurisdictions that received increased funding between the NOFO and issuance of the final award.</p> <p>Prohibition on Fund Handling: Defendants are barred from disbursing, reallocating, returning, or otherwise making the de-obligated funds unavailable.</p> <p>Suspension of Statutory Lapse: The statutory expiration of the FY 2025 funds is suspended under the Court's equitable authority pending further order.</p> <p>Notice Requirement: Defendants must immediately notify all relevant officials and personnel involved in administering the Homeland Security and Emergency Management Performance Grant Programs.</p> <p>Recording Obligation: The de-obligated funds must be recorded as an obligation of the United States under 31 U.S.C. § 1501(a)(6) (a liability that may result from pending litigation) and/or (a)(9) (other legal liability of the Government against an available appropriation or fund).</p> <p>A copy of the court's order can be located here. On October 24, 2025, the court entered an order converting the temporary restraining order into a preliminary injunction. The parties subsequently filed cross-motions for summary judgment.</p> <p>On December 22, 2025, the court issued an order on these motions which restored award funding amounts to those stated in the August 1, 2025, NOFO</p>

	<p>as well as removed and permanently barred enforcement of the population verification requirement. As a result, DHS/FEMA must re-issue the Plaintiff States' HSGP and EMPG award letters to reflect the court's order. The court's order can be found here.</p>
Q:	<p>What is the status of the period of performance reduction from three years to one-year contained in the notices of award for HSGP and EMPG?</p>
A:	<p>California joined 11 other states and the District of Columbia in filing a federal lawsuit in the Rhode Island District Court, <i>State of Illinois, et al. v. Kristi Noem, et al.</i>, Case No. 1:25-cv-00495, challenging the reduction of HSGP funding to plaintiffs, the reduction of the period of performance (POP) for the HSGP and EMPG grant awards, and the population certification requirements for the EMPG grant award. The First Amended Complaint asks the court to, among other things, set aside the POP reduction and to issue an order requiring DHS/FEMA to adhere to their statutory responsibilities in allocating homeland-security funds. A copy of the First Amended Complaint can be located here.</p> <p>On December 22, 2025, the Court issued an order which, among other things, restored the periods of performance to those stated in the July 31, 2025, and August 1, 2025, Notices of Funding Opportunity. The order can be found here.</p> <p>As of this time, Cal OES has not yet received updated notices of awards for these grant programs. Cal OES currently anticipates receiving them by January 24, 2026.</p>
Q:	<p>Has FEMA amended the terms of the grant awards as required by the Rhode Island District Court's October 14, 2025, Order in <i>State of Illinois et al. v. FEMA et al.</i>, Case No. 1:25-cv-206?</p>
A:	<p>Cal OES anticipates that FEMA will issue a Grants Program Directorate Bulletin with guidance reflecting the December 22, 2025, order.</p> <p>On October 21, 2025, FEMA issued Grant Programs Directorate Information Bulletin (IB) No. 538 as a result of the Rhode Island District Court's October 14, 2025, Order. As reflected in the IB, the court's Order required FEMA to:</p> <ul style="list-style-type: none"> • Amend all award documents that they have issued to Plaintiff States and their instrumentalities and subdivisions to remove all "Compliance with Federal Immigration Law" articles and reissue the amended award documents. • Amend all award documents that they have issued to Plaintiff States and their instrumentalities and subdivisions to remove all instances of the following

	<p>sentence, or its material equivalents: "If the injunction is stayed, vacated, or extinguished, the 'Compliance with Federal Immigration Law' Agreement Article will immediately become effective," and reissue the amended award documents.</p> <p>As reflected in this IB, FEMA indicated it is amending all grant awards under the programs identified in Appendix A to the Grant Programs Directorate Information Bulletin (IB) No. 538 issued to the recipients identified in Appendix B by rescinding the following terms and conditions:</p> <ol style="list-style-type: none"> 1. Paragraph C.IX "Communication and Cooperation with the Department of Homeland Security and Immigration Officials" of the DHS Standard Terms and Conditions; 2. Paragraph C.XVII(2)(a)(iii) "Anti-Discrimination Grant Award Certification regarding immigration" of the DHS Standard Terms and Conditions; 3. The "Communication and Cooperation with the Department of Homeland Security and Immigration Officials" Agreement Article; 4. Paragraph (2)(a)(iii) of the Agreement Article titled "Anti-Discrimination"; 5. All Agreement Articles that contain "Compliance with Federal Immigration Law" in the title; 6. All Agreement Articles that contain "Impact of State of Illinois v. FEMA Injunction" in the title; 7. All Agreement Articles that contain "Impact of San Francisco v. Trump Preliminary Injunction" in the title.
Q:	<p>Have the acceptance dates for Cal OES changed for any FEMA administered non-disaster grant programs?</p>
A:	<p>As of December 29, 2025, the following are the deadlines for Cal OES to accept the following grant awards:</p> <p>FY25 NSGP: January 31, 2026 (December 31, 2025 FEMA Notice FY25 Award Updates)</p> <p>FY25 SLCGP: January 31, 2026 (December 31, 2025 FEMA Notice FY25 Award Updates)</p>

	<p>FY25 EMPG: January 31, 2026 (see December 29, 2025 Joint Stipulation in State of Illinois, et al. v. Kristi Noem, et al.)</p> <p>FY25 HSGP: January 31, 2026 (see December 29, 2025 Joint Stipulation in State of Illinois, et al. v. Kristi Noem, et al.)</p> <p>FY25 RCPGP: January 31, 2026 (December 31, 2025 FEMA Notice FY25 Award Updates)</p> <p>For more information about non-disaster grant acceptance dates, see FEMA Grant Programs Directorate Information Bulletin (IB) No. 539 and both the October 24, 2025 and December 29, 2025 Joint Stipulations in State of Illinois, et al. v. Kristi Noem, et al. (found here).</p>
Q:	What is the current status of the DEI conditions contained in the DHS FY 2025 Terms & Conditions?
A:	<p>The DEI conditions remain as provisions within the DHS FY 2025 Terms and Conditions. The Executive Order on which these are based, however, continues to be the subject of litigation. On December 1, 2025, FEMA issued an Information Bulletin as a result of the district court's November 21, 2025, issuance of a preliminary injunction in <i>County of Santa Clara, et al. v. Kristi Noem, et al.</i> (N.D. Cal.) As reflected in the IB, pursuant to the terms of the order, DHS is restrained and enjoined from directly or indirectly taking any action to withhold, freeze, or condition funds from the plaintiffs based on (1) Section C.XVII of the Standard DHS Terms (the "Discrimination Condition") and (2) Section C.XXI of the Standard DHS Terms (the "EO Condition") as to any of the plaintiffs in that lawsuit. The <i>County of Santa Clara, et al.</i> plaintiffs from California are: County of Santa Clara, City and County of San Francisco, City of Alameda, City of Berkeley, City of Culver City, City of Los Angeles, County of Los Angeles, Los Angeles County Consolidated Fire Protection District, County of Marin, City of Oakland, City of Palo Alto, City of Pasadena, City of Petaluma, City of Sacramento, City of San Diego, County of San Diego, City of San José, County of San Mateo, City of Santa Monica, City of Santa Rosa, County of Sonoma, Sonoma County Community Development Commission, Sonoma County Water Agency, and Sonoma Valley County Sanitation District.</p> <p>In applying for grant programs administered by DHS, including FEMA grant programs, Cal OES submitted a Reservation of Rights letter recognizing that: 1) there are several court orders enjoining various Executive Orders, including Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, their applicability, and their enforcement; and 2)</p>

	<p>certifying that, to the best of its understanding, Cal OES' use of grant funds complies with all lawful Executive Orders not subject to injunction, and that Cal OES complies with anti-discrimination laws.</p> <p>Cal OES will submit a reservation of rights letter reflecting the same at the time of award acceptance.</p>
Q.	<p>How do we address the HSGP NOFO NPA concerning "Supporting Border Crisis Response and Enforcement" in our application? Is this also being challenged in the ongoing litigation?</p>
A.	<p>Yes, the Plaintiff States have also requested that the court enjoin Defendants from implementing or enforcing this NPA.</p> <p>During their August 6, 2025, webinar discussing the 2025 NOFOs, FEMA stated that a jurisdiction is not required to have a Section 287(g) agreement to receive such funding and also noted that the NOFO provides examples of the potential types of projects, including supportive activities such as technology and information sharing and community engagement.</p> <p>FEMA also stated that jurisdictions should consult with their respective law enforcement agencies to determine how to address this NPA in their applications in light of applicable state law. The California Office of the Attorney General updated its bulletin regarding SB 54 earlier this year: <u>2025-DLE-03 Updated Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California TRUTH Act.</u></p>
Q.	<p>How do we address the HSGP NOFO NPA concerning "Election Security" in our application?</p>
A.	<p>Page 17 of the FY 25 HSGP NOFO states that jurisdictions must comply with three election-related conditions ("Election Security NPA Conditions") relating to use of the Voluntary Voting System Guidelines 2.0, testing through a Voting System Test Laboratory accredited by the Election Assistance Commission, and use of the SAVE system to verify the citizenship of poll workers.</p> <p>Cal OES will be submitting a Reservation of Rights letter along with the FY 2025 HSGP application, noting that there is ongoing litigation concerning Executive Order No. 14248, which this NPA incorporates, as well as various court orders enjoining the Executive Order's enforcement.</p> <p>In addition, the letter will address additional concerns, including that the Election Security NPA Conditions are vague, fail to provide meaningful</p>

guidance on what specific conduct is required, and are inconsistent with election administration practices and obligations.

Cal OES will also explain that submission of the FY 25 HSGP application should not be construed as a certification of compliance with the Election Security NPA Conditions or as a waiver of any rights by Cal OES or the State of California, or any of its political subdivisions.