

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

This document is intended as a resource for subrecipients and does not constitute, and should not be relied upon as, legal advice.

Q:	Has Cal OES accepted the NGWS, NSGP, SLCGP, RCPGP, C-UAS, HSGP, EMPG, and FIFA awards?
A:	<p>Cal OES accepted the following grant awards on the dates noted:</p> <p>FY25 NGWS: October 2, 2025</p> <p>FY25 NSGP: January 29, 2026</p> <p>FY25 SLCGP: January 30, 2026</p> <p>FY25 RCPGP: January 30, 2026</p> <p>FY26 C-UAS: January 30, 2026</p> <p>FY25 HSGP: February 13, 2026</p> <p>FY25 EMPG: February 13, 2026</p> <p>FY26 FIFA: April 13, 2026</p> <p>In accepting each award, Cal OES submitted a letter which set forth its understanding of the Agreement Articles for each grant program. Copies of those letters can be located here.</p>
Q:	When will the FY 2025 Standard Assurances be available?
A:	<p>Cal OES will be sending out the FY 2025 Standard Assurances in late April 2026.</p> <p>The FY 2025 Standard Assurances incorporate provisions of the DHS non-disaster preparedness grant awards. Subrecipients are required to submit their acceptance of the standard assurances when accepting their subaward.</p> <p>In accepting the grant awards, Cal OES submitted a letter setting forth its understanding of certain Award Articles and equivalent provisions of DHS's April 18, 2025, Standard Terms and Conditions contained in the Notices of</p>

Award. Copies of those letters can be located [here](#). A summary of the provisions/conditions addressed in Cal OES's letters are located below:

Civil Immigration

In accepting the grant awards referenced in this FAQ, Cal OES set forth its understanding pursuant to certain Award Articles in each grant award, the civil immigration provisions/DHS Standard Terms and Conditions are not applicable to or have been rescinded from the grant awards referenced in this FAQ (see below for more information). Cal OES further noted that the promulgation of those conditions has been vacated and their application to Cal OES enjoined by the final judgments in *Illinois v. FEMA*, No. 25-cv-206 (D.R.I.), *Michigan v. Noem*, No. 25-cv-2053 (D. Or.), and *Illinois v. Noem*, No. 25-cv-495 (D.R.I.). For these reasons, Cal OES did not agree to such conditions in accepting the award.

Anti-Discrimination

The Award Articles also include a provision titled "Anti-Discrimination", which references "DEI", "DEIA", and "discriminatory equity ideology", and is based on provisions in the [FY 2025 DHS Standard Terms and Conditions](#) (see Section C.XVII). In accepting the award, Cal OES set forth its understanding that the provision requires only that it does not violate federal anti-discrimination law, and agrees to that term based on that understanding.

As to those provisions in the Award Articles and DHS Standard Terms and Conditions (see [FY 2025 DHS Standard Terms and Conditions](#) Section C.XVII(3) and (4)) which state that DHS may take certain remedial measures "if the Secretary of Homeland Security or her designee determines that the recipient has violated" certain provisions, including the provision requiring compliance with federal anti-discrimination laws, Cal OES set forth its understanding that these provisions to refer to the federal statutes and regulations setting forth substantive anti-discrimination requirements for grant recipients, the enforcement mechanisms available to the federal government, and the procedures the government must follow before taking remedial measures. See, e.g., 42 U.S.C. § 2000d-1; 44 C.F.R. § 7.12; 20 U.S.C. § 1682; 44 C.F.R. § 19.605; 42 U.S.C. § 6104; 44 C.F.R. § 7.945. Cal OES agreed to these terms based on that understanding.

Executive Orders

In accepting the grant awards addressed in this FAQ, Cal OES also noted that there are several court orders enjoining various Executive Orders, their applicability, and their enforcement. In accepting the grant awards, Cal OES

	expressly did not waive or relinquish any legal rights or defenses available to it in the event of any adverse action, including, but not limited to, an action brought under 31 U.S.C. § 3729, nor did it waive any arguments concerning the imposition of legally invalid, vague, or unclear conditions.
Q:	What is the status of the DEI conditions contained in the DHS FY 2025 Terms & Conditions?
A:	<p>As discussed immediately above, in accepting the HSGP, EMPG, FIFA, C-UAS, NSGP, NGWS, SLCGP, and RCPGP awards, Cal OES submitted a letter setting forth its understanding of the Agreement Articles, including those designated as “DEI” conditions, in accepting each grant award. Copies of those letters are located here.</p> <p>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.XXXI 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>
Q.	What is the status of the FEMA Grants Outcomes (FEMA GO) and Non-Disaster Grants (ND Grants/PARS) System? Can subrecipients submit requests for reimbursements? Are subrecipients receiving any reimbursements during the current DHS shutdown?
A.	<p>Cal OES has not received any reimbursements from DHS/FEMA since the current shut down began on February 13 and FEMA GO and the Non-Disaster Grants System were unavailable.</p> <p>On March 23, 2026, FEMA issued an Information Bulletin providing that grant recipients may now submit amendments and payment requests on all grant</p>

	<p>awards, including the Building Resilient Infrastructure and Communities (BRIC) program. However, any amendments and payment requests that require federal staff action will not be processed during the lapse except for the programs identified below:</p> <ul style="list-style-type: none"> • Operation Stonegarden Grant Program • FIFA World Cup Grant Program • Countering-Unmanned Aircraft Systems Grant Program <p>FEMA has also issued its Frequently Asked Questions regarding the FEMA GO and ND Grants/PARS System status. Of note, FEMA stated that payment requests and awards for HSGP from FY 2024 and earlier “typically do not require federal support, meaning they will be processed during the lapse in appropriations.”</p>
<p>Q:</p>	<p>What is the status of the reduction in the HSGP grant award to California from the award forth in the initial HSGP NOFO to the award set forth in the September 27, 2025, HSGP notice of award?</p>
<p>A:</p>	<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, as well as the reduction of the period of performance (POP) for the HSGP and EMPG grant awards, and the population certification requirement for the EMPG grant award. (See below for FAQs addressing these issues.)</p> <p>On December 22, 2025, the court issued an order directing DHS/FEMA to amend HSGP awards to reflect the awards provided in the August 1, 2025 NOFO. A copy of the court’s order can be found here. Following the court’s order, FEMA issued an amended award to California on January 30, 2026, reflecting the funding award set forth in the August 1, 2025, HSGP NOFO.</p>
<p>Q:</p>	<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>
<p>A:</p>	<p>Pursuant to the December 22, 2025, order issued by the Rhode Island District Court in <i>State of Illinois, et al. v. Kristi Noem, et al</i>, Case No. 1:25-cv-00495, the HSPG and EMPG periods of performance (POP) have been restored to those stated in the July 31, 2025, and August 1, 2025, Notices of Funding Opportunity as set forth below:</p> <ul style="list-style-type: none"> • FY25 HSGP POP: September 1, 2025, to August 31, 2028

	<ul style="list-style-type: none"> • FY25 EMPG POP: October 1, 2024, to September 30, 2027 <p>A copy of the court's order can be found here.</p> <p>On May 11, 2026, FEMA published Information Bulletin No. 562 informing all FY2025 HSGP and FY2025 EMGP recipients that while DHS and FEMA initially appealed the court's decisions, they will not pursue these appeals. Accordingly, FEMA will not make additional amendments to grants and recipients may proceed with grant activities in accordance with the amended terms and conditions of their awards.</p>
<p>Q:</p>	<p>What is the status of the population certification requirement set forth in the EMPG grant?</p>
<p>A:</p>	<p>In addition to restoring the three-year period of performance as discussed above, the Rhode Island District Court's December 22, 2025, order in <i>State of Illinois, et al. v. Kristi Noem, et al</i>, Case No. 1:25-cv-00495, which rescinded the population certification requirement and enjoined defendants from "enforcing by any means against Plaintiffs and their instrumentalities and subdivisions the EMPG award terms titled 'Verification of a State's Population' or any materially similar terms requiring certification of a state's population as a condition on the receipt of federal funds."</p> <p>A copy of the court's order can be found here.</p>