



February 13, 2026

Robert J. Fenton
Regional Administrator
U.S. Department of Homeland Security
FEMA Region 9
1111 Broadway, Suite 1200
Oakland, CA 94607

Subject: FY 2025 Emergency Management Performance Grant

Dear Robert J. Fenton:

The California Governor's Office of Emergency Services (Cal OES) is pleased to accept its Fiscal Year 2025 award under the Emergency Management Performance Grant Program. Cal OES looks forward to working with the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) to implement the National Preparedness System and the National Preparedness Goal for a secure and resilient nation. Cal OES accepts the award under the following understanding of the Agreement Articles.

Cal OES understands that, pursuant to Articles 56, 57, 58, 62, 63, and 64 of the Agreement, Articles 11, 19(1)(e), 19(2)(a)(iii), and 55 as well as the equivalent provisions of DHS's April 18, 2025 Standard Terms and Conditions (Paragraphs C.IX and C.XVII(2)(a)(iii)), and Articles 60 and 61 do not apply to this grant award or have been rescinded. In any event, the promulgation of those conditions has been vacated and their application to Cal OES has been 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 does not agree to such conditions in accepting the award.

Cal OES also understands Article 19(2)(a)(i) to require only that it does not violate federal anti-discrimination law, and agrees to that term based on that understanding. Article 19(3) and (4) also state that DHS may take certain remedial measures "if the Secretary of Homeland Security or her designee



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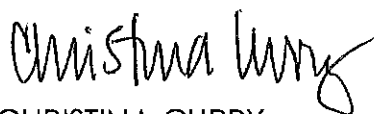
determines that the recipient has violated" certain provisions, including the provision requiring compliance with federal anti-discrimination laws. Cal OES understands these provisions to refer to the federal statutes and regulations setting forth substantive anti-discrimination requirements for grant 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. It agrees to these terms based on that understanding.

Cal OES understands the Agreement for this program does not incorporate the "Subrecipient Funding Details" provision found at page 34 of the Notice of Funding Opportunity. By ratifying this award, Cal OES makes no representations regarding the work, mission, policies, or practices of any subrecipient. Cal OES does not have comprehensive information regarding subrecipients for these funds at this time. Cal OES also reserves its rights to object to providing any further information regarding subrecipients beyond what is authorized by law.

Cal OES also notes that there are several court orders enjoining various Executive Orders, their applicability, and their enforcement. Nonetheless, in accepting this award, Cal OES expressly does 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 does it waive any arguments concerning the imposition of legally invalid, vague, or unclear conditions.

Finally, Cal OES's agreement to the terms of this award does not waive or concede any arguments concerning the application or interpretation of 2 C.F.R. § 200.340, which is currently the subject of litigation, including in *New Jersey v. U.S. Office of Mgmt. & Budget*, No. 25-11816-1T (D. Mass.).

Sincerely,



CHRISTINA CURRY
Acting Director