



April 13, 2026

David Gudinas
Deputy Assistant Administrator (Acting),
Grant Program Directorate, Resilience
U.S. Department of Homeland Security
Federal Emergency Management Agency
400 C Street, SW, 3N
Washington, D.C. 20472-3645

Subject: FY 2026 FIFA World Cup Grant Program

Dear David Gudinas:

The California Governor's Office of Emergency Services (Cal OES) is pleased to accept the FY 2026 FIFA World Cup Grant Program (FWCGP) award. However, we note 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.

Cal OES understands that, pursuant to Article 56 of the Agreement, Articles 11, 19(1)(e), 19(2)(a)(iii), and 33, 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Standard Terms and Conditions (Paragraphs C.IX and C.XVII(2)(a)(iii)), do not apply to this grant award or have been rescinded.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.



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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 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 also notes that Articles 19 and 33 relate to Executive Orders, there are several court orders enjoining various Executive Orders, their applicability, and their enforcement, and these specific conditions are the subject of ongoing litigation in *County of Santa Clara v. Noem*, No. 25-8330 (N.D. Cal.). Many of the Executive Orders and these specific conditions are vague and use undefined terminology and language, failing to provide meaningful criteria that would allow an evaluation of what conduct is required. Nonetheless, to the best of its understanding of the above provisions, Cal OES certifies that it does not operate any discriminatory programs and it complies with all lawful Executive Orders related to grants that are not subject to injunction.

By accepting 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 does not understand (1) the meaning of the phrase "staff American, stay in America," (2) what it means to "include[]" foreign nationals; or (3) the meaning of the phrases "work or mission involves supporting aliens" or "an activity involving support to aliens." Cal OES complies with all applicable laws concerning employee work authorization. Finally, Cal OES reserves its rights to object to providing information regarding subrecipients beyond what is authorized by law.

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Finally, Cal OES' 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,



CAROLINE THOMAS JACOBS
Director