U.S. Department of Homeland Security
Washington, DC 20472

FEMA

Grant Programs Directorate Information Bulletin
No. 538

October 21, 2025

MEMORANDUM FOR: Plaintiff States in *State of Illinois, et al. v. FEMA, et al.*, No. 25-206 (D. R.I.)

FROM: David R. Arnold
Acting Deputy Administrator for Resilience

DAVID R ARNOLD
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SUBJECT: **Compliance with Court Order in *State of Illinois, et al. v. FEMA, et al.*, No. 25-206 (D. R.I.) – Amendment of Grant Award Terms and Conditions**

I. Purpose and Applicability:

This Information Bulletin (IB) serves to notify the 21 Plaintiff States in *State of Illinois, et al. v. FEMA, et al.*, No. 25-206 (D. R.I.) that FEMA is amending grant awards under the grant programs identified in Appendix A to comply with the U.S. District Court for the District of Rhode Island's Order issued on October 14, 2025 (attached). FEMA is issuing this IB in compliance with the Court's Order.

II. Background

On October 14, 2025, the U.S. District Court for the District of Rhode Island issued the Order included in Appendix C that, among other things, requires the Department of Homeland Security and Federal Emergency Management Agency to:

- 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 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.

III. Grant Award Amendments

Effective immediately and as required by the Court's October 14, 2025 Order, FEMA is amending all grant awards under the programs identified in Appendix A issued to the recipients

identified in Appendix B by rescinding the following terms and conditions:

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.

Due to the current lapse in federal funding, FEMA is unable to actively manage the FEMA Grants Outcomes (FEMA GO) grants management system. However, FEMA will confirm these amendments in the award file for each impacted award in the FEMA GO system once the lapse in funding is resolved.

Appendix A: Applicable Grant Programs

This Information Bulletin applies to the following Fiscal Year 2025 Grant Programs:

- Homeland Security Grant Program: State Homeland Security Program and Urban Area Security Initiative
- Emergency Management Performance Grant Program
- Port Security Grant Program
- Transit Security Grant Program
- Targeted Violence and Terrorism Prevention Grant Program
- Regional Catastrophic Preparedness Grant Program

Appendix B: Recipients

This Information Bulletin applies to the following grant recipients:

Table 1: Emergency Management Performance Grant Recipients

Plaintiff State
California
Colorado
Connecticut
Delaware
District of Columbia
Hawaii
Illinois
Maine
Maryland
Massachusetts
Michigan
Minnesota
Nevada
New Jersey
New Mexico
New York
Oregon
Rhode Island
Vermont
Washington
Wisconsin

Table 2: Homeland Security Grant Program Recipients

Plaintiff State
California
Colorado
Connecticut
Delaware
District of Columbia
Hawaii
Illinois
Maine
Maryland
Massachusetts
Michigan
Minnesota
Nevada
New Jersey
New Mexico
New York

Oregon
Rhode Island
Vermont
Washington
Wisconsin

Table 3: Port Security Grant Program Recipients

Plaintiff State	**Recipient**
California	City of Long Beach - Harbor Department
California	City of Los Angeles
California	Harbor Department (Los Angeles-Long Beach)
California	Los Angeles Fire Department
California	Oxnard Harbor District
California	San Diego Unified Port District
California	City & County of San Francisco
California	City of Oakland
California	City of South San Francisco - Fire Department
California	County of Sacramento
California	Port Department of the City of Oakland
California	Port of Redwood City
Connecticut	City of New Haven
Connecticut	City of Stamford
Connecticut	Department of Emergency Services and Public Protection (DESPP)
Connecticut	Guilford Fire Department
Connecticut	Mystic Fire Department
Connecticut	Town of Fairfield
Delaware	Delaware River & Bay Authority
Delaware	Safety & Homeland Security Department of Delaware
Delaware	State of Delaware, DNREC
Illinois	City of Evanston
Illinois	Department of Natural Resources Illinois
Illinois	America's Central Port District
Illinois	Columbia Fire Protection District
Maryland	Baltimore City Fire Department
Maryland	Maryland Department of State Police
Maryland	Maryland Department of Transportation State Highway Administration

Maryland	Mayor and City Council of Baltimore
Maryland	State of Maryland Department of Natural Resources
Massachusetts	Boston Police Department
Massachusetts	Boston, City of
Massachusetts	Salem Police Department
Massachusetts	State Police Department
Massachusetts	Town of Duxbury Massachusetts
Massachusetts	Town of Essex
Massachusetts	Town of Hingham
Massachusetts	Town of Plymouth
Michigan	State of Michigan
Minnesota	Saint Louis County Administration Building
Minnesota	City of Saint Paul
Minnesota	County of Washington
New Jersey	Cherry Hill Fire District
New Jersey	City of Camden
New Jersey	Delaware River Port Authority PA/NJ
New Jersey	Law & Public Safety, New Jersey Department of
New Jersey	South Jersey Port Corporation
New Jersey	Borough of Carteret
New Jersey	City of Bayonne
New Jersey	City of Linden
New Jersey	North Hudson Regional Fire & Rescue
New Jersey	Perth Amboy, City of Inc.
New York	County of Suffolk
New York	Suffolk, County of PD
New York	City of New Rochelle
New York	City of Peekskill
New York	County of Nassau
New York	County of Orange
New York	County of Rockland
New York	Department of Environmental Conservation New York
New York	Dutchess County Sheriff's Office
New York	New York State Bridge Authority
New York	New York State Division of Military & Naval Affairs

New York	New York State Police
New York	Palisades Interstate Park Commission
New York	The Port Authority of New York and New Jersey
New York	Town of Secaucus
Oregon	Port of Astoria
Rhode Island	Rhode Island Emergency Management Agency
Washington	Port of Vancouver
Washington	City of Seattle (Fire Department)
Washington	Fish & Wildlife, Washington State Department of
Washington	Port Angeles Port of
Washington	Seattle Police Department
Wisconsin	County of Racine
Wisconsin	County of St Croix

Table 4: Regional Catastrophic Preparedness Grant Program Recipients

Plaintiff State
California
Colorado

Table 5: Transit Security Grant Program Recipients

Plaintiff State	**Recipient**
California	San Francisco Municipal Railway (MUNI)
California	San Francisco Bay Area Rapid Transit District (BART)
California	San Diego Metropolitan Transit System (MTS)
California	Alameda Contra Costa Transit District (AC Transit)
California	Orange County Transportation Authority (OCTA)
Colorado	Denver Regional Transportation District
Connecticut	Connecticut Department of Transportation
District of Columbia	Washington Metropolitan Area Transit Authority
Illinois	Chicago Transit Authority (CTA)
Illinois	Northeast Illinois Commuter Railroad Corporation (METRA)
Maryland	Maryland Transit Administration (MD MTA)
Massachusetts	Massachusetts Bay Transportation Authority (MBTA)
Nevada	Regional Transportation Commission of Southern Nevada
New Jersey	New Jersey Transit Corporation
New Jersey	Port Authority of NY & NJ (PANNYNJ)

Appendix C: U.S. District Court for the District of Rhode Island Oct. 14, 2025, Court Order

Case 1:25-cv-00206-WES-PAS Document 75 Filed 10/14/25

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STATE OF ILLINOIS, et al.,	)	
Plaintiffs,	)	
v.	)	C.A. No. 25-206 WES
FEDERAL EMERGENCY MANAGEMENT AGENCY, et al.,	)	
Defendants.	)	

ORDER

WILLIAM E. SMITH, Senior District Judge.

In its September 24 Memorandum and Order, the Court vacated and set aside several "contested conditions" — which required state and local recipients of grants overseen by the Department of Homeland Security ("DHS") to assist in federal immigration enforcement — and permanently enjoined Defendants from enforcing the conditions against Plaintiff States. Mem. & Order 41-45, Dkt. No. 71.

Despite the Court's order, Defendants have now inserted the contested conditions into Plaintiff States' award letters for DHS grants, along with statements promising that "[i]f the injunction is stayed, vacated, or extinguished, the [contested conditions] will immediately become effective." See Pl. States' Mot. Enforce J. or, in Alt., Clarify Scope Inj. ("Pls.' Mot.") Ex. 4, at 36, Dkt. No. 73-4. To accept these awards, Plaintiff States must therefore agree to comply with the contested conditions subject to a condition precedent, i.e., a stay of the Court's injunction and, presumably — though the award letters fail to mention it — vacatur of the contested conditions under the Administrative Procedure Act ("APA"). See id. at 2, 36.

In effect, Defendants have done precisely what the Memorandum and Order forbids, which is requiring Plaintiff States to agree to assist in federal immigration enforcement or else forgo the award of DHS grants. The fig leaf conditional nature of the requirement makes little difference. No matter how confident Defendants may be of their chances on appeal, at present, the contested conditions are unlawful. Plaintiff States therefore have a right to accept the awards without regard to the contested conditions. Defendants' new condition is not a good faith effort to comply with the order; it is a ham-

handed attempt to bully the states into making promises they have no obligation to make at the risk of losing critical disaster and other funding already appropriated by Congress.

Accordingly, the Court orders the following:

1. The "contested conditions" are defined in the Court's September 24 Memorandum and Order. Mem. & Order 4-6, Dkt. No. 71.
2. The contested conditions and all award articles titled "Compliance with Federal Immigration Law" are set aside and vacated pursuant to 5 U.S.C. § 706(2).
3. Defendants are permanently enjoined from enforcing against Plaintiff States and their instrumentalities and subdivisions: (a) the contested conditions, (b) the "Compliance with Federal Immigration Law" award articles, and (c) any materially similar term requiring cooperation with federal immigration enforcement as a condition on federal funds.
4. Within seven days of the date of this Order, defendants shall 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.
5. Within seven days of the date of this Order, defendants shall amend all award documents that they have issued to Plaintiff States and their instrumentalities and subdivisions to remove all instances of the following 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.
6. No part of the relief here ordered is inconsistent with or in any way more limited than the relief ordered on September 24, 2025.

IT IS SO ORDERED.

William E. Smith
Senior District Judge
Date: October 14, 2025