

# EXHIBIT B

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



**FEMA**

March 20, 2025

**DECISION**

MEMORANDUM FOR: Kristi Noem  
Secretary of the Department of Homeland Security

FROM: Cameron Hamilton   
Senior Official Performing the Duties of the Administrator  
Federal Emergency Management Agency

SUBJECT: **Approval of FEMA-Administered Grant Disbursements**

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**Purpose:** To seek approval on the review process and parameters of grant programs administered by the Federal Emergency Management Agency (FEMA) to align with Administration and Secretary priorities on non-governmental organizations, immigration, and sanctuary jurisdictions.

**Background:** On Jan. 28, 2025, the Secretary of the Department of Homeland Security (DHS) issued a memo to components and agency heads entitled *“Direction on Grants to Non-governmental Organizations,”* which required the development and implementation of a process to review payments and obligations for grants that *“(1) go to non-profit organizations or for which non-profit organizations are eligible and (2) touch in any way on immigration.”* In accordance with this instruction, FEMA is recommending the implementation of additional processes to review certain grants prior to releasing funds, as outlined in this memo.

The Secretary also issued a memo on Feb. 19, 2025, *“Restricting Grant Funding for Sanctuary Jurisdictions,”* instructing all components to “review all federal financial assistance awards to determine if Department funds, directly or indirectly, are going to sanctuary jurisdictions.” In compliance with this memo, FEMA is providing recommendations for which grant programs sanctuary jurisdiction conditions should apply.

Appendix A provides a programmatic overview of all FEMA programs.

**Action: FEMA Recommendations for Approval**

1. The grant programs for which sanctuary jurisdiction conditions or restrictions should be applied;
2. The methodology FEMA will use to assess disaster and non-disaster grant programs in accordance with the Secretary’s direction on non-governmental organizations (NGOs) and immigration; and
3. FEMA’s recommended determinations for each grant program.

### **Action Item 1: FEMA Proposed Sanctuary Jurisdiction Programs and Applicability**

FEMA recommends applying conditions or restrictions on FEMA administered non-disaster preparedness grant programs that go to a sanctuary jurisdiction as designated by U.S. Immigration and Customs Enforcement (ICE) and:

- a. where the purpose of the grant has a nexus to immigration activities, law enforcement, or national security; or,
- b. where statute does not limit how FEMA implements the program.

Based on the criteria above, FEMA recommends the conditions or restrictions be placed on all open and future awards for the following 12 programs<sup>1</sup>:

1. Case Management Pilot Program (CMPP);
2. Emergency Management Performance Grant (EMPG);
3. Homeland Security Grant Program – Operation Stonegarden (OPSG);
4. Homeland Security Grant Program – State Homeland Security Program (SHSP);
5. Homeland Security Grant Program – Urban Area Security Initiative;
6. Homeland Security National Training Program - Continuing Training Grants - Competitive (HSNTP-CTG);
7. Port Security Grant Program (PSGP);
8. Presidential Residence Protection Assistance Grant Program (PRPA);
9. Regional Catastrophic Preparedness Grant Program (RCPGP);
10. Shelter and Services Program (SSP);
11. Targeted Violence and Terrorism Prevention Grant Program (TVTP); and
12. Transit Security Grant Program (TSGP); and

As noted above, application of conditions or restrictions will vary based on the structure or authority of each respective program.<sup>2</sup> FEMA will assess each grant and submit proposed program implementation recommendations to the General Counsel for a legal determination as appropriate. These program implementation recommendations will include how the conditions or restrictions apply to prime awards, sub-awards, and existing awards and payments.

FEMA recommends conditions or restrictions on sanctuary jurisdictions not apply to disaster grants, non-disaster mitigation grants, and grants to fire departments and organizations that comprise the National Urban Search and Rescue Response System.

To implement guidance from the Secretary's memo, "*Restricting Grant Funding for Sanctuary Jurisdictions*," FEMA has categorized disaster and non-disaster programs into two risk profiles using the above criteria. FEMA recommends approval of the proposed methodology:

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<sup>1</sup> While the Tribal Homeland Security Grant Program meets the criteria outlined above, FEMA did not include it for sanctuary jurisdiction conditions or restrictions due to Tribal sovereignty.

<sup>2</sup> See Appendix A for additional information on program eligibility.

### Image A: Proposed Sanctuary Jurisdictions Risk Methodology

Sanctuary Jurisdiction Does Not Apply	Sanctuary Jurisdiction Applies
<ul style="list-style-type: none"> <li>Grant programs that: <ul style="list-style-type: none"> <li>Do not go to sanctuary jurisdiction; or</li> <li>Are disaster or non-disaster mitigation grants; or</li> <li>Are non-disaster grants with no nexus to immigration activities, law enforcement, or national security; or</li> <li>Are limited by statute.</li> </ul> </li> <li>These programs/projects <u>should move forward without additional review</u>.</li> </ul>	<ul style="list-style-type: none"> <li>Grant programs that: <ul style="list-style-type: none"> <li>Go to a designated sanctuary jurisdiction; or</li> <li>Are non-disaster grants; <u>and</u></li> <li>Have a nexus to immigration activities, law enforcement, or national security; or</li> <li>Are not limited by statute.</li> </ul> </li> <li>These programs/projects <u>require additional review by DHS review</u>.</li> </ul>

Clears through existing program controls and review processes

Project identified as meeting S1 criteria, requires DHS review

Approve/date

Disapprove/date

*[Signature]*  
3-25-25

Modify/date

Needs discussion/date

### Action Item 2: FEMA Proposed NGO/Immigration Grant Risk Assessment Methodology

To implement guidance from the Secretary's memo, "*Direction on Grants to Non-governmental Organizations*," FEMA has categorized all disaster and non-disaster grant programs into three risk profiles. In considering the risk level, FEMA will evaluate whether the intent and primary purpose of the grant relates to the nexus of immigration. The intent is to ensure that FEMA's grant programs do not encourage or induce illegal immigration or illegal harboring of illegal aliens or any other unlawful activity. This information will lead to the determination of their risk profile as outlined in Image B. FEMA recommends approval of the proposed methodology:

### Image B: Proposed NGO/Immigration Risk Assessment Methodology

Low Risk	Medium Risk	High Risk
<ul style="list-style-type: none"> <li>Low likelihood that grant disbursements (1) go to NGOs, <u>and</u> (2) touch in any way on immigration.</li> <li>These programs/projects <u>should move forward without additional review</u>.</li> </ul>	<ul style="list-style-type: none"> <li>Further analysis required to determine likelihood. Indeterminate risk that grant disbursements (1) go to NGOs, <u>and</u> (2) touch in any way on immigration.</li> <li>These programs/projects are <u>pending review by FEMA to assess low or high risk, with concurrence from DHS</u>.</li> </ul>	<ul style="list-style-type: none"> <li>High likelihood that grant disbursements (1) go to NGOs, <u>and</u> (2) touch in any way on immigration.</li> <li>These programs/projects <u>require additional review by DHS</u>.</li> </ul>

Clears through existing program controls and review processes

Requires FEMA review to assess high or low risk with concurrence from DHS

Project identified as meeting S1 criteria, requires DHS review

Approve/date

Disapprove/date

*John Tamm*  
3-25-25

Modify/date

Needs discussion/date

### **Action Item 3: Approval of FEMA's Recommended Determinations**

In accordance with the above methodologies for non-disaster and disaster grants, FEMA recommends approval of the determinations by grant program as outlined in the table below. The recommended determinations are:

- **Green:** Cleared by FEMA to undergo the existing program controls and review processes. Programs have been identified to have a low likelihood of grant disbursements to NGOs and low likelihood of a nexus to immigration, and the sanctuary jurisdiction restriction do not apply. Grants with a “green” assessment are approved to move forward with payment consistent with FEMA’s existing processes without additional review by DHS.
- **Yellow:** Pending review by FEMA to conduct additional analysis on the projects and awards to determine likelihood of grant disbursements to NGOs with an immigration nexus. Sanctuary jurisdiction restrictions do not apply. As FEMA completes the analysis, FEMA will submit decision memos to DHS to recommend a grant program be moved to green or red status. FEMA will also submit yellow payments weekly for DHS consideration and approval if payment can move forward.
- **Red:** For DHS review and approval of payment requests or evaluation for termination of grant program. Programs have been identified to have a high likelihood of grant disbursements to NGOs and immigration nexus, and/or meets the sanctuary jurisdiction restrictions. FEMA will conduct an assessment and provide recommendations to DHS on whether payments should be denied or approved. In the recommendation, FEMA will review the sanctuary jurisdictions identified by U.S. Immigration and Customs Enforcement (ICE) and specifically note the jurisdictional restrictions. The recommendation will consider, among other things, the purpose and intent of the grant, the benefits to the DHS mission and risks, and the context of which organization is receiving the award. For example, is the individual grant award going to a county government who is not on the ICE sanctuary jurisdiction list, but the state is on the list. FEMA will also provide recommendations on if programs and/or individual grant awards should be terminated based on the Secretary’s guidance.

Approve/date

Disapprove/date

*John Tamm*  
3-25-25

Modify/date

Needs discussion/date

**TABLE A: All FEMA Grant Programs and Recommended Review**

AFT	Program	# of Open Awards	ULO Balance*	Risk of NGO / Immigration	Apply Sanctuary Jurisdiction	Recommended Determination
DRF	Community Disaster Loans (CDL)	44	\$93,791,763	Low	No	Cleared by FEMA
DRF	Disaster Unemployment Assistance (DUA)	18	\$49,847,337	Low	No	Cleared by FEMA
DRF	Fire Management Assistance Grants (FMAG) – previously included as part of Public Assistance – Grants to State & Local	124	\$52,479,916	Low	No	Cleared by FEMA
DRF	Hazard Mitigation Grant Program (HMGP)	386	\$4,414,617,261	Low	No	Cleared by FEMA
DRF	Hazard Mitigation Grant Program Post Fire (HMGP Post Fire)	269	\$58,007,937	Low	No	Cleared by FEMA
DRF	Individual and Households Program (IHP)	N/A	\$380,898,640	Low	No	Cleared by FEMA
DRF	Public Assistance – Grants to State & Local	44,266	\$73,241,454,318	Low	No	Cleared by FEMA
DRF	Urban Search and Rescue (US&R)	NA	\$141,254,817	Low	No	Cleared by FEMA
FA	Alliance for System Safety of Unmanned Aircraft Systems through Research Excellence (ASSURE)	4	\$4,669,770	Low	No	Cleared by FEMA
FA	Assistance to Firefighter Grants (AFG)	3801	\$464,132,184	Low	No	Cleared by FEMA
FA	Building Resilient Infrastructure and Communities (BRIC)	1365	\$1,154,059,629**	Low	No	Cleared by FEMA
FA	Chemical Stockpile Emergency Preparedness Program (CSEPP)	9	\$26,180,310	Low	No	Cleared by FEMA
FA	Community Assistance Program State Support Services Element (CAP-SSSE)	76	\$11,587,984	Low	No	Cleared by FEMA

AFT	Program	# of Open Awards	ULO Balance*	Risk of NGO / Immigration	Apply Sanctuary Jurisdiction	Recommended Determination
FA	Cooperating Technical Partners (CTP)	480**	\$239,537,976**	Low	No	Cleared by FEMA
FA	Emergency Management Baseline Assessments Grant (EMBAG)	3**	\$127,416**	Low	No	Cleared by FEMA
FA	Emergency Operations Center (EOC)	95	\$228,725,861	Low	No	Cleared by FEMA
FA	Fire Prevention and Safety (FP&S)	373	\$80,643,658	Low	No	Cleared by FEMA
FA	Flood Mitigation Assistance (FMA)	473	\$909,252,393	Low	No	Cleared by FEMA
FA	Flood Mitigation Assistance Swift Current (FMA Swift)	14	\$0**	Low	No	Cleared by FEMA
FA	Homeland Security Preparedness Technical Assistance Program (HSPTAP)	4	\$406,557	Low	No	Cleared by FEMA
FA	Homeland Security National Training Program (HSNTP) - National Domestic Preparedness Consortium (NDPC)	17	\$134,067,348	Low	No	Cleared by FEMA
FA	HSNTP– National Cybersecurity Preparedness Consortium	5	\$16,906,852	Low	No	Cleared by FEMA
FA	Intercity Bus Security Grant Program (IBSGP)	59	\$2,905,029	Low	No	Cleared by FEMA
FA	National Dam Safety Program and Rehabilitation of High Hazard Potential Dams Grant Program (HHPD)	207	\$244,022,266	Low	No	Cleared by FEMA
FA	National Earthquake Hazards Reduction Program (NEHRP) and Multi-State and National Earthquake Assistance (MSNEA) Grant Program	62	\$4,876,775	Low	No	Cleared by FEMA
FA	National Fire Academy Training Assistance (NFATA)	10	\$1,446,388	Low	No	Cleared by FEMA

AFT	Program	# of Open Awards	ULO Balance*	Risk of NGO / Immigration	Apply Sanctuary Jurisdiction	Recommended Determination
FA	National Incident Management System (NIMS)	3	\$2,208,411**	Low	No	Cleared by FEMA
FA	National Urban Search and Rescue (US&R)	153	\$66,105,406	Low	No	Cleared by FEMA
FA	Next Generation Warning System Grant Program (NGWSGP) <sup>1</sup>	3	\$134,196,015	Low	No	Cleared by FEMA
FA	Pre-Disaster Mitigation (PDM)	99	\$504,369,174	Low	No	Cleared by FEMA
FA	Safeguarding Tomorrow Revolving Loan Fund/Safeguarding Tomorrow through Ongoing Risk Mitigation Act (STORM)	9	\$51,397,697	Low	No	Cleared by FEMA
FA	Staffing For Adequate Fire and Emergency Response (SAFER)	1125	\$1,148,541,961**	Low	No	Cleared by FEMA
FA	State and Local Cybersecurity Grant Program (SLCGP)	161	\$760,367,208	Low	No	Cleared by FEMA
FA	State Fire Training Systems Grants (SFT)	59	\$876,377	Low	No	Cleared by FEMA
FA	Tribal Cybersecurity Grant Program (TCGP)	31	\$17,620,204	Low	No	Cleared by FEMA
FA	Tribal Homeland Security Grant Program (THSGP)	77	\$42,539,321	Low	No	Cleared by FEMA
DRF	Crisis Counseling Program (CCP)	63	\$53,020,947	Medium	No	Pending Review

<sup>1</sup> The Corporation for Public Broadcasting has filed a lawsuit in the District of Columbia District Court on March 13, 2025, contending that FEMA's manual payment review process for NGWSGP awards was arbitrary and capricious in violation of the Administrative Procedures Act. If FEMA's recommended approach to categorizing the NGWSGP as "Cleared by FEMA" is approved, FEMA will make appropriate payments to the CPB using the manual payment review process.

AFT	Program	# of Open Awards	ULO Balance*	Risk of NGO / Immigration	Apply Sanctuary Jurisdiction	Recommended Determination
DRF	Disaster Case Management (DCM)	44	\$182,577,136	Medium	No	Pending Review
DRF	Disaster Legal Services (DLS)	11	\$95,000	Medium	No	Pending Review
DRF	Public Assistance – NGOs	7,234	\$8,498,374,550	Medium	No	Pending Review
DRF	Public Assistance – Non-Congregate Sheltering	284	\$1,297,129,208	Medium	No	Pending Review
FA	Emergency Food and Shelter Program (EFSP)	12	\$251,590,333	Medium	No	Pending Review
FA	Nonprofit Security Grant Program (NSGP) <sup>2</sup>	400	\$943,940,157	Medium	No	Pending Review
FA	Emergency Management Performance Grant (EMPG)	206	\$476,990,846	Low	Yes	DHS Review
FA	Homeland Security Grant Program – Operation Stonegarden (OPSG)	87	\$170,946,880	Low	Yes	DHS Review
FA	Homeland Security Grant Program – State Homeland Security Program (SHSP)	203	\$761,745,900	Low	Yes	DHS Review
FA	Homeland Security Grant Program – Urban Area Security Initiative (UASI)	104	\$1,919,725,009	Low	Yes	DHS Review
FA	Homeland Security National Training Program (HSNTP) - Continuing Training Grants Program - Competitive (CTG)	15	\$15,525,591	Low	Yes	DHS Review
FA	Port Security Grant Program (PSGP)	787	\$266,441,010	Low	Yes	DHS Review
FA	Presidential Residence Protection Assistance (PRPA)	2	\$2,241,788**	Low	Yes	DHS Review
FA	Regional Catastrophic Preparedness Grant Program (RCPGP)	41	\$36,087,421	Low	Yes	DHS Review

<sup>2</sup> While State Administrative Agencies (SAA) are the direct recipients of NSGP funding, awards are passed through to nonprofit organizations that are not subject to the sanctuary jurisdiction conditions or restrictions as described in the criteria above. Management and Administration costs are allowable under this grant program and may be retained by SAAs.

AFT	Program	# of Open Awards	ULO Balance*	Risk of NGO / Immigration	Apply Sanctuary Jurisdiction	Recommended Determination
FA	Targeted Violence and Terrorism Prevention Grant Program (TVTP)	122	\$34,939,702	Medium	Yes	DHS Review
FA	Transit Security Grant Program (TSGP) / Intercity Passenger Rail (IPR)***	84	\$283,147,532	Low	Yes	DHS Review
FA	Case Management Pilot Program (CMPP)	4	\$47,201,306	High	Yes	DHS Review for Termination
FA	Emergency Food and Shelter Program – Humanitarian (EFSP-H) <sup>3</sup>	3**	\$46,050,064**	High	No	DHS Review for Termination
FA	Shelter and Services Program (SSP)	156**	\$887,107,461	High	Yes	DHS Review for Termination
<b>TOTAL</b>			<b>\$100.859B</b>			

\* ULOs are as of Jan. 28, 2025.

\*\* Chart updated with revised figures. After further review, inaccuracies were identified in previous data that have now been corrected.<sup>4</sup> Previous FMA Swift Current number reflected unobligated amount rather than unliquidated.

\*\*\* Sanctuary jurisdiction conditions would apply to Transit Security Grant Program (TSGP) and not Intercity Passenger Rail (IPR).

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<sup>3</sup> For EFSP-H, all spending periods for subawards have expired and the provision of services under the sunset program has ended. The remaining amount is funding reserved for management and administration (approximately \$4 million) for the grantee and funds returned by the board.

**TABLE B: Summary of Unliquidated Obligation (ULO) by Recommended Risk Determination**

FEMA is reviewing all grants at a programmatic level, and also at the individual grant award level to understand the existing information available, and where additional research within the system can be conducted or where information from recipients will need to be collected. As the policy decisions and process are under development, FEMA has begun and will continue the individual grant award manual payment review process in preparation for the approach and methodology being approved. This manual review process requires significant staff time, but once the backlog is cleared, the process will operate on a much shorter processing time.

Risk Determination	Disaster Grants ULO	Non-Disaster Grant ULO	Total	Backlog Processing Time*
Cleared by FEMA	\$78,432,351,989	\$6,251,770,170	\$84,684,122,159	45 days
Pending FEMA Review	\$10,031,196,841	\$1,195,530,490	\$11,226,727,331	90 days
Recommend DHS Review	N/A	\$3,967,791,679	\$3,967,791,679	60 days
Recommended Terminated Programs	N/A	\$980,358,831	\$980,358,831	60 days
<b>Total</b>	<b>\$88,463,548,830</b>	<b>\$12,395,451,170</b>	<b>\$100.859B</b>	

\*This estimate includes the approximately 1,450 payment requests already submitted in FEMA grants systems only. It is not inclusive of the total ULO because payment requests will continue to be submitted for these programs as the work is completed throughout the period of performance, which for some programs may be up to three years.

**Appendix A**  
**Federal Emergency Management Agency Grant Programs Overview**  
**Background/Purpose**

On Feb. 19, 2025, Secretary Noem issued a memorandum *Restricting Grant Funding for Sanctuary Jurisdictions* and directed all components to review all federal financial assistance awards to determine if Department funds, directly or indirectly, are going to sanctuary jurisdictions (hereinafter “S1 Memo”). Appendix A below provides an overview of each FEMA administered grant program, to include the purpose of each grant program and the award criteria (i.e. whether the award criteria are discretionary or governed by statutory or regulatory competition, allocation, or eligibility criteria).

**Recommended Determination: Cleared by FEMA**

**1. Community Disaster Loans (42 U.S.C. §§ 5121, et seq.)**

Purpose: Provides funding for local governments to operate their essential community services after substantial revenue loss caused by a disaster.

Award Criteria: Statutory and regulatory eligibility criteria.

**2. Disaster Unemployment Assistance (42 U.S.C. §§ 5121, et seq.)**

Purpose: Assistance to individuals unemployed as a result of a major disaster administered through a grant to the declared state or tribe.

Award Criteria: Statutory and regulatory eligibility criteria.

**3. Fire Management Assistance Grants (42 U.S.C. §§ 5121, et seq.)**

Purpose: The mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

Award Criteria: Statutory and regulatory eligibility criteria.

**4. Hazard Mitigation Grant Program (42 U.S.C. § 5170c)**

Purpose: To help communities implement hazard mitigation measures, such as elevation, acquisition, and flood control projects, to reduce or eliminate long-term risk to people and property from natural hazards following a presidential major disaster declaration under the Stafford Act.

Award Criteria: Statutory and regulatory eligibility criteria.

**5. Hazard Mitigation Grant Program – Post Fire (42 U.S.C. § 5170c(a); 42 U.S.C. § 5187(d))**

Purpose: Makes assistance available to help communities implement hazard mitigation measures after wildfire disasters.

Award Criteria: Statutory and regulatory eligibility criteria. States, federally recognized tribes and territories affected by fires resulting in a Fire Management Assistance Grant (FMAG) declaration on or after Oct. 5, 2018, are eligible to apply.

#### **6. Individual and Households Programs (IHP) (42 U.S.C. §§ 5121, et seq.)**

Purpose: Provides financial and direct services to eligible individuals and households affected by a disaster, who have uninsured or under-insured necessary expenses and serious needs. IHP assistance is not a substitute for insurance and cannot compensate for all losses caused by a disaster. The assistance is intended to meet your basic needs and supplement disaster recovery efforts.

Award Criteria: Statutory and regulatory eligibility criteria.

#### **7. Urban Search & Rescue (US&R) (42 U.S.C. §§ 5121, et seq.)**

Purpose: Provides reimbursement for lifesaving rescue operations that were performed by Federal Urban Search and Rescue teams during declared disaster.

Award Criteria: Statutory and regulatory eligibility criteria.

#### **8. Public Assistance – State and Local (42 U.S.C. §§ 5121, et seq.)**

Purpose: Financial assistance to states, tribal, territorial, and local governments for debris removal, for emergency work to support public safety, and for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster.

Award Criteria: Noncompetitive, but with statutory and regulatory eligibility criteria.

#### **9. Homeland Security National Training Program (HSNTP) – Alliance for System Safety of Unmanned Aircraft Systems through Research Alliance (Title III of the Department of Homeland Security Appropriations Act, 2024, (Pub. L. No. 118-47); Joint Explanatory Statement accompanying the Department of Homeland Security Appropriations Act, 2024)**

Purpose: Provides funding for Mississippi State University's Federal Aviation Administration Center of Excellence for Unmanned Aircraft Systems (ASSURE) to support and target training solutions for state, local, tribal and territorial partners, which supports the objective of the National Preparedness System to facilitate an integrated, whole community, risk-informed, capabilities-based approach to preparedness.

Award Criteria: Discretionary, limited statutory award criteria. Award goes to Mississippi State University's Federal Aviation Administration Center of Excellence for Unmanned Aircraft Systems.

#### **10. Assistance to Firefighters (15 U.S.C. § 2229)**

Purpose: Financial assistance to fire departments, EMS organizations, and state fire training academies to enhance their ability to protect the health and safety of the public, as well as that of firefighting and EMS personnel against fire, fire-related, and other hazards.

Award Criteria: Competitive award with statutorily mandated criteria and peer review and statutory allocation requirements.

#### **11. Building Resilient Infrastructure and Communities (42 U.S.C. §§ 5133, 5136)**

Purpose: Makes federal funds available to states, the District of Columbia, U.S. territories, federally recognized Tribal governments, and local governments for hazard mitigation activities. BRIC aims to shift the focus of federal investments away from reactive, post-disaster spending and toward research-supported, proactive investments in community resilience. These investments aim to reduce future disaster losses, including loss of life and property as well as future spending from the Disaster Relief Fund (DRF). BRIC focuses on cost-effective mitigation measures including protecting public infrastructure so that critical services can withstand or more rapidly recover from future disasters, as well as other projects and activities to increase resilience throughout the nation.

Award Criteria: For the FY23 NOFO, there was a State/Territory allocation, a Tribal Set-Aside, and a National Competition with the remaining funds that are not awarded from the State/Territory Allocation and Tribal Set-Aside.

#### **12. Chemical Stockpile Emergency Preparedness Program (50 U.S.C. § 1521)**

Purpose: To assist state, local, and tribal governments in carrying out functions related to emergency preparedness and response in connection with the disposal of the lethal chemical agents and munitions in the United States' lethal chemical agents and munitions that existed on Nov. 8, 1985.

Award Criteria: Eligibility limited to communities in close proximity to military installations storing chemical weapons. FEMA currently awards a cooperative agreement to Kentucky who in turn pass-through subawards to local governments.

#### **13. Community Assistance Program – State Support Services Element (CAP-SSSE) (42 U.S.C. §§ 4101, 4102)**

Purpose: CAP-SSSE is a cooperative agreement which provides funding to state National Flood Insurance Program (NFIP) Coordinators to monitor community adoption and enforcement of the minimum floodplain management standards required for participation in the NFIP. CAP-SSSE funding is used to provide technical assistance to NFIP communities, evaluate community performance in implementing floodplain management activities, and conduct community assistance contacts and visits to ensure communities are compliant with NFIP minimum requirements and flood insurance remains available for sale within the communities.

Award Criteria: Discretionary, non-competitive award to State NFIP Coordinators, which may subaward funding to local or municipal floodplain management authorities.

#### **14. Cooperating Technical Partners (CTP) Program (42 U.S.C. § 4101)**

Purpose: To provide assistance to state, local, tribal, university, and nonprofit organizations to increase local involvement in and ownership of flood hazard identification and assessment programs. Recipients assist in the development and maintenance of flood risk data, which is used to develop or amend Flood Insurance Rate Maps and provide the baseline for communities to prepare for and mitigate against flood risks.

Award Criteria: Discretionary. No statutory criteria.

#### **15. Emergency Management Baseline Assessment Grant (6 U.S.C. § 112 (b)(2))**

Purpose: To assist the updating and enhancement of a set of standards for emergency preparedness and response and a related assessment methodology for the evaluation of state, local, and territorial emergency management operations.

Award Criteria: Discretionary, no statutory award criteria.

#### **16. Emergency Operations Center Grant Program (42 U.S.C. § 5196c)**

Purpose: Grants made available to State Administrative Agencies (SAAs) for equipping, upgrading, and constructing state, local, and tribal emergency operations centers.

Award Criteria: Eligible Emergency Operations Center projects identified in the Joint Explanatory Statement.

#### **17. Fire Prevention and Safety (15 U.S.C. § 2229)**

Purpose: Financial assistance to fire prevention programs and support for firefighter health and safety research and development.

Award Criteria: Competitive award with statutorily mandated criteria and peer review and statutory allocation requirements.

## **18. Flood Mitigation Assistance (42 U.S.C. § 4104c)**

Purpose: To fund mitigation projects such as elevation, acquisition, floodproofing, and planning that reduces or eliminates long-term risk of flood damage to structures insured under the NFIP.

Award Criteria: Statutory eligibility criteria. Award determinations and funding allocations among eligible jurisdictions are made on a competitive basis with discretion to add criteria.

## **19. Flood Mitigation Assistance – Swift Current (42 U.S.C. § 4104c)**

Purpose: Provides funding to mitigate buildings insured through the National Flood Insurance Program (NFIP) after a major disaster declaration following a flood-related disaster event to reduce risk against future flood damage. Funds are made available to states, territories, and federally recognized tribal governments that receive a major disaster declaration following a flood-related disaster event and meet all other eligibility criteria.

Award Criteria: Funding is only available to property owners that have a current flood insurance policy under the National Flood Insurance Program (NFIP) and a history of repetitive or substantial damage from flooding.

## **20. Homeland Security Preparedness Technical Assistance Program (6 U.S.C. § 112 (b)(2))**

Purpose: To help private organization recipients to conduct planning, coordination, and training activities related to emergency management and preparedness.

Award Criteria: Discretionary, no statutory award criteria.

## **21. Homeland Security National Training Program (HSNTP) - National Domestic Preparedness Consortium (NDPC) (6 U.S.C. §§ 1102 and 112 (b)(2))**

Purpose: To assist statutorily designated National Domestic Preparedness Consortium members to identify, develop, test, and deliver training to state, local, and tribal emergency response providers; provide on-site and mobile training; and facilitate delivery of training.

Award Criteria: Discretionary, limited statutory award criteria. Awards may only go to one of the six non-Federal members of the National Domestic Preparedness Consortium named in statute, which consist of five state universities and one private entity.

## **22. National Cyber Security Preparedness Consortium (National Cybersecurity Preparedness Consortium Act, 2021 (Pub. L. No. 117-122))**

Purpose: Delivers over 40 training courses for more than 1,000 SLTT emergency managers, cyber network managers, and critical infrastructure professionals, annually to strengthen local, state, and national cyber and information systems and defend against and recover from cyber-attacks including attacks with cascading physical consequences.

Award Criteria: Awards may only go to one of the six non-federal members of the National Domestic Preparedness Consortium named in statute, which consist of five state universities and one private entity.

### **23. Intercity Bus Security Grant Program (6 U.S.C. § 1182)**

Purpose: To make awards to eligible private operators providing transportation by an over-the-road bus for security improvements.

Award Criteria: Discretionary, competitive award based on statutory criteria that require funding decisions to prioritize security risks. The eligible applicants are private bus operators and not states or local governments.

### **24. National Dam Safety Program (33 U.S.C. § 467f)**

Purpose: To enable states to increase dam safety through increased inspections, emergency action planning, improved state and federal coordination, training and workshops, and purchasing of equipment.

Award Criteria: Awards are based on eligibility criteria that are set by statute with funding allocations based on a statutory formula.

### **25. Rehabilitation of High Hazard Potential Dam Program (33 U.S.C. § 467f-2)**

Purpose: Provide technical, planning, design, and construction assistance in the form of grants for rehabilitation, repair, and removal of eligible high hazard potential dams.

Award Criteria: For FY 2024, FEMA made funding available in allocations for 32 states and one territory.

### **26. National Earthquake Hazards Reduction Program – Multi-State and National Earthquake Assistance (MSNEA) (42 U.S.C. § 7704(a)(2)(B), (b)(2)(A)(i))**

Purpose: The National Earthquake Hazards Reduction Program (NEHRP) Multi-State and National Earthquake Assistance (MSNEA) grant program makes funds available to nonprofit organizations and institutions of higher education that possess the critical skills necessary to develop and implement regional (multi-state) and/or national earthquake risk mitigation activities.

Award Criteria: Discretionary. The program's authorizing statutes do not prescribe specific criteria for recipients. FEMA awards competitive grants to nonprofit organizations and institutions of higher education that possess the critical skills necessary to develop and implement regional (multi-state) and/or national earthquake risk mitigation activities, on behalf of states and territories participating in the FEMA NEHRP State Assistance program.

### **27. National Earthquake Hazards Reduction Program – Individual State Earthquake Assistance (ISEA) (42 U.S.C. § 7704(b)(2)(A)(ix) and 42 U.S.C. § 7704(b) (2)(B))**

Purpose: FEMA awards non-competitive grants to eligible states and territories with high to very high seismic risks to fund one or more of the following allowable activities. The purpose is to support the establishment of earthquake hazards reduction programming and the implementation of earthquake safety, mitigation, and resilience activities at the state and local level.

Award Criteria: Statutory and regulatory eligibility criteria. Eligibility is limited to states and territories that have been determined to have a high or very high risk of earthquakes. Eligibility is further limited to those states and territories who can provide the statutory 25% non-federal cost share.

**28. National Fire Academy Training Assistance (Section 7 of the Federal Fire prevention and Control Act 15 U.S.C. 2206 (i)(1))**

Purpose: Provides travel stipends (air or mileage) to SLTT fire and EMS personnel who attend resident classes at the National Fire Academy.

Award Criteria: Assistance to individuals reimbursing for part of cost to attend trainings in Emmitsburg, MD

**29. National Incident Management System (NIMS) / Emergency Management Assistance Compact Program (EMAC) Program (6 U.S.C. § 761)**

Purpose: To assist the administrator of the Emergency Management Assistance Compact (EMAC) to administer EMAC operations, to implement NIMS, and to continue coordination with FEMA and state, local, and tribal governments.

Award Criteria: Eligibility limited to administration of the Emergency Management Assistance Compact (EMAC).

**30. National Urban Search and Rescue (US&R) Response System (42 U.S.C. § 5165f, 6 U.S.C. § 722)**

Purpose: The purpose of these Readiness Cooperative Agreements is to support the continued development and maintenance of a national urban search and rescue capability among the 28 task forces within the National Urban Search and Rescue Response System.

Award Criteria: Statutory and regulatory eligibility criteria. Only the 28 sponsoring agencies currently designated by FEMA as members of the National Urban Search and Rescue Response System are eligible for readiness and response cooperative agreements.

**31. Next Generation Warning System (Annual DHS Appropriations Acts)**

Purpose: Enables public television broadcasters to upgrade to the Advanced Television Systems Committee broadcast standard (ATSC 3.0) that enables public projects that improve the ability of remote rural areas to receive alerts and warnings.

Award Criteria: The Corporation for Public Broadcasting is the only awardee of the grant. Per the FY24 NOFO, the awardee will then manage a competitive process to solicit sub-grant applications from eligible subrecipients to use these funds in accordance with the requirements and priorities set forth in the NOFO.

### **32. Pre-Disaster Mitigation (42 U.S.C. § 5133)**

Purpose: Makes federal funds available to state, local, tribal, and territorial governments to plan for and implement sustainable cost-effective measures designed to reduce the risk to individuals and property from future natural hazards, while also reducing reliance on federal funding from future disasters.

Award Criteria: The FY 2024 PDM Grant Program provided funding to projects identified in the 2024 DHS Appropriations Act's Joint Explanatory Statement (JES) in the table starting on page 59 entitled "Homeland Security Community Project Funding/Congressionally Directed Spending."

### **33. Safeguarding Tomorrow Through Ongoing Risk Mitigation Loan Fund Program (42 U.S.C. § 5135)**

Purpose: Provides capitalization grants to states, eligible federally recognized tribal governments, territories and the District of Columbia to establish revolving loan funds that provide hazard mitigation assistance for local governments to reduce risks from natural hazards and disasters.

Award Criteria: Awards are based on eligibility criteria that are set by statute with funding allocations based on a statutory formula.

### **34. Staffing for Adequate Fire and Emergency Response (15 U.S.C. § 2229a)**

Purpose: Financial assistance for increasing the number of firefighters to help communities meet industry standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards.

Award Criteria: Competitive award program with statutorily mandated minimum application criteria and peer review.

### **35. State and Local Cybersecurity Grant Program (6 U.S.C. § 665g)**

Purpose: To assist state, local, and territorial governments with managing and reducing systemic cyber risk.

Award Criteria: Mandatory, allocations to each state and territory based on statutory formula with the remainder to the states based on population.

### **36. State Fire Training Systems Grants (15 U.S.C. § 2206(f))**

Purpose: To assist state fire service systems in providing training programs.

Award Criteria: Discretionary, no statutory award criteria.

### **37. Tribal Cybersecurity Grant Program (6 U.S.C. § 665g)**

Purpose: To assist tribal governments with managing and reducing systemic cyber risk.

Award Criteria: Statutory requirement that the Secretary of DHS shall consult with the Secretary of the Interior and tribal governments in determining whether the grant would be competitive or allocated equally among the tribal governments of the federally recognized tribal nations.

### **38. Tribal Homeland Security Grant Program (6 U.S.C. § 606)**

Purpose: Financial assistance to tribal governments to build and sustain capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism.

Award Criteria: Competitive award based on statutory criteria.

### **39. Intercity Passenger Rail (6 U.S.C. § 1163)**

Purpose: To assist Amtrak in protecting critical surface transportation infrastructure and the traveling public from acts of terrorism and to increase the resilience of the Amtrak rail system.

Award Criteria: Sole source award to Amtrak. No funding is granted to states or local governments.

#### **Recommended Determination: Pending Review**

##### **1. Crisis Counseling Program (42 U.S.C. §§ 5121, et seq.)**

Purpose: Assistance to provide professional counseling services or training of disaster workers to survivors of major disasters to relieve mental health problems caused or aggravated by major disasters or their aftermath.

Award Criteria: Statutory and regulatory eligibility criteria.

##### **2. Disaster Case Management (42 U.S.C. §§ 5121, et seq.)**

Purpose: Case management services to survivors of major disasters to identify and address unmet needs.

Award Criteria: Statutory and regulatory eligibility criteria.

### **3. Disaster Legal Services (DLS) (42 U.S.C. §§ 5121, et seq.)**

Purpose: Provides confidential, free legal assistance to survivors who need legal help due to a major disaster, but who do not have the means to secure adequate legal services. For individuals seeking DLS, there is no formal application process. Individuals can access these services by contacting the phone number designated for the specific major disaster, which is established once the program has been authorized. In addition to this phone number, individuals can visit FEMA Disaster Recovery Centers where DLS attorneys may be physically located.

Award Criteria: Statutory and regulatory eligibility criteria.

### **4. Public Assistance – Non-Governmental Organizations (42 U.S.C. §§ 5121, et seq.)**

Purpose: Financial Assistance to NGOs that perform essential community services for emergency work to ensure public safety, and for the repair, restoration, reconstruction, or replacement of an eligible facility damaged or destroyed by a major disaster.

Award Criteria: Statutory and regulatory eligibility criteria.

### **5. Public Assistance – Non-Congregate Sheltering (42 U.S.C. §§ 5121, et seq.)**

Purpose: Financial Assistance to state, local, tribal and territorial governments for eligible sheltering expenses caused by a disaster.

Award Criteria: Statutory and regulatory eligibility criteria.

### **6. Emergency Food and Shelter Program (42 U.S.C. §§ 11331-11346)**

Purpose: To supplement and expand ongoing efforts to provide shelter, food and supportive services for hungry and homeless people across the nation.

Award Criteria: Mandatory, subaward determinations made by external board based on statutory criteria.

### **7. Nonprofit Security Grant Program (6 U.S.C. § 609a)**

Purpose: To assist non-profit organizations in target hardening and other physical security enhancements and activities.

Award Criteria: By statute, only nonprofits that are located within a FEMA designated Urban Area for purposes of the Urban Area Security Initiative (UASI) program are eligible to apply for funding. The criteria for competitive award include a risk prioritization that is statutorily required, providing limited discretion to add grant conditions. There is no discernible connection between an award for a nonprofit organization and 8 U.S.C. §§ 1324(a)(1)(A)(ii)-(iv), 1373, and 1644 and the other criteria established in the S1 Memo.

## Recommended Determination: DHS Review

### 1. Emergency Management Performance Grant (6 U.S.C. § 762)

Purpose: To assist state, local, tribal, and territorial governments “in preparing for all hazards” and all phases of emergency management.

Award Criteria: Mandatory, allocations to each state based on a statutory formula.

### 2. State Homeland Security Grant Program (6 U.S.C. §§ 601 – 613)

Purpose: Assists states and local and tribal governments in building and sustaining capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism.

Award Criteria: Statutory minimum allocation for each state with remaining awarded based on risk calculated using statutory criteria.

### 3. Urban Area Security Initiative (6 U.S.C. §§ 601 – 613, DHS Appropriations Acts)

Purpose: Financial assistance to high-risk urban areas in building and sustaining capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism.

Award Criteria: Awards based on risk calculated using statutorily required criteria. Discretion in determining how many high-risk urban areas shall receive funding through a State, but that discretion is often limited or guided by Congress through the annual appropriations process.

### 4. Operation Stonegarden (6 U.S.C. §§ 601 – 613, DHS Appropriations Acts)

Purpose: Operation Stonegarden funds target expenditure by local governments for the purpose of border protection and border security.

Award Criteria: Discretionary, competitive awards to states with 100% of funds sub-awarded to local law enforcement. The Department adopts the requirement for competition and criteria for award that is provided for in the legislative history of the appropriations act funding the program.

### 5. Homeland Security National Training Program - Continuing Training Grants – Competitive (Annual DHS Appropriations Acts)

Purpose: To help training partners develop and deliver training to prepare whole communities to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and natural, man-made, and technological hazards.

Award Criteria: Discretionary, no statutory award criteria. Per the FY24 NOFO, the Joint Explanatory Statement accompanying the FY 2024 DHS Appropriations Act (Pub. L. No.

118-47) directs Continuing Training Grants to be competitively awarded for FEMA-certified rural and tribal training.

**6. Port Security Grant Program (46 U.S.C. § 70107)**

Purpose: Assistance to port authorities, facility operators, and state and local governments for maritime transportation infrastructure security.

Award Criteria: Statute requires that funds be allocated based on risk, but otherwise discretionary.

**7. Presidential Residence Protection Assistance Program (Annual DHS Appropriations Acts)**

Purpose: Provides funds to reimburse state and local enforcement agencies (LEAs) and emergency management agencies (EMAs) for extraordinary law enforcement or other emergency personnel costs incurred while protecting any non-governmental residence of the President that is designated or identified to be secured by the U.S. Secret Service.

**8. Regional Catastrophic Preparedness Grant Program. (Annual DHS Appropriations Acts)**

Purpose: Supports the building of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient nation by providing resources to close known capability gaps in Housing and Logistics and Supply Chain Management, encouraging innovative regional solutions to issues related to catastrophic incidents, and building on existing regional efforts.

Award Criteria: Discretionary program with no statutory award criteria. This program is administered through a competitive selection process.

**9. Targeted Violence and Terrorism Prevention (6 U.S.C. § 112 (b)(2); Annual DHS Appropriations Acts)**

Purpose: To help prepare for, prevent and respond to emergent threats from violent extremism through planning, developing, implementing, or expanding educational outreach, community engagement, social service programs, training and exercises.

Award Criteria: Discretionary program with no statutory award criteria. This program is administered through a competitive selection process.

**10. Transit Security Grant Program (6 U.S.C. § 1135)**

Purpose: The purpose of the grant is to build and sustain transit agency security capabilities that protect national security.

Award Criteria: Discretionary, competitive awards based on statutory criteria that require prioritization of funding based on risk.

## Recommended Determination: DHS Review for Termination

### 1. Case Management Pilot Program (Annual DHS Appropriation Acts)

Purpose: Makes funds available to local governments and/or nonprofits to provide voluntary case management and other services to aliens in immigration removal proceedings.

Award Criteria: Discretionary; the CMPP National Board makes funds available to local governments and/or nonprofits (subrecipients) to provide case management and culturally, trauma-informed, and linguistically responsive services to eligible noncitizens who affirmatively volunteer to participate in the program.

### 2. Emergency Food and Shelter Program – Humanitarian (42 U.S.C. §§ 11331-11346)

Purpose: To provide shelter and other services to families and individuals encountered by the Department of Homeland Security.

Award Criteria: Mandatory, subaward determinations made by external board based on statutory criteria.

### 3. Shelter and Services Program. (Annual DHS Appropriations Acts)

Purpose: To provide funds to non-federal entities for sheltering and related activities to aliens following their release from DHS. The intent is to support Customs and Border Protection in the safe, orderly, and humane release of aliens from short-term holding facilities.

Award Criteria: SSP-Competitive: Competitive grants made available to local governments, federally recognized tribal governments, nonprofit organizations, and states that serve aliens recently released from DHS custody to provide shelter, food, transportation, acute medical care, personal hygiene supplies, and case management services and to increase the non-federal entities capacity to shelter aliens recently released from DHS custody, including renovations and modifications to existing facilities.

SSP-Allocated: Funding in the FY24 NOFO is allocated to eligible applicants listed in a table in the NOFO. The allocations were based on release and destination data received from CBP over the time period of July 1, 2023, to Dec. 31, 2023, along with operational information available to CBP.