




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**

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 programs¹:

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.² 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:

¹ 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.

² 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"> Grant programs that: <ul style="list-style-type: none"> Do not go to sanctuary jurisdiction; or Are disaster or non-disaster mitigation grants; or Are non-disaster grants with no nexus to immigration activities, law enforcement, or national security; or Are limited by statute. These programs/projects <u>should move forward without additional review.</u> 	<ul style="list-style-type: none"> Grant programs that: <ul style="list-style-type: none"> Go to a designated sanctuary jurisdiction; or Are non-disaster grants; <u>and</u> Have a nexus to immigration activities, law enforcement, or national security; or Are not limited by statute. These programs/projects <u>require additional review by DHS review.</u>
Clears through existing program controls and review processes	Project identified as meeting S1 criteria, requires DHS review

Approve/date

Disapprove/date

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

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 notate 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

Modify/date

Needs discussion/date