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CITY OF FRESNO; CITY OF SANTA CLARA;
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CRUZ; CITY OF BEAVERTON; CITY OF
CORVALLIS; CITY OF HILLSBORO; CITY OF
STOCKTON; COUNTY OF SAN DIEGO;
COUNTY OF LOS ANGELES; COUNTY OF
SANTA BARBARA

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Attorneys at Law

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CITY OF FRESNO; CITY OF SANTA CLARA;
CITY OF REDWOOD CITY; CITY OF SANTA
CRUZ; CITY OF BEAVERTON; CITY OF
CORVALLIS; CITY OF HILLSBORO; CITY OF
STOCKTON; COUNTY OF SAN DIEGO;
COUNTY OF LOS ANGELES; COUNTY OF
SANTA BARBARA,

Plaintiffs,

v.
KRISTI NOEM in her official capacity as Secretary
of Homeland Security; the U.S. DEPARTMENT
OF HOMELAND SECURITY; KAREN EVANS
in her official capacity as Acting Administrator of
Federal Emergency Management Agency;
the FEDERAL EMERGENCY MANAGEMENT
AGENCY; DOUG BURGUM in his official
capacity as Secretary of the Interior; the U.S.
DEPARTMENT OF THE INTERIOR; PAMELA
BONDI in her official capacity as Attorney
General; the U.S. DEPARTMENT OF JUSTICE,

Defendants.

Case No.

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

RENNE PUBLIC LAW GROUP
Attorneys at Law

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1 **I. INTRODUCTION**

2 Plaintiffs, like most local government entities, rely on congressionally authorized grant programs
 3 administered by the U.S. Department of Homeland Security (DHS), its component the Federal
 4 Emergency Management Agency (FEMA), the Department of Justice (DOJ), and the Department of the
 5 Interior (DOI) (collectively, the “Defendants”) to deliver essential public services, including disaster
 6 mitigation and prevention, victim services and law-enforcement training, and water conservation
 7 initiatives that protect public safety, public health, and local economies. For years, Plaintiffs have
 8 worked cooperatively with Defendants to administer these programs. However, the lawful and
 9 predictable administration of these funds has recently been disrupted by the imposition of vague,
 10 unlawful, and unauthorized conditions by Defendants.

11 The Constitution vests Congress—not the Executive—with the authority to make laws and
 12 appropriate federal funds. *See* U.S. Const. art. I, § 8; *Cunningham v. Neagle*, 135 U.S. 1, 83–84 (1890).
 13 While the Executive Branch is charged with faithfully executing the laws enacted by Congress, that duty
 14 does not include the power to unilaterally rewrite or expand the statutory terms under which federal
 15 funds are awarded. *City of Los Angeles v. Barr*, 941 F.3d 931, 945 (9th Cir. 2019); *City & Cnty. of San*
 16 *Francisco v. Barr*, 965 F.3d 753, 766 (9th Cir. 2020).

17 Defendants have imposed vague and unauthorized conditions on federal funds to coerce
 18 compliance with executive policy preferences. These actions exceed Defendants’ constitutional and
 19 statutory authority, erode the separation of powers, and disregard core constitutional and statutory
 20 protections, including the Spending Clause, the Fifth Amendment’s void-for-vagueness doctrine, and the
 21 Administrative Procedure Act’s (APA) procedural safeguards.

22 Accordingly, Plaintiffs bring this action to vindicate the constitutional and statutory limits on
 23 Defendants’ authority and to prevent ongoing and imminent harm to their communities. Plaintiffs seek
 24 declaratory relief establishing that the challenged funding conditions are unlawful and unconstitutional,
 25 and injunctive relief prohibiting Defendants from enforcing or conditioning the receipt of congressionally
 26 authorized funds on those requirements. Absent judicial intervention, Plaintiffs will continue to face the
 27 untenable choice of either acquiescing in unlawful conditions or forfeiting critical federal funding
 28 necessary to carry out essential public safety, public health, and environmental programs.

1 **II. JURISDICTION**

2 1. The Court has jurisdiction under 28 U.S.C. § 1331. This Court has further remedial
3 authority under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202 et seq.

4 2. Venue properly lies within the Northern District of California because this is an action
5 against an officer or employee of the United States and an agency of the United States, Plaintiffs the City
6 of Santa Clara, the City of Redwood City, and the City of Santa Cruz reside in this judicial district, and a
7 substantial part of the events or omissions giving rise to this action occurred in this district. 28 U.S.C.
8 § 1391(e)(1).

9 3. Divisional Assignment: Pursuant to Civil Local Rule 3-2(d), except as provided in Civil
10 L.R. 3-2(c), all civil actions that arise in the counties of Alameda, Contra Costa, Marin, Napa, San
11 Francisco, San Mateo, or Sonoma shall be assigned to the San Francisco Division or the Oakland
12 Division. This action arises in various counties, including the counties of San Mateo, Santa Clara, and
13 Santa Cruz.

14 **III. PARTIES**

15 4. The City of Santa Clara is a charter city organized and existing under and by virtue of the
16 laws of the State of California.

17 5. Santa Clara receives federal funds, directly and indirectly, from DHS and FEMA,
18 including: \$60,000 in Bay Area UASI Funds for Fire CTOs Training, which reimburse personnel costs
19 for approved trainings; \$11,269,422 through a Staffing for Adequate Fire and Emergency Response
20 (SAFER) grant funding firefighter staffing for front line operations; and approximately \$250,000 in State
21 Homeland Security Grant Program funds related to urban search and rescue training and deployment
22 grant reimbursing personnel costs for trainings and deployments.

23 6. Santa Clara participates in the DOJ's Asset Forfeiture Program, which distributes federal
24 forfeiture proceeds in appropriate cases with cooperating state, local, and tribal law enforcement agencies
25 through equitable sharing.

26 7. Plaintiff City of Redwood City is a municipal corporation and charter city organized and
27 existing under and by virtue of the laws of the State of California.

28 8. Redwood City relies on federal funds administered by DHS through FEMA to implement

1 essential flood-risk reduction, climate-resilience projects, and hazard mitigation throughout the city.
 2 Redwood City has received a \$306,584 Pre-Disaster Mitigation grant to support the design and
 3 engineering of seismic improvements for the Easter Bowl and Glenloch water tanks, as well as several
 4 Hazard Mitigation Grant Program (HMGP) awards to support critical flood-mitigation infrastructure,
 5 including a majority of the \$501,682.50 grant for the Price Storm Drainage Pump Station Improvement
 6 Project to upgrade stormwater pumping capacity and reduce street and property flooding, \$809,925 for
 7 the Bradford Storm Drainage Pump Station Improvement Project to make similar improvements, and
 8 \$2,000,000 for the Redwood Shores Sea Level Rise Protection project, which will protect homes,
 9 schools, businesses, and critical infrastructure by addressing flood risk identified by FEMA and projected
 10 future sea level rise. The project will also integrate opportunities for nature-based solutions where
 11 conditions allow along a raised and strengthened Redwood Shores levee, while enhancing recreational
 12 amenities for the community. Redwood City has also received approximately \$856,904 through FEMA's
 13 Flood Mitigation Assistance Grant Program for its Redwood Creek Watershed and Wetland Capacity
 14 Project.

15 9. Redwood City has also received FEMA funding to support its firefighters through a
 16 \$1,320,578 Assistance to Firefighter Grant (AFG) and a \$3,630,607 Staffing for Adequate Fire and
 17 Emergency Response (SAFER) grant.

18 10. Redwood City participates in the DOJ's Asset Forfeiture Program, which distributes
 19 federal forfeiture proceeds in appropriate cases with cooperating state, local, and tribal law enforcement
 20 agencies through equitable sharing.

21 11. Plaintiff the City of Santa Cruz is a charter city organized and existing under and by virtue
 22 of the laws of the State of California.

23 12. Santa Cruz relies on DHS and FEMA funding to support efforts to mitigate potential
 24 disasters. The City relies on receiving approximately \$97,178 in FEMA Hazard Mitigation funding to
 25 update the City's local hazard mitigation plan and to mitigate future disaster losses in the community.
 26 The City's Department of Parks and Recreation relies on receiving approximately \$360,994 in FEMA
 27 Disaster Relief Grant funding to conduct storm damage repair. The City's Department of Public Works
 28 relies on receiving approximately \$11,514,632 in FEMA funding for Public Works projects, including

1 drainage system assessment, road work, and erosion repair. The City’s Water Department has been
2 approved for approximately \$2,123,000 in FEMA Disaster Relief Grant funding to conduct storm
3 damage repair. The City’s Economic Development office intends to apply for approximately \$200,000
4 in HSGP-UASI funding as soon as the next round of applications begins.

5 13. Santa Cruz’s Police Department relies on receiving approximately \$19,020 in Bulletproof
6 Vest Partnership Grant funding from DOJ.

7 14. Santa Cruz’s Water Department intends to apply for DOI funding through the Bureau of
8 Reclamation for new water supply projects through the WaterSMART Grant programs as soon as
9 funding becomes available.

10 15. Plaintiff City of Fresno is a municipal corporation and charter city organized and existing
11 under and by virtue of the laws of the State of California.

12 16. Fresno utilizes DOJ grants to support community safety efforts. In FY 2024, Fresno was
13 awarded a \$297,935, Justice Assistance Grant (JAG). The City is using those JAG funds to provide
14 critical funding to support a range of program areas including law enforcement, prosecution, indigent
15 defense, courts, crime prevention and education, corrections and community corrections. Fresno
16 declined to apply for certain DOJ grants in FY 2025, including the Office of Community Oriented
17 Policing (COPS) Community Policing Development Microgrant and the Law Enforcement Mental
18 Health and Wellness Act Program grant because the application required the submittal of DEI and
19 immigration-related certifications.

20 17. Fresno also utilizes DOI grant programs. Fresno currently has two active WaterSMART
21 grants administered by the Bureau of Reclamation: a \$734,452 BOR WaterSMART Drought Resiliency
22 Program grant being used to install an on-site wellhead treatment system to remove naturally occurring
23 contaminants from existing municipal potable water supply and a \$379,390 WaterSMART Water and
24 Energy Efficiency grant being used to purchase, install, and program 1,500 smart irrigation timers for its
25 residential customers.

26 18. Fresno also relies on federal funds administered by DHS through FEMA to support its
27 Fire Department. The Fresno Fire Department relies on a \$702,727.27 Assistance to Firefighter Grant
28 (AFG) to protect the health and safety of the public and its firefighting personnel against fire and fire-

1 related hazards and a \$7,347,000 Staffing for Adequate Fire and Emergency Response (SAFER) grant to
2 help increase the number of firefighters to meet industry minimum standards and attain 24-hour staffing
3 to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of the
4 fire department.

5 19. Plaintiff County of San Diego is a political subdivision of the State of California and a
6 governmental entity that serves the San Diego County geographic region. It is the second-most populous
7 county in California.

8 20. The County of San Diego utilizes DOJ grants to support community safety efforts. The
9 County plans to respond to multiple FY25 Office for Victims of Crime (OVC) Notices of Funding
10 Opportunity released in December 2025 related to human trafficking, including OVC FY25 Enhanced
11 Collaborative Model (ECM) Task Force to Combat Human Trafficking funds, OVC FY25 Housing
12 Assistance for Victims of Human Trafficking funds, OVC FY25 Integrated Services for Minor Victims
13 of Human Trafficking funds, OVC FY25 Preventing Trafficking of Girls funds, and OVC FY25 Services
14 for Victims of Human Trafficking funds. Across these OVC funding opportunities, award ceilings range
15 from approximately \$497,000 to \$1.2 million per award, depending on the specific NOFO and category,
16 with grant periods generally spanning 36 months beginning July 1, 2026. Application deadlines fall
17 between February 24, 2026, and March 18, 2026.

18 21. The County of San Diego is seeking this funding administered by the DOJ to support a
19 range of services for victims of sex and labor trafficking, including prevention and early intervention,
20 victim identification, housing stability, integrated and trauma-informed services for adults and minors,
21 and improved coordination among law enforcement, service providers, and community partners.

22 22. Plaintiff the City of Beaverton is a charter city and municipal corporation organized and
23 existing under the constitution and laws of the State of Oregon and the Beaverton City Charter.

24 23. Beaverton relies on DOJ funding for its Municipal Court and police department. The
25 Beaverton Municipal Court received a DOJ Bureau of Justice Assistance (BJA) grant of \$724,000 for its
26 Beaverton Sobriety Opportunity for Beginning Recovery (B-SOBR) treatment court that assists repeat
27 DUII offenders in recovering from alcohol and drug addictions. B-SOBR participants agree to strict
28 supervision while remaining out of jail, including court check-ins, communication with a case manager,

1 sobriety and urine tests, wearing an alcohol monitoring bracelet, and random check-ins from Beaverton
2 police officers. The Beaverton municipal court also has a \$500,000 BJA Byrne Discretionary
3 Community Project Funding/Byrne Discretionary Grants Program grant for its Behavioral Health Court,
4 which employs a probation diversion model in which participants check in twice per month with the
5 judge all while enrolling in treatment services and following their treatment plan.

6 24. The Beaverton Police Department also has a number of BJA and other DOJ grants. The
7 department has received BJA Byrne Memorial Justice Assistance Grants in excess of \$50,000 for use in,
8 without limitation, purchasing communication devices and officer training. The Beaverton Police
9 Department has also received Patrick Leahy Bulletproof Vest Partnership Program grants that pay 50
10 percent of the cost of the bulletproof vests needed by the department. Beaverton has participated in this
11 program for many years and currently has applied for a grant of approximately \$20,000.

12 25. The City of Corvallis is a charter city and municipal corporation organized and existing
13 under the constitution and laws of the State of Oregon and the Corvallis City Charter.

14 26. Corvallis received funding as a subrecipient of the State of Oregon from the DOI’s Land
15 and Water Conservation Fund Grant Program for FY 2024. This grant will support Capital
16 improvements at Dr. Martin Luther King, Jr. Park in Corvallis, a project which includes the construction
17 of a children’s play area, restroom facility, outdoor fitness area, and basketball court. Corvallis also
18 received over ten-thousand dollars from DOJ for bulletproof vests in FY2025 as a subrecipient of the
19 State of Oregon as part of the Patrick Leahy Bulletproof Vest Partnership, and has received millions of
20 dollars from DHS as a vendor for the State of Oregon, acting by and through its Oregon Health
21 Authority, to support ambulance operations as part of the Ground Emergency Medical Transportation
22 grant program.

23 27. The City of Hillsboro is a charter city and municipal corporation organized and existing
24 under the constitution and laws of the State of Oregon and the Hillsboro City Charter.

25 28. Hillsboro received approximately \$410,000 in funding from the DOI’s Land and Water
26 Conservation Fund Grant Program through the State of Oregon Parks and Recreation Department. This
27 grant will support capital improvements for the development of futsal courts at Dairy Creek Park in
28 Hillsboro.

1 29. Hillsboro has also received or manages approximately \$940,000 in federal funds from
2 DHS and FEMA, through the Oregon Emergency Management Department, from the Homeland Security
3 Grant Program – State Homeland Security Program for vulnerable facility security enhancements and
4 FEMA’s Hazard Mitigation Grant Program.

5 30. Hillsboro also relies on DOJ funding. Hillsboro has been awarded several grants either
6 directly from DOJ or indirectly as a subrecipient through the State of Oregon. These grants include
7 approximately \$400,000 from the Stop Violence Against Women grant program, approximately \$92,000
8 via various awards under the Edward Byrne Memorial Justice Assistance Grant (JAG), and
9 approximately \$224,000 from the Community Oriented Policing Services Grant Program.

10 31. The City of Stockton is a charter city organized and existing under and by virtue of the
11 laws of the State of California.

12 32. Stockton will receive approximately \$500,000 in funding through the DOJ-COPS Office
13 Safer Outcomes: Enhancing Deescalation and Crisis Response Training for Law Enforcement Safer
14 Outcomes program. This award funds specialized training for law enforcement agencies to promote safe
15 outcomes during police encounters with persons in crisis, including training for law enforcement officers,
16 support personnel, campus public safety officers, and mental health professionals.

17 33. Stockton also utilizes DOI grant programs. For FY 2024, the city applied for and received
18 a grant through the Bureau of Reclamation’s WaterSMART Water and Energy Efficiency Grant program
19 for \$4,273,925. This funding will support a project to replace and retrofit the City’s outdated metering
20 system, improving water meters with advanced metering infrastructure for residential, commercial, and
21 irrigation customers. The project will promote efficiency and preserve water resources to achieve a more
22 reliable water supply for economically challenged communities in Stockton.

23 34. The County of Los Angeles is a charter County organized and existing under and by virtue
24 of the laws of the State of California. It is the most populous county in California.

25 35. Los Angeles County relies on DOJ grant programs. The County’s Department of Medical
26 Examiner (DME) currently receives the Strengthening the Medical Examiner-Coroner Systems grant,
27 which allows DME to secure paid fellows for the Forensic Pathologist Medical program with the hopes
28 of attracting and retaining these fellows full-time. The DME has applied for this grant and anticipates

1 being awarded either \$150,000 for one fellow or \$300,000 for two fellows. The DME also receives The
2 Paul Coverdell Forensic Science Improvement Grant Program as a subrecipient of the California
3 Governor's Office of Emergency Service. These funds provide financial support for staff, including
4 deputy medical examiners, investigators, and criminalists, to attend classes, conferences, and seminars
5 for continuing education. The County's District Attorney's Office (DA) has applied for a DOJ Office for
6 Victims of Crime (OVC), FY 2025 Services for Victims of Crime grant in the amount of \$500,000 to
7 implement the Services to Victims of Gang Violence Program that is intended to strengthen and expand
8 services to help victims rebuild their lives after gang violence. Unfortunately, the DA was forced to not
9 apply for a DOJ BJA FY25 National Sexual Assault Kit Initiative (SAKI) for \$2.5 million to work
10 through the County's backlog of unsubmitted and partially tested sexual assault kits and to enhance
11 victim services and support for past and current victims of sexual assault because the application required
12 the submittal of DEI and immigration-related certifications, and also included immigration-related
13 priorities and DEI and immigration-related unallowable uses.

14 36. Los Angeles County is also a recipient of significant DOI grant funding. Los Angeles
15 County Department of Parks and Recreation, through the State of California Natural Resources Agency,
16 has applied for, and been conditionally awarded, a DOI, National Parks Service Land and Water
17 Conservation Fund (LWCF) grant in the amount of approximately \$15 million for the development of a
18 section of the 40-acre Western Deck of the former Puente Hills Landfill Park, including a 5-acre bike
19 skills course, a children's nature play area, a picnic area, an amphitheater, dog run, open grassland and
20 ceremonial space.

21 37. The County of Santa Barbara is a general law County organized and existing under and by
22 virtue of the laws of the State of California.

23 38. Santa Barbara County utilizes DOJ grants to support community safety efforts, both
24 directly and as a subrecipient of the California Governor's Office of Emergency Services (Cal OES). For
25 FY2025 and FY2026, Santa Barbara County received over \$1 million in funding as a subrecipient of
26 DOJ OVC grant funding. These grants enable Santa Barbara County to provide services ranging from
27 advocacy for victims of human trafficking and outreach and support for victims of crime. Santa Barbara
28 County is also a direct recipient of a \$385,000 BJA Smart Prosecution Innovative Prosecution Solutions

1 grant, which funds the Santa Barbara District Attorney’s efforts to implement a Digital Evidence
2 Management System to enhance the investigation and prosecution of violent crime in the community.

3 39. Santa Barbara County is also a recipient of over \$5 million in DHS and FEMA funding,
4 including a \$200,919 Emergency Management Performance Grant (EMPG) to support staffing to
5 enhance emergency management capabilities. Other FEMA grants include \$448,412 from the Homeland
6 Security Grant Program (HSGP) to support training and equipment that will strengthen the County’s
7 capacity to prevent, prepare for, protect against, and respond to acts of terrorism or other catastrophic
8 events. Santa Barbara County also receives over \$3.8 million in grants from the Hazard Mitigation Grant
9 Program (HMGP), including a \$1,384,040 grant to be used for the San Marcos Grade Stabilization
10 Project, designed to implement slope stabilization along Old San Marcos Road. Other HMGP-funded
11 projects include the Cold Springs Debris Basin Capacity Improvement Project, the Buena Vista Creek
12 Debris Basin Project, and the San Ysidro Debris Basin Capacity Improvement Project, each of which will
13 build and improve infrastructure to better withstand severe weather events.

14 40. Santa Barbara County has also received funding from DOI via the Bureau of
15 Reclamation’s WaterSmart program. This grant provides \$436,667 in federal funding to maintain the
16 Water-Wise Landscape Rebate Program. The Program is a collaboration between seven of the County’s
17 water purveyors and the Santa Barbara County Water Agency and helps fund lawn-replacement rebates,
18 irrigation upgrades, and planting water-wise plants. Each purveyor has its own rebate program, and the
19 Water Agency provides administrative support.

20 41. Defendant Kristi Noem is the Secretary of DHS, the highest-ranking official in DHS, and
21 is responsible for the decisions of DHS. She is sued in her official capacity.

22 42. Defendant DHS is an executive department of the United States federal government. 6
23 U.S.C. § 111(a). DHS is an “agency” within the meaning of the APA. 5 U.S.C. § 551(1).

24 43. Defendant Karen Evans is the Acting Administrator of FEMA, the highest-ranking official
25 in FEMA, and is responsible for the decisions of FEMA. She is sued in her official capacity.

26 44. FEMA is a federal agency within DHS. 6 U.S.C. § 313. FEMA is an “agency” within the
27 meaning of the APA. 5 U.S.C. § 551(1).

28 45. Defendant Doug Burgum is the Secretary of DOI, the highest-ranking official in DOI, and

1 is responsible for the decisions of DOI. He is sued in his official capacity.

2 46. Defendant DOI is an executive department of the United States federal government. 43
3 U.S.C. § 1451. DOI is an “agency” within the meaning of the APA. 5 U.S.C. § 551(1).

4 47. Defendant Pamela Bondi is the Attorney General of the United States and the head of the
5 DOJ, the highest-ranking official in DOJ, and is responsible for the decisions of DOJ. She is sued in her
6 official capacity.

7 48. Defendant DOJ is an executive department of the United States federal government. 28
8 U.S.C. § 501. DOJ is an “agency” within the meaning of the APA. 5 U.S.C. § 551(1).

9 **IV. FACTUAL ALLEGATIONS**

10 **A. DHS Grant Programs**

11 49. Congress established DHS in 2002 in the aftermath of the September 11, 2001 attacks
12 with the goal of protecting the United States against terrorism. *See* Homeland Security Act of 2002, Pub.
13 L. 107-296, 116 Stat. 2142. DHS administers both competitive and entitlement grant programs. The
14 Secretary of Homeland Security is responsible for the overall direction, supervision, and coordination of
15 the Department of Homeland Security, including oversight of its component agencies, the administration
16 of grants and other financial assistance programs, and ensuring compliance with statutory and executive
17 mandates. *See* 6 U.S.C. § 112(a)(1).

18 50. DHS often acts through its component agencies, including FEMA. Congress established
19 FEMA in 1979 to consolidate all federal support for emergency preparedness, mitigation, and response
20 activities under one agency’s purview. In 2006, Congress passed legislation entitled Preserving the Federal
21 Emergency Management Agency, which requires FEMA to “be maintained as a distinct entity” within
22 DHS. *See* 6 U.S.C. §§ 313(a); 316(a). By law, the DHS Secretary is responsible for all actions taken by
23 the Department’s component agencies. The administrator of FEMA reports directly to the DHS Secretary.

24 **1. Homeland Security Grant Program**

25 51. FEMA’s Homeland Security Grant Program (HSGP) comprises several discrete
26 subprograms, including the State Homeland Security Program (SHSP) and the Urban Area Security
27 Initiative (UASI) grant program.

1 **a. State Homeland Security Program**

2 52. Congress authorized the creation of the Homeland Security Grant Program – State
3 Homeland Security Program to provide federal funding to States to build the necessary capacity to
4 prevent, prepare for, protect against, and respond to acts of terrorism. SHSP funds have been available to
5 States since the program was created under the Uniting and Strengthening America by Providing
6 Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) in 2001. *See*
7 6 U.S.C. §§ 603, 605-09.

8 53. Congress has directed FEMA to allocate SHSP funds pursuant to a risk assessment, which
9 determines the relative threat, vulnerability, and consequences to each State from acts of terrorism,
10 considering factors such as population density and history of threats. *Id.* § 608(a)(1). Recipients may
11 then use SHSP funds for uses permitted by statute, such as enhancing homeland security, conducting
12 training exercises, upgrading equipment, or paying salaries. *Id.* § 609(a).

13 54. Because SHSP funds are formula grants based on a statutory risk formula, not competitive
14 funds, each State is entitled to a minimum and specific allocation based on the risk assessment whenever
15 a notice of funding opportunity is posted. Congress has directed that the FEMA Administrator “shall
16 ensure” that each State receives no less than an amount equal to 0.35 percent of the total funds Congress
17 appropriated for the SHSP. *Id.* § 605(e)(1)(A)(v).

18 **b. Urban Areas Security Initiative**

19 55. Urban Areas Security Initiative (UASI) funds serve a similar purpose to SHSP funds.
20 They are used to ensure States—and, through them, local government entities serving high-risk urban
21 areas—build and maintain the capacity to prevent, prepare for, protect against, and respond to acts of
22 terrorism. UASI funds have been available to States—and, through them, local government entities
23 serving high-risk urban areas—since the program was created by appropriations statute in 2003. *See*
24 Pub. L. No. 108-90, 117 Stats. 1137, 1146. The program is codified at 6 U.S.C. §§ 603-04, 606-09.

25 56. Each year, FEMA must conduct a risk assessment based on a list of factors specified by
26 statute to determine the relative threat, vulnerability, and consequences “eligible metropolitan areas”—
27 meaning the top one hundred most populous metropolitan statistical areas in the United States—would
28 face from an act of terrorism. *Id.* §§ 601(5), 604(b)(2)(A)(i), 608(a)(1). Based on that risk assessment,

1 FEMA must designate a list of high-risk urban areas that may submit applications for UASI funds. *Id.*
 2 § 604(b)(3). FEMA must also rely on the same set of factors—including but not limited to population
 3 density and whether the given metropolitan area was targeted by a past act of terrorism—to allocate
 4 funding to the States and high-risk urban areas that apply for grants. *Id.* § 608(a).

5 57. UASI grants are based on a risk assessment formula that Congress has directed FEMA to
 6 refine, establish, and use to allocate UASI funding. Each State is entitled to a specific allocation based
 7 on FEMA’s risk assessment and tied to the FEMA-designated high-risk urban area or areas in that State.

8 58. Recipients of UASI funds must use the funds for purposes permitted by statute, including
 9 enhancing homeland security, conducting training exercises, upgrading equipment, or paying salaries.
 10 *Id.* § 609(a). States that receive UASI funds must provide the eligible urban area or areas in that State
 11 with at least 80% of the grant funds. *Id.* § 604(d)(2)(A).

12 59. States collectively receive hundreds of millions of dollars per year in UASI funds, passing
 13 most of these funds along to the high-risk urban areas. States and the local government entities they pass
 14 these funds to use UASI funds for myriad counterterrorism and emergency response purposes, including
 15 support for urban fusion centers (hubs for sharing threat-related information across government and
 16 private sector partners), SWAT teams, canine units, and bomb squads.

17 60. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
 18 conditions on HSGP grants related to a prohibition on all kinds of DEI, exclusion of transgender people,
 19 cooperation with federal immigration enforcement, or adherence to executive orders unrelated to the
 20 purpose of the funds.

21 **2. Hazard Mitigation Grant Program**

22 61. Section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as
 23 amended (Stafford Act) authorizes FEMA to provide funding under the Hazard Mitigation Grant
 24 Program (HMGP) for management costs incurred in the administration of HMGP. The Stafford Act
 25 provides that the federal government may contribute “up to 75 percent of the cost of hazard mitigation
 26 measures” that “substantially reduce the risk of, or increase resilience to, future damage, hardship, loss,
 27 or suffering in any area affected by a major disaster.” 42 U.S.C. § 5170c(a).

28 62. The Hazard Mitigation Grant Program provides federal funding to state, local, tribal, and

1 territorial governments to develop hazard mitigation plans and rebuild their communities after a
2 Presidential major disaster declaration in ways that reduce or mitigate future disaster losses.

3 63. Eligible risk reduction projects include, but are not limited to, retrofitting facilities to
4 make them more resistant to floods, earthquakes, wind, wildfires, and other natural disasters; installing
5 permanent barriers to prevent floodwater from entering homes or businesses; building safe rooms for
6 communities in hurricane- or tornado-prone areas; stabilizing slopes to prevent structural losses; and
7 developing or improving warning systems. *See* 42 U.S.C. § 5170c(f)–(g)

8 64. HMGP funding and funding applications do not necessarily operate on a predictable,
9 fiscal-year basis. HMGP funding often follows the occurrence of disasters, emergencies, and other
10 events. The amount of HMGP funds available to a State in connection with a declared disaster is a
11 function of the level of disaster assistance provided. The State also administers a process to identify and
12 select local project plans for FEMA approval and funding. In this process, local jurisdictions submit
13 their applications to the State, which selects projects to submit to FEMA for approval within 15 months
14 of the disaster declaration date. *See generally* 44 C.F.R. §§ 206.430-440. Some approved mitigation
15 projects can span several years since many contain structural renovation components.

16 65. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
17 conditions on HMGP funds related to a prohibition on all kinds of DEI, exclusion of transgender people,
18 cooperation with federal immigration enforcement, or adherence to executive orders unrelated to the
19 purpose of the funds.

20 3. Flood Mitigation Assistance

21 66. The Flood Mitigation Assistance (FMA) Program is a federal grant program administered
22 by FEMA to reduce or eliminate the risk of repetitive flood damage to structures insured under the
23 National Flood Insurance Program (NFIP) and to enhance community flood resilience within NFIP-
24 participating communities.

25 67. Congress authorized the FMA program in Section 1366 of the National Flood Insurance
26 Act of 1968, which directs FEMA to provide assistance for mitigation activities that reduce future flood
27 losses to NFIP-insured properties. *See* 42 U.S.C. § 4104c. Congress has further expanded and supported
28 the FMA program through Division J, Title V of the Infrastructure Investment and Jobs Act, which

1 provides additional funding and directives for flood mitigation and resilience activities. Pub. L. No. 117-
2 58, 135 Stat. 1387–1388 (2021).

3 68. Congress established specific statutory requirements governing the award of FMA funds.
4 Eligible applicants must be NFIP-participating States, local governments, Tribes, or territories, and
5 funded projects must reduce or eliminate flood risk to structures insured under the National Flood
6 Insurance Program. 42 U.S.C. § 4104c(a)–(b). Congress directed FEMA to prioritize mitigation projects
7 benefiting repetitive loss and severe repetitive loss properties and to evaluate applications based on cost-
8 effectiveness, technical feasibility, and consistency with FEMA-approved hazard mitigation plans. *Id.*
9 § 4104c(c)–(d). The statute establishes a default federal cost share of up to 75 percent, while authorizing
10 enhanced federal cost shares, including up to 100 percent, for qualifying projects addressing severe
11 repetitive loss properties. *Id.* § 4104c(d).

12 69. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
13 conditions on FMA grants related to a prohibition on all kinds of DEI, exclusion of transgender people,
14 cooperation with federal immigration enforcement, or adherence to executive orders unrelated to the
15 purpose of the funds.

16 **4. United States Fire Administration Grant Programs**

17 70. The U.S. Fire Administration (USFA) is a component of FEMA established by Congress
18 under the Federal Fire Prevention and Control Act of 1974 to provide national leadership in fire
19 prevention, training, research, and data collection. *See* 15 U.S.C. § 2204. The USFA’s purpose is to
20 advance fire prevention and control efforts, improve firefighter and public safety, promote public
21 education and awareness, conduct fire-related research, and support professional development through
22 training and technical assistance. Consistent with these statutory responsibilities, Congress has
23 authorized USFA, acting through FEMA, to administer national fire grant programs, including the
24 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program and the Assistance to
25 Firefighters Grant (AFG) Program in accordance with the eligibility criteria, priorities, and conditions
26 established by statute.

27 **a. Staffing for Adequate Fire and Emergency Response**

28 71. Congress established the SAFER program to provide funding directly to local fire

1 departments (among other entities) to help them increase or maintain the number of trained, front-line
2 firefighters available to serve their communities.

3 72. The goal of SAFER funds is to enhance local fire departments' abilities to comply with
4 staffing, response, and operational standards established by the National Fire Protection Association,
5 including assisting fire departments with "attain[ing] 24-hour staffing to provide adequate protection
6 from fire and fire-related hazards." 15 U.S.C. § 2229a(a)(1)(A). SAFER grants are "awarded on a
7 competitive basis through a neutral peer review process." *Id.* § 2229a(a)(1)(G).

8 73. The NOFO for the SAFER program, which is from FY 2024 but which governs awards
9 that FEMA will make through September 30, 2025 based on applications received by July 3, 2025, states
10 that "[g]rant funds are obligated upon [FEMA's issuance of] the offer of grant award in the FEMA GO
11 system," and that recipients of SAFER funds must "comply with DHS Standard Terms and Conditions in
12 effect at the time the award is issued." *See* FEMA, Notice of Funding Opportunity (NOFO): FY 24
13 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program, [https://www.fema.gov](https://www.fema.gov/sites/default/files/documents/fema_gpd_safer-nofo_fy24.pdf)
14 [/sites/default/files/documents/fema_gpd_safer-nofo_fy24.pdf](https://www.fema.gov/sites/default/files/documents/fema_gpd_safer-nofo_fy24.pdf) (last visited February 4, 2026).

15 **b. Assistance Firefighter Grant**

16 74. Congress's stated goal in creating the Assistance to Firefighters Grant (AFG) is to ensure
17 that firefighters and other first responders can obtain critical equipment, training, and other resources
18 necessary to protect the public and emergency personnel from fire and fire-related hazards. 15 U.S.C.
19 § 2229(c). Eligible fire departments may apply for AFG funding, which is awarded on a competitive
20 basis, in consultation with the chief executives of the States in which the recipients are located, with the
21 amount of funding capped by statutory standards based on population size. *Id.* § 2229(c)(1)–(2), (e).

22 75. FEMA awards AFG grants on a rolling basis. The NOFO for the AFG program, which is
23 from FY 2024 but which governs awards that FEMA will make through September 30, 2025, states that
24 recipients of AFG funds must "comply with the DHS Standard Terms and Conditions in effect as of the
25 date of the federal award." *See* FEMA, Notice of Funding Opportunity (NOFO): FY 24 Assistance to
26 Firefighters Grant Program, [https://files.simpler.grants.gov/opportunities/ab253b7e-83d1-40b5-9d92-](https://files.simpler.grants.gov/opportunities/ab253b7e-83d1-40b5-9d92-f550ee51ba74/attachments/d04af45f-2c82-492c-a791-cf3fce90ab1d/FY_2024_AFG_NOFO.pdf)
27 [f550ee51ba74/attachments/d04af45f-2c82-492c-a791-cf3fce90ab1d/FY_2024_AFG_NOFO.pdf](https://files.simpler.grants.gov/opportunities/ab253b7e-83d1-40b5-9d92-f550ee51ba74/attachments/d04af45f-2c82-492c-a791-cf3fce90ab1d/FY_2024_AFG_NOFO.pdf) (last
28 visited February 4, 2026).

1 76. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
 2 conditions on grant funds administered by the USFA related to a prohibition on all kinds of DEI,
 3 exclusion of transgender people, cooperation with federal immigration enforcement, or adherence to
 4 executive orders unrelated to the purpose of the funds.

5 **5. Other DHS Grant Programs**

6 77. DHS and its operating divisions and agencies administer a range of other grant programs
 7 that Plaintiffs have previously received, currently receive, or are otherwise eligible to receive. Plaintiffs
 8 are not aware of Congress ever imposing or authorizing directives for or conditions on any DHS grants
 9 related to a prohibition on all kinds of DEI, exclusion of transgender people, cooperation with federal
 10 immigration enforcement, or adherence to executive orders unrelated to the purpose of the funds.

11 78. Congress annually appropriates funding for DHS grant programs. In the annual
 12 appropriations legislation, Congress sets forth priorities and directives to the Administrator of DHS with
 13 respect to funding. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
 14 conditions on DHS grants related to a prohibition on DEI, exclusion of transgender people, cooperation
 15 with federal immigration enforcement, or adherence to executive orders unrelated to the purpose of the
 16 funds. *See, e.g.*, Consolidated Appropriations Act, 2021, Pub. L. 116-260, 134 Stat. 1448-1477;
 17 Consolidated Appropriations Act, 2022, Pub. L. 117-103, 136 Stat. 312-348; Consolidated
 18 Appropriations Act, 2023, Pub. L. 117-328, 136 Stat. 4725-4760; Consolidated Appropriations Act,
 19 2024, Pub. L. 118-47, 138 Stat. 593-628.

20 79. Plaintiffs City of Santa Clara, City of Santa Cruz, City of Redwood City, City of Fresno,
 21 City of Corvallis, City of Hillsboro, and the County of Santa Barbara (collectively, the “DHS Plaintiffs”),
 22 have previously received, currently receive, or are otherwise eligible to receive federal funding from
 23 DHS. DHS Plaintiffs rely on millions of dollars in appropriated federal funds from DHS’s direct or pass-
 24 through grant programs for projects undertaken for the benefit of their communities.

25 **B. DOJ Grant Programs**

26 80. Congress established the Department of Justice in 1870. 28 U.S.C. §§ 501 et seq. The
 27 DOJ administers competitive, formula, and block grant programs that provide funds to local governments
 28 to support public safety and justice activities in their communities. DOJ administers grants directly and

1 through its program offices, including but not limited to the Community Oriented Policing Services
2 (COPS) Office and the Office of Justice Programs (OJP), which includes the Bureau of Justice
3 Assistance (BJA), and the Office of Victims of Crime (OVC).

4 81. The Attorney General is responsible for supervising and directing the administration and
5 operation of the Department of Justice, including oversight of all departmental components, the
6 administration of grants and other federal funding, and ensuring that the Department's actions comply
7 with applicable statutory and executive requirements. *See* 28 U.S.C. § 509.

8 1. Byrne Memorial Justice Assistance Grant Program

9 82. The Edward Byrne Memorial Justice Assistance Grant (JAG) program operates under a
10 comprehensive statutory framework established by 34 U.S.C. § 10156 that mandates a precise, data-
11 driven allocation formula for distributing federal criminal justice funding to states and localities. The
12 allocation methodology employs a dual-factor formula: 50% of funds are allocated based on each state's
13 population ratio compared to the total U.S. population, and 50% based on each state's average annual
14 Part 1 violent crimes reported to the FBI over the three most recent years compared to all states. *Id.*
15 § 10156(a)(1). Local governments receive 40% of their state's allocation based on their proportional
16 share of Part 1 violent crimes, subject to specific eligibility requirements, including three years of crime
17 data reporting to the FBI within the preceding 10 years. *Id.* § 10156(b)(2), (d), (e)(3). The program
18 includes comprehensive safeguards such as minimum allocation guarantees, expenditure caps, and
19 detailed application requirements designed to ensure evidence-based criminal justice funding while
20 maintaining federal oversight and constitutional compliance. *See id.* § 10156(d), (e), (f).

21 83. The statutory scheme authorizes funds to states and units of local government to provide
22 additional personnel, equipment, supplies, contractual support, training, technical assistance, and
23 information systems for criminal justice across nine specific program categories: law enforcement
24 programs; prosecution and court programs; prevention and education programs; corrections and
25 community corrections programs; drug treatment and enforcement programs; planning, evaluation, and
26 technology improvement programs; crime victim and witness programs; mental health programs and
27 related law enforcement and corrections programs; and implementation of state crisis intervention court
28 proceedings and related programs or initiatives. 34 U.S.C. § 10152(a)

1 84. To receive JAG funding, a state or local government must submit an application within
2 120 days after funds are appropriated, including several mandatory certifications and assurances. *See* 34
3 U.S.C. § 10153. These requirements include: certification that federal funds will not supplant state or
4 local funds but will increase available law enforcement funding; assurance of governing body review at
5 least 30 days before application submission; assurance of public notice and comment opportunities; and
6 assurance that applicants will maintain and report required programmatic and financial data. *Id.*

7 85. States must develop comprehensive statewide strategic plans detailing how grants will
8 improve criminal justice administration. These plans must be designed in consultation with local
9 governments and representatives of all criminal justice system segments, including descriptions of
10 funding allocation approaches, descriptions of evidence-based data gathering processes, identification of
11 barriers to implementing evidence-based approaches, and be updated every five years with annual
12 progress reports. 34 U.S.C. § 10153(a)(6).

13 86. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
14 conditions on JAG grant funds related to a prohibition on all kinds of DEI, exclusion of transgender
15 people, cooperation with federal immigration enforcement, or adherence to executive orders unrelated to
16 the purpose of the funds.

17 **2. Community Oriented Policing Services Grant Programs**

18 87. Congress authorized the COPS program through the enactment of the Public Safety
19 Partnership and Community Policing Act of 1994, Pub. L. No. 103-322, Title I, Sept. 13, 1994, 108 Stat.
20 1807, with the goal of “increas[ing] the number of law enforcement officers interacting directly with
21 members of the community” and improving “training to law enforcement officers to enhance their
22 problem solving, service, and other skills needed in interacting with members of the community.” *See* 34
23 U.S.C. § 10381(b).

24 88. To this end, the statute authorized the DOJ to provide funds to states and localities to
25 “increase police presence, to expand and improve cooperative efforts between law enforcement agencies
26 and members of the community to address crime and disorder problems, and otherwise to enhance public
27 safety.” Pub. L. No 103-322 at § 1701, 108 Stat. at 1808. Congress enumerated twenty-four purposes
28 for which grants may be made, including, as relevant here, “to hire and train new, additional career law

1 enforcement officers for deployment in community-oriented policing.” 34 U.S.C. § 10381(b)(2). In
 2 2018, Congress enacted the Law Enforcement Mental Health and Wellness Act of 2017, Pub. L. No. 115-
 3 113, Jan. 10, 2018, 131 Stat. 2276 (LEMHWA), with the goal of “provid[ing] support for law
 4 enforcement agency efforts to protect the mental health and well-being of law enforcement officers.”
 5 131 Stat. at 2276. LEMHWA amended the COPS Statute to add the following purpose for which COPS
 6 Grants may be made: “to establish peer mentoring mental health and wellness pilot programs within
 7 State, tribal, and local law enforcement agencies.” 34 U.S.C. § 10381(b)(24).

8 89. The COPS Statute also sets out various requirements for applications for grant funding,
 9 including that applicants must “provide assurances that the applicant will, to the extent practicable, seek,
 10 recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks
 11 within the sworn positions in the law enforcement agency.” 34 U.S.C. § 10382(c)(11).

12 90. The DOJ administers COPS Grants through the COPS Office. The COPS Office manages
 13 several types of COPS Grants each year. Plaintiffs in this case received several COPS grants, including
 14 the Safer Outcomes: Enhancing De-Escalation and Crisis Response Training for Law Enforcement,
 15 Community Policing Development Microgrant Program, and Law Enforcement Mental Health and
 16 Wellness Program Grant.

17 91. Congress annually appropriates funding for the COPS program. In the annual
 18 appropriations legislation, Congress sets forth priorities and directives to the DOJ Secretary with respect
 19 to COPS funding. *See, e.g.*, Consolidated Appropriations Act, 2021, Pub. L. 116-260, 134 Stat. 1262-
 20 1263; Consolidated Appropriations Act, 2022, Pub. L. 117-103, 136 Stat. 130-131; Consolidated
 21 Appropriations Act, 2023, Pub. L. 117-328, 136 Stat. 4539-4541; Consolidated Appropriations Act,
 22 2024, Pub. L. 118- 42, 138 Stat. 153-154.

23 92. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
 24 conditions on COPS grants prohibiting DEI and the “promot[ion]” of “gender ideology,” or cooperation
 25 with federal immigration enforcement.

26 3. Paul Coverdell Forensic Science Improvement Grant

27 93. Congress authorized the Paul Coverdell Forensic Science Improvement Grant program
 28 (Coverdell grant) through the enactment of the Paul Coverdell National Forensic Sciences Improvement

1 Act of 2000, Pub. L. No. 106-561, 114 Stat. 2788 (2000). This statute amended the Omnibus Crime
2 Control and Safe Streets Act of 1968 to establish the Coverdell grant program in its current form. *See*
3 Pub. L. No. 90-351. The aim of the program is to improve the quality, timeliness, and credibility of
4 forensic science services for criminal justice purposes. *See* 34 U.S.C. § 10564(a).

5 94. DOJ's administration of the Coverdell grant is authorized and governed by statutory
6 directives. Congress authorized the Attorney General to award Coverdell grants to states and units of
7 local government. 34 U.S.C. § 10561.

8 95. Recipients may use Coverdell grants for one or more statutorily defined purposes to
9 improve forensic science and medicolegal death investigation services. *See* 34 U.S.C. § 10564. Eligible
10 uses include carrying out all or a substantial part of a program to improve the quality and timeliness of
11 forensic science or medical examiner services, including services provided by State and local
12 government laboratories; eliminating backlogs in the analysis of forensic science evidence across a wide
13 range of disciplines; training, assisting, and employing forensic laboratory personnel and medicolegal
14 death investigators as necessary to eliminate such backlogs; addressing emerging forensic science issues
15 and technologies; educating and training forensic pathologists; and funding medicolegal death
16 investigation systems to facilitate accreditation of medical examiner and coroner offices and certification
17 of medicolegal death investigators. *Id.* § 10564(a)(1)–(6). Grant funds awarded for programmatic
18 improvements under 34 U.S.C. § 10564(a)(1) may be used only for expenses related to facilities,
19 personnel, computerization, equipment, supplies, accreditation and certification, education, and training,
20 and may not be used for general law enforcement or nonforensic investigatory functions. *Id.*
21 § 10564(b)(1)–(2). The statute further limits the percentage of grant funds that may be used for the
22 construction of new facilities based on the size of the grant award, *id.* § 10564(c)(1)–(2), caps
23 administrative expenses at ten percent of the total grant amount, *id.* § 10564(d), and defines a “backlog”
24 as forensic evidence that has been stored and not subjected to appropriate testing due to a lack of
25 resources or personnel, *id.* § 10564(e).

26 96. To apply for a Coverdell grant, a State or unit of local government must submit several
27 certifications to the Attorney General. *Id.* § 10562. The applicant must certify that it has developed a
28 forensic science laboratory plan consistent with the program described in 34 U.S.C. § 10564(a) and must

1 provide a specific description of how the grant funds will be used to carry out that plan. *Id.* § 10562(1).
2 The applicant must also certify that any forensic science laboratory system, medical examiner’s office, or
3 coroner’s office that will receive grant funds uses generally accepted laboratory practices and procedures
4 established by recognized accrediting or certifying bodies. *Id.* § 10562(2). In addition, except with
5 respect to medical examiner or coroner offices, the applicant must certify that such laboratories are
6 accredited by an internationally recognized accrediting body, or, in the alternative, must provide a legally
7 binding and enforceable assurance that a portion of the grant funds will be used to prepare and apply for
8 such accreditation within two years of the grant award. *Id.*

9 97. If the proposed program includes construction of a new facility, the applicant must
10 provide a specific description of the facility and its estimated costs and must certify that the amount of
11 grant funds used for construction will not exceed the limitations set forth in 34 U.S.C. § 10564(c). *Id.*
12 § 10562(3). The applicant must certify that a government entity exists and that an appropriate process is
13 in place to conduct independent external investigations into allegations of serious negligence or
14 misconduct that substantially affect the integrity of forensic results, when such allegations involve
15 employees or contractors of any forensic laboratory system, medical examiner’s office, coroner’s office,
16 law enforcement storage facility, or medical facility in the State that will receive grant funds. *Id.*
17 § 10562(4).

18 98. The statute does not require applicants make certifications prohibiting DEI and the
19 “promot[ion]” of “gender ideology,” or cooperation with federal immigration enforcement.

20 99. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
21 conditions on Coverdell grants prohibiting DEI and the “promot[ion]” of “gender ideology,” or
22 cooperation with federal immigration enforcement.

23 100. Funding for Coverdell grants comes from congressional appropriations. Congress
24 recently appropriated funds for the Coverdell program in the 2025 Full-Year Continuing Appropriations
25 and Extensions Act, 2025. *See* Pub. L. No. 119-4, 139 Stat. 9, 10-11.

26 101. None of the 2025 Appropriations and Extensions Act’s directives to DOJ or any other
27 legislation authorizes DOJ to impose grant conditions prohibiting DEI and the “promot[ion]” of “gender
28 ideology,” or cooperation with federal immigration enforcement.

4. Office of Victims of Crime Grants

102. Federal grants administered by DOJ have long been instrumental in supporting programs that provide compensation and assistance to victims of crime.

103. In December 1982, President Ronald Reagan’s Task Force on Victims of Crime issued a report concluding that “[t]he neglect of crime victims is a national disgrace.” Among the report’s key recommendations was to “enact legislation to provide federal funding to assist state crime victim compensation programs” and “provide federal funding, reasonably matched by local revenues, to assist in the operation of federal, state, local, and private nonprofit victim/witness assistance agencies that make comprehensive assistance available to all victims of crime.”

104. Two years later, Congress passed the Victims of Crime Act (VOCA), which created the Crime Victims Fund within the U.S. Treasury and established Office for Victims of Crime (OVC) as an office within DOJ. Congress structured VOCA “with minimal bureaucratic ‘strings attached,’ for direct compensation and service programs to assist victims of crime” in order to support state and local victim assistance programs. S. Rep. No. 497, 98th Cong., 2d Sess. at 1, 3 (1984), *reprinted in* 1984 U.S.C.C.A.N. 3607, 3607, 1984 WL 37447. “Unlike some past compensation bills,” VOCA is “intended to keep conditions on Federal Aid to a bare minimum.” *Id.* at 9. The U.S. Attorney General at the time emphasized that the new grants would not “creat[e] an unnecessary bureaucracy to impose the Federal government’s priorities on the States [T]he Federal government will provide money to the States to enable the States to effectively run their own programs.” 130 Cong. Rec. S5252, 5352 (Mar. 13, 1984) (statement of Attorney General William French Smith).

105. Over the years, Congress has amended VOCA to “allow a greater measure of flexibility to ... State and local victims’ assistance programs” and provide “greater certainty” that VOCA funding “will not wax and wane with events [fund recipients] need to be able to plan and hire and have a sense of stability if these measures are to achieve their fullest potential.” S. Rep. No. 179, 104th Cong., 1st Sess. at 29 (1995), *reprinted in* 1996 U.S.C.C.A.N. 924, 941, 1995 WL 731704.

106. VOCA directs that the U.S. government shall deposit into the Crime Victims Fund various penalties and fees recovered from individuals convicted of federal offenses.

1 107. VOCA further directs that the federal government shall draw on the Crime Victims Fund
2 to issue annual grants to States for victim compensation and assistance. 34 U.S.C. §§ 20101-20111.

3 108. Since VOCA's enactment, VOCA funds have been instrumental in providing critical
4 support to millions of victims and survivors (and their families) of serious crime. *See, e.g.*, Office for
5 Victims of Crime, VOCA Victim Compensation Data Dashboard: Data Analyses for Fiscal Years 2021-
6 2024, <https://ovc.ojp.gov/funding/performance-measures/data-analyses/voca-victim-compensation> (last
7 visited February 4, 2026).

8 109. As available amounts in the Crime Victims Fund have fluctuated over the years, Congress
9 has taken action to make additional funds available, including by amendments to VOCA through the
10 2001 USA PATRIOT ACT, Pub. L. 107-56, and the VOCA Fix to Sustain the Crime Victims Fund Act
11 of 2021, Pub. L. 117-27. In January 2002, Congress also appropriated \$68.1 million for the Crime
12 Victims Fund to assist in providing relief to 9/11 victims. Emergency Supplemental Appropriations for
13 Recovery from and Response to Terrorist Attacks on the United States Act, Pub. L. 107-117.

14 **a. OVC Formula Grants**

15 110. Congress has directed OVC to administer two formula grant programs pursuant to VOCA
16 that support crime victim compensation and assistance: Victim Compensation Formula Grants and
17 Victim Assistance Formula Grants.

18 111. The Victim Compensation and Victim Assistance grants are formula grants, not
19 competitive grants. Recipients are entitled to a specific amount of funding based on the applicable
20 statutory formula.

21 112. For FY 2025, over \$178 million from the Crime Victims Fund is to be awarded to States,
22 and their subrecipients under the Victim Compensation Formula Grant, and over \$1.2 billion is to be
23 awarded to States, and their subrecipients under the Victim Assistance Formula Grant.

24 **i. Victim Compensation Formula Grants**

25 113. Victim Compensation Formula Grants provide funding to all qualifying crime victim
26 compensation programs. 34 U.S.C. § 20102.

27 114. The purpose of these grants is to provide compensation to eligible crime victims for costs
28 resulting from crime, including for medical care, lost wages, mental health counseling, funeral expenses,

1 and crime scene clean-up. The grants are designed to supplement state and territory efforts to provide
2 financial compensation to crime victims. *See id.*

3 115. VOCA provides that the OVC Director “shall make an annual grant” to eligible victim
4 compensation programs based on a fixed statutory formula. 34 U.S.C. § 20102(a).

5 116. VOCA delineates a precise set of requirements that a state victim compensation program
6 must satisfy to be eligible for a grant, requiring, for example, that States pay for certain victim expenses,
7 treat federal and state crimes and residents and non-residents the same, and do not deny compensation
8 based on a victim’s familial relationship with an offender. *Id.* § 20102(b)(1)–(9). The recipients must
9 also certify that grant funds will “not be used to supplant State funds otherwise available to provide crime
10 victim compensation.” *See id.* § 20102(b)(3). None of the statutory eligibility or certification
11 requirements relate to prohibitions on DEI, promotion of gender ideology, or immigration enforcement.

12 117. Victim Compensation Formula Grants are distributed among eligible recipients based on a
13 statutory formula that accounts for the amount of money each state crime victim compensation program
14 distributed to victims in the preceding fiscal year. Specifically, the OVC “Director shall make an annual
15 grant from the Fund to an eligible crime victim compensation program of 75 percent of the amounts
16 awarded” by the state compensation program “during the preceding fiscal year, other than amounts
17 awarded for property damage.” *Id.* § 20102(a)(1).

18 118. The statute recognizes only one exception to this statutory formula. If the Crime Victims
19 Fund is “insufficient” to provide 75 percent of the amount distributed by each State in the preceding
20 fiscal year, “the [OVC] Director shall make, from the sums available, a grant to each eligible crime
21 victim compensation program so that all such programs receive the same percentage of the amounts
22 awarded by such program during the preceding fiscal year, other than amounts awarded for property
23 damage.” *Id.* § 20102(a)(2).

24 119. The statutory formula makes no reference to prohibitions on DEI, promotion of gender
25 ideology, or immigration policy.

26 120. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
27 conditions on Victim Compensation Formula grants prohibiting DEI and the “promot[ion]” of “gender
28 ideology,” or cooperation with federal immigration enforcement.

1 **ii. Victim Assistance Formula Grants**

2 121. Victim Assistance Formula Grants provide financial support for eligible crime victim
3 assistance programs. 34 U.S.C. § 20103(a).

4 122. The purpose of Victim Assistance Formula Grants is to improve the treatment of victims
5 of crime by providing them with the assistance, support, and services necessary to aid their restoration
6 and healing after a criminal act. These grants are intended to enable States to provide subgrants to local
7 community-based organizations and public agencies that provide services directly to crime victims,
8 including but not limited to victim and witness advocacy services; crisis counseling; telephone and onsite
9 information and referrals; criminal justice support and advocacy; emergency shelter; therapy; and
10 consistent communication about significant events in their case. *Id.* These services are to be
11 administered without regard to a victim’s immigration status. *See, e.g.*, 28 C.F.R. § 94.103(a).

12 123. VOCA provides that the OVC Director “shall make an annual grant” to the chief
13 executive of each State to provide financial support to eligible victim assistance programs. 34 U.S.C.
14 § 20103(a). Each State subgrants such funds out to community-based organizations and public agencies
15 that provide services directly to crime victims. *Id.* § 20103(b)–(c).

16 124. Congress has specified the criteria for determining the eligibility of a victim assistance
17 program to receive Victim Assistance grant funds. *Id.* § 20103(b). A program is eligible under these
18 statutory criteria if, among other things, it is run by a public agency or nonprofit organization, has a
19 demonstrated record of providing effective services to crime victims, assists victims in seeking
20 compensation benefits, and does not discriminate against victims because they disagree with how a case
21 is prosecuted. *Id.* Congress has also specified which certifications are required of a State’s chief
22 executive, including that “funds awarded to eligible crime victim assistance programs will not be used to
23 supplant State and local funds otherwise available for crime victim assistance.” *Id.* § 20103(a)(2). None
24 of the eligibility criteria or required certifications specified in the statute relate to prohibitions of DEI,
25 promotion of gender ideology, or immigration enforcement.

26 125. Victim Assistance Formula Grants are distributed among the States based on a fixed
27 statutory formula. Under that formula, each State is entitled to a base amount of \$500,000 and an
28 additional share of the remaining available money in the Crime Victims Fund based on “each State’s

1 population in relation to the population of all States.” *Id.* § 20103(a)(3).

2 126. The statutory formula makes no reference to DEI, gender ideology, or immigration
3 enforcement.

4 127. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
5 conditions on Victims Assistance Formula grants prohibiting DEI and the “promot[ion]” of “gender
6 ideology,” or cooperation with federal immigration enforcement.

7 **b. OVC Competitive Grants**

8 **i. VOCA Competitive Grant Programs**

9 128. OVC administers many competitive grant programs authorized by VOCA, including:
10 Services for Victims of Crime; Emergency and Transitional Pet Shelter and Housing Assistance for
11 Victims of Domestic Violence Program; Technology to Support Services for Victims of Crime; Services
12 for Victims of Technology-Facilitated Abuse; Sexual Assault Nurse Examiner Program Development
13 and Operation Guide; National Crime Victim Crisis Hotlines; and Increasing Availability of Medical
14 Forensic Examinations for Victims of Sexual Assault.

15 129. Awards under these programs support a range of initiatives designed to expand and
16 strengthen services for crime victims, including funding specialized assistance for children, elders, and
17 victims of technology-facilitated abuse; providing housing assistance for victims; expanding victims’
18 access to specialized medical forensic professionals and examinations; and development of statewide
19 technology programs to improve the quality and reach of victim services. Collectively, they enhance the
20 quality and accessibility of services for victims of crime nationwide.

21 130. VOCA’s competitive grants are generally governed by 34 U.S.C. § 20103(c), which
22 specifies the purpose of competitive grants. VOCA provides that the OVC Director “shall make grants”
23 for “victim services, demonstration projects, program evaluation, compliance efforts, and training and
24 technical assistance services to eligible crime victim assistance programs” and “for the financial support
25 of services to victims of Federal crime by eligible crime victim assistance programs.” *Id.*
26 § 20103(c)(1)(A)–(B). The OVC Director “shall ... use funds made available” for these grants “pursuant
27 to rules or guidelines that generally establish a publicly-announced, competitive process.” *Id.*
28 § 20103(c)(3)(E). The statutory purposes of VOCA competitive grant funds do not relate in any way to

1 prohibitions of DEI, gender ideology, or immigration enforcement.

2 131. Congress has also specified certain criteria for creating and awarding these competitive
3 grant funds under VOCA. The only relevant restriction that Congress has placed on the use of these
4 funds is that not more than 50 percent of available funds shall be used for support of victims of Federal
5 crime. *See id.* § 20103(c)(2)(A)–(B).

6 132. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
7 conditions on VOCA Competitive grants prohibiting DEI and the “promot[ion]” of “gender ideology,” or
8 cooperation with federal immigration enforcement.

9 **ii. OVC Human Trafficking Programs**

10 133. OVC also administers several competitive grant programs focused specifically on
11 combating human trafficking and providing comprehensive services to victims, including Housing
12 Assistance for Victims of Human Trafficking; Integrated Services for Minor Victims of Human
13 Trafficking; Enhanced Collaborative Model (ECM) Task Force to Combat Human Trafficking; and
14 Services for Victims of Human Trafficking.

15 134. Awards under these programs support a broad range of initiatives intended to identify
16 victims of human trafficking and provide trauma-informed, victim-centered services. These initiatives
17 include emergency, transitional, and long-term housing assistance; coordinated service delivery for minor
18 victims; multidisciplinary task force efforts involving law enforcement, service providers, and
19 prosecutors; and comprehensive services addressing victims’ medical, mental health, legal, and social
20 service needs. Collectively, these programs are designed to improve victim safety, stability, and access
21 to justice, and to strengthen coordinated community responses to human trafficking.

22 135. The Human Trafficking Program grants are authorized under 22 U.S.C. § 7105(b), part of
23 the Trafficking Victims Protection Act. This authorizing statute proscribes specific requirements and
24 priorities for the Human Trafficking Program funds. 22 U.S.C.A. 7105(b)(2)(D) provides that “[i]n
25 selecting recipients of grants under this paragraph that are only available for law enforcement operations
26 or task forces, the Attorney General may give priority to any applicant that files an attestation with the
27 Attorney General stating that the grant funds awarded under this paragraph...”

28 a. “will be used to assist in the prevention of severe forms of trafficking in person”

- b. “will be used to strengthen efforts to investigate and prosecute those who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking”
- c. “will be used to take affirmative measures to avoid arresting, charging, or prosecuting victims of human trafficking for any offense that is the direct result of their victimization; and”
- d. “will not be used to require a victim of human trafficking to collaborate with law enforcement officers as a condition of access to any shelter or restorative services;

136. Additionally, 22 U.S.C.A. 7105(b)(1)(A) provides “Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons, or an alien classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of Title 8, shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 1157 of Title 8.”

137. Furthermore, 22 U.S.C.A. 7105(b)(1)(B)(i) provides, “...Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, and aliens classified as a nonimmigrant under section 1101(a)(15)(T)(ii) of Title 8, without regard to the immigration status of such victims. “

138. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or conditions on OVC Human Trafficking Program grants prohibiting DEI and the “promot[ion]” of “gender ideology,” or cooperation with federal immigration enforcement.

5. Other DOJ Grant Programs

139. DOJ and its operating divisions and agencies administer a range of other grant programs, such as the Preventing Trafficking of Girls grants program, that Plaintiffs have previously received, currently receive, or are otherwise eligible to receive. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or conditions on these other DOJ grants related to a prohibition on all kinds of DEI, exclusion of transgender people, cooperation with federal immigration enforcement, or

1 adherence to executive orders unrelated to the purpose of the funds.

2 140. Congress annually appropriates funding for DOJ grant programs. In the annual
3 appropriations legislation, Congress sets forth priorities and directives to the Administrator of DOJ with
4 respect to funding. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
5 conditions on DOJ grants related to a prohibition on DEI, exclusion of transgender people, cooperation
6 with federal immigration enforcement, or adherence to executive orders unrelated to the purpose of the
7 funds. *See, e.g.*, Consolidated Appropriations Act, 2021, Pub. L. 116-260, 134 Stat. 1245-1266;
8 Consolidated Appropriations Act, 2022, Pub. L. 117-103, 136 Stat. 113-134; Consolidated
9 Appropriations Act, 2023, Pub. L. 117-328, 136 Stat. 4521-4544; Consolidated Appropriations Act,
10 2024, Pub. L. 118-42, 138 Stat. 133-156.

11 141. Plaintiffs the City of Santa Clara, City of Santa Cruz, City of Redwood City, City of
12 Fresno, City of Beaverton, City of Corvallis, City of Hillsboro, City of Stockton, County of San Diego,
13 County of Los Angeles, and County of Santa Barbara (collectively, the “DOJ Plaintiffs”), have
14 previously received, currently receive, or are otherwise eligible to receive federal funding from the DOJ.
15 DOJ Plaintiffs rely on millions of dollars in appropriated federal funds from DOJ’s programs for the
16 benefit of their communities.

17 **C. DOI Grant Programs**

18 142. Congress established the Department of the Interior in 1849 to administer the rapidly
19 expanding land holdings acquired by the Federal Government in the first half of the nineteenth century.
20 Act of Mar. 3, 1849, ch. 108, § 11, 9 Stat. at 396. Today, the DOI manages 420 million acres of federal
21 lands, nearly 55 million acres of tribal lands, more than 700 million acres of subsurface minerals, and
22 about 2.5 billion acres of the outer continental shelf. The DOI Secretary is responsible for all actions
23 taken by the Department and its component offices, which include the Bureau of Indian Affairs (BIA),
24 Bureau of Indian Education (BIE), Bureau of Land Management (BLM), Bureau of Ocean Energy
25 Management (BOEM), Bureau of Reclamation, Bureau of Safety and Environmental Enforcement
26 (BSEE), National Park Service (NPS), Office of Surface Mining Reclamation and Enforcement
27 (OSMRE), U.S. Fish and Wildlife Service (FWS), and U.S. Geological Survey (USGS).

28 143. The Secretary of the Interior is charged with the supervision and management of the

1 Department of the Interior and its bureaus, including the administration of federal programs and grants,
 2 management of public lands and resources, and ensuring that departmental actions are carried out in
 3 accordance with governing statutes and executive directives. *See* 43 U.S.C. §§ 1457; 1458.

4 **1. Land and Water Conservation Fund Grant Program (LWCF)**

5 144. Congress established the Land and Water Conservation Fund Grant Program through the
 6 enactment of the Land and Water Conservation Fund Act of 1965. Pub. L. 88-578, 54 U.S.C. § 200301
 7 et seq., as amended. The purpose of the Act is to assist the states and agencies to meet the “present and
 8 future outdoor recreation demands and needs of the American people.” Pub. L. 88-578. LWCF
 9 appropriates federal funds to states for outdoor recreation planning, acquisition, and facilities
 10 development.

11 145. DOI’s administration of the LWCF is authorized and governed by statutory directives.
 12 Congress has specified what activities are eligible for funding under the LWCF, the formula DOI must
 13 apply in allocating funds, and program requirements DOI may require recipients agree to as conditions
 14 for receiving funds. *See* 54 U.S.C. § 200305.

15 146. The Land and Water Conservation Act, 54 U.S.C. § 200305, contains Congress’s
 16 overarching authorization for DOI to allocate LWCF grants. The statute authorizes the DOI Secretary to
 17 make payments to the states for outdoor recreation. Subsection (b) of 54 U.S.C. § 200305 provides for
 18 the DOI Secretary to establish a formula to determine funding amounts and sets forth eligibility criteria
 19 the DOI Secretary shall consider to determine awards.

20 147. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
 21 conditions on LWCF grant funds related to a prohibition on all kinds of DEI, exclusion of transgender
 22 people, cooperation with federal immigration enforcement, or adherence to executive orders unrelated to
 23 the purpose of the funds.

24 **2. WaterSMART Grant Program**

25 148. DOI established the WaterSMART (Sustain and Manage American Resources for
 26 Tomorrow) program in 2010 under DOI Secretarial Order 3297, with the goal to “pursue a sustainable
 27 water supply for the Nation by establishing a framework to provide federal leadership and assistance on
 28 the efficient use of water, integrating water and energy policies to support the sustainable use of all

1 natural resources, and coordinating the water conservation activities of the various Interior bureaus and
2 office.” *See* Secretarial Order No. 3297, Department of the Interior WaterSMART Program - Sustain
3 and Manage America’s Resources for Tomorrow, U.S. Dep’t of the Interior (Feb. 22, 2010), [https://](https://www.doi.gov/document-library/secretary-order/3297-department-interior-watersmart-program-sustain-)
4 www.doi.gov/document-library/secretary-order/3297-department-interior-watersmart-program-sustain-
5 [and-manage](https://www.doi.gov/document-library/secretary-order/3297-department-interior-watersmart-program-sustain-) (last visited February 4, 2026). The program was codified under the Omnibus Public Land
6 Management Act of 2009, Pub. L. 111-11, as amended 42 U.S.C. § 10364.

7 149. The WaterSmart program authorizes the DOI Secretary to provide cost-shared funding in
8 four grant categories on a competitive basis: water and energy efficiency, small-scale water efficiency,
9 water strategy grants, and environmental water resources projects. *See* 42 U.S.C. § 10364(a)(1). To be
10 eligible for funding, applicants must meet certain criteria; they must be located in Alaska, Arizona,
11 California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota,
12 Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, American Samoa, Guam, the
13 Northern Mariana Islands, and the Virgin Islands, and must submit a proposal of the improvement the
14 grant is intended to fund. *See* 42 U.S.C. § 10364(a)(2). Applicants must also agree to cost sharing
15 requirements of fifty percent or more of the total project cost, among other considerations. *See* 42 U.S.C.
16 § 10364(a)(3)(e).

17 150. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
18 conditions on WaterSMART grants prohibiting DEI and the “promot[ion]” of “gender ideology,” or
19 cooperation with federal immigration enforcement.

20 151. Congress annually appropriates funding for the WaterSMART grant program. In the
21 annual appropriations legislation, Congress sets forth priorities and directives to the DOI Secretary with
22 respect to WaterSMART funding. *See, e.g.,* Consolidated Appropriations Act, 2021, Pub. L. 116-260,
23 134 Stat. 1363; Consolidated Appropriations Act, 2022, Pub. L. 117-103, 136 Stat. 221; Consolidated
24 Appropriations Act, 2023, Pub. L. 117-328, 136 Stat. 4631; Consolidated Appropriations Act, 2024, Pub.
25 L. 118-42, 138 Stat. 194, Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. L. 119-4,
26 139 Stat. 24.

27 152. Plaintiffs are not aware of Congress ever imposing or authorizing directives for or
28 conditions on WaterSMART grants prohibiting DEI and the “promot[ion]” of “gender ideology,” or

1 cooperation with federal immigration enforcement.

2 **3. Other DOI Grants**

3 153. DOI and its operating divisions and agencies administer a range of other grant programs
4 that Plaintiffs have previously received, currently receive, or are otherwise eligible to receive. Plaintiffs
5 are not aware of Congress ever imposing or authorizing directives for or conditions on any DOI grants
6 related to a prohibition on all kinds of DEI, exclusion of transgender people, cooperation with federal
7 immigration enforcement, or adherence to executive orders unrelated to the purpose of the funds.

8 154. Congress annually appropriates funding for DOI grant programs, including the programs
9 identified above. In the annual appropriations legislation, Congress sets forth priorities and directives to
10 the DOI Secretary with respect to transportation funding. Plaintiffs are not aware of Congress ever
11 imposing or authorizing directives for or conditions on DOI grants prohibiting DEI and the
12 “promot[ion]” of “gender ideology,” or cooperation with federal immigration enforcement. *See, e.g.*,
13 Consolidated Appropriations Act, 2021, Pub. L. 116-260, 134 Stat. 1544; Consolidated Appropriations
14 Act, 2022, Pub. L. 117-103, 136 Stat. 417; Consolidated Appropriations Act, 2023, Pub. L. 117-328, 136
15 Stat. 4828 Consolidated Appropriations Act, 2024, Pub. L. 118- 42, 138 Stat. 291.

16 155. Plaintiffs the City of Fresno, City of Santa Cruz, City of Corvallis, City of Hillsboro, City
17 of Stockton, County of Los Angeles, and County of Santa Barbara (collectively, the “DOI Plaintiffs”)
18 have previously received, currently receive, or are otherwise eligible to receive federal funding from the
19 DOI. These Plaintiffs rely on millions of dollars in appropriated federal funds from DOI direct or pass-
20 through grant programs for transportation-related projects undertaken for the benefit of their
21 communities.

22 **D. Following President Trump’s Inauguration, Defendants Unilaterally Impose New** 23 **Conditions on Federal Grants.**

24 **1. President Trump Issues Executive Orders Directing Federal Agencies to** 25 **Impose New Conditions on Federal Grants**

26 156. Since taking office, President Trump has issued numerous executive orders directing the
27 heads of executive agencies to impose conditions on federal funding that bear little or no connection to
28 the purposes of the grant programs Congress established, lack statutory authorization, conflict with the

1 law as interpreted by the courts, and are even at odds with the purposes of the grants they purport to
2 amend. Instead, the conditions appear to require federal grant recipients to agree to promote the political
3 agenda President Trump campaigned on during his run for office and has continued espousing since,
4 including prohibiting all kinds of DEI, facilitating enforcement of federal immigration, or prohibiting the
5 “promot[ion]” of “gender ideology.” Plaintiffs cannot comply with Defendants’ vague, ambiguous, and
6 unauthorized conditions without exposing themselves to substantial legal liability or forgo critical federal
7 funding.

8 157. The “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” executive
9 order directs each federal agency head to include “in every contract or grant award” a term that the
10 contractor or grant recipient “certify that it does not operate any programs promoting DEI” that would
11 violate federal antidiscrimination laws. Exec. Order 14173 § 3(b)(iv)(B), 90 Fed. Reg. 8633 (Jan. 21,
12 2025) (the “DEI Order”). The certification is not limited to programs funded with federal grants. *Id.*
13 § 3(b)(iv).

14 158. The DEI Order also directs each agency head to include a term requiring the contractor or
15 grant recipient to agree that its compliance “in all respects” with all applicable federal nondiscrimination
16 laws is “material to the government’s payment decisions” for purposes of the False Claims Act (FCA),
17 31 U.S.C. §§ 3729 et seq. *Id.* § 3(b)(iv)(A). The FCA imposes liability on “any person” who “knowingly
18 presents, or causes to be presented, a false or fraudulent claim for payment or approval.” 31 U.S.C.
19 § 3729(a)(1)(A). For FCA liability to attach, the alleged misrepresentation must be “material to the
20 Government’s payment decision”—an element the U.S. Supreme Court has called “demanding.”
21 *Universal Health Servs., Inc. v. United States ex rel. Escobar*, 579 U.S. 176, 192, 194 (2016). Each
22 violation of the FCA is punishable by a civil penalty of up to \$27,894, plus mandatory treble damages
23 sustained by the federal government because of that violation. 31 U.S.C. § 3729(a); 28 C.F.R. § 85.5(a).
24 Given the demands of proving materiality and the severity of penalties imposed by the FCA, the
25 certification term represents another effort to coerce compliance with the President’s policies by
26 effectively forcing grant recipients to concede an essential element of an FCA claim.

27 159. The DEI Order does not define the term “DEI.” As explained below, subsequent
28 executive agency memoranda and letters make clear that the Trump Administration’s conception of what

1 federal antidiscrimination law requires, including what constitutes a purportedly “illegal” DEI program,
2 is inconsistent with the requirements of federal nondiscrimination statutes as interpreted by the courts.

3 160. The “Ending Taxpayer Subsidization of Open Borders” executive order directs all agency
4 heads to ensure “that Federal payments to States and localities do not, by design or effect, facilitate the
5 subsidization or promotion of illegal immigration, or abet so-called ‘sanctuary’ policies that seek to
6 shield illegal aliens from deportation.” Executive Order 14218 § 2(ii), 90 Fed. Reg. 10581 (Feb. 19,
7 2025) (the “Immigration Order”).

8 161. The Immigration Order also purports to implement the Personal Responsibility and Work
9 Opportunity Reconciliation Act (PRWORA), pursuant to which certain federal benefits are limited to
10 individuals with qualifying immigration status. *See* 8 U.S.C. § 1611(a). In particular, the Immigration
11 Order directs all agency heads to “identify all federally funded programs administered by the agency that
12 currently permit illegal aliens to obtain any cash or non-cash public benefit” and “take all appropriate
13 actions to align such programs with the purposes of this order and the requirements of applicable Federal
14 law, including ... PRWORA.” *Id.* § 2(i).

15 162. On April 28, 2025, President Trump issued additional executive orders related to
16 immigration and law enforcement. The “Protecting American Communities from Criminal Aliens”
17 executive order states that “some State and local officials ... continue to use their authority to violate,
18 obstruct, and defy the enforcement of Federal immigration laws” and directs the Attorney General in
19 coordination with the Secretary of Homeland Security to identify “sanctuary jurisdictions,” take steps to
20 withhold federal funding from such places, and develop “mechanisms to ensure appropriate eligibility
21 verification is conducted for individuals receiving Federal public benefits ... from private entities in a
22 sanctuary jurisdiction, whether such verification is conducted by the private entity or by a governmental
23 entity on its behalf.” [https://www.whitehouse.gov/presidential-actions/2025/04/protecting-american-](https://www.whitehouse.gov/presidential-actions/2025/04/protecting-american-communities-from-criminal-aliens/)
24 [communities-from-criminal-aliens/](https://www.whitehouse.gov/presidential-actions/2025/04/protecting-american-communities-from-criminal-aliens/) (last visited February 4, 2026). The “Strengthening and Unleashing
25 America’s Law Enforcement to Pursue Criminals and Protect Innocent Citizens” executive order directs
26 the Attorney General to, among other things, “prioritize prosecution of any applicable violations of
27 Federal criminal law with respect to State and local jurisdictions” whose officials “willfully and
28 unlawfully direct the obstruction of criminal law, including by directly and unlawfully prohibiting law

1 enforcement officers from carrying out duties necessary for public safety and law enforcement” or
 2 “unlawfully engage in discrimination or civil-rights violations under the guise of “diversity, equity, and
 3 inclusion” initiatives that restrict law enforcement activity or endanger citizens.” [https://www.
 4 whitehouse.gov/presidential-actions/2025/04/strengthening-and-unleashing-americas-law-enforcement-
 5 to-pursue-criminals-and-protect-innocent-citizens/](https://www.whitehouse.gov/presidential-actions/2025/04/strengthening-and-unleashing-americas-law-enforcement-to-pursue-criminals-and-protect-innocent-citizens/) (last visited February 4, 2026).

6 163. The “Defending Women from Gender Ideology Extremism and Restoring Biological
 7 Truth to the Federal Government” executive order directs agency heads to “take all necessary steps, as
 8 permitted by law, to end the Federal funding of gender ideology” and “assess grant conditions and
 9 grantee preferences” to “ensure grant funds do not promote gender ideology.” Exec. Order No. 14168
 10 § 3(e), (g), 90 Fed. Reg. 8615 (Jan. 20, 2025) (the “Gender Ideology Order”). The Gender Ideology
 11 Order states that “[g]ender ideology” replaces the biological category of sex with an ever-shifting
 12 concept of self-assessed gender identity, permitting the false claim that males can identify as and thus
 13 become women and vice versa, and requiring all institutions of society to regard this false claim as true.”
 14 *Id.* § 2(f). It goes on to state that “[g]ender ideology includes the idea that there is a vast spectrum of
 15 genders that are disconnected from one’s sex” and is therefore “internally inconsistent, in that it
 16 diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a
 17 person to be born in the wrong sexed body.” *Id.*

18 164. On August 7, 2025 President Trump issued another executive order titled, Improving
 19 Oversight of Federal Grantmaking that requires that discretionary grant awards “demonstrably advance
 20 the President’s policy priorities” and “shall not be used to fund, promote, encourage, subsidize, or
 21 facilitate” “racial preferences or other forms of racial discrimination by the grant recipient,” “denial by
 22 the grant recipient of the sex binary in humans or the notion that sex is a chosen or mutable
 23 characteristic,” or “any other initiatives that compromise public safety or promote anti-American values.”
 24 Exec. Order No. 14332, 90 Fed. Reg. 38929 (Aug. 7, 2025) (the “Grantmaking Oversight Order”).

25 2. DHS Attaches New Conditions to DHS Grants

26 165. DHS and its operating divisions and agencies have implemented President Trump’s
 27 Executive Orders by imposing new and unlawful conditions (collectively, the “DHS Grant Conditions”)
 28 across the expansive portfolio of DHS grants established by Congress and demanding grant recipients’

1 agreement to those new conditions.

2 166. For example, on or around April 18, 2025, DHS issued new sets of “Standard Terms and
3 Conditions” applicable to all federal awards. *See* U.S. Dep’t of Homeland Security, Notice of Funding
4 Opportunity for FY 2025 Standard Terms and Conditions (Apr. 18, 2025),
5 [https://www.dhs.gov/sites/default/files/2025-08/2025_0418_fy2025_dhs_terms_and_conditions_](https://www.dhs.gov/sites/default/files/2025-08/2025_0418_fy2025_dhs_terms_and_conditions_version_3.pdf)
6 [version_3.pdf](https://www.dhs.gov/sites/default/files/2025-08/2025_0418_fy2025_dhs_terms_and_conditions_version_3.pdf) (last visited February 4, 2026) (“DHS Standard Terms and Conditions”).

7 167. Section XI of the Standard Terms and Conditions require entities receiving federal funds
8 through DHS to “comply with” conditions “related to coordination and cooperation” with federal
9 immigration officials, including six specific conditions related to immigration:

- 10 a. The Information Sharing Condition (Sec. IX(1)(a)): Grant recipients “must comply
11 with the requirements of 8 U.S.C. §§ 1373 and 1644, [which] prohibit state
12 restrictions on sharing information with DHS concerning the citizenship or
13 immigration status, lawful or unlawful, of any individual”
- 14 b. The Compliance Condition (Sec. IX(1)(b)): Grant recipients “must comply” with
15 various criminal laws, including 8 U.S.C. § 1324, that prohibit, among other
16 things, “encouraging or inducing” noncitizens to unlawfully enter the United
17 States.
- 18 c. The Cooperation Condition (Sec IX(1)(c)): Grant recipients must “honor requests
19 for cooperation, such as participation in joint operations, sharing of information, or
20 requests for short term detention of an alien pursuant to a valid detainer. A
21 jurisdiction does not fail to comply with this requirement merely because it lacks
22 the necessary resources to assist in a particular instance.”
- 23 d. The Access Condition (Sec. IX(1)(d)): Grant recipients must provide federal
24 immigration agents “access to detainees” in correctional facilities to inquire as to
25 such individuals’ right to be or remain in the United States.
- 26 e. The Publicization Condition (Sec. IX(1)(e)): Grant recipients must not “leak or
27 otherwise publicize the existence of” any federal immigration enforcement
28 operations.

1 f. The Certification and Monitoring Condition (Sec. IX(2)): Grant recipients must
2 certify compliance with the above conditions and require subgrant recipients to do
3 the same.

4 168. Section XVII(2)(iii) of the Standard Terms and Conditions also includes the requirement
5 recipients certify that “[t]hey do not, and will not during the term of this award, operate any program that
6 benefits illegal immigrants or incentivizes illegal immigration.”

7 169. Collectively these conditions will hereto be referred to as the “DHS Immigration
8 Enforcement Conditions.”

9 170. Section XVII(2)((i-ii) of the Standard Terms and Conditions includes the requirement
10 recipients certify that “[t]hey do not, and will not during the term of this financial assistance award,
11 operate any programs that advance or promote DEI, DEIA, or discriminatory equity ideology in violation
12 of Federal anti-discrimination laws” and that “[t]hey do not engage in and will not during the term of this
13 award engage in, a discriminatory prohibited boycott,” (the “DHS DEI Condition”).

14 171. Subdivision XVII(3) further provides that “DHS reserves the right to suspend payments in
15 whole or in part and/or terminate financial assistance awards if the Secretary of Homeland Security or
16 her designee determines that the recipient has violated any provision of subsection (2).”

17 172. Subdivision XVII(4) provides “Upon suspension or termination under subsection (3), all
18 funds received by the recipient shall be deemed to be in excess of the amount that the recipient is
19 determined to be entitled to under the Federal award for purposes of 2 C.F.R. § 200.346. As such, all
20 amounts received will constitute a debt to the Federal Government that may be pursued to the maximum
21 extent permitted by law.”

22 173. Additionally, the DHS Standard Terms and Conditions state in Section XXXI, that
23 “Recipients must comply with the requirements of Presidential Executive Orders related to grants (also
24 known as federal assistance and financial assistance), the full text of which are incorporated by
25 reference.” This term will hereto be referred to as the “DHS EO Condition.”

26 174. Neither the statutory provisions creating the DHS grant programs, the relevant
27 appropriations acts, nor any other Congressional legislation authorizes the DHS to condition grant funds
28 on the recipient’s certification that it does not “promote DEI” or its agreement to not operate a program

1 that “benefits illegal immigrants or incentivizes illegal immigration.” Federal grant recipients are
2 required to comply with nondiscrimination and other applicable federal laws. But executive orders and
3 letters from agency heads cannot change what these laws require under existing court decisions.

4 175. FEMA is an operating component of DHS, *see* 6 U.S.C. § 313(a), and FEMA-
5 administered grant programs are DHS grants subject to DHS-wide policies and conditions. As a result,
6 the DHS Standard Terms and Conditions described above apply equally to all FEMA grant programs.
7 Accordingly, the DHS DEI Condition, the DHS Immigration Condition, and the DHS EO Condition are
8 imposed on FEMA grant recipients and subrecipients as conditions of receiving the DHS financial
9 assistance.

10 176. DHS and FEMA incorporate the DHS Standard Terms and Conditions into individual
11 grant programs through Notices of Funding Opportunity (“NOFOs”) issued for specific fiscal years and
12 programs. For example, the Fiscal Year 2025 Homeland Security Grant Program NOFO expressly
13 incorporates the DHS Standard Terms and Conditions by reference and states that all awards made under
14 the NOFO are subject to those Terms and Conditions as a condition of acceptance. *See* Fiscal Year 2025
15 Homeland Security Grant Program NOFO, [https://www.fema.gov/sites/default/files/
16 documents/fema_gpd_homeland-security-grant-program-nofo_fy2025.pdf](https://www.fema.gov/sites/default/files/documents/fema_gpd_homeland-security-grant-program-nofo_fy2025.pdf) (last visited February 4,
17 2026).

18 177. The Homeland Security Grant Program NOFO further requires funding recipients to
19 report whether “subrecipient’s work or mission involves supporting aliens, regardless of whether FEMA
20 funds support such activities,” “[w]hether the payment request includes an activity involving support to
21 aliens,” and “[w]hether the subrecipient has any DEI practices.”

22 178. The Homeland Security Grant Program NOFO also contains a condition requiring
23 “Recipients must comply with the requirements of Presidential Executive Orders related to grants (also
24 known as federal assistance and financial assistance), the full text of which are incorporated by
25 reference,” which is identical to the DHS EO Condition in the DHS Standard Terms and Conditions
26 discussed above.

27 179. These requirements, outlined in the DHS Standard Terms and Conditions and
28 incorporated into the NOFOs for DHS and FEMA grant programs, are unlawful, as explained further

1 below, because the requirements violate the Separation of Powers, the Spending Clause, the Fifth
2 Amendment's void-for-vagueness doctrine, and the APA.

3 3. DOJ Attaches New Conditions to DOJ Grants

4 180. DOJ and its operating divisions and agencies have implemented President Trump's
5 Executive Orders by attaching new and unlawful conditions (collectively, the "DOJ Grant Conditions")
6 across the expansive portfolio of DOJ grants established by Congress and demanding grant recipients'
7 agreement to those new conditions.

8 181. For example, on or around May 12, 2025, the DOJ's Office of Justice Programs, the part
9 of the DOJ that manages, awards, and oversees most federal criminal justice and victim services grant
10 funding, published "General Conditions" for OJP Awards in FY 2025. *See* Dep't of Justice, "General
11 Conditions" for OJP Awards in FY 2025,

12 <https://www.ojp.gov/funding/explore/legaloverview2025/mandatorytermsconditions> (last visited
13 February 4, 2026). The General Conditions included a term that provides:

14 The recipient agrees that its compliance with all applicable Federal civil
15 rights and nondiscrimination laws is material to the government's decision
16 to make this award and any payment thereunder, including for purposes of
17 the False Claims Act (31 U.S.C. 3729-3730 and 3801-3812), and, by
18 accepting this award, certifies that it does not operate any programs
(including any such programs having components relating to diversity,
equity, and inclusion) that violate any applicable Federal civil rights or
nondiscrimination laws.

19 (the "OJP DEI Condition").

20 182. Additionally, the NOFO for FY25 COPS Community Policing Development Microgrants
21 that warns applicants that funding may not be used to "promote gender ideology" (the "COPS Gender
22 Ideology Condition") or "for projects that provide or advance diversity, equity, inclusion, and
23 accessibility, or environmental justice programs, services, or activities," (the "COPS DEI Condition").

24 *See* Dep't of Justice., NOFO FY25 COPS Community Policing Development Microgrants,
25 <https://cops.usdoj.gov/pdf/2025ProgramDocs/cpdmicrogrants/nofo.pdf> (last visited February 4, 2026).

26 The NOFO for FY25 COPS Community Policing Development Microgrants also provides that "the
27 COPS Office will provide priority consideration to state or local law enforcement applicants that respond
28 affirmatively to the application question related to cooperation with federal immigration officials," (the

1 “COPS Immigration Priority Conditions”).

2 183. The NOFO for FY25 COPS Safer Outcomes: Enhancing De-Escalation and Crisis
3 Response Training for Law Enforcement program contains the same COPS Gender Ideology, COPS DEI,
4 and COPS Immigration Priority conditions. *See* Dep’t of Justice., NOFO FY25 COPS Safer Outcomes:
5 Enhancing De-Escalation and Crisis Response Training for Law Enforcement,
6 https://cops.usdoj.gov/pdf/2025ProgramDocs/saferoutcomes/support_nofo.pdf (last visited February 4,
7 2026).

8 184. The NOFO for FY25 COPS Law Enforcement Mental Health and Wellness Act
9 (LEMHWA) Implementation Projects includes similar conditions. *See* Dep’t of Justice, Notice of
10 Funding Opportunity for FY25 Law Enforcement Mental Health and Wellness Act (LEMHWA)
11 Implementation Projects, <https://cops.usdoj.gov/pdf/2025ProgramDocs/lemhwa/nofo.pdf> (last visited
12 February 4, 2026).

13 185. Significantly, the COPS DIE Condition is not limited to programs that violate applicable
14 federal law. It prohibits COPS funding from being used to “provide or advance” any diversity, equity,
15 inclusion, and accessibility services or activities. Regardless of whether they comply with federal law.

16 186. In or around August 2025, the DOJ published the 2025 COPS Office Law Enforcement
17 Mental Health and Wellness Act (LEMHWA) Program Award Owner’s Manual. *See* Dep’t of Justice,
18 2025 COPS Office LEMHWA Program Award Owner’s Manual,
19 <https://cops.usdoj.gov/pdf/2025AwardDocs/lemhwa/aom.pdf> (last visited February 4, 2026). The
20 Manual provides that “[c]ompliance with this Award Owner’s Manual is a condition of your award, and
21 this manual is binding guidance.” “

22 187. The LEMHWA Manual includes the a provision requiring recipients to certify “that it
23 does not operate any programs (including any such programs having components relating to diversity,
24 equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws” similar
25 to the OJP DEI Conditions. Furthermore, the 2025 LEMHWA requires that “the recipient agrees that its
26 compliance with all applicable Federal civil rights and nondiscrimination laws is material to the
27 government’s decision to make this award and any payment thereunder, including for purposes of the
28 False Claims Act (31 U.S.C. 3729-3730 and 3801-3812)), and, by accepting this award, certifies that it

1 does not operate any programs (including any such programs having components relating to diversity,
2 equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws,” (the
3 “LEMHWA Owner’s Manual DEI Condition”)

4 188. The LEMHWA Manual also requires that recipients “must comply with all applicable
5 federal laws and Presidential Memoranda and all Executive Orders by the President,” (the “LEMHWA
6 EO Condition”).

7 189. The 2025 COPS Office Safer Outcomes Program Award Owner’s Manual contains the
8 same conditions as the LEMHWA Program Award Owner’s Manual. *See* Dep’t of Justice, 2025 COPS
9 Office Safer Outcomes Program Award Owner’s Manual,
10 <https://cops.usdoj.gov/pdf/2025AwardDocs/saferoutcomes/AOM.pdf> (last visited February 4, 2026).

11 190. The NOFOs issued by the OVC also contain new unlawful conditions implementing the
12 President’s Executive Orders. *See e.g.*, U.S. Dep’t of Justice, Office of Justice Programs, OVC FY25
13 Victims of Crime Act (VOCA) Victim Assistance Formula Grant NOFO,
14 <https://www.ojp.gov/funding/docs/ovc-2025-172428.pdf> (last visited February 4, 2026); U.S. Dep’t of
15 Justice, Office of Justice Programs, OVC FY25 Victims of Crime Act (VOCA) Victim Compensation
16 Formula Grant NOFO, <https://www.ojp.gov/funding/docs/ovc-2025-172429.pdf> (last visited February 4,
17 2026); U.S. Dep’t of Justice, Office of Justice Programs, OVC FY25 Services for Victims of Crime
18 NOFO, <https://www.ojp.gov/funding/docs/ovc-2025-172427.pdf> (last visited February 4, 2026); U.S.
19 Dep’t of Justice, Office of Justice Programs, OVC FY25 Enhanced Collaborative Model (ECM) Task
20 Force to Combat Human Trafficking NOFO, <https://www.ojp.gov/funding/docs/ovc-2025-172524.pdf>
21 (last visited February 4, 2026); U.S. Dep’t of Justice, Office of Justice Programs, OVC FY25 Services
22 for Victims of Human Trafficking NOFO, <https://www.ojp.gov/funding/docs/ovc-2025-172520.pdf> (last
23 visited February 4, 2026); U.S. Dep’t of Justice, Office of Justice Programs, OVC FY25 Integrated
24 Services for Minor Victims of Human Trafficking NOFO, <https://www.ojp.gov/funding/docs/ovc-2025-172521.pdf>
25 (last visited February 4, 2026); U.S. Dep’t of Justice, Office of Justice Programs, OVC FY25
26 Preventing Trafficking of Girls NOFO, <https://www.ojp.gov/funding/docs/ovc-2025-172480.pdf> (last
27 visited February 4, 2026); U.S. Dep’t of Justice, Office of Justice Programs, OVC FY25 Housing
28 Assistance for Victims of Human Trafficking, <https://www.ojp.gov/funding/docs/o-ovc-2025-172519.pdf>

1 (last visited February 4, 2026).

2 191. All of the above-mentioned OVC NOFOs list as an “unallowable use,” “[a]ny program or
3 activity that, directly or indirectly, violates (or promotes or facilitates the violation of) federal
4 immigration law (including 8 U.S.C. § 1373) or impedes or hinders the enforcement of federal
5 immigration law—including by failing to comply with 8 U.S.C. § 1373, give access to DHS agents, or
6 honor DHS requests and provide requested notice to DHS agents” and is “out of the program scope and
7 will not be funded” (the “OVC Immigration Enforcement Condition”).

8 192. Although styled as a restriction on the “unallowable use of funds,” or “out of program
9 scope,” this language functions as an eligibility requirement. The NOFOs impose these requirements on
10 all FY 2025 OVC grant awards.

11 193. Many OVC NOFOs also provide that “OJP will provide priority consideration to
12 applicants that propose (as applicable within the scope of this funding opportunity) projects...[d]irectly
13 supporting law enforcement operations (including immigration law enforcement operations),” (the “OVC
14 Immigration Priority Condition”).

15 194. Additionally, all of the above-mentioned OVC NOFOs include a condition that provides:
16 “Compliance with Federal civil rights and nondiscrimination laws is material to the government’s
17 decision to make any award and payment under this program, including for purposes of the False Claims
18 Act, and each recipient will be required to certify (in its acceptance of the conditions of the award) that it
19 does not operate any programs (including any such programs having components relating to diversity,
20 equity, and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws,” (the
21 “OVC DEI Condition”).

22 195. OVC FY25 Victims of Crime Act (VOCA) Victim Compensation Formula Grant NOFO
23 also lists as lists as an “unallowable use” “[a]ny program or activity that, directly or indirectly, violates
24 (or promotes or facilitates the violation of) any applicable Federal civil rights or nondiscrimination law
25 (e.g., by unlawfully favoring or disfavoring individuals in any race or group on the basis that it is (or is
26 not) a majority or minority (or privileged or unprivileged) race or group in a given area or population or
27 sector), including in any program or activity having any component relating to diversity, equity, or
28 inclusion,” (the “OVC DEI Condition II”).

1 196. The rest of the above-cited OVC NOFOs contain a similar condition that excludes the last
2 clause explicitly referencing DEI (the “OVC DEI Condition III”).

3 197. The Bureau of Justice Assistance (BJA) FY25 Paul Coverdell Forensic Science
4 Improvement – Competitive Grants Program NOFO also incorporates the unlawful conditions
5 implementing President Trump’s executive orders. *See* U.S. Dep’t of Justice, Office of Justice Programs,
6 BJA FY25 Paul Coverdell Forensic Science Improvement – Competitive Grants Program NOFO,
7 <https://www.ojp.gov/funding/docs/bja-2025-172472.pdf> (last visited February 4, 2026).

8 198. The FY25 Paul Coverdell Forensic Science Improvement – Competitive Grants Program
9 NOFO includes a DEI condition identical to the OVC DEI condition discussed above, (the “BJA DEI
10 Condition”).

11 199. The FY25 Paul Coverdell Forensic Science Improvement – Competitive Grants Program
12 NOFO also lists as an “unallowable costs and certain activities that are out of the program scope” “any
13 program or activity, at any tier that, directly or indirectly, violates (or promotes or facilitates the violation
14 of) federal immigration law (including 8 U.S.C. § 1373) or impedes or hinders the enforcement of federal
15 immigration law—including by failing to comply with 8 U.S.C. § 1373, give access to DHS agents, or
16 honor DHS requests and provide requested notice to DHS agents” (the “BJA Immigration Enforcement
17 Condition”).

18 200. The DOJ has also issued statements confirming this administration’s overbroad
19 interpretation of “DEI” that conflicts with current law. In a February 5, 2025, letter to DOJ Attorney
20 General Pam Bondi stated that DOJ’s Civil Rights Division will “penalize” and “eliminate” “illegal DEI
21 and DEIA” activities, characterizing such programs as discriminatory if they “divide individuals based
22 on race or sex.” The letter suggests this may include race- or gender-based affinity groups or even
23 teaching about racial history. *See* Letter from Pam Bondi, Attorney General, to all DOJ Employees (Feb.
24 5, 2025) <https://www.justice.gov/ag/media/1388501/dl?inline> (last visited February 4, 2026).

25 201. A second letter from Attorney General Bondi to grant recipients, issued on July 29, 2025,
26 purports to clarify the application of federal antidiscrimination laws to DEI programs for entities
27 receiving federal funds. However, contrary to established legal precedent, the letter states that entities
28 that promote DEI training programs that include discussions of inherent bias, white privilege, or toxic

1 masculinity violate federal law. The letter instructs entities to “[m]onitor their parties that receive federal
2 funds to ensure ongoing compliance, including reviewing program materials.” Letter from Pam Bondi,
3 Attorney General, to all Federal Agencies (Jul. 29, 2025) <https://www.justice.gov/ag/media/1409486/dl>
4 (last visited February 4, 2026). If this requirement, to condition federal funding on the content of
5 program materials, were enforced, it would be a violation of the First Amendment. *See Rosenberger v.*
6 *Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 831 (1995).

7 202. Additionally, in May 2025, the Deputy Attorney General issued a letter indicating that the
8 DOJ will invoke the FCA to pursue funding recipients engaged in what it characterizes as “civil rights
9 fraud”—including DEI initiatives. Along with starting an initiative to “utilize the [FCA] to investigate
10 and, as appropriate, pursue claims against any recipient of federal funds,” the letter states that DOJ
11 “strongly encourages” private FCA lawsuits against funding recipients. Letter from Todd Blanche,
12 Deputy Attorney General, to DOJ Offices, 19 Divisions, and U.S. Attorneys (May 19, 2025)
13 <https://www.justice.gov/dag/media/1400826/dl?inline> (last visited February 4, 2026).

14 203. Neither the statutory provisions creating the DOJ grants described in this Complaint, the
15 relevant appropriations acts, nor any other legislation authorizes DOJ, itself or through its operating
16 divisions and agencies, to condition these funds on the recipient’s certification that it does not “promote”
17 DEI or gender ideology or its admission that its compliance with these prohibitions is material for
18 purposes of the FCA. Nor are Plaintiffs aware of any statute authorizing DOJ, itself or through its
19 operating divisions and agencies, to impose conditions requiring cooperation with immigration
20 enforcement or the prohibitions on “indirectly” promoting or facilitating a violation of the immigration
21 laws on any other DOJ grants that Plaintiffs have previously received, currently receive, or are otherwise
22 eligible to receive. Federal grant recipients must comply with nondiscrimination and other federal laws.
23 But executive orders and statements from agency heads cannot change what these laws require under
24 existing court decisions.

25 204. The DOJ Grant Conditions described above are unlawful, as explained further below,
26 because the requirements violate the Separation of Powers, the Spending Clause, the Fifth Amendment’s
27 void-for-vagueness doctrine, and the APA.
28

4. DOI Attaches New Conditions to DOI Grants

205. DOI and its operating divisions and agencies have implemented President Trump’s Executive Orders by attaching new and unlawful conditions (collectively, the “DOI Grant Conditions”) across the expansive portfolio of DOI grants established by Congress and demanding grant recipients’ agreement to those new conditions.

206. For example, on or around July 30, 2025, the DOI’s Office of Grants Management issued General Award Terms and Conditions. *See* U.S. Dep’t of the Interior, Office of Grants Management, General Award Terms and Conditions, <https://www.doi.gov/sites/default/files/documents/2025-07/doi-general-terms-and-conditions-v6.pdf> (last visited February 4, 2026). These conditions include a provision that states: “In accepting this award the grant recipient agrees to operating in compliance in all respects with all applicable Federal anti-discrimination laws, and certify that it does not operate any programs promoting diversity, equity and inclusion programs that violate any applicable Federal antidiscrimination laws.” (the “DOI DEI Condition”).

207. Neither the statutory provisions creating the DOI grants described in this Complaint, the relevant appropriations acts, nor any other legislation authorizes DOI, itself or through its operating divisions and agencies, to condition these funds on the recipient’s certification that it does not operate or “promote” DEI or its admission that its compliance with these prohibitions is material for purposes of the FCA. Nor are Plaintiffs aware of any statute authorizing DOI, itself or through its operating divisions and agencies, to impose such conditions on any other DOI grants that Plaintiffs have previously received, currently receive, or are otherwise eligible to receive.

208. This certification is unlawful, as explained further below, because the anti-DEI certification violates the Separation of Powers, the Spending Clause, the Fifth Amendment’s void-for-vagueness doctrine, and the APA.

E. The New Grant Conditions Implementing and Incorporating the Executive Orders Are Unlawful

209. The conditions discussed above purport to incorporate executive orders as governing the use of federal funds. These orders in many ways attempt to adopt new laws by presidential fiat, amend existing laws, and overturn court precedent interpreting laws. In so doing, the new grant conditions seek

1 to usurp Congress’s prerogative to legislate and its power of the purse, as well as the judiciary’s power to
2 say what the law means. Without Congress passing his ideological agenda, President Trump has granted
3 himself unchecked Article II powers to legislate by executive order and impose his decrees on state and
4 local governments seeking grant funding. This not only conflicts with the Constitution, but it also
5 violates the APA.

6 **1. The EO Conditions Are Unlawful**

7 210. Executive orders are formal directives issued by the President to federal agencies and
8 executive branch officials. As implemented through the challenged grant conditions and applied to grant
9 recipients, these orders are vague, unintelligible, and incapable of consistent or lawful enforcement.

10 211. None of the Executive Orders at issue directly impose requirements on grant recipients;
11 rather, they direct the heads of executive agencies to impose conditions on federal funding. It is
12 nonsensical to require Plaintiffs, all local government entities, to “comply with the requirements of
13 Presidential Executive Orders” and unclear what requirements they purport to impose.

14 212. This uncertainty renders the EO Conditions unconstitutionally vague and ambiguous
15 under both the Due Process Clause and the Spending Clause. A condition that simply directs compliance
16 with “Presidential Executive Orders related to grants” provides no meaningful guidance as to what
17 conduct is expected, tolerated, or prohibited. Executive orders vary in scope and subject matter, are
18 subject to change at any time, and are addressed exclusively to executive branch actors. Local
19 government entities are left guessing whether, and how, a particular executive order applies to their
20 conduct and risk loss of critical federal funding and FCA liability if they guess incorrectly.

21 213. Additionally, the vagueness of the EO Condition invites arbitrary and discriminatory
22 enforcement. By incorporating executive orders in sweeping, undefined terms, the EO Conditions vest
23 federal officials with unfettered discretion to determine whether a recipient is “in compliance” without
24 reference to any objective standards. This discretion enables the administration to wield grant funding as
25 a tool of coercion, selectively enforcing vague obligations against disfavored recipients while
26 overlooking the same conduct by others. The ambiguity of the EO Conditions thus makes them ripe for
27 use as a mechanism of retaliation against entities that express viewpoints or pursue policies disfavored by
28 the current administration. The absence of clear guidelines transforms the grant process, authorized by

1 Congress to provide critical funding to protect public safety, public health, and local economies, into a
 2 tool of political leverage that the Executive is using to force local governments to conform to its
 3 ideological agenda.

4 214. Additionally, the Spending Clause requires that conditions attached to federal funds be
 5 stated “unambiguously” so that state and local governments may exercise their choice knowingly and
 6 voluntarily. *See Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17 (1981); *San Francisco*
 7 *Unified Sch. Dist. v. AmeriCorps*, 789 F. Supp. 3d 716, 745–50 (N.D. Cal. 2025). The EO Conditions
 8 fail this standard. Plaintiffs cannot knowingly agree to comply with all “Presidential Executive Orders
 9 related to grants” because that phrase does not inform them of what specific obligations they are
 10 undertaking, much less what obligations might be imposed in the future. A condition that operates as a
 11 moving target—changing with each new executive order—cannot satisfy the Spending Clause’s
 12 prohibition of ambiguous conditions.

13 215. Accordingly, conditions that purport to incorporate all Presidential executive orders by
 14 reference, such as the DHS EO Condition discussed above, are unlawful and in violation of the
 15 Constitution and the APA.

16 2. The DEI Conditions Are Unlawful

17 216. Although the various DEI-related grant conditions differ slightly in wording, they all stem
 18 from and implement the same directive in President Trump’s DEI Order. Section 3(b)(iv)(B) of the DEI
 19 Order expressly instructs each federal agency head to include “in every contract or grant award” a term
 20 requiring the contractor or grant recipient to “certify that it does not operate any programs promoting
 21 DEI” that would violate federal antidiscrimination laws. The challenged conditions mirror that mandate
 22 in substance and function. Each condition imposes a certification requirement, funding restriction, or
 23 programmatic prohibition targeting DEI-related activities, not as a neutral restatement of existing civil
 24 rights law, but as an additional condition of federal funding imposed pursuant to the DEI Order.

25 217. Some agencies, such as the COPS Office and the LEMHWA program, implemented the
 26 DEI Order in an unqualified and categorical manner, prohibiting the use of federal funds for any projects
 27 that “provide or advance diversity, equity, inclusion, and accessibility, or environmental justice
 28 programs, services, or activities,” regardless of whether such activities comply with federal civil rights

1 laws. Other agencies purportedly limit the prohibition to DEI-related activities “that violate any
2 applicable Federal civil rights or nondiscrimination laws.” That variation in phrasing, however, does not
3 alter the unlawfulness of the conditions.

4 218. All of the conditions, including those containing a purported qualifier, are unlawful
5 because they do not merely require compliance with existing federal antidiscrimination statutes, which is
6 already mandated. Instead, they impose a novel certification regime and funding condition specifically
7 targeting programs with components relating to diversity, equity, and inclusion, and elevate that
8 certification to a material condition of payment, often expressly invoking the False Claims Act. In doing
9 so, the agencies transform ordinary compliance obligations into a vague funding condition that chills
10 lawful, protected, and congressionally authorized activities based on an executive order, not
11 Congressional statute.

12 219. While Plaintiffs have routinely certified compliance with federal nondiscrimination laws
13 as a condition of federal funding in the past, the current administration’s communications to federal grant
14 recipients make clear that the agencies seek compliance with a novel, incorrect, and unsupported
15 interpretation of federal nondiscrimination law contrary to actual nondiscrimination statutes and
16 inconsistent with what any court has endorsed when interpreting them.

17 220. The challenged DEI Conditions, although vague, clearly implicate a broader range of
18 conduct than covered by applicable federal law. *See Nat’l Ass’n of Diversity Officers in Higher Educ. v.*
19 *Trump*, 767 F. Supp. 3d 243, 278 (D. Md.), *opinion clarified*, 769 F. Supp. 3d 465 (D. Md. 2025)
20 (“‘equity’ is a concept that transcends issues of diversity, inclusion, and accessibility. It also extends
21 beyond areas addressed by anti-discrimination efforts and civil rights laws”). Simply placing a savings
22 clause, such as “with applicable laws,” at the end of a condition cannot cure an otherwise vague,
23 unauthorized, or unlawful condition, nor shield it from judicial review. *See City & Cnty. of San*
24 *Francisco v. Trump*, 897 F.3d 1225, 1239–1240 (9th Cir. 2018); *Washington v. Trump*, 768 F. Supp. 3d
25 1239, 1278–79 (W.D. Wash. 2025).

26 221. Defendants’ expansive reinterpretation of nondiscrimination law is evident when
27 compared to the prior, long-standing interpretation reflected in their regulations. For instance, the
28 February 5, 2025 letter from Attorney General Pam Bondi to DOJ employees states that DOJ’s Civil

1 Rights Division will “penalize” and “eliminate” “illegal DEI and DEIA” activities and asserts that such
2 activities include any program that “divide[s] individuals based on race or sex”—potentially reaching
3 affinity groups or teaching about racial history. Letter from Pam Bondi, Attorney General, to all DOJ
4 Employees (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388501/dl?inline> (last visited February 4,
5 2026).

6 222. Neither the text of Title VI nor any other statute enacted by Congress prohibits recipients
7 of federal funding from considering issues of diversity, equity, or inclusion. In fact, the opposite is true.
8 There are many federal laws and regulations that require recipients of federal funds to consider issues of
9 diversity and equity.

10 223. The Supreme Court has never interpreted Title VI to prohibit diversity, equity, and
11 inclusion programs. Indeed, existing case law rejects this administration’s expansive views on
12 nondiscrimination law with respect to DEI. The President has no authority to declare, let alone change,
13 federal nondiscrimination law by executive fiat. Yet, the DEI Order seeks to impose his views on DEI as
14 if they were the law by implementing funding conditions and the threat of FCA enforcement to direct and
15 coerce recipients of federal funds into acquiescing to his administration’s unorthodox legal interpretation
16 of nondiscrimination law.

17 224. Accepting these conditions would permit Defendants to threaten Plaintiffs with
18 burdensome and costly enforcement action, backed by the FCA’s steep penalties, if they refuse to align
19 their activities with this administration’s ideological agenda. This threat is intensified by the conditions
20 that purport to have recipients concede the DEI certification’s “materiality”—an otherwise “demanding”
21 element of an FCA claim. Further, even short of bringing a suit, the FCA authorizes the Attorney
22 General to serve civil investigative demands on anyone reasonably believed to have information related
23 to a false claim—a power that could be abused to target grant recipients with DEI initiatives the Trump
24 Administration disapproves of. *See* 31 U.S.C. § 3733.

25 225. The FCA is intended to discourage and remedy fraud perpetrated against the United
26 States—not to serve as a tool for the Executive to impose unilateral changes to nondiscrimination law,
27 which is instead within the province of Congress in adopting the laws and the Judiciary in interpreting
28 them. Requiring recipients to certify that compliance “with all applicable Federal civil rights and

1 nondiscrimination laws “ is always “material” for purposes of FCA imposes an impermissibly vague
2 standard that is broader than the statute allows.

3 226. The DEI Conditions also constitute arbitrary and capricious agency action in violation of
4 the APA. Defendant agencies implementing the DEI Order failed to engage in reasoned decision
5 making, failed to consider the limits of their statutory authority, and failed to adequately explain how the
6 challenged conditions are consistent with governing civil rights statutes, longstanding agency
7 interpretations, or the purposes of the underlying grant programs.

8 227. Accordingly, the DEI Conditions discussed above, are unlawful and in violation of the
9 Constitution and the APA.

10 3. The Gender Ideology Conditions Are Unlawful

11 228. The Gender Ideology Conditions improperly seek to force federal grant recipients to no
12 longer recognize transgender, gender diverse, and intersex people by restricting funding that promotes
13 “gender ideology.” These conditions facially discriminate based on transgender status, contravening
14 antidiscrimination laws and Defendants’ own regulations that prohibit discrimination based on sex.

15 229. Both the U.S. Supreme Court and the 9th Circuit have interpreted the term “sex” in
16 discrimination contexts to encompass gender identity and transgender status. The Supreme Court’s
17 decision in *Bostock v. Clayton County, Georgia*, 590 U.S. 644 (2020) definitively established that Title
18 VII’s prohibition on sex discrimination includes discrimination against transgender individuals, holding
19 that “it is impossible to discriminate against a person for being homosexual or transgender without
20 discriminating against that individual based on sex.” *Bostock v. Clayton Cnty., Georgia*, 590 U.S. 644,
21 660 (2020). The 9th Circuit has similarly held that “sex” and “gender” are interchangeable terms under
22 federal law and that discrimination based on gender non-conformity violates federal anti-discrimination
23 protections. *See Schwenk v. Hartford*, 204 F.3d 1187, 1202 (9th Cir. 2000).

24 230. Several statutes and regulations are in conflict with the Gender Ideology Conditions.
25 Federal statute requires that regulations necessary for the guidance of personnel carrying out Federal
26 assistance functions at the site of a major disaster or emergency “shall include provisions for insuring
27 that the distribution of supplies, the processing of applications, and other relief and assistance activities
28 shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of

1 race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.” 42 U.S.C.
2 § 5151(a).

3 231. Additional regulations applicable to DHS require that “[a]ll personnel carrying out Federal
4 major disaster or emergency assistance functions, including the distribution of supplies, the processing of
5 the applications, and other relief and assistance activities, shall perform their work in an equitable and
6 impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or
7 economic status.” 44 C.F.R. § 206.11(b).

8 232. The Justice System Improvement Act provides, “[n]o person in any State shall on the
9 ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the
10 benefits of, or be subjected to discrimination under or denied employment in connection with any
11 programs or activity funded in whole or in part with funds made available under this chapter” 34 U.S.C.
12 § 10228(c)(1). This provision applies to all grants administered by the DOJ’s Office of Justice Programs.

13 233. Title IX of the Education Amendments of 1972 applies to grants that fund educational
14 programs or activities, including grants administered by Defendants. Under 20 U.S.C. § 1681(a), “No
15 person in the United States shall, on the basis of sex, be excluded from participation in, be denied the
16 benefits of, or be subjected to discrimination under any education program or activity receiving Federal
17 financial assistance.” 20 U.S.C.A. § 1681. The DOJ has implemented Title IX through comprehensive
18 regulations at 28 C.F.R. Part 54, “which is designed to eliminate (with certain exceptions) discrimination
19 on the basis of sex in any education program or activity receiving Federal financial assistance, whether or
20 not such program or activity is offered or sponsored by an educational institution as defined in these Title
21 IX regulations.” 28 C.F.R. § 54.100.

22 234. The Gender Ideology Condition is also vague. The definition of “gender ideology”
23 provided in the Gender Ideology Order is not only demeaning but also idiosyncratic and unscientific.
24 Further, given the expansive meaning of “promote,” federal agencies have free rein to punish recipients
25 who for a broad and subjective range of activities that could be seen as promoting gender ideology, such
26 as simply complying with existing federal nondiscrimination requirements, providing services in
27 accordance with an individual’s gender identity, or using inclusive language in policies, training
28 materials, or public communications.

1 235. On February 28, 2025, Judge Lauren King of the United States District Court for the
2 Western District of Washington enjoined enforcement of the Gender Ideology Order in part (including
3 parts the Gender Ideology Condition incorporates by references), holding that the plaintiffs had shown a
4 likelihood of success on their claims that the Order violates the Fifth Amendment’s guarantee of equal
5 protection and the separation of powers. See *Washington v. Trump*, 768 F. Supp. 3d 1239, 1261-77
6 (W.D. Wash. 2025).

7 236. Particularly relevant here, the Court ruled that the plaintiffs were likely to succeed in
8 showing that “[b]y attaching conditions to federal funding that were . . . unauthorized by Congress,”
9 subsections 3(e) and (g) of the Gender Ideology Order “usurp Congress’s spending, appropriation, and
10 legislative powers.” *Id.* at 1261. The Court explained that the Gender Ideology Order “reflects a ‘bare
11 desire to harm a politically unpopular group’” by “deny[ing] and denigrat[ing] the very existence of
12 transgender people.” *Id.* at 1277 (citation omitted).

13 237. The Gender Ideology Condition likewise constitutes arbitrary and capricious agency
14 action in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A). Agencies imposing the
15 Gender Ideology Condition failed to engage in reasoned decision making, failed to identify any statutory
16 authority permitting them to condition federal funding on adherence to an executive branch definition of
17 “gender ideology,” and failed to explain how the condition is consistent with governing civil rights
18 statutes, longstanding agency interpretations, or the purposes of the underlying grant programs. Instead,
19 Defendants imposed a novel, ideologically driven funding restriction untethered from congressional
20 authorization and unsupported by factual findings, rendering the condition arbitrary, capricious, and not
21 in accordance with law.

22 238. Accordingly, the Gender Ideology Conditions discussed above are unlawful and in
23 violation of the Constitution and the APA.

24 **4. The Immigration Enforcement Condition is Unlawful**

25 239. Congress has not delegated to Defendants the authority to condition federal funding on a
26 recipient’s agreement to “comply with” conditions “related to coordination and cooperation” with federal
27 immigration officials or to certify that they do not “operate any program that benefits illegal immigrants
28 or incentivizes illegal immigration.” It is also unclear what type of conduct this might encompass,

1 leaving recipients of federal funds without fair notice of what activities would violate the prohibition and
2 giving federal agencies free rein to arbitrarily enforce it.

3 240. Nor, or does labeling the requirement as an “agency priority” cure these defects or alter its
4 substance or legal effect. Regardless of how Defendants characterize it, the requirement operates in
5 practice as a binding condition on the receipt of federal funds, backed by the threat of grant denial,
6 termination, or enforcement action. Conditioning funding on adherence to an agency-defined “priority”
7 related to cooperation with federal immigration enforcement has the same coercive force and legal
8 consequences as an express funding condition, yet remains unsupported by congressional authorization,
9 impermissibly vague, and susceptible to arbitrary and discriminatory enforcement.

10 241. Multiple federal courts have already adjudicated the DHS Immigration Enforcement
11 Conditions and other materially similar conditions implemented by the Department of Transportation
12 (DOT) unlawful under the Constitution and the APA.

13 242. In *Illinois v. Fed. Emergency Mgmt. Agency*, 801 F. Supp. 3d 75 (D.R.I. 2025), the United
14 States District Court for the District of Rhode Island held that DHS’s decision to attach the Immigration
15 Enforcement Conditions to DHS-administered grants was arbitrary and capricious under the APA and
16 unconstitutional under the Spending Clause, concluding that the conditions were not reasonably related
17 to the purposes of the grants to which they were attached, were impermissibly coercive given the
18 magnitude and indispensability of the funding at stake, and were unlawfully ambiguous, depriving states
19 of clear notice of what compliance required. The court vacated the conditions and permanently enjoined
20 federal officials from enforcing them. Defendant DHS has appealed against that decision, which is
21 pending in the First Circuit.

22 243. In *California v. United States Department of Transportation*, --- F. Supp. 3d ----, 2025
23 WL 3072541 (D.R.I. Nov. 4, 2025), the United States District Court for the District of Rhode Island
24 invalidated an analogous immigration enforcement conditions imposed by DOT across federal
25 transportation grants. The court held the conditions ultra vires under the APA because no statute
26 authorized DOT to impose sweeping immigration-cooperation mandates unrelated to transportation
27 programs. It further held the condition arbitrary and capricious for relying on factors Congress did not
28 intend DOT to consider, failing to account for state reliance interests, and imposing vague obligations.

1 The court also held the immigration conditions violated the Spending Clause because it was not
 2 reasonably related to the federal interest in transportation programs, impermissibly coercive given the
 3 scale and indispensability of the funds, and impermissibly ambiguous because they failed to provide
 4 States meaningful notice of what cooperation entailed. The court declared the conditions unlawful,
 5 vacated them from all DOT grant agreements, and permanently enjoined DOT from implementing or
 6 enforcing them. 2025 WL 3072541, at *11–13. Initially, the DOT appealed this decision, however, on
 7 January 13, 2026, the DOT filed a motion to dismiss its appeal, conceding that these immigration
 8 conditions, as implemented by DOT, violate both the APA and the Constitution.

9 244. The Immigration Enforcement Condition is particularly unlawful as applied to certain
 10 grant programs, including the Office for Victims of Crime (“OVC”) Human Trafficking Programs,
 11 because it directly conflicts with express statutory directives in the Trafficking Victims Protection Act
 12 (“TVPA”), 22 U.S.C. § 7105(b). Congress carefully prescribed the permissible priorities and conditions
 13 for Human Trafficking Program grants, authorizing the Attorney General to give priority only to
 14 applicants that attest grant funds will be used for enumerated anti-trafficking purposes and expressly
 15 prohibiting the use of funds to require trafficking victims to collaborate with law enforcement as a
 16 condition of access to services. 22 U.S.C. § 7105(b)(2)(D). Congress further mandated that victims of
 17 severe forms of trafficking are eligible for federal benefits and services “without regard to the
 18 immigration status of such victims,” and required federal agencies to expand such benefits
 19 notwithstanding otherwise applicable immigration-related restrictions. 22 U.S.C. § 7105(b)(1)(A), (B).
 20 Conditioning OVC Human Trafficking funds on cooperation with federal immigration enforcement or on
 21 certifications concerning programs that may “benefit” undocumented individuals not only exceeds
 22 Defendants’ authority but also affirmatively undermines Congress’s express determination that
 23 immigration status must not be used to limit access to trafficking victim services.

24 245. Accordingly, the Immigration Enforcement Conditions and Immigration Priority
 25 Conditions challenged here are unlawful and in violation of the Constitution and the APA.

26 **F. Plaintiffs Face an Impossible Choice of Accepting Illegal Conditions, or Forgoing**
 27 **Federal Grant Funding for Critical Programs and Services**

28 246. The grant conditions that Defendants seek to impose leave Plaintiffs with the Hobson’s

1 choice of accepting illegal conditions that are unauthorized by Congress, violate the Constitution, and
2 accompanied by poison pill provisions that increase the risk of FCA claims, or forgoing the grant
3 funds—funds paid (at least partly) through local federal taxes—that are essential for vital local services.
4 The uncertainty caused by these illegal conditions has impeded Plaintiffs’ ability to budget and plan for
5 services covered by the grants.

6 247. The heightened FCA risk is not merely speculative. A May 19, 2025, letter from Deputy
7 Attorney General Todd Blanche to certain DOJ divisions and offices and all U.S. Attorneys states that
8 DOJ is setting up a “Civil Rights Fraud Initiative”—co-led by DOJ’s Civil Fraud Section and Civil
9 Rights Division—that will “utilize the [FCA] to investigate and, as appropriate, pursue claims against
10 any recipient of federal funds that knowingly violates civil rights laws.” The letter asserts the FCA “is
11 implicated whenever federal-funding recipients or contractors certify compliance with civil rights laws
12 while knowingly engaging in racist preferences, mandates, policies, programs, and activities, including
13 through diversity, equity, and inclusion (DEI) programs that assign benefits or burdens on race, ethnicity,
14 or national origin.” It further states that the Civil Fraud Section and Civil Rights Division will “engage
15 with the Criminal Division, as well as with other federal agencies that enforce civil rights requirements
16 for federal funding recipients” and “will also establish partnerships with state attorneys general and local
17 law enforcement to share information and coordinate enforcement actions.” Finally, the letter states that
18 DOJ “strongly encourages” private lawsuits under the FCA and “encourages anyone with knowledge of
19 discrimination by federal-funding recipients to report that information to the appropriate federal
20 authorities so that [DOJ] may consider the information and take any appropriate action.” Letter from
21 Todd Blanche, Deputy Attorney General, to DOJ Offices, 19 Divisions, and U.S. Attorneys (May 19,
22 2025), <https://www.justice.gov/dag/media/1400826/dl?inline> (last visited February 4, 2026).

23 248. The prospective loss of these federal funds would be so catastrophic to Plaintiffs’ finances
24 that the essential services they provide—including disaster preparedness, mitigation, and emergency
25 response; wildfire and flood resilience projects; victim services; de-escalation and crisis-response
26 training for law enforcement; community-oriented policing initiatives; and the conservation and
27 rehabilitation of parks, open space, and water resources—would be effectively halted. Plaintiffs cannot
28 replace these funds with local revenue without drastically cutting other critical services or abandoning

1 other critical programs. Yet agreeing to the vague, unauthorized, and contradictory grant conditions—
 2 even if Plaintiffs were to make a good faith effort to revise their policies to comply—would expose them
 3 to significant liability. Certifying compliance with these conditions carries an intolerable risk of
 4 enforcement under the False Claims Act, and constitutional and statutory challenges from stakeholders
 5 who could assert that Plaintiffs have adopted discriminatory or otherwise unlawful policies in violation
 6 of their rights. Plaintiffs thus face an impossible dilemma: either accept legal jeopardy by complying
 7 with the conditions or forfeit funding that is essential to the health, safety, and well-being of their
 8 residents.

9 **1. Plaintiffs, as Recipients of Pass-Through Funds, have a Reasonable Concern**
 10 **that the Challenged Conditions Apply to those Pass-Through Funds**

11 249. Local government entities that receive federal grant funds may receive the funds directly
 12 from a federal agency (as a direct recipient) or indirectly from a pass-through entity (as a sub-recipient).
 13 Where a pass-through entity (for example, a state) provides federal funds to a sub-recipient (for
 14 example, a city or county within the state), the pass-through entity is responsible for ensuring the sub-
 15 recipient complies with applicable federal requirements. *See* 2 C.F.R. § 200.332(b)(2) (pass-through
 16 entity must provide to the sub-recipient information regarding “[a]ll requirements of the subaward,
 17 including requirements imposed by Federal statutes, regulations, and the terms and conditions of the
 18 Federal award”), 200.332(e) (pass-through entity must “[m]onitor the activities of a subrecipient as
 19 necessary to ensure that the subrecipient complies with Federal statutes, regulations, and the terms and
 20 conditions of the subaward”); 2 C.F.R. § 2800.101 (incorporating 2 C.F.R. Part 200 requirements with
 21 respect to federal awards made by DOJ); 2 C.F.R. § 1402.103 (same for DOI).

22 250. Consistent with 2 CFR § 200.332, the grant agreements and terms and conditions received
 23 by Plaintiffs incorporate applicable federal requirements against sub-recipients.

24 **V. CAUSES OF ACTION**

25 **Count 1: Separation of Powers**
 26 *(All Grant Conditions)*

27 251. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though
 28 fully set forth herein.

1 252. The Constitution “exclusively grants the power of the purse to Congress, not the
2 President.” *City & Cnty. of S.F. v. Trump*, 897 F.3d 1225, 1231 (9th Cir. 2018). This power is
3 “directly linked to [Congress’s] power to legislate,” and “[t]here is no provision in the Constitution
4 that authorizes the President to enact, to amend, or to repeal statutes.” *Id.* (second alteration in
5 original) (quoting *Clinton v. City of New York*, 524 U.S. 417, 438 (1998)).

6 253. The Constitution vests Congress—not the Executive—with legislative powers, *see*
7 U.S. Const. art. 1, § 1, the spending power, *see* U.S. Const. art. 1, § 8, cl. 1, and the appropriations
8 power, *see* U.S. Const. art. 1, § 9, cl. 7. Absent an express delegation, only Congress is entitled to
9 attach conditions to federal funds.

10 254. “The Framers viewed the legislative power as a special threat to individual liberty, so
11 they divided that power to ensure that ‘differences of opinion’ and the ‘jarrings of parties’ would
12 ‘promote deliberation and circumspection’ and ‘check excesses in the majority.’” *Seila Law LLC v.*
13 *Consumer Fin. Prot. Bureau*, 591 U.S. 197, 223 (2020) (quoting *The Federalist* No. 70, at 475 (A.
14 Hamilton) and citing *id.*, No. 51, at 350).

15 255. “As Chief Justice Marshall put it, this means that ‘important subjects ... must be
16 entirely regulated by the legislature itself,’ even if Congress may leave the Executive ‘to act under
17 such general provisions to fill up the details.’” *West Virginia v. EPA*, 597 U.S. 697, 737 (2022)
18 (Gorsuch, J., concurring) (quoting *Wayman v. Southard*, 10 Wheat. 1, 42–43, 6 L. Ed. 253 (1825)).

19 256. The separation of powers doctrine thus represents perhaps the central tenet of our
20 Constitution. *See, e.g., Trump v. United States*, 603 U.S. 593, 637–38 (2024); *West Virginia v.*
21 *EPA*, 597 U.S. at 723–24; *Seila Law LLC*, 591 U.S. at 227; *see also Clinton v. City of New York*,
22 524 U.S. 417, 450 (1998) (“Liberty is always at stake when one or more of the branches seek to
23 transgress the separation of powers” (Kennedy, J., concurring)). Consistent with these principles,
24 the executive acts at the lowest ebb of his constitutional authority and power when he acts contrary
25 to the express or implied will of Congress. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579,
26 637 (1952) (Jackson, J., concurring).

27 257. Pursuant to the separation of powers doctrine, the Executive Branch may not “claim[]
28 for itself Congress’s exclusive spending power, . . . [or] coopt Congress’s power to legislate.” *City*

1 & *Cnty. of S.F.*, 897 F.3d at 1234. Indeed, the Impoundment Control Act of 1974 requires the
 2 President to notify and request authority from Congress to rescind or defer the expenditure of funds
 3 before acting to withhold or pause federal payments. 2 U.S.C. §§ 681 et seq. The President has not
 4 done so.

5 258. Congress has not conditioned the provision of Defendants’ grants on compliance with
 6 the prohibiting DEI and the “promot[ion]” of “gender ideology,” or cooperation with federal immigration
 7 enforcement. Nor has Congress delegated to Defendants the authority to attach the challenged
 8 conditions unilaterally.

9 259. By imposing the challenged conditions on recipients of federal funds, Defendants are
 10 unilaterally attaching new conditions to federal funding without authorization from Congress.

11 260. Further, the “[t]he interpretation of the meaning of statutes, as applied to justiciable
 12 controversies,” is “exclusively a judicial function.” *Loper Bright Enterprises v. Raimondo*, 603
 13 U.S. 369, 411–13 (2024) (internal quotations omitted).

14 261. Here, Defendants seek to impose conditions that purport to require compliance with
 15 the law interpreted and envisioned by the Executive, contrary to Congress’s authority to legislate
 16 and the Judiciary’s interpretation of the law’s meaning.

17 262. For these reasons, Defendants’ conditioning of federal funds on compliance with
 18 challenged conditions violates the separation of powers doctrine.

19 **Count 2: Spending Clause**
 20 **(All Grant Conditions)**

21 263. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully
 22 set forth herein.

23 264. The Spending Clause of the U.S. Constitution provides that “Congress”—not the
 24 Executive—“shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts
 25 and provide for the common Defence and general Welfare of the United States ...” U.S. Const. art. I,
 26 § 8, cl. 1.

27 265. As described above, Defendants violate the separation of powers because the challenged
 28 conditions are neither expressly nor impliedly authorized by Congress. For the same reasons, Defendants

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1 violate the Spending Clause.

2 266. The Spending Clause also requires States to have fair notice of conditions that apply to
3 federal funds disbursed to them. *Pennhurst State Sch. & Hosp. v. Halderman*, 451 U.S. 1, 17, 25 (1981).
4 The grant conditions must be set forth “unambiguously.” *Arlington Cent. Sch. Dist. Bd. of Educ. v.*
5 *Murphy*, 548 U.S. 291, 296 (2006).

6 267. Moreover, funding restrictions may only impose conditions that are reasonably related to
7 the federal interest in the project and the project’s objectives. *S. Dakota v. Dole*, 483 U.S. 203, 207, 208
8 (1987).

9 268. Finally, federal funds “may not be used to induce the States to engage in activities that
10 would themselves be unconstitutional.” *Id.* at 210.

11 269. Even if Congress had delegated authority to the Executive and DHS, FEMA, DOI or DOJ
12 to condition grant funding on terms prohibiting DEI and the “promot[ion]” of “gender ideology,” or
13 cooperation with federal immigration enforcement, the challenged conditions would violate the Spending
14 Clause by:

- 15 a. imposing conditions that are ambiguous, *see Pennhurst*, 451 U.S. at 17;
- 16 b. imposing conditions that are so severe as to be coercive;
- 17 c. imposing conditions that are not germane to the stated purpose of grant program funds,
18 *see Dole*, 483 U.S. at 207 (“[C]onditions on federal grants might be illegitimate if they are
19 unrelated ‘to the federal interest in particular national projects or programs.’”); and
- 20 d. with respect to the prohibition on promotion of “gender ideology,” imposing a condition
21 that purports to require grant recipients to act unconstitutionally by discriminating on the
22 basis of gender identity and sex, *see id.* at 210.

23 **Count 3: Tenth Amendment**
24 **(All Grant Conditions)**

25 270. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully
26 set forth herein.

27 271. The Tenth Amendment provides that “[t]he powers not delegated to the United States by
28 the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the

1 people.” U.S. Const. amend X.

2 272. Legislation that “coerces a State to adopt a federal regulatory system as its own” “runs
3 contrary to our system of federalism.” *Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 577–78
4 (2012). States must have a “legitimate choice whether to accept the federal conditions in exchange for
5 federal funds.” *Id.* at 578.

6 273. Even if Congress had delegated authority to the Executive or Defendants to condition
7 grant funds on any policy that “promotes” the Administration’s conception of an “illegal” DEI program
8 or on participation in the Administration’s enforcement of federal immigration laws, the challenged
9 conditions violate the Tenth Amendment by imposing conditions so severe as to coerce recipients of such
10 funds to adopt the Administration’s reinterpretation of the law. *See id.* at 579 (Congress may not impose
11 conditions so severe that they “cross[] the line distinguishing encouragement from coercion.”).

12 **Count 4: Fifth Amendment Due Process – Vagueness**
13 *(All Grant Conditions)*

14 274. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully
15 set forth herein.

16 275. Under the Due Process Clause of the Fifth Amendment, a governmental enactment, like
17 an executive order, is unconstitutionally vague if it “fails to provide a person of ordinary intelligence fair
18 notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory
19 enforcement.” *United States v. Williams*, 553 U.S. 285, 304 (2008).

20 276. The challenged conditions are unconstitutionally vague.

21 277. The EO Condition is vague in purporting to incorporate all executive orders. Executive
22 orders are the President’s directives to federal agencies and do not apply to federal grant recipients. The
23 purported incorporation of all executive orders into the recipient or sponsor’s use of grant funds renders
24 the other new grant conditions vague.

25 278. The DEI Conditions fails to clearly define what conduct is prohibited and fails to specify
26 clear standards for enforcement. This uncertainty is amplified by agency letters and statements, that
27 conflict with federal statutes and case law.

28 279. The Immigration Enforcement Conditions fails to define the terms it uses, including

1 “cooperate,” “cooperating,” “impeding,” “incentivize” and “enforcement” with respect to “Federal
2 immigration law,” leaving federal grant recipients without fair notice of what would violate the
3 prohibition.

4 280. The definition of “gender ideology” adopted in the Gender Ideology Condition is so vague
5 as to require people of ordinary intelligence to guess as to what is prohibited. By the same token, the
6 Gender Ideology Condition affords unfettered discretion to Defendants to determine, based on their
7 subjective interpretation, whether a federal grant is used to “promote gender ideology.”

8 281. Thus, the challenged conditions are unconstitutionally vague in violation of the Fifth
9 Amendment’s Due Process Clause.

10 **Count 5: Administrative Procedure Act, 5 U.S.C. § 706(2) –**

11 **Arbitrary and Capricious**
12 *(All Grant Conditions)*

13 282. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully
14 set forth herein.

15 283. Defendants DHS, FEMA, DOI, and DOJ are all “agenc[ies]” as defined in the APA, 5
16 U.S.C. § 551(1). the inclusion of the challenged conditions in the various policies and NOFOs, including
17 but not limited to, the DHS’s Standard Terms and Conditions, the FY25 Homeland Security Grant
18 Program NOFO, the General Conditions for OJP Awards in FY2025, the FY25 Community Policing
19 Development Microgrants NOFO, the FY25 Safer Outcomes Enhancing De-Escalation NOFO, the FY25
20 Law Enforcement Mental Health and Wellness Act (LEMHWA) Implementation Projects NOFO, the
21 COPS Office LEMHWA Program Award Owner’s Manual, the Safer Outcomes Program Award
22 Owner’s Manual, the FY25 Victims of Crime Act (VOCA) Victim Assistance Formula Grant NOFO, the
23 FY25 Victims of Crime Act (VOCA) Victim Compensation Formula Grant NOFO, FY25 Services for
24 Victims of Crime NOFO, the FY25 Paul Coverdell Forensic Science Improvement NOFO, the OVC
25 FY25 Housing Assistance for Victims of Human Trafficking NOFO, OVC FY25 Integrated Services for
26 Minor Victims of Human Trafficking NOFO, OVC FY25 Enhanced Collaborative Model (ECM) Task
27 Force to Combat Human Trafficking NOFO, the OVC FY25 Services for Victims of Human Trafficking
28 NOFO, the OVC FY25 Preventing Trafficking of Girls NOFO, and the DOI Office of Grants

1 Management, General Award Terms and Conditions are all final agency actions subject to review under
2 the APA.

3 284. Final agency actions (1) “mark the ‘consummation’ of the agency’s decision making
4 process” and (2) are ones “by which ‘rights or obligations have been determined,’ or from which ‘legal
5 consequences will flow.’” *Bennett v. Spear*, 520 U.S. 154, 178 (1997).

6 285. These actions determine rights and obligations and produce legal consequences because
7 they exercise purported authority to create new conditions on already awarded funds that would obligate
8 recipients to comply with the Executive’s policy priorities.

9 286. Under the APA, a “court shall . . . hold unlawful and set aside agency actions, findings,
10 and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in
11 accordance with law.” 5 U.S.C. § 706(2)(A).

12 287. “An agency action qualifies as ‘arbitrary’ or ‘capricious’ if it is not ‘reasonable and
13 reasonably explained.’” *Ohio v. EPA*, 603 U.S. 279, 292 (2024) (quoting *FCC v. Prometheus Radio
14 Project*, 592 U.S. 414, 423 (2021)). A court must therefore “ensure, among other things, that the agency
15 has offered ‘a satisfactory explanation for its action[,] including a rational connection between the facts
16 found and the choice made.’” *Id.* (quoting *Motor Vehicle Mfrs. Assn. of United States, Inc. v. State Farm
17 Mut. Automobile Ins. Co.*, 463 U.S. 29, 43 (1983)). “[A]n agency cannot simply ignore ‘an important
18 aspect of the problem’” addressed by its action. *Id.* at 293.

19 288. Defendants have provided no reasoned explanation for their decision to impose conditions
20 prohibiting DEI and the “promot[ion]” of “gender ideology,” or cooperation with federal immigration
21 enforcement on federal funds.

22 289. Defendants also ignore essential aspects of the problems they purport to address via the
23 various grant programs, including the Plaintiff’s reasonable and inevitable reliance on now at-risk funds,
24 the expectation of reimbursement from already appropriated funds, and the delaying or halting disaster
25 mitigation projects that reduce loss of life and property, disrupting victim services that provide
26 emergency shelter, counseling, and legal assistance to survivors of violence and exploitation, and
27 impeding water restoration efforts necessary to protect drinking water supplies, prevent environmental
28 contamination.

1 290. Furthermore, in many instances, the challenged conditions contravene the
2 nondiscrimination laws and authorizing statutes they purport to implement.

3 291. Plaintiffs therefore ask the Court to declare under 5 U.S.C. § 706 and 28 U.S.C. § 2201
4 that Defendants imposing the challenged conditions violates the APA because it is arbitrary and
5 capricious; provide preliminary relief under 5 U.S.C. § 705; and preliminarily and permanently enjoin
6 Defendants from imposing those Conditions without complying with the APA.

7 **Count 6: Administrative Procedure Act, 5 U.S.C. § 706(2) –**

8 **Contrary to the Constitution**

9 *(All Grant Conditions)*

10 292. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully
11 set forth herein.

12 293. Under the APA, a “court shall ... hold unlawful and set aside agency actions, findings,
13 and conclusions found to be ... contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C.
14 § 706(2)(B).

15 294. As described above, Defendants’ imposition of the challenged conditions violates bedrock
16 constitutional provisions and principles, including the separation of powers between the President and
17 Congress, the Spending Clause, the Tenth Amendment, and the Fifth Amendment.

18 295. Plaintiffs therefore ask the Court to declare under 5 U.S.C. § 706 and 28 U.S.C. § 2201
19 that Defendants imposing the challenged conditions violates the APA because it is contrary to
20 constitutional rights, powers, privileges, or immunities; provide preliminary relief under 5 U.S.C. § 705;
21 and preliminarily and permanently enjoin Defendants from imposing those Conditions without
22 complying with the APA.

23 **Count 7: Administrative Procedure Act, 5 U.S.C. § 706(2) –**

24 **In Excess of Statutory Authority**

25 *(All Grant Conditions)*

26 296. Plaintiffs reallege and incorporate by reference all preceding paragraphs as though fully
27 set forth herein.

28 297. Under the APA, a “court shall ... hold unlawful and set aside agency actions, findings,

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1 and conclusions found to be ... in excess of statutory jurisdiction, authority, or limitations, or short of
2 statutory right.” 5 U.S.C. § 706(2)(C).

3 298. Defendants may exercise only authority granted to them by statute or the Constitution.

4 299. No law or provision of the Constitution authorizes Defendants to impose extra-statutory
5 conditions not authorized by Congress on congressionally-appropriated funds.

6 300. No legislation authorizes Defendants to impose conditions on federal funding prohibiting
7 DEI and the “promot[ion]” of “gender ideology,” or cooperation with federal immigration enforcement.

8 301. Indeed, by threatening to unilaterally withhold funds on the basis of unauthorized agency-
9 imposed grant conditions, Defendants attempt to circumvent the process established in the Impoundment
10 Control Act of 1974, which requires the President to notify and request authority from Congress to
11 rescind or defer the expenditure of funds before acting to withhold or pause federal payments. 2 U.S.C.
12 §§ 681 et seq.

13 302. Plaintiffs therefore ask the Court to declare under 5 U.S.C. § 706 and 28 U.S.C. § 2201
14 that Defendants imposing the challenged conditions violates the APA because it is in excess of
15 Defendants’ statutory jurisdiction, authority, or limitations, or short of statutory right; provide
16 preliminary relief under 5 U.S.C. § 705; and preliminarily and permanently enjoin Defendants from
17 imposing those Conditions without complying with the APA.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs request the following relief:

20 A. A declaration that the DHS Grant Conditions are unconstitutional, are not authorized by
21 statute, violate the APA, and are otherwise unlawful;

22 B. A declaration that Defendants’ attachment or incorporation of the DHS Grant Conditions
23 to Plaintiffs’ funding is unconstitutional, is not authorized by statute, violates the APA, and is otherwise
24 unlawful;

25 C. A preliminary and permanent injunction enjoining DHS Defendants from imposing or
26 enforcing the DHS Grant Conditions or any materially similar terms or conditions to any DHS funds
27 received by or awarded to Plaintiffs, directly or indirectly;

28 D. A declaration that the FEMA Grant Conditions are unconstitutional, are not authorized by

1 statute, violate the APA, and are otherwise unlawful;

2 E. A declaration that Defendants’ attachment or incorporation of the FEMA Grant
3 Conditions to Plaintiffs’ funding is unconstitutional, is not authorized by statute, violates the APA, and is
4 otherwise unlawful;

5 F. A preliminary and permanent injunction enjoining FEMA Defendants from imposing or
6 enforcing the DHS Grant Conditions or any materially similar terms or conditions to any DHS funds
7 received by or awarded to Plaintiffs, directly or indirectly;

8 G. A declaration that the DOI Grant Conditions are unconstitutional, are not authorized by
9 statute, violate the APA, and are otherwise unlawful;

10 H. A declaration that Defendants’ attachment or incorporation of the DOI Grant Conditions
11 to Plaintiffs’ funding is unconstitutional, is not authorized by statute, violates the APA, and is otherwise
12 unlawful;

13 I. A preliminary and permanent injunction enjoining DOI from imposing or enforcing the
14 DOI Grant Conditions or any materially similar terms or conditions to any DOI funds received by or
15 awarded to Plaintiffs, directly or indirectly;

16 J. A declaration that the DOJ Grant Conditions are unconstitutional, are not authorized by
17 statute, violate the APA, and are otherwise unlawful;

18 K. A declaration that Defendants’ attachment or incorporation of the DOJ Grant Conditions
19 to Plaintiffs’ funding is unconstitutional, is not authorized by statute, violates the APA, and is otherwise
20 unlawful;

21 L. A preliminary and permanent injunction enjoining DOJ from imposing or enforcing the
22 DOJ Grant Conditions or any materially similar terms or conditions to any DOJ funds received by or
23 awarded to Plaintiffs, directly or indirectly;

24 M. An order pursuant to 5 U.S.C. § 705 that postpones the effective date or any action by any
25 Defendants to adopt, issue, or enforce the challenged Grant Conditions pending conclusion of this
26 litigation; declares the challenged Grant Conditions void and unenforceable with respect to any
27 application, award, agreement or other document executed by Plaintiffs; and declares that the DEI
28 Conditions require compliance with the statutes cited therein as those statutes have been enacted by

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1 Congress and interpreted by the judiciary.

2 N. An order under 5 U.S.C. § 706 holding unlawful, setting aside, and vacating all actions
3 taken by Defendants to: adopt, issue, or implement the challenged Grant Conditions; require, attach,
4 incorporate, implement, or enforce the challenged Grant Conditions at any stage of the grant process,
5 including but not limited to any grant application or grant agreement or subagreement; construe the DEI
6 Conditions to require anything other than compliance with the statutes cited in the DEI Conditions as
7 they have been enacted by Congress and interpreted by the judiciary.

8 O. Orders preliminarily and permanently enjoining Defendants from retaliating against any
9 Plaintiff for participating in this lawsuit or taking any adverse action based on any Plaintiffs'
10 participation in this lawsuit, including but not limited to reducing the amount of a grant award to that
11 Plaintiff or to any state agency through which Plaintiff may receive grant funding; refusing to issue,
12 process, sign, or approve grant applications, grant agreements, or subgrant agreements; and refusing to
13 issue, process, sign, or approve any notice or request for payment, or reducing the amount of such
14 approval or payment;

15 P. Award Plaintiffs their reasonable costs and attorneys' fees; and

16 Q. Grant any other further relief that the Court deems fit and proper.

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Dated: February 20, 2026

RENNE PUBLIC LAW GROUP

By: /s/ Ryan P. McGinley-Stempel
RYAN P. MCGINLEY-STEMPEL

Attorneys for Plaintiffs
City of Fresno; City of Redwood City; City of
Santa Clara; City of Santa Cruz; City of
Beaverton; City of Corvallis; City of Hillsboro;
City of Stockton; County of San Diego; County
of Los Angeles; County of Santa Barbara

Dated: February 20, 2026

FRESNO CITY ATTORNEY’S OFFICE

By: /s/ Andrew Janz
ANDREW JANZ

Attorney for Plaintiff
City of Fresno

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Attorneys at Law

ECF ATTESTATION

I, RYAN P. McGINLEY-STEMPEL, am the ECF user whose identification and password are being used to file this COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that the other above-named signatories concur in this filing.

Dated: February 20, 2026

RENNE PUBLIC LAW GROUP

By: /s/ Ryan P. McGinley-Stempel
RYAN P. McGINLEY-STEMPEL

RENNE PUBLIC LAW GROUP
Attorneys at Law

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