

**BRENNAN  
CENTER  
FOR JUSTICE**

Brennan Center for Justice  
*at New York University School of Law*

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June 30, 2015

**Via E-Mail and Certified Mail**

FEMA FOIA Office  
Records Management/Disclosure Branch  
Mailstop 3172  
500 C Street, SW  
Washington, DC 20472

**Re: Freedom of Information Act Request**

Dear Sir or Madam

This is a Freedom of Information Act (FOIA) request on behalf of the Brennan Center for Justice at NYU School of Law.

The Brennan Center seeks copies of the successful grant applications submitted by the State of California, the State of Massachusetts, and the State of Minnesota to the Homeland Security Grant Program (HSGP) for Fiscal Year (FY) 2015. All three states requested and received federal funding from the Federal Emergency Management Agency (FEMA) via two HSGP sub-programs: 1) the State Homeland Security Program (SHSP) and 2) the Urban Areas Security Initiative (UASI).<sup>1</sup> The Brennan Center requests copies of those applications, including all supporting documentation, Investment Justifications (IJs), and any communications between FEMA and California, Massachusetts, or Minnesota regarding modifications to their FY 2015 applications.

**Formal Request**

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<sup>1</sup> See NOTICE OF FUNDING OPPORTUNITY, FISCAL YEAR 2015 HOMELAND SECURITY GRANT PROGRAM, THE DEPARTMENT OF HOMELAND SECURITY 31-32 (2015), available at [http://www.fema.gov/media-library-data/1429291822887-7f203c9296fde6160b727475532c7796/FY2015HSGP\\_NOFO\\_v3.pdf](http://www.fema.gov/media-library-data/1429291822887-7f203c9296fde6160b727475532c7796/FY2015HSGP_NOFO_v3.pdf). All factual assertions in this request related to the 2015 HSGP are based on the information in this document.

The Brennan Center specifically requests the following records:

1. The successful grant applications submitted by the State of California for federal funding from the SHSP and UASI for FY 2015 (Catalog of Federal Domestic Assistance (CFDA) Number 97.067).
  - a. California applied for federal funding through the SHSP for FY 2015. FEMA approved the application and allocated \$60,178,500 to California. The Brennan Center requests a copy of the successful grant application, including all supporting documentation and IJs. The Brennan Center also requests any communications between FEMA and California regarding modifications to the state's FY 2015 application.
  - b. California applied for federal funding through the UASI for FY 2015. FEMA approved the application and allocated \$69,500,000 to the Los Angeles – Long Beach Urban Area. The Brennan Center requests a copy of the successful grant application, including all supporting documentation and IJs. The Brennan Center also requests any communications between FEMA and California regarding modifications to the state's FY 2015 application.
2. The successful grant applications submitted by the State of Massachusetts for federal funding from the SHSP and UASI for the FY 2015 (CFDA No. 97.067).
  - a. Massachusetts applied for federal funding through the SHSP for FY 2015. FEMA approved the application and allocated \$5,645,000 to Massachusetts. The Brennan Center requests a copy of the successful grant application, including all supporting documentation and IJs. The Brennan Center also requests any communications between FEMA and Massachusetts regarding modifications to the state's FY 2015 application.
  - b. Massachusetts applied for federal funding through the UASI for FY 2015. FEMA approved the application and allocated \$18,000,000 to the Boston Urban Area. The Brennan Center requests a copy of the successful grant application, including all supporting documentation and IJs. The Brennan Center also requests any communications between FEMA and Massachusetts regarding modifications to the state's FY 2015 application.
3. The successful grant applications submitted by the State of Minnesota for federal funding from the SHSP and UASI for the FY 2015 (CFDA No. 97.067).
  - a. Minnesota applied for federal funding through the SHSP for FY 2015. FEMA approved the application and allocated \$3,978,000 to Minnesota. The Brennan Center requests a copy of the successful grant application, including all supporting documentation and IJs. The Brennan Center also requests any communications between FEMA and Minnesota regarding modifications to the state's FY 2015 application.

- b. Minnesota applied for federal funding through UASI for FY 2015. FEMA approved the application and allocated \$5,500,000 to the Twin Cities Urban Area. The Brennan Center requests a copy of the successful grant application, including all supporting documentations and IJs. The Brennan Center also requests any communications between FEMA and Minnesota regarding modifications to the state's FY 2015 application.
4. The successful grant application submitted by every state receiving federal funding from the DHS UASI and SHSP Grant Programs for FY 2015 that is also receiving funding under the Law Enforcement Terrorism Prevention framework.<sup>2</sup> The Brennan Center requests a copy of the successful grant applications, including all supporting documentation and IJs. The Brennan Center also requests any communications between FEMA and these states regarding modifications to their FY 2015 application.
5. All rules, guidelines, policies and procedures applicable to successful grant applications outlined above.

## **Fees**

The Brennan Center is exempt from search and review fees as a noncommercial scientific institution, an educational institution, and a representative of the new media. 28 C.F.R. § 16.11(c)-(d). The Brennan Center is a non-profit, non-partisan public policy and law institute at the NYU School of Law that conducts research and disseminates to the public information about issues affecting justice and democracy. It is engaged in social science research and therefore meets the definition of a noncommercial scientific institution entitled to a waiver of search and review fees. In addition, the Brennan Center's affiliation with NYU Law School (which is plainly an educational institution) means that the Center is exempt from review or search charges. Finally, the Brennan Center qualifies for a waiver as a representative of the news media under 5 U.S.C. § 552(a)(4)(A)(ii)(II) based on its track record of publishing reports and papers, including nine this year alone.

In addition, as a noncommercial requester acting in the public interest, the Brennan Center is eligible for a waiver of duplication fees, or at the very least, a reduction of these fees under § 552(a)(4)(A)(ii)(II). For the same reason, we are entitled to the first 100 duplicated pages free of charge, 28 C.F.R. § 16.11(d)(3)(i), and to waiver or reduction of any remaining duplication costs under 28 C.F.R. § 16.11(k).

## **Expedited Processing**

Please provide expedited processing pursuant to 28 C.F.R. § 16.5(d)(1). The criteria for expedited processing are satisfied because there is an "urgency to inform the public about an actual or alleged federal government activity," *id.* § 16.5(d)(1)(ii), and the Brennan Center is primarily involved in disseminating information to the public. In this case, the grant program

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<sup>2</sup> *Id.* at 54.

identified above provides funding for research targeted toward preventing acts of domestic terrorism by using a “countering violent extremism” approach, which continues to be a subject of national importance and debate.<sup>3</sup>

**Response Requested in 10 Days**

Your attention to this request is appreciated, and I will anticipate your determination of our request within ten (10) calendar days pursuant to 28 C.F.R. 16.5(d)(4). Should you have any questions regarding this request, please contact me at your earliest convenience via e-mail at michael.price@nyu.edu or by telephone at (646) 292-8335.

Sincerely,



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<sup>3</sup> See, e.g., Department of Justice, Pilot Programs are Key to Our Countering Violent Extremism Efforts, Feb. 18, 2015, available at <http://www.justice.gov/opa/blog/pilot-programs-are-key-our-countering-violent-extremism-efforts>; The Associated Press, *Boston Shooting Raises Questions About Anti-Extremism Plans*, N.Y. TIMES (June 12, 2015, 3:11 PM), <http://www.nytimes.com/aponline/2015/06/12/us/ap-us-fighting-extremism-boston.html>; Juliet Eilperin, *Trying to Counter Extremism at Home, U.S. Faces a Risk: Sowing Mistrust*, WASHINGTON POST (Feb. 16, 2015) [http://www.washingtonpost.com/politics/trying-to-counter-extremism-at-home-us-faces-a-risk-sowing-more-mistrust/2015/02/16/43f742d8-b58b-11e4-aa05-1ce812b3fdd2\\_story.html](http://www.washingtonpost.com/politics/trying-to-counter-extremism-at-home-us-faces-a-risk-sowing-more-mistrust/2015/02/16/43f742d8-b58b-11e4-aa05-1ce812b3fdd2_story.html) (last visited Jun. 12, 2015).