

TRIBAL TOOLKIT *for* NAVIGATING **FEDERAL** **GRANT TERMINATIONS**



COALITION *for*
TRIBAL SOVEREIGNTY

About the Coalition for Tribal Sovereignty

The Coalition for Tribal Sovereignty (CTS) is a nonpartisan collaboration of local, regional, and national inter-tribal policy-focused non-profit organizations working together to safeguard Tribal sovereignty and uphold the United States' delivery of trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal community members across the United States.

For more information about CTS please visit **coalitionfortribalsovereignty.org**

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About this Toolkit

The Tribal Toolkit for Navigating Federal Grant Terminations was developed by the Coalition for Tribal Sovereignty (CTS) to assist Tribal Nations and Tribal organizations in navigating federal grants in an uncertain funding climate. This toolkit is equipped with five handouts to help Tribal Nations and Tribal organizations navigate specific areas of the grant management, termination, appeal, and closeout process accompanied by associated template materials for appealing and related advocacy.

The handouts contain links to the relevant template materials. Each template has an instruction sheet for use. Please download review the instruction sheets first to help tailor and optimize the materials effectively for your individual needs. This information is intended only for informational purposes and does not constitute legal advice. All Tribal Nations and Tribal organizations who use this toolkit are encouraged to consult an attorney for specific guidance.

LEGAL DISCLAIMER

The information in this toolkit may help your Tribal Nation or Tribal organization understand its legal rights, navigate federal grant management in an uncertain funding climate, and consider how to respond to a possible federal grant termination. But the information in this toolkit is intended only for informational purposes and does not constitute legal advice. You are encouraged to consult an attorney for specific guidance and before taking any action. Please note also that this toolkit provides information only on federal grants; it does not provide information on other types of federal financial assistance or government procurement contracts. Further, each federal agency and federal grant program is different, and you should refer to your specific grant agreement and applicable agency regulations for guidance. In addition, executive actions, legislative developments, and court decisions related to the information in this toolkit are rapidly evolving and subject to change. The documents in this toolkit are only up to date as of the "Last Updated" date in each document.

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Best Practices for Managing Federal Grants in an Uncertain Funding Climate

This fact sheet provides a high-level overview of general tips and best practices for your Tribal Nation or Tribal organization to consider to: (1) help protect current grants from possible termination; (2) prepare in case termination does occur; and (3) navigate new grant terms and conditions.¹

HOW TO HELP PROTECT CURRENT GRANTS FROM POSSIBLE TERMINATION

- 1 Meet all grant terms and conditions.** Generally, a federal agency can terminate a federal award if “the recipient or subrecipient fails to comply with the terms and conditions of the Federal award.”² It is very important to maintain compliance with all terms and conditions and applicable regulations, including reporting requirements, to ensure your grant does not become an easy target for possible termination.
- 2 Show progress on your grant.** Federal awards that are perceived as inactive, idle, or with a surplus of funds may become a target for possible termination. To demonstrate progress, continue to submit timely program and financial reports and other required submissions, continue to meet grant milestones and deliverables, and continue to make payment requests or initiate drawdowns (in accordance with all payment requirements of your grant agreement).
- 3 Connect your grant to the Administration’s priorities when possible and appropriate.** Although you should continue to report on required grant milestones and other deliverables as set forth in your award, you can also use your progress reports to explain how your project as designed aligns with the Administration’s priorities to help support the Administration’s continuation of your funding.³
- 4 Develop and maintain a relationship with your agency contacts.** The project officers for your grant are often the first line of defense to advocate for preservation of your grant funding. Keep your project officers up to date on your progress, how you are using the funds, and the impact of the funded project on your community. Ask for guidance or technical support when needed to ensure you are maintaining grant compliance.

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- 5 To the extent possible, limit grant amendments.** As explained in more detail below, requesting a grant amendment may enable the agency to seek to impose new restrictive grant terms and conditions on you, including amendments that may permit immediate termination for convenience. While amendments are sometimes unavoidable, be strategic in deciding if and when an amendment is necessary.

HOW TO PREPARE IN CASE A GRANT TERMINATION DOES OCCUR

- 1 Keep all contact and other information up to date in the federal grants management systems.** This includes all systems you are using (i.e., ASAP, PMS, eGMS Reach, etc.). This is to ensure that any notices are received timely by the right person at your Tribal Nation or Tribal organization.
- 2 Back up all your documents and grant activity from the federal grants management systems and save copies.** This is to ensure that, if your access to these systems is cut off, you still have the information you need to be able to show grant compliance.
- 3 Include protections in contracts and subrecipient agreements funded by your grant.** If your grant is terminated effective immediately, it is important for you to be able to immediately suspend the work of your subrecipients or contractors, or to terminate those agreements, so that they do not continue to incur costs that may not be reimbursed by the grant. Include contract terms that: (1) provide notice that the project is contingent upon receipt of funding from the funding agency; (2) enable you to immediately suspend the work with written notice; and (3) enable you to immediately terminate the agreement without further liability upon written notice that the grant has been suspended or terminated by the funding agency.
- 4 Build your record.** This is to ensure you have documentation to show how you have been harmed by disrupting agency actions and what you have done to try to remedy the issues.
 - a.** Document all communications with your federal agency contacts. Save copies of all emails. If you have a phone call, document the date, time, subject discussed, to whom you spoke, and what they told you. If appropriate, send a follow-up email to them to document the communication in writing.
 - b.** If you are denied access to a federal grant management system, denied

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payment, experience delayed reimbursements, or experience other compliance or performance issues, take screenshots documenting the issue and record the date and time that the issue occurred. Document all efforts to try to address these issues with your agency contacts.

- 5 Be prepared to tell your story.** What would the impacts on your community be if this funding were lost? Include economic, social, and other impact data, if possible.
- 6 Document damages.** For example, did you have to cancel a construction contract and pay damages as a result? Was your project delayed by late payments and therefore prices went up? Did you have to lay off workers?

HOW TO NAVIGATE NEW GRANT TERMS AND CONDITIONS

The issue: Federal agencies have now begun to amend their standard terms and conditions that are generally applicable to all grant awards or to request that recipients certify compliance with new conditions in an effort to ensure new grants align with the Administration's policy priorities.

For example, the Department of Justice (DOJ), Office on Violence Against Women (OVW) Fiscal Year (FY) 2025 Grants to Indian Tribal Governments Program now requires applicants to include a letter certifying that grant funds will not be used to promote gender ideology, promote diversity, equity, and inclusion (DEI), or unlawfully violate an executive order.⁴ Similarly, the OVW FY 2025 General Terms and Conditions state that a grant recipient, "by 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."⁵

In addition, these new awards often state that, if the recipient violates the terms, the agency may terminate the award, recoup funds, or seek liability under the False Claims Act.⁶

Finally, Executive Order 14332, among other things, directs agency heads to "take steps to revise the terms and conditions of existing discretionary grants to permit immediate termination for convenience . . . including if the award no longer advances agency priorities or the national interest," and to "take action to incorporate these new terms and conditions into all future amendments to grant awards."⁷

Best practices: While many of these new conditions may not be legal⁸, they raise concerns for how to best protect your organization and grant-funded programs from disruption.

- 1 Closely review all terms and conditions.** Before accepting new grant awards or award modifications, carefully review the terms and conditions to assess whether similar certifications are incorporated. Also review to assess whether any terms are added that may attempt to increase agency authority to unilaterally terminate grants for convenience.
- 2 Assess your risk.** Do you operate programs that might possibly implicate the restrictions under the new terms and conditions? If so, you are encouraged to consult with an attorney to assess your possible risk. Keep in mind that multiple agencies have recognized that various Administration executive orders, such as those on DEI, do not apply to programs carrying out the government-to-government relationship with Tribal Nations or programs delivering on trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal communities.⁹
- 3 Consider when to push back.** With some exceptions, agencies are generally not allowed to impose new conditions on preexisting grants through a unilateral amendment or modification. You are encouraged to consult with an attorney to assess whether you are required to accept new terms and conditions and if and how you might be able to push back.

¹ This handout does not provide information on how to manage other types of federal financial assistance or government procurement contracts. Please also keep in mind that each agency and grant program is different, and you should refer to your specific grant agreement and applicable agency regulations for compliance questions.

² 2 C.F.R. § 200.340(a)(1).

³ See Presidential Actions, <https://www.whitehouse.gov/presidential-actions/>; Coalition for Tribal Sovereignty, Shared Priorities Between Indian Country and Trump Administration, <https://coalitionfortribalsovereignty.org/wp-content/uploads/2025/06/5-CTS-Briefing-Paper-on-Shared-Priorities-of-Administration-and-Indian-Country-FINAL-06042025.pdf>.

⁴ See OVW Fiscal Year 2025 Grants to Indian Tribal Governments Program at 24, <https://www.justice.gov/ovw/media/1400596/dl?inline>.

⁵ OVW FY 2025 General Terms and Conditions, <https://www.justice.gov/ovw/fy-2025-general-terms-and-conditions#1>.

⁶ Note that some courts have concluded that Tribal Nations, and in some instances, Tribal organizations, are not “persons” subject to the False Claims Act. See, e.g., *United States ex rel. Cain v. Salish Kootenai Coll., Inc.*, 862 F.3d 939, 943 (9th Cir. 2017); *Wilson v. Alaska Native Tribal Health Consortium*, 399 F. Supp. 3d 926, 936 (D. Alaska 2019).

⁷ Exec. Order 14332, *Improving Oversight of Federal Grantmaking*, 90 Fed. Reg. 38,929, 38,932 (Aug. 7, 2025), <https://www.federalregister.gov/d/2025-15344/p-46>.

⁸ See, e.g., *Bennett v. New Jersey*, 470 U.S. 632, 638 & n.3 (1985); *City of Providence v. Barr*, 954 F.3d 23, 26-27, 45 (1st Cir. 2020); *Rhode Island Coalition Against Domestic Violence v. Kennedy*, No. 1:25-CV-00342, 2025 WL 2262896 (D.R.I. Aug. 7, 2025).

⁹ See Coalition for Tribal Sovereignty, *Agency Positions on Application of Administration Policy Mandates to Indian Country*, <https://coalitionfortribalsovereignty.org/current-federal-actions/agency-positions-on-application-of-administration-policy-mandates-to-indian-country/>.

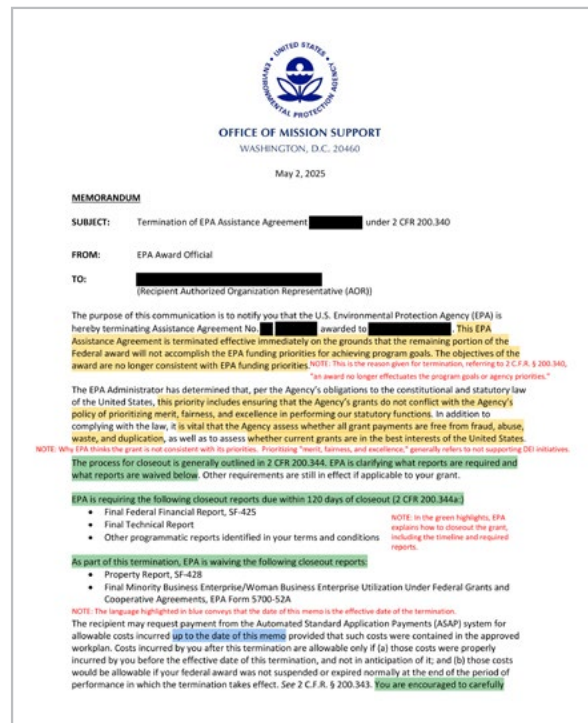
What to do if You Receive a Federal Grant Termination

A federal grant termination is not the end of the story—you *have rights!* This fact sheet provides a high-level overview of how to respond to a grant termination notice.¹

How to interpret a federal grant termination notice

While different federal agencies may use different formats or descriptions, the content of a termination notice is generally the same and should include the following important information:

1. The reason(s) for termination;²
2. The effective date of the termination;³
3. If applicable, the portion of the award that is terminated;⁴
4. The process to object to or challenge the termination decision;⁵ and
5. The process for closing out the grant.⁶



MEMORANDUM

SUBJECT: Termination of EPA Assistance Agreement [redacted] under 2 CFR 200.340

FROM: EPA Award Official

TO: [redacted]
(Recipient Authorized Organization Representative (AOR))

The purpose of this communication is to notify you that the U.S. Environmental Protection Agency (EPA) is hereby terminating Assistance Agreement No. [redacted] awarded to [redacted]. This EPA Assistance Agreement is terminated effective immediately on the grounds that the remaining portion of the Federal award will not accomplish the EPA funding priorities for achieving program goals. The objectives of the award are no longer consistent with EPA funding priorities.

NOTE: This is the reason given for termination, referring to 2 C.F.R. § 200.340, "an award no longer effectuates the program goals or agency priorities."

The EPA Administrator has determined that, per the Agency's obligations to the constitutional and statutory law of the United States, this priority includes ensuring that the Agency's grants do not conflict with the Agency's policy of prioritizing merit, fairness, and excellence in performing our statutory functions. In addition to complying with the law, it is vital that the Agency assess whether all grant payments are free from fraud, abuse, waste, and duplication, as well as to assess whether current grants are in the best interests of the United States.

NOTE: Why EPA thinks the grant is not consistent with its priorities. "Prioritizing" merit, fairness, and excellence," generally refers to not supporting DEI initiatives.

The process for closeout is generally outlined in 2 CFR 200.344. EPA is clarifying what reports are required and what reports are waived below. Other requirements are still in effect if applicable to your grant.

EPA is requiring the following closeout reports due within 120 days of closeout (2 CFR 200.344):

- Final Federal Financial Report, SF-425
- Final Technical Report
- Other programmatic reports identified in your terms and conditions

NOTE: In the green highlights, EPA explains how to closeout the grant, including the timeline and required reports.

As part of this termination, EPA is waiving the following closeout reports:

- Property Report, SF-428
- Final Minority Business Enterprise/Woman Business Enterprise Utilization Under Federal Grants and Cooperative Agreements, EPA Form 5700-52A

NOTE: The language highlighted in blue conveys that the date of this memo is the effective date of the termination.

The recipient may request payment from the Automated Standard Application Payments (ASAP) system for allowable costs incurred up to the date of this memo provided that such costs were contained in the approved workplan. Costs incurred by you after this termination are allowable only if (a) those costs were properly incurred by you before the effective date of this termination, and not in anticipation of it; and (b) those costs would be allowable if your federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect. See 2 C.F.R. § 200.343. You are encouraged to carefully

Pictured is an example termination memorandum from the U.S. Environmental Protection Agency (EPA) with these key details highlighted and identified.

[See the full letter in Appendix C](#)

Immediate steps to take if you receive a grant termination

If you receive a grant termination, it is important to suspend work on your grant-funded project as soon as possible so that you do not continue to incur costs that the agency may not reimburse. If you have subrecipients or contractors that are funded through your grant, you should provide them with written notice of the grant termination, direct those subrecipients or contractors to immediately suspend work, and provide clear instructions for anticipated next steps. Begin to document all cost, schedule, staffing, and other impacts from the termination. Take steps to mitigate impacts and document those mitigation actions.

Options for responding to a grant termination

You generally have three options for responding to a grant termination:

1. **Accept the termination.** Close out your grant in accordance with applicable regulatory requirements.
 - ▶ See [Handout #5](#), “How to Close Out Your Grant.”
 - ▶ See [Template #3](#), “Request for Costs Email.”
2. **Appeal the termination to the agency.** Follow the applicable administrative appeal process.
 - ▶ See [Handout #3](#), “Administrative Appeal vs. Litigation.”
 - ▶ See [Template #1](#), “Administrative Appeal Letter.”
 - ▶ See [Handout #4](#), “What to Do After You Appeal Your Grant Termination.”
 - ▶ See [Template #2](#), “Advocacy Emails.”
3. **File a lawsuit.** File your lawsuit in federal court to challenge the termination.
 - ▶ See [Handout #3](#), “Administrative Appeal vs. Litigation.”

Timeline for deciding how to respond to a grant termination

Grant closeout: A grant recipient generally has **120 days** to close out a grant⁷, but this may vary by grant. You should review your grant terms and conditions to confirm the applicable timeline and process.

Administrative appeal: This varies by grant, but you typically only have a short timeframe to file an administrative appeal, which often is as short as **30 days**. The deadline may be specified in the termination notice, the grant terms and conditions⁸, and/or agency regulations.⁹ To preserve your rights, it is important to meet the deadline and follow the required appeal process.

Litigation: The longest statute of limitations to challenge an agency decision in federal court under the Administrative Procedure Act (APA) is **6 years**¹⁰, but you may have less time depending on the statute that authorized the grant¹¹. You should consult with an attorney regarding litigation, including considerations of timing and the appropriate court.

Important considerations for deciding whether to challenge the termination

Questions to consider as you balance the respective costs and benefits of challenging the termination include the following:

1. Is this a large grant for your Tribal Nation or Tribal organization or a relatively small source of funds?
2. Have you already started work on the funded project/program?
3. Does the termination affect agreements with third parties?
4. What would the impact be if you did not receive these funds?
5. What is the relative priority of this project compared to other issues your Tribal Nation or Tribal organization may be facing?
6. What explanation, if any, did the agency provide for terminating your grant? Was the termination for cause or based on policy priorities?
7. What is your capacity to pursue an administrative appeal or litigation?
8. Do you have strong factual and legal arguments?
9. Is there pending litigation related to your grant program that was filed by other organizations that you might benefit from if you keep your grant open?

Whether to accept or challenge the termination is an important decision for your Tribal Nation or Tribal organization. You are encouraged to consult with legal and financial advisors, as well as your program team, as you make this decision.

¹ This handout does not provide information on how to respond to the termination of other types of federal financial assistance or government procurement contracts. Please also keep in mind that *each agency and grant program is different*, and you should refer to your specific grant agreement and applicable agency regulations for compliance questions.

² See 2 C.F.R. §§ 200.340(a), 200.341(a).

³ See 2 C.F.R. § 200.341(a). The stated effective date should not precede your receipt of the notice.

⁴ See 2 C.F.R. § 200.341(a).

⁵ See 2 C.F.R. § 200.342.

⁶ See 2 C.F.R. §§ 200.344–.345, 200.472.

⁷ See 2 C.F.R. § 200.344(b).

⁸ See, e.g., General Terms and Conditions for Institute of Museum and Library Services, Discretionary Grant and Cooperative Agreement Awards, Section 30, <https://www.imls.gov/sites/default/files/2021-01/gtc-after-december-21-2020.pdf>.

⁹ See, e.g., 2 C.F.R. § 1500.15 (describing appeal submission process for Environmental Protection Agency).

¹⁰ See 28 U.S.C. § 2401(a).

¹¹ See, e.g., 25 U.S.C. § 5331(d) (incorporating 25 U.S.C. § 7104(b)(3) one-year statute of limitations).

Administrative Appeal vs. Litigation

This handout provides a high-level overview of two possible legal paths that may be available to your Tribal Nation or Tribal organization if your federal grant is terminated: (1) an administrative appeal of the termination decision; or (2) a lawsuit in federal court challenging the legality of the termination decision.¹

ADMINISTRATIVE APPEAL OVERVIEW

An administrative appeal is an opportunity to object to the agency's termination of your grant and to ask for reconsideration. It is an internal agency process, meaning it is not before a federal judge (but could be before an administrative law judge), and it can be less formal as a result. *Each agency is different*, but an administrative appeal typically entails submitting a written statement that provides a detailed explanation of why you think your grant should be reinstated, including any legal and factual reasons that support your position. You can also submit any documentation that might help support your position (such as evidence of grant compliance, emails with your agency contacts, etc.). You must submit your appeal by the deadline, which often is as short as 30 days. This toolkit includes a letter you can use for this purpose, please see [Template #1, "Administrative Appeal Letter."](#)

Overall, an administrative appeal is your opportunity to provide additional information for the agency to consider and to explain the reasons why your grant should be reinstated. The agency generally has the authority to review your appeal, reconsider its termination decision, and reinstate your award. However, the agency can also reject your appeal and maintain the termination. The agency review period takes time and resources, and relief is not guaranteed.²

YOU HAVE RIGHTS AND OBLIGATIONS WITHIN AN ADMINISTRATIVE APPEAL

You have a right to object to an agency's termination decision, including the opportunity to present additional information for the agency's consideration.³

The process for exercising that right should generally be found in three places: (1) your grant agreement's terms and conditions; (2) your grant termination notice; and/or (3) the agency's regulations. To the extent there are any discrepancies, any statute or regulation applicable to the appeal should generally supersede any conflicting agency guidance in the termination notice.

- 1 Your grant agreement.** Your grant agreement may have terms describing the dispute resolution process generally, or the termination process more specifically, and your right to request review of a termination decision.⁴ This process may be identified in your Notice of Award, the agency's Standard Award Terms and Conditions, or similar agency documents that are incorporated by reference into your grant agreement. It is important to refer to the version of any Standard Award Terms and Conditions that were in effect when your grant was awarded.⁵ This should have been provided when your grant was first awarded or may be found on the agency's website.
- 2 Your grant termination notice.** Your grant termination notice may also have information about the administrative appeal process. [Handout #2](#), "What to Do if You Receive a Federal Grant Termination," details what to look for and how to interpret the notice. In general, you should expect the notice to give the alleged reason(s) for termination⁶, the effective date of the termination⁷, and the process for objecting to the decision⁸.
- 3 Federal regulations.** Federal regulations known as the "Uniform Guidance" generally require agencies to "maintain written procedures for processing . . . appeals" of grant terminations, which include "an opportunity to object and provide information challenging the action."⁹ Individual agencies may have their own regulations to implement this general requirement, or they may implement the requirement through guidance documents. Your grant terms and conditions should generally refer to the agency's implementing regulations and/or guidance that is applicable to your grant award. These regulations or guidance should describe the agency's remedies for grantee noncompliance, including termination, and opportunities for grantees to object.¹⁰ It is important to follow the agency's required appeal procedures.

AN ADMINISTRATIVE APPEAL MAY SOMETIMES BE A NECESSARY FIRST STEP BEFORE LITIGATION

Some federal statutes and regulations may require that a person challenging an agency decision first pursue the agency's available remedies before filing a lawsuit.¹¹ This is referred to as "exhaustion of administrative remedies."¹² In contrast, other statutes may specifically authorize direct action in federal court.¹³ It is important to assess whether administrative exhaustion may be required when considering whether to file a lawsuit versus an administrative appeal.

PROS AND CONS OF AN ADMINISTRATIVE APPEAL

There are pros and cons to submitting an administrative appeal. Consider the list below when communicating with your attorney about the potential for an administrative appeal.

PROS

- ▶ **Appealing is a chance for an individualized determination** rather than your grant being swept up in termination of a group of grants. Many grant programs have been terminated en masse without considering the United States' trust and treaty obligations to Tribal Nations, that delivery on those obligations is not race-based, the specific impacts on Tribal communities generally or yours in particular, or the bipartisan support that your Tribal Nation or Tribal organization may have for your grant-funded program. An appeal is an opportunity to tell your individual story.
- ▶ **The agency may respond to persuasion.** Advocacy efforts to educate the agency on your grant-funded program and to elevate your appeal to key leaders and decisionmakers increase your appeal's chance of success. You may be able to negotiate a grant modification or reinstatement of your award. See [Handout #4](#), "What to Do After You Appeal Your Grant Termination," and [Template #2](#), "Advocacy Emails."
- ▶ **Less political risk than litigation.** Administrative appeals are an opportunity to explain your position in a less adversarial forum, with the goal being persuading the agency why your grant-funded program does align with the Administration's priorities or should not be implicated by its priorities, and also how it is an integral part of the government-to-government relationship with Tribal Nations and delivery on trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal communities.
- ▶ **Less risk of creating harmful precedent.** Administrative appeals have less risk of possibly creating harmful federal Indian law precedent that could affect other Tribal Nations in the future.
- ▶ **Less costly than litigation.** Because an administrative appeal can sometimes be as simple as a letter, and there are typically fewer procedural requirements than in a court proceeding, an administrative appeal is generally less time- and resource-intensive than litigation.
- ▶ **Satisfies administrative exhaustion requirements, where applicable.** In some cases, you may be required to exhaust your administrative remedies before engaging in litigation. Filing a lawsuit without first meeting that requirement could lead the court to dismiss your case.

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- ▶ **May help preserve the status quo.** If there is litigation related to your grant program filed by other organizations, filing an appeal might help preserve the status quo while that litigation is pending. You should not be required to close out your grant if you filed a timely appeal of the termination decision.

CONS

- ▶ **Administrative appeals may be lengthy** without an opportunity for immediate relief. Agencies may take a long time to review your appeal, leaving you to await their final decision while your grant remains terminated. If the appeal is unsuccessful, this may only delay your ability to seek relief in court.
- ▶ **Success is not guaranteed.** Prevailing in an administrative appeal may be unlikely in some cases, as you are asking the agency to reconsider a decision it has already made.
- ▶ **An appeal still costs money.** While an administrative appeal is generally less time- and resource-intensive than litigation, you may still incur attorney fees and other costs, including associated staff time.

OVERVIEW OF A FEDERAL LAWSUIT

Litigation is a way to seek external review of the legality of the agency's grant termination by a federal judge in federal court. Litigation can be both high cost and high reward in that you may be able to obtain quick and comprehensive relief that could even potentially benefit others, but often at significant effort and expense.

At a minimum, litigation challenging a grant termination decision requires you to file a complaint in federal court and then typically move for some sort of preliminary relief. Preliminary relief can take the form of a temporary restraining order (TRO) or a preliminary injunction (PI). If you are successful, a TRO or PI may reinstate your grant while the litigation is pending.

But success can also be short-lived¹⁴, as the federal government has shown that it is likely to appeal any preliminary relief. That means anyone pursuing litigation should plan for and anticipate the time and cost associated with an appeal during initial stages of the case.

After the preliminary injunctive relief stage, litigation may then move to briefing on motions to dismiss and then finally to merits briefing. Appeals are possible at both of these stages, as well.

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The case law of grant terminations is rapidly evolving and subject to change due to the many pending cases involving the Administration's grant termination efforts. Early lawsuits that were the most successful combined arguments that the agency violated the Administrative Procedure Act (APA) by failing to explain the basis for termination, failing to consider the adverse effects of termination on the grant recipient, and acting in excess of the agency's authority, and that the agency violated the Constitution's separation of powers provisions by disregarding Congress's direct appropriation of funding for the terminated grant programs.¹⁵ However, the U.S. Supreme Court has since concluded that federal district courts likely lack jurisdiction to hear challenges to grant terminations under the APA, and that these types of challenges should instead be brought in the court of federal claims as breach of contract claims under the Tucker Act.¹⁶

THRESHOLD OBSTACLES TO OBTAINING PRELIMINARY RELIEF

As more and more federal lawsuits are brought to challenge the Administration's termination of federal grants and other forms of funding, there are recurring obstacles of which to be aware. In particular, the most important obstacle to consider is which court has jurisdiction.

As described above, courts have begun to reject APA challenges that appear to concern individualized grant terms and agency decisions to terminate based on those terms, concluding that the district court does not have jurisdiction to consider those contract-like claims because those claims should instead be brought in the court of federal claims.¹⁷

It is important to discuss with your attorney the nature of your claims and which court may have jurisdiction over your claims. Your attorney will also be able to identify and prepare for other threshold obstacles that may be relevant to your specific case, such as standing and the scope of any injunctive relief.¹⁸

TYPES OF CLAIMS

There are multiple ways to pursue litigation challenging a grant termination, including, but not limited to:

1 APA challenge in federal district court seeking injunction or vacatur.

An APA challenge may seek to set aside the agency's termination decision as arbitrary and capricious and in excess of statutory authority under Section 706 of the APA. You should consult with an attorney regarding jurisdictional issues before filing an APA case.

2 Contract-like challenge in court of federal claims seeking money damages. This type of challenge is like a breach of contract claim where you seek money damages for the costs incurred by the grant

termination decision.¹⁹ Though this option may avoid the possible jurisdictional obstacles of APA claims noted above, it limits the legal arguments and remedies available to you in your challenge as the court of federal claims has limited jurisdiction to only hear certain types of claims and relief is typically limited to damages.

3 Class actions and broad injunctions. Other entities may have already brought litigation that benefits you without you having to join as a plaintiff, such as cases brought by a coalition of states or class actions.²⁰ However, as the U.S. Supreme Court has now limited the availability of universal injunctions,²¹ benefiting from the injunctive relief of other litigation may be less likely, especially when the case is not an APA case or a class action case. A class action is a lawsuit brought by specific plaintiffs on behalf of a broader class. If certified, the named plaintiffs can potentially obtain relief on behalf of the entire class, without the classes' direct involvement.

PROS AND CONS OF A FEDERAL LAWSUIT

Just as with an administrative appeal, a potential lawsuit has both pros and cons. The list below offers some guidance on how to think about and communicate with your attorney about the potential for litigation.

PROS

- ▶ **Court ordered preliminary injunctive relief can be quicker and more complete.** A PI or TRO may provide immediate relief, such as reinstating your grant while the litigation is pending.
- ▶ **Litigation may prompt opportunity for settlement.** It is possible the federal government may want to settle, rather than engage in litigation, especially once the Department of Justice attorneys are brought in.
- ▶ **Litigation may be the only path available.** If the agency is unwilling to reconsider its termination decision, litigation may be the only option left to try to get your grant reinstated or to protect other fundamental rights

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CONS

- ▶ **Costly and time intensive.** Litigation can be costly and time intensive, including attorney fees and court costs. Additionally, litigation cannot be fully handed off to your attorney. Tribal staff will need to be prepared to work with your attorney to prepare the best possible case.
- ▶ **Success is also not guaranteed, and preliminary relief may be short-lived.** The federal government is likely to appeal any PI or final decision in your favor. An appeal increases costs and may delay final relief.
- ▶ **Procedural and jurisdictional questions may get in the way of a final decision.** You may get bogged down in legal quagmires unrelated to the most important question to your Tribal Nation or Tribal organization: whether your grant will remain available.
- ▶ **Political Risk.** The Administration might view a lawsuit as an indication that your Tribal Nation or Tribal organization is adverse to the Administration's policy priorities. This might affect your ability to partner with the Administration on other key programs or projects.
- ▶ **Possibly make harmful precedent.** Litigation of federal Indian law issues always carries the risk of possibly creating harmful federal Indian law precedent that could affect other Tribal Nations in the future. It is important to carefully strategize with your attorney regarding the merits of your case, including the facts and the law, and consider possible unintended consequences if the case is not decided in your favor.

It is Your Choice to Make

Determining which path is right for you for addressing your grant termination is an important choice. Any path for challenging the termination—whether an administrative appeal only, an administrative appeal first before litigation, or straight to litigation in federal court—has risk but also the potential for reward: the reinstatement of your grant. Considering the process for each, and the respective pros and cons, will help you navigate which approach is the best for your Tribal Nation or Tribal organization. You are strongly encouraged to consult an attorney as you make this decision.

If you decide to pursue an administrative appeal, please see [Template #1](#), "Administrative Appeal Letter," [Handout #4](#), "What to Do After You Appeal Your Grant Termination," and [Template #2](#), "Advocacy Emails." This toolkit does not provide template resources related to filing litigation, and we encourage you to consult an attorney.

If you decide to accept the termination and close out your grant, please see [Handout #5](#), "How to Close Out Your Grant," and [Template #3](#), "Request for Costs Email."

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¹ This handout does not provide information on how to respond to the termination of other types of federal financial assistance or government procurement contracts. Please also keep in mind that each agency and grant program is different, and you should refer to your specific grant agreement and applicable agency regulations for termination and appeal provisions. This is not legal advice, and you are encouraged to consult with an attorney before taking any action.

² For example, some agency regulations provide 180 calendar days (four months) for the agency to make a decision, e.g., 2 C.F.R. § 1500.17(b) (Environmental Protection Agency dispute process), which is longer than the 120-day time period to close out your grant, see 2 C.F.R. § 200.344(b).

³ E.g., 2 C.F.R. § 200.342.

⁴ See, e.g., General Terms and Conditions for Institute of Museum and Library Services, Discretionary Grant and Cooperative Agreement Awards, Section 30 ("Procedures for Requesting a Review of Suspension or Termination"), <https://www.imls.gov/sites/default/files/2021-01/gtc-after-december-21-2020.pdf>.

⁵ Compare Department of Health and Human Services (HHS) Grants Policy and Administration Manual, Ch. 7.5 ("Terminating an Award"), Ch. 8 ("Appeals") (effective Oct. 2023), <https://www.hhs.gov/sites/default/files/asfr-hhs-grants-policy-statement-october-2023-archived.pdf>, with HHS Grants Policy Statement, pg. 57-59 ("Remedies for Noncompliance," "Suspending Award Activities or Termination") (effective July 24, 2025), <https://www.hhs.gov/sites/default/files/hhs-grants-policy-statement-july-2025.pdf>.

⁶ See 2 C.F.R. §§ 200.340(a), 200.341(a).

⁷ See 2 C.F.R. § 200.341(a).

⁸ See 2 C.F.R. § 200.342.

⁹ 2 C.F.R. § 200.342. Note that the federal regulation applicable to grant terminations, 2 C.F.R. § 200.340, was revised as of October 1, 2024. When your grant was awarded determines which version of the regulation applies. See Guidance for Federal Financial Assistance, 89 Fed. Reg. 30,046 (Apr. 22, 2024); *Bennett v. New Jersey*, 470 U.S. 632, 638 (1985). If your grant was awarded after October 1, 2024, then the agency must have included a term and condition allowing termination "if an award no longer effectuates the program goals or agency priorities" to be able to terminate on that basis. See 89 Fed. Reg. at 30,089.

¹⁰ See, e.g., 45 C.F.R. §§ 75.371–.375 (HHS, "Remedies for Noncompliance"); 2 C.F.R. §§ 1500.13–.17 (Environmental Protection Agency, "Disputes"); 24 C.F.R. §§ 1003.700–.703 (Department of Housing and Urban Development, "Program Performance").

¹¹ See 5 U.S.C. § 704; *Darby v. Cisneros*, 509 U.S. 137, 154 (1993) ("[W]here the [Administrative Procedure Act] applies, an appeal to 'superior agency authority' is a prerequisite to judicial review only when expressly required by statute or when an agency rule requires appeal before review and the administrative action is made inoperative pending that review.").

¹² See, e.g., 7 U.S.C. § 6912(e); 7 C.F.R. § 11.13(b) (U.S. Department of Agriculture, "Judicial Review").

¹³ See, e.g., 25 U.S.C. § 5331(a).

¹⁴ See, e.g., *Dep't of Educ. v. California*, 145 S. Ct. 966 (2025).

¹⁵ See, e.g., *Colorado v. Dep't of Health & Hum. Servs.*, No. 1:25-cv-00121-MSM-LDA, 2025 WL 1426226 (D.R.I. May 16, 2025); *Woonasquatucket River Watershed Council v. U.S. Dep't of Agric.*, 778 F. Supp. 3d 440 (D.R.I. 2025).

¹⁶ *Nat'l Institutes of Health v. Am. Pub. Health Ass'n*, 145 S. Ct. 2658 (2025).

¹⁷ See, e.g., *id.*; *Dep't of Educ.*, 145 S. Ct. 966; *Am. Libr. Ass'n v. Sonderling*, No. CV 25-1050 (R JL), 2025 WL 1615771, at *11 (D.D.C. June 6, 2025); *Appalachian Voices v. U.S. Env't Prot. Agency*, No. CV 25-1982 (R JL), 2025 WL 2732746, at *2 (D.D.C. Sept. 25, 2025). But see *Thakur v. Trump*, No. 25-CV-04737-RFL, 2025 WL 2696424, at *1 (N.D. Cal. Sept. 22, 2025) ("NIH v. APHA" did not consider, and thus did not address, the argument made by Plaintiffs here: that they are not parties to the grant agreements and could not obtain any relief in the Court of Federal Claims, which can only provide remedies to the contracting parties. Nor did APHA consider First Amendment claims, which are well-established to be beyond the Court of Federal Claims' jurisdiction over contract disputes.").

¹⁸ See, e.g., *Woonasquatucket River Watershed Council*, 778 F. Supp. 3d at 456-59.

¹⁹ See, e.g., *J. DOE 1-5 v. United States*, No. 1:25-cv-00947 (Fed. Cl. filed June 5, 2025).

²⁰ E.g., *Thakur*, 2025 WL 2696424.

²¹ See *Trump v. CASA, Inc.*, 145 S. Ct. 2540, 2548 (2025).

What to Do After You Appeal Your Grant Termination

The appeal of your grant termination is just the first step—*it is also important to advocate for your funding!*¹ This handout provides a high-level overview of how to use your appeal letter as an advocacy tool, as well as other actions to take while waiting for a decision on your appeal.²

ADVOCACY ON BEHALF OF YOUR GRANT-FUNDED PROGRAM

After submitting an administrative appeal, which is a more formal legal process, your Tribal Nation or Tribal organization also has the opportunity for more informal advocacy to help persuade the agency to reconsider its decision.

In many cases, federal grants are being terminated en masse without individualized consideration. While persuading the agency to reinstate entire grant programs may sometimes be unlikely, case-by-case determinations for reinstatement of individual grant awards may be more successful. Convincing the agency to review your grant on its own terms can help increase the odds of potential reinstatement. Your advocacy efforts should target: (1) congressional leadership; (2) agency leadership; and (3) other key stakeholders who may be influential with the Administration.

ADVOCATE FOR YOUR GRANT WITH CONGRESS.

Congressional pressure on agency leadership, especially from congressional leaders aligned with this Administration, can help move the needle.

STEP 1 Identify the list of people in Congress to whom you will reach out

We encourage you to seek bipartisan support on behalf of your grant. The instructions accompanying [Template #2, “Advocacy Emails,”](#) will help identify key hill contacts, including the below.

1. **Your members of Congress:** Find your senators and representatives here: <https://www.congress.gov/members/find-your-member>.
2. **The Senate Committee on Indian Affairs:** Members of the Senate Committee on Indian Affairs may be willing to advocate on behalf of your Tribal Nation or Tribal organization’s grant program. You can email oversight@indian.senate.gov, or contact individual members: <https://www.indian.senate.gov/about/committee-membership/>. Committee staff are also important key resources.

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- 3. The House Committee on Natural Resources, Subcommittee on Indian and Insular Affairs:** The Subcommittee oversees matters related to American Indian and Alaska Native federal law and policy, and may similarly be willing to advocate on behalf of your Tribal Nation or Tribal organization's grant program.
- 4. Other key committees in the Senate and House:** Depending on the agency that awarded your grant, you may want to consider reaching out to leadership, membership, or staff of the committee(s) involved in authorizing, funding, or providing oversight for the grant program.³
 - a. In the Senate,** you could consider reaching out to members of the:
 - i. Senate Committee on Appropriations;
 - ii. Senate Committee on Finance;
 - iii. Senate Committee on Environment & Public Works;
 - iv. Senate Committee on Energy and Natural Resources; and
 - v. Senate Committee on Health, Education, Labor & Pensions.
 - b. In the House,** you could consider reaching out to members of the:
 - i. House Committee on Ways and Means;
 - ii. House Appropriations Committee;
 - iii. House Committee on Energy and Commerce; and
 - iv. House Committee on Natural Resources.

STEP 2 Craft your message

Communicate the importance of the grant to your Tribal community and what you are asking your members of Congress to do. You can use [Template #2, "Advocacy Emails,"](#) to craft your advocacy message. Some high-level points of emphasis include the following.

- 1.** The projected economic and other benefits to your community from the grant-funded program, and the harm to your community that will result if your grant is not reinstated. Frame these positive and negative impacts in your community with real life stories and tangible metrics. Explain in detail how your community uses the grant funding to provide important services that are necessary for the United States' delivery on its trust and treaty obligations.

2. Explain that Tribal programs are legally distinct from other programs, both because they are not diversity, equity, and inclusion (DEI) programs the Administration has targeted for reduction and elimination, and because they are delivered in furtherance of trust and treaty obligations.⁴
3. If your grant program is statutorily mandated, identify the relevant statute and why you think the agency has violated Congress's direction.
4. Highlight how your grant-funded program and/or the way your community uses the funds aligns with the Administration's priorities, i.e., reducing the costs of energy, increasing local control of education and healthcare services, providing healthy food, etc.⁵

STEP 3 Make the ask

Ask your identified members of Congress and/or Committee staff to request that the agency reinstate your grant, either through a letter to the agency or in less formal communication.

STEP 4 Request meetings

Consider requesting in-person meetings, as well, especially when communicating with your Congressional delegation, so that you can fully explain the importance of the grant program to your community.

ADVOCATE FOR YOUR GRANT WITH AGENCY LEADERSHIP.

The same general approach holds for your advocacy efforts with agency leadership.

STEP 1 Identify key agency contacts

The instructions accompanying [Template #2, "Advocacy Emails,"](#) will help identify these contacts, including:

1. Politically appointed agency leadership with decision-making authority; and
2. Intergovernmental Affairs Leads, Tribal Liaisons, or other Tribal-specific staff.⁶

STEP 2 Craft your message

Communicate your grant-funded program's alignment with the Administration's priorities. This includes describing United States trust and treaty obligations to Tribal Nations, Tribal citizens, and Tribal communities, and how the termination negatively impacts the Administration's expressed commitments to Tribal communities. You can use [Template #2, "Advocacy Emails,"](#) to craft your advocacy message.

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STEP 3 Make the ask

Ask agency leadership to reinstate your grant.

STEP 4 Request meetings

Consider requesting in-person meetings, as well, so that you can fully explain the importance of the grant program to your community. If you secure a meeting, and the officials in the meeting do not seem receptive to grant reinstatement, consider asking if the agency is open to negotiating a scope change for your grant before proceeding with termination. This may help you save some of the most important parts of your grant project if you can show that the scope change aligns with the current Administration's priorities.

ADVOCATE WITH OTHER KEY STAKEHOLDERS WHO MAY BE INFLUENTIAL WITH THE ADMINISTRATION.

Identify local or state officials who may have sway with the current Administration. For example, if your state's Governor has worked with or has a relationship with current agency officials or the President, consider reaching out to them and ask them to express support for your grant, as well.

POST-APPEAL RECORDKEEPING AND MONITORING TASKS

While your appeal is pending, it is also important to keep track of agency communications, as well as litigation or legislative developments relevant to your grant.

1. **Keep detailed records of agency communications.** Communications from the agency, including those from the agency official deciding your appeal, could be important information for any possible litigation. [Handout #1, "Best Practices for Managing Federal Grants in an Uncertain Funding Climate,"](#) provides additional information on building your record.
2. **Regularly check your federal grants management systems.** Make sure you are aware of any changes to your grant status that may occur in your federal grants management systems (i.e., ASAP, PMS, eGMS Reach, etc.).
3. **Monitor litigation and legislative developments that might affect your appeal.** Litigation or legislative developments might provide supplemental arguments to support both your appeal and your advocacy efforts with Congress, the agency, and other stakeholders. Provide this information to those contacts, if and when applicable.

What to Do After You Appeal Your Grant Termination



- ¹ The actions described in this handout may be helpful even if you do not submit a formal appeal.
- ² This handout does not provide information on how to advocate for the reinstatement of other types of federal financial assistance or government procurement contracts. Please also keep in mind that each agency and grant program is different, and different advocacy approaches may be more effective for different audiences.
- ³ Committees of the U.S. Congress, <https://www.congress.gov/committees>.
- ⁴ *See* Coalition for Tribal Sovereignty, Agency Positions on Application of Administration Policy Mandates to Indian Country, <https://coalitionfortribalsovereignty.org/current-federal-actions/agency-positions-on-application-of-administration-policy-mandates-to-indian-country/>.
- ⁵ *See* Presidential Actions, <https://www.whitehouse.gov/presidential-actions/>; Coalition for Tribal Sovereignty, Shared Priorities Between Indian Country and Trump Administration, <https://coalitionfortribalsovereignty.org/wp-content/uploads/2025/06/5-CTS-Briefing-Paper-on-Shared-Priorities-of-Administration-and-Indian-Country-FINAL-06042025.pdf>.
- ⁶ Intergovernmental Affairs Leads for different agencies are identified here: <https://coalitionfortribalsovereignty.org/coalition-resource-library/>.

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How to Close Out Your Grant

If your Tribal Nation or Tribal organization decides *not* to challenge your grant termination, or the challenge is not successful, you still have rights and obligations. This handout provides a high-level overview of how to request reimbursement for costs associated with and arising from your grant's termination and closeout. This handout also identifies issues to be aware of *before* closing out your grant.¹

REIMBURSEMENT IS GENERALLY AVAILABLE FOR COSTS ARISING FROM GRANT TERMINATION AND CLOSEOUT

If your grant is terminated, then you are likely entitled to termination and standard closeout costs. You are also likely entitled to reimbursement for all costs² for work performed under the grant before termination.³ Keep good records and be prepared to show receipts and invoices.

You generally have **120 days** to close out your grant after receiving a termination notice.⁴ You also have the right to request an extension of time, although the agency generally has discretion whether to grant the extension request.

Documenting your termination and closeout costs should feel familiar. It is generally the same as the cost-tracking you may have done while working under your grant—i.e., providing documentation such as payroll records, invoices, receipts, etc. You should review your grant terms and conditions for any agency-specific requirements or regulations associated with termination and closeout costs and how to request reimbursement.

As you close out your grant, it is important to track and separate three categories of costs: (1) costs properly incurred before termination; (2) termination costs; and (3) standard closeout costs. We define these costs below and give general suggestions for documenting these costs. The examples provided here are not exhaustive but should give you a good start on how to think about your own costs. [**Template #3, "Request for Costs Email,"**](#) also provides an example of how to request these costs from the funding agency.

1. Costs Properly Incurred Before Termination.

- a. **What are these costs?** Reimbursement for costs that were properly incurred *before* the effective date of the termination, and not in anticipation of it, are generally allowable.⁵ That means, if these are costs you would have normally incurred in performing the grant deliverables, then they should generally be reimbursable.

- b. How to document these costs:** You may be required to produce documentation showing that these costs were properly incurred, i.e., that they would have occurred before the termination date no matter what and that they are allowable under the grant.

2. Termination Costs.

- a. What are these costs?** The termination of your grant will likely cause additional costs that you would not have incurred if the grant had not been terminated. Termination costs that are reimbursable include costs such as rent for ongoing leases that you still have to pay, claims from subrecipients under subawards, costs for the advice of attorneys or accountants, or similar costs necessary to prepare and present settlement claims to the federal agency or to terminate and settle subawards.⁶
- b. How to document these costs:** It is important to show how these costs are directly caused by the termination, i.e., that the costs were unavoidable, would not have arisen if the grant had not been terminated, and were incurred as a direct result of the termination. It is also important to document costs incurred responding to the termination separately from regular operational expenses.

3. Closeout Costs.

- a. What are these costs?** Ending a federal grant—even outside of termination—will generally result in administrative costs. Closeout is how the funding agency concludes your federal grant and often involves final financial and technical reporting requirements. Whether your grant was terminated or reached the end of its term, closeout is the final step in the lifecycle of all federal grants. The costs that arise from closeout generally include staff time for closeout activities, such as the salaries of personnel preparing final reports, related indirect costs, and other similar administrative costs. All closeout costs must be incurred before the final grant reports are due.⁷
- b. How to document these costs:** You can think of closeout costs as similar to the project costs you tracked under the grant itself. Generally, documentation such as payroll records, invoices, receipts, and other evidence of the cost of completing the reporting requirements and related indirect costs will help to maximize your recovery.

BE AWARE OF POTENTIAL COLLATERAL CONSEQUENCES FROM CLOSING OUT YOUR GRANT

It is important to be aware of the effects of closing out your grant on other actions you are considering. Closing out your grant means that you accept the termination, impeding any challenges to your termination.

Further, the “One Big Beautiful Bill,” (OB BB) the Fiscal Year 2025 budget reconciliation legislation that was enacted on July 4, 2025, contains provisions that rescind “unobligated” funds for many grant programs funded by the Inflation Reduction Act (IRA). When funds are “obligated,” it means that the federal government has agreed to pay a specific amount of money, such as through a grant agreement.⁸ Closing out your grant ends the government’s agreement to pay your grant funds and therefore could rescind your funds under these OB BB provisions. Once funds are rescinded, they are generally no longer available to that grant program, even for other recipients, without further action by Congress. A list of the IRA funds subject to potential rescission is enclosed with this handout as [Appendix A](#).

If you close out your grant, and the grant funds are then rescinded, it will be difficult to later recover your funds, even if a court later determines that the agency’s mass termination of grants was unlawful. If your terminated grant program is on the list in [Appendix A](#), you should raise these provisions with your attorney as you consider whether to close out your grant and the timing for that process.

THE GRANT CLOSEOUT PROCESS

If you decide to close out your grant, you will need to complete any final award requirements and assemble a grant close out package.

1. To complete your final award requirements, you will generally need to complete the reporting requirements outlined in 2 C.F.R. § 200.344, as well as any additional requirements imposed by your grant terms and conditions or any agency-specific requirements or regulations.
2. Your closeout package will generally include:
 - a. A cover email or letter. [Template #3, “Request for Costs Email,”](#) provides an example.
 - b. A final invoice seeking reimbursement for the three categories of costs described above, for which you must separately account. This may be the [SF 425: Federal Financial Report](#) or other similar form required by the agency.

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- c. Documentation to support your claimed costs.
- d. Confirmation of completed award requirements, such as a final technical report, or other form of performance report.

If you are uncertain about how to proceed to close out your grant, it is important to contact the agency in writing to request specific instructions. This written guidance helps to protect you going forward and demonstrates your intent to comply. Continue to document all of your communications with the agency throughout the closeout process.

¹ This handout does not provide information on how to close out other types of federal financial assistance or government procurement contracts. This handout also does not cover every obligation associated with the closeout process. Please also keep in mind that *each agency and grant program is different*, and you should refer to your specific grant agreement and applicable agency regulations for closeout questions.

² See 2 C.F.R. § 200.472.

³ See 2 C.F.R. § 200.343.

⁴ See 2 C.F.R. § 200.344(b).

⁵ See 2 C.F.R. § 200.343.

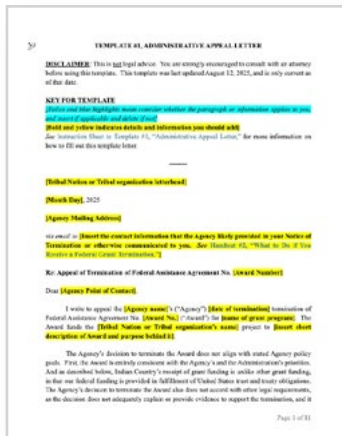
⁶ See 2 C.F.R. § 200.472(a).

⁷ See 2 C.F.R. § 200.472(b).

⁸ See, e.g., 31 U.S.C. § 1501.

Template Letters and Instructions

Below find links to the word document templates for each letter mentioned in the toolkit. Please review the instructions before using the templates.



TEMPLATE 1

Administrative Appeal Letter

DOWNLOAD TEMPLATE

DOWNLOAD INSTRUCTIONS

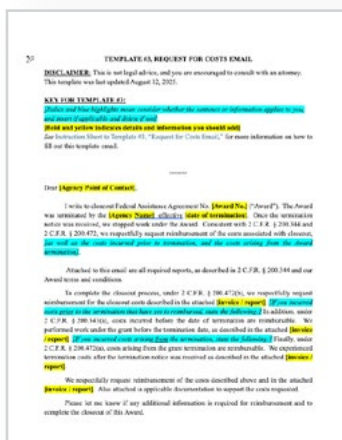


TEMPLATE 2

Agency Advocacy Email

DOWNLOAD TEMPLATE

DOWNLOAD INSTRUCTIONS



TEMPLATE 3

Request for Costs Email

DOWNLOAD TEMPLATE

DOWNLOAD INSTRUCTIONS

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Appendix A: OBBB Repeal and Recission of IRA grants

- ▶ IRA Alternative Energy Programs: The OBBB repeals and rescinds the following IRA provisions and the programs or grants therein:
 - ▶ IRA Section 50142. Advanced Technology Vehicle Manufacturing (loans for manufacturing of low to zero greenhouse gas emission vehicles);
 - ▶ IRA Section 50123. State-Based Home Efficiency Contractor Training Grants;
 - ▶ IRA Section 50141. Funding for Department of Energy Loan Office;
 - ▶ IRA Section 50144. Energy Infrastructure Reinvestment Financing issued by the Loan Program Office;
 - ▶ IRA Section 50145. Tribal Energy Loan Guarantee Program;
 - ▶ IRA Section 50151. Transmission Facility Financing;
 - ▶ IRA Section 50152. Grants to Facilitate the Siting of Interstate Electricity Transmission Lines;
 - ▶ IRA Section 50153. Interregional and Offshore Wind Electricity Transmission Planning, Modeling, and Analysis; and
 - ▶ IRA Section 50161. Advanced Industrial Facilities Deployment Program.
- ▶ IRA Environmental Protection Agency (EPA), and Other Agency Environmental Programs: The OBBB further rescinds “the unobligated balances of amounts” of federal funding and grants for IRA programs, including:
 - ▶ Clean Air Act section 132, Funding for Clean Heavy-Duty Vehicles;
 - ▶ Clear Air Act section 134, Funding for the Greenhouse Gas Reduction Fund;
 - ▶ Clean Air Act section 135, Funding for Low Emissions Electricity Program;
 - ▶ Clean Air Act section 136, Funding for Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems;
 - ▶ Clean Air Act, section 137, Funding for Greenhouse Gas Air Pollution Plans and Implementation Grants;
 - ▶ Clean Air Act section 138, Funding for Environmental and Climate Justice Block Grants;
 - ▶ IRA Section 60104. Funding for Diesel Emission Reductions;
 - ▶ IRA Section 60105. Funding to Address Air Pollution;
 - ▶ IRA Section 60106. Funding to Address Air Pollution at Schools;

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- ▶ IRA Section 60108. Funding for Section 211(O) of the Clean Air Act, which monitors the effects of fuel and fuel additives on the environment and public health;
- ▶ IRA Section 60109. Funding for Implementation of the American Innovation and Manufacturing Act;
- ▶ IRA Section 60110. Funding for EPA's compliance and enforcement technology systems and public information software;
- ▶ IRA Section 60111. Funding for greenhouse gas corporate reporting and other corporate climate action initiatives;
- ▶ IRA Section 60112. Funding for businesses that help develop greenhouse gas and environmental product declaration;
- ▶ IRA Section 60115. Funding for EPA efficient, accurate, and timely reviews for EPA permitting and approval;
- ▶ IRA Section 60116. Funding for low-embodied carbon labeling for construction materials;
- ▶ IRA Section 60301. Funding Endangered Species Act recovery plans;
- ▶ IRA Section 60401. Funding for environmental and climate data collection by the Council for Environmental Quality ("CEQ");
- ▶ IRA Section 60502. Funding for the General Services Administration ("GSA") federal building assistance;
- ▶ IRA Section 60503. Funding for the GSA and low-carbon materials for federal buildings;
- ▶ IRA Section 60504. Funding for GSA emerging and sustainable technologies;
- ▶ The FHWA Environmental Review Implementation Funds under Title 23, section 178;
- ▶ The FHWA Neighborhood Access and Equity Grant Program under Title 23, section 177; and
- ▶ The FHWA Low-Carbon Transportation Materials Grants under Title 23, section 179;
- ▶ IRA Forestry: The OBBB rescinds the unobligated balance of funds appropriated in IRA section 23001, which appropriated \$100,000,000 for environmental reviews under the National Environmental Policy Act (NEPA) and \$50,000,000 for protection of "old-growth forests on National Forest System land and to complete an inventory

Appendix B: Federal Regulations Relevant to Termination and Closeout Costs

2 CFR 200.343 (up to date as of 7/11/2025)
Effects of suspension and termination.

2 CFR 200.343 (July 11, 2025)

This content is from the eCFR and is authoritative but unofficial.

Title 2 – Federal Financial Assistance

Subtitle A – Office of Management and Budget Guidance for Federal Financial Assistance

Chapter II – Office of Management and Budget Guidance

Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Subpart D – Post Federal Award Requirements

Remedies for Noncompliance

Authority: 31 U.S.C. 503; 31 U.S.C. 6101-6106; 31 U.S.C. 6307; 31 U.S.C. 7501-7507.

Source: 89 FR 30136, Apr. 22, 2024, unless otherwise noted.

§ 200.343 Effects of suspension and termination.

Costs to the recipient or subrecipient resulting from financial obligations incurred by the recipient or subrecipient during a suspension or after the termination of a Federal award are not allowable unless the Federal agency or pass-through entity expressly authorizes them in the notice of suspension or termination or subsequently. However, costs during suspension or after termination are allowable if:

- (a) The costs result from financial obligations which were properly incurred by the recipient or subrecipient before the effective date of suspension or termination, and not in anticipation of it; and
- (b) The costs would be allowable if the Federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect.

2 CFR 200.344 (up to date as of 7/11/2025)
Closeout.

2 CFR 200.344 (July 11, 2025)

This content is from the eCFR and is authoritative but unofficial.

Title 2 – Federal Financial Assistance

Subtitle A – Office of Management and Budget Guidance for Federal Financial Assistance

Chapter II – Office of Management and Budget Guidance

Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Subpart D – Post Federal Award Requirements

Closeout

Authority: 31 U.S.C. 503; 31 U.S.C. 6101-6106; 31 U.S.C. 6307; 31 U.S.C. 7501-7507.

Source: 89 FR 30136, Apr. 22, 2024, unless otherwise noted.

§ 200.344 Closeout.

- (a) The Federal agency or pass-through entity must close out the Federal award when it determines that all administrative actions and required work of the Federal award have been completed. When the recipient or subrecipient fails to complete the necessary administrative actions or the required work for an award, the Federal agency or pass-through entity must proceed with closeout based on the information available. This section specifies the administrative actions required at the end of the period of performance.
- (b) A recipient must submit all reports (financial, performance, and other reports required by the Federal award) no later than 120 calendar days after the conclusion of the period of performance. A subrecipient must submit all reports (financial, performance, and other reports required by a subaward) to the pass-through entity no later than 90 calendar days after the conclusion of the period of performance of the subaward (or an earlier date as agreed upon by the pass-through entity and subrecipient). When justified, the Federal agency or pass-through entity may approve extensions for the recipient or subrecipient. When the recipient does not have a final indirect cost rate covering the period of performance, a final financial report must still be submitted to fulfill the requirements of this section. The recipient must submit a revised final financial report when all applicable indirect cost rates have been finalized.
- (c) The recipient must liquidate all financial obligations incurred under the Federal award no later than 120 calendar days after the conclusion of the period of performance. A subrecipient must liquidate all financial obligations incurred under a subaward no later than 90 calendar days after the conclusion of the period of performance of the subaward (or an earlier date as agreed upon by the pass-through entity and subrecipient). When justified, the Federal agency or pass-through entity may approve extensions for the recipient or subrecipient.
- (d) The Federal agency or pass-through entity must not delay payments to the recipient or subrecipient for costs meeting the requirements of subpart E of this part.
- (e) The recipient or subrecipient must promptly refund any unobligated funds that the Federal agency or pass-through entity paid and that are not authorized to be retained. See OMB Circular A-129 and § 200.346.
- (f) The Federal agency or pass-through entity must make all necessary adjustments to the Federal share of costs after closeout reports are received (for example, to reflect the disallowance of any costs or the deobligation of an unliquidated balance).

2 CFR 200.344(f) (enhanced display)

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2 CFR 200.344 (up to date as of 7/11/2025)
Closeout.

2 CFR 200.344(g)

- (g) The recipient or subrecipient must account for any property acquired with Federal funds or received from the Federal Government in accordance with §§ 200.310 through 200.316 and 200.330.
- (h) The Federal agency must make every effort to complete all closeout actions no later than one year after the end of the period of performance. If the indirect cost rate has not been finalized and would delay closeout, the Federal agency is authorized to mutually agree with the recipient to close an award using the current or most recently negotiated rate. However, the recipient is not required to agree to a final rate for a Federal award for the purpose of prompt closeout.
- (i) If the recipient does not comply with the requirements of this section, including submitting all final reports, the Federal agency must report the recipient's material failure to comply with the terms and conditions of the Federal award in *SAM.gov*. A Federal agency must use the Contractor Performance Assessment Reporting System (CPARS) to enter or amend information in *SAM.gov*. Federal agencies may also pursue other enforcement actions as appropriate. See § 200.339.

2 CFR 200.344(i) (enhanced display)

page 2 of 2

2 CFR 200.472 (up to date as of 7/11/2025)
Termination and standard closeout costs.

2 CFR 200.472 (July 11, 2025)

This content is from the eCFR and is authoritative but unofficial.

Title 2 — Federal Financial Assistance

Subtitle A — Office of Management and Budget Guidance for Federal Financial Assistance

Chapter II — Office of Management and Budget Guidance

Part 200 — Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Subpart E — Cost Principles

General Provisions for Selected Items of Cost

Authority: 31 U.S.C. 503; 31 U.S.C. 6101-6106; 31 U.S.C. 6307; 31 U.S.C. 7501-7507.

Source: 89 FR 30136, Apr. 22, 2024, unless otherwise noted.

§ 200.472 Termination and standard closeout costs.

- (a) **Termination Costs.** Termination of a Federal award generally gives rise to the incurrence of costs or the need for special treatment of costs, which would not have arisen had the Federal award not been terminated. Cost principles covering these items are set forth in this section. They must be used in conjunction with the other termination requirements of this part.
 - (1) The cost of items reasonably usable on the recipient's or subrecipient's other work is unallowable unless the recipient or subrecipient submits evidence that it would not retain such items without sustaining a loss. In deciding whether such items are reasonably usable on other work of the recipient or subrecipient, the Federal agency or pass-through entity should consider the recipient's or subrecipient's plans and orders for current and scheduled activity. Contemporaneous purchases of common items by the recipient or subrecipient must be considered evidence that the items are reasonably usable on the recipient's or subrecipient's other work. Any acceptance of common items as allocable to the terminated portion of the Federal award must be limited to the extent that the quantities of such items on hand, in transit, and on order do not exceed the reasonable quantitative requirements of other work.
 - (2) If the recipient or subrecipient cannot discontinue certain costs immediately after the effective termination date, despite making all reasonable efforts, then the costs are generally allowable within the limitations of this part. Any costs continuing after termination due to the negligent or willful failure of the recipient or subrecipient to immediately discontinue the costs are unallowable.
 - (3) Loss of useful value of special tooling, machinery, and equipment is generally allowable if:
 - (i) Such special tooling, special machinery, or equipment is not reasonably capable of use in the other work of the recipient or subrecipient;
 - (ii) The interest of the Federal Government is protected by transfer of title or by other means deemed appropriate by the Federal agency (see § 200.313 (d)); and
 - (iii) The loss of useful value for any one terminated Federal award is limited to the portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the Federal award bears to the entire terminated Federal award and other Federal awards for which the special tooling, machinery, or equipment was acquired.

2 CFR 200.472(a)(3)(iii) (enhanced display)

page 1 of 2

2 CFR 200.472 (up to date as of 7/11/2025)
Termination and standard closeout costs.

2 CFR 200.472(a)(4)

- (4) If paragraph (a)(4)(i) and (ii) below are satisfied, rental costs under unexpired leases (less the residual value of such leases) are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated Federal award. These rental costs may include the cost of alterations of the leased property and the cost of reasonable restoration required by the lease, provided the alterations were necessary for the performance of the Federal award.
 - (i) The amount of claimed rental costs does not exceed the reasonable use value of the property leased for the period of the Federal award and a further period as may be reasonable; and
 - (ii) The recipient or subrecipient makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of the lease.
- (5) The following settlement expenses are generally allowable.
 - (i) Accounting, legal, clerical, and similar costs that are reasonably necessary for:
 - (A) The preparation and presentation to the Federal agency or pass-through entity of settlement claims and supporting data with respect to the terminated portion of the Federal award, unless the termination is for cause (see §§ 200.339-200.343); and
 - (B) The termination and settlement of subawards.
 - (ii) Reasonable costs for the storage, transportation, protection, and disposition of property provided by the Federal Government or acquired or produced for the Federal award.
- (6) Claims under subawards, including the allocable portion of claims common to the Federal award and other work of the recipient or subrecipient, are generally allowable. An appropriate share of the recipient's or subrecipient's indirect costs may be allocated to the amount of settlements with contractors and subrecipients, provided that the amount allocated is consistent with the requirements of § 200.414. These allocated indirect costs must exclude the same and similar costs claimed directly or indirectly as settlement expenses.
- (b) **Closeout Costs.** Administrative costs associated with the closeout activities of a Federal award are allowable. The recipient or subrecipient may charge the Federal award during the closeout for the necessary administrative costs of that Federal award (for example, salaries of personnel preparing final reports, publication and printing costs, costs associated with the disposition of equipment and property, and related indirect costs). These costs may be incurred until the due date of the final report(s). If incurred, these costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency.

2 CFR 200.472(b) (enhanced display)

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Appendix C: Sample Grant Termination Letter



OFFICE OF MISSION SUPPORT
WASHINGTON, D.C. 20460

May 2, 2025

MEMORANDUM

SUBJECT: Termination of EPA Assistance Agreement [REDACTED] under 2 CFR 200.340

FROM: EPA Award Official

TO: [REDACTED]
(Recipient Authorized Organization Representative (AOR))

The purpose of this communication is to notify you that the U.S. Environmental Protection Agency (EPA) is hereby terminating Assistance Agreement No. [REDACTED] awarded to [REDACTED]. This EPA Assistance Agreement is terminated effective immediately on the grounds that the remaining portion of the Federal award will not accomplish the EPA funding priorities for achieving program goals. The objectives of the award are no longer consistent with EPA funding priorities. *NOTE: This is the reason given for termination, referring to 2 C.F.R. § 200.340, "an award no longer effectuates the program goals or agency priorities."*

The EPA Administrator has determined that, per the Agency's obligations to the constitutional and statutory law of the United States, this priority includes ensuring that the Agency's grants do not conflict with the Agency's policy of prioritizing merit, fairness, and excellence in performing our statutory functions. In addition to complying with the law, it is vital that the Agency assess whether all grant payments are free from fraud, abuse, waste, and duplication, as well as to assess whether current grants are in the best interests of the United States. *NOTE: Why EPA thinks the grant is not consistent with its priorities. Prioritizing "merit, fairness, and excellence," generally refers to not supporting DEI initiatives.*

The process for closeout is generally outlined in 2 CFR 200.344. EPA is clarifying what reports are required and what reports are waived below. Other requirements are still in effect if applicable to your grant.

EPA is requiring the following closeout reports due within 120 days of closeout (2 CFR 200.344a):

- Final Federal Financial Report, SF-425
- Final Technical Report
- Other programmatic reports identified in your terms and conditions

NOTE: In the green highlights, EPA explains how to closeout the grant, including the timeline and required reports.

As part of this termination, EPA is waiving the following closeout reports:

- Property Report, SF-428
- Final Minority Business Enterprise/Woman Business Enterprise Utilization Under Federal Grants and Cooperative Agreements, EPA Form 5700-52A

NOTE: The language highlighted in blue conveys that the date of this memo is the effective date of the termination.

The recipient may request payment from the Automated Standard Application Payments (ASAP) system for allowable costs incurred up to the date of this memo provided that such costs were contained in the approved workplan. Costs incurred by you after this termination are allowable only if (a) those costs were properly incurred by you before the effective date of this termination, and not in anticipation of it; and (b) those costs would be allowable if your federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect. See 2 C.F.R. § 200.343. You are encouraged to carefully

review and discharge your closeout responsibilities set forth in 2 C.F.R. § 200.344-45 and your award agreement. Those responsibilities include, but are not limited to, your obligation to “promptly refund any unobligated funds” that have been paid out but “are not authorized to be retained.” See 2 C.F.R. § 200.344(g).

Also, per 2 CFR 200.472, a recipient may use grant funds to properly closeout their grant including reasonable and necessary costs that might occur after the date of this memo. If the recipient drew down funds from ASAP for costs beyond the termination date or for costs that exceed the amount necessary to properly closeout their grant, the recipient must contact RTPFC at rtpfc-grants@epa.gov for instructions on how to return the excess funds. **NOTE: Further explanation of the closeout process.**

The EPA Grants Management Office has issued an amendment to the agreement to document the termination.

NOTE: In the orange highlight, EPA identifies 30 days as the deadline for submitting an administrative appeal.

If you wish to dispute this termination decision, the Disputes Decision Official (DDO) [REDACTED], R10-Dispute@epa.gov, must receive the Dispute no later than 30 calendar days from the date this termination notice is electronically sent to you. Disputes must be sent electronically by email to the DDO, with a copy to the EPA Award Official, [REDACTED] within the 30-day period stated above. The Dispute submitted to the DDO must include: (1) A copy of the disputed Agency Decision; (2) A detailed statement of the specific legal and factual grounds for the Dispute, including copies of any supporting documents; (3) The specific remedy or relief you seek under the Dispute; and (4) The name and contact information, including email address, of your designated point of contact for the Dispute. See 2 CFR 1500.15

NOTE: The purple highlight explains the required procedure for submitting an appeal, including the applicable regulation.

The requirements on post-closeout adjustments and continuing responsibilities, including audit and record retention requirements, at 2 CFR 200.345 remain in effect.

ATTACHMENT

Amendment Document

cc: [REDACTED] (EPA Grant Specialist)
[REDACTED] (EPA Project Officer)
[REDACTED] (Grantee Program Manager)

Appendix D: Contact Sheet for Federal Agencies' Leadership

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