



**U.S. Department of Justice**

Office of the Solicitor General

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*Washington, D.C. 20530*

January 3, 2018

Honorable Scott S. Harris  
Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Re: Harvest Family Church et al. v. Federal Emergency Management Agency et al., No. 17A649

Dear Mr. Harris:

Petitioners have filed an emergency application for a temporary injunction to enjoin enforcement of a policy of the Federal Emergency Management Agency (FEMA) that precluded certain religious facilities from obtaining federal disaster relief grants under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 1521 et seq. On January 2, 2018, FEMA revised the challenged policy to remove the exclusion for religious facilities. FEMA also lifted an existing hold on reviewing grant applications filed by religious facilities, which had been put in place while FEMA was considering whether to change its policy. The attached Federal Register notice and memorandum to FEMA officials describe those changes.

The Court has requested that the government file a response to petitioners' emergency application for a temporary injunction by January 10, 2018. In the government's view, FEMA's revision of its policy moots petitioners' request for a temporary injunction. Unless the Court provides otherwise or petitioners withdraw their application, however, the government will file a response by January 10.

Sincerely,

/s/ Noel J. Francisco

Noel J. Francisco  
Solicitor General

Attachments

cc: See Attached Service List

Billing Code: 9111-23-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Chapter I**

**[Docket ID FEMA-2016-0022]**

**Revisions to the Public Assistance Program and Policy Guide**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notification of availability.

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**SUMMARY:** This document provides notice of the availability of the final policy

Public Assistance Program and Policy Guide (PAPPG).

**DATES:** FEMA applies the revisions in this policy to incidents declared on or after August 23, 2017, or to any application for assistance that, as of January 1, 2018 is pending before FEMA, or to any application for assistance that has been denied, where a challenge to that denial is not yet finally resolved as of January 1, 2018.

**ADDRESSES:** This final policy is available online at <http://www.regulations.gov> and on FEMA's website at <http://www.fema.gov>. The final policy and supporting documents are available at <http://www.regulations.gov> under docket ID FEMA-2016-0022. You may also view a hard copy of the final policy at the Office of Chief Counsel, Federal Emergency Management Agency, 8NE, 500 C Street, SW., Washington, DC 20472.

**FOR FURTHER INFORMATION CONTACT:** Christopher Logan, Division Director, Public Assistance, 202-786-0816.

**SUPPLEMENTARY INFORMATION**

This document announces the availability of the Third Edition of the Public Assistance Program and Policy Guide (PAPPG). The Third Edition revises a statutory and regulatory interpretation related to the eligibility of certain private nonprofit facilities for Public Assistance (PA) under 42 U.S.C. 5172, 42 U.S.C. 5122(11), and 44 CFR 206.221. Specifically, Third Edition clarifies that private nonprofit houses of worship will not be singled out for disfavored treatment within the “community centers” subcategory of PA nonprofit applicants. Further discussion regarding these revisions is contained in the Foreword to the PAPPG.

This final policy does not have the force or effect of law.

**Authority:** 42 U.S.C. 5121 et seq.

Dated: January 2, 2018.

Brock Long,  
Administrator,  
Federal Emergency Management Agency.



FEMA

January 2, 2018

MEMORANDUM FOR: Regional Administrators  
Federal Coordinating Officers  
Regional Recovery Division Directors

FROM: Alex Amparo  
Assistant Administrator  
Recovery Directorate

A handwritten signature in blue ink, appearing to read "Alex Amparo".

SUBJECT: Eligibility Review Process for Private Nonprofit Houses of Worship

By memorandum dated October 9, 2017, I provided clarification on the Public Assistance Program eligibility review process. Specifically, I instructed you to place on hold the workflow process for private nonprofit (PNP) houses of worship (HOWs) that are found ineligible for Public Assistance because they do not operate eligible facilities.

With this memorandum I am releasing the hold because today I signed the Third Edition of the Public Assistance Program Policy Guide (PAPPG), making PNP HOWs eligible applicants for Public Assistance if they have: 1) damages arising from disasters declared on or after August 23, 2017 or 2) an application for assistance that was pending before FEMA as of August 23, 2017 that FEMA has not finally resolved.

Specifically, the amendments to the PAPPG add as eligible “Activities of community centers or houses of worship open to the general public, without regard to their secular or religious nature.” Further, FEMA has removed from the PAPPG language stating that facilities used primarily for religious activities are not eligible.

To be eligible, a HOW must be owned or operated by a private nonprofit organization and, as a non-critical PNP facility under the Stafford Act, it must apply to the Small Business Administration for a loan.

The hold on pending HOW appeals is also no longer in effect. Any issues in these appeals related to eligibility must now be considered utilizing the Third Edition of the PAPPG.

Should you have any questions on this direction, please consult with the Office of Chief Counsel at the respective Regional Office or Joint Field Office, or Chris Logan, Director of the Public Assistance Division.

cc: Jeffrey Byard, Associate Administrator, Office of Response and Recovery  
Adrian Sevier, Chief Counsel  
Chris Logan, Director, Public Assistance Division