

DECLARATION OF MARK HETFIELD

I, Mark Hetfield, declare as follows:

1. I am President of HIAS. I submit this declaration in support of Plaintiffs' application for a temporary restraining order. The statements made in this declaration are based on my personal knowledge and my understanding of information made available to me pursuant to my duties at HIAS.

2. The suspension of all foreign assistance represents an existential threat to HIAS' mission and funding. In particular, Executive Order 14169, "Reevaluating and Realigning Foreign Aid," ("EO 14169" or the "EO Freezing Foreign Aid"), and subsequent Stop Work Orders from the U.S. Agency for International Development ("USAID") and the U.S. Department of State have already had a devastating impact on the vulnerable and at-risk people HIAS serves around the globe.

3. HIAS is a global, faith-based 501(c)(3) nonprofit organization headquartered at 1300 Spring Street, Silver Spring, Maryland, 20910. Working with the organized American Jewish community, HIAS is dedicated to ensuring that the world's forcibly displaced people find welcome, safety and freedom.

4. Our mission is to rescue people whose lives are in danger for being who they are. To that end, we protect the most vulnerable refugees, asylum seekers, and other forcibly displaced people, helping them build new lives and reuniting them with their families in safety and freedom. We also support the communities who host displaced populations around the world, and advocate for the protection and integration of refugees displaced persons globally.

5. HIAS was founded in New York City in 1903 as the Hebrew Immigrants Aid Society to assist Jews who had fled the pogroms of Russia and Eastern Europe. Today known as "HIAS," it is the international Jewish organization dedicated to assisting forcibly displaced

persons, regardless of their faith or ethnicity, with their protection and resettlement needs.

6. Today, HIAS operates offices in 21 countries, including the United States, supporting refugees and displaced persons in five key areas: mental health and psychosocial support, the prevention of and response to violence against women and girls, economic inclusion, legal protection and resettlement, as well as other complementary pathways to protection. To advance protections for refugees and displaced persons worldwide, HIAS also engages in advocacy to positively impact laws and policies.

7. Approximately 58% of HIAS's funding comes from the U.S. government, including the U.S. Department of State, particularly the Bureau of Population, Refugees, and Migration ("PRM") and the Bureau of Democracy, Human Rights, and Labor ("DRL"), as well as from USAID's Bureau for Humanitarian Assistance ("BHA").

State Department Funding

8. PRM funds HIAS to assist vulnerable and at-risk people in Latin America (Colombia, Costa Rica, Dominican Republic, Ecuador, and Peru), the Caribbean (Aruba, Curacao, and Guyana), and Africa (Chad and Kenya) under nine cooperative agreements totaling \$18,945,002, which have end dates in August and September, 2025. The cooperative agreements fund, in whole or in part, over 535 HIAS staff and serve nearly 450,000 direct and indirect program participants.

9. On January 24, 2025, HIAS received a letter from PRM stating that the nine different grants to HIAS were immediately suspended "pending a Department-wide review of foreign assistance programs," pursuant to EO 14169. *See* January 24, 2025, Letter from Philip Denino, PRM Grants Officer, annexed to this declaration as Exhibit A (hereinafter "HIAS PRM Stop-Work Order"). The PRM Stop-Work Order also ordered HIAS to "cease immediately" any

work that “promoted ‘diversity, equity and inclusion’ (DEI) at any level or in any activity” and to certify that HIAS had done so via email to the State Department. *See* HIAS PRM Stop-Work Order.

10. HIAS subsequently received termination notices of two of the grants it is implementing for PRM, in both Colombia and the Caribbean (Aruba, Curaçao, and Guyana). The termination notices provided that each award “no longer effectuates agency priorities and is terminated in accordance with the U.S. Department of State Standard Terms and Conditions and 2 CFR 200.340.” *See* February 3 and 4, 2025, Letter from Philip Denino, PRM Grants Officer, annexed to this declaration as Exhibits B and C. HIAS informed PRM immediately that we objected to the award terminations because PRM failed to provide any evidence indicating the action was authorized by law or was compliant with the recent court injunctions enjoining federal agencies from taking this action on the basis of the Office of Management and Budget Memorandum M-25-13 or on the basis of the of the President’s recent Executive Orders. *See* February 5 and 8, 2025, Emails from Guillermo Birmingham to Philip Denino, annexed to this declaration as Exhibits D & E.

11. On February 3, 2025, HIAS also received a revised “Notice of Suspension” for its work in Chad from PRM via email stating that HIAS should stop all work under the grant unless exempted from suspension as “existing life-saving humanitarian assistance” defined by the Department as “core life-saving medicine, medical services, food, shelter, and subsistence assistance, as well as supplies and reasonable administrative costs as necessary to deliver such assistance.” *See* February 3, 2025, Letter from Philip Denino, PRM Grants Officer, annexed to this declaration as Exhibit F. In his cover email, Mr. Denino stated that “PRM will follow up shortly to set up a meeting to discuss the specific HIAS programming in Chad that falls under

the exemption for life-saving humanitarian assistance.” *See* February 3, 2025, Email from Philip Denino, annexed to this declaration as Exhibit G. That meeting with PRM took place the next day, February 4, during which HIAS and PRM staff discussed what activities would qualify as “lifesaving humanitarian assistance.” PRM asked HIAS to provide an overview of HIAS’ activities conducted in Chad pursuant to the award that HIAS deemed exempt from the 90-day suspension. HIAS prepared and sent the requested overview. *See* February 7, 2025, Email from Guillermo Birmingham to Philip Denino, annexed to this declaration as Exhibit H. However, after the meeting, Mr. Denino sent a follow up email indicating they he had been “given guidance that PRM will not be providing any additional information regarding the application of the waivers/exemptions to activities” and that he could only refer us to the revised Suspension Memo to guide us in resuming activities. *See* February 4, 2025, Email from Philip Denino to Guillermo Birmingham, annexed to this declaration as Exhibit I. Nor would we be able to receive funds to continue work under a waiver/exemption since all federal government payment portals were and are not functioning, making the purported waiver/exemption process cited in PRM’s revised Notice of Suspension useless.

12. On February 10, HIAS’ Chief Financial Officer again asked PRM for guidance on what would qualify as an emergency exemption from the indefinite suspension of PRM funds. In response, PRM’s Grants Officer stated, “I can’t provide guidance. It was determined much higher than me.” HIAS’ CFO then expressed concern to PRM that the lack of guidance coupled with the inability of aid organizations to access payments is making it impossible for organizations to provide the lifesaving humanitarian services identified by PRM as exempt in their revised Suspension Notice. *See* February 10, 2025, Email exchange between Guillermo Birmingham and Philip Denino, annexed to this declaration as Exhibit J.

13. The impact of the Stop Work Orders on already-vulnerable populations has been immediate and severe. The result of these suspension and termination letters is that nearly 450,000 program participants are unable to secure lifesaving humanitarian assistance from HIAS. Moreover, over 535 HIAS staff have been laid off and many hundreds more are vulnerable to termination.

14. The suspended PRM-funded programs in Peru, Venezuela, Kenya and Ecuador provided immediate and life-saving services to displaced and at-risk children. The children in these HIAS programs, including unaccompanied and separated children, are at heightened risk of sexual exploitation, abuse and neglect due to their multiple levels of vulnerability including displacement. HIAS' humanitarian and emergency services, such as case management, support children and caregivers to address urgent protection risks such as trafficking, abuse, exploitation, early marriage, and violence through development of safety plans, direct counseling and care, emergency cash assistance to cover basic necessities, and referral to additional available services. The suspended programs in countries such as Ecuador, Peru, Venezuela, Kenya, Guyana, Aruba, Costa Rica, and Colombia provided intensive mental health and psychosocial support to refugees experiencing high levels of distress, typically related to the persecution they experienced that forced them to flee their countries and/or violence experienced in transit or otherwise during their displacement. The withdrawal of this support has left program participants at serious risk of harm, including self-harm, without this lifesaving support.

DRL Funding

15. The U.S. Department of State, Bureau of Democracy, Human Rights, and Labor ("DRL") funds HIAS in the amount of \$1,000,000.00 for work to advance protections for at-risk populations in Greece and Romania. On February 7, DRL similarly terminated its award to

HIAS on the exact same grounds as those described above. *See* February 7, 2025, Letter from Selina Holt, DRL Grants Officer, annexed to this declaration as Exhibit K. On February 8, 2025, HIAS notified DRL objected to the termination on the same grounds it objected to PRM's terminations: DRL failed to provide any evidence indicating the action was authorized by law or was compliant with the recent court injunctions enjoining federal agencies from taking this action on the basis of the Office of Management and Budget Memorandum M-25-13 or the President's recent Executive Orders. *See* February 8, 2025, Letter from HIAS to DRL objecting to termination, annexed to this declaration as Exhibit L.

16. As a result of the termination of this program, approximately 800 program participants will cease receiving critical services from HIAS in the areas of mental health and psychosocial support and economic inclusion such as skills and employability training. These services enable beneficiaries to process the trauma they have experienced and assist them in integrating into their host countries, enabling them to become self-reliant rather than dependent on services. Without HIAS' services, these at-risk beneficiaries face poverty, mental health deterioration, and social isolation, limiting their ability to positively contribute to their local host economies and communities.

USAID Funding

17. USAID funds HIAS' work providing assistance to vulnerable and at-risk people in Venezuela under a grant of \$18,500,000.00 for the period starting October 1, 2024 through September 30, 2026, entitled, "Multisectoral Assistance and Life-Saving Protection Services for Most Vulnerable and At-risk Venezuelans Affected by the Crisis in Venezuela." The grant funds, in whole or in part, over 90 HIAS staff positions in Venezuela which provide a wide range of lifesaving assistance, including essential health services, water supply and hygiene

promotion, food assistance, protection from trafficking and violence against women and girls, and mental health and psychosocial support.

18. On January 28, 2025, USAID issued a notice to all USAID implementing partners, including HIAS, entitled “USAID’s Implementation of the Funding Pause for Foreign Assistance” instructing us to immediately pause “all USAID program-funded activities” and “refrain from further commitment and expenditures of USAID funding, until further notice.” The notice applied to all awards and funding at every tier unless the implementing partner had received formal notification from their Agreement Officer that their award is covered in part or in whole by a waiver. Since HIAS had not received such a waiver, and since HIAS’ work in Venezuela is entirely funded by and dependent on USAID funding, we were forced to immediately halt all operations in Venezuela and will lay off approximately 100 HIAS staff in the coming days. *See* January 28, 2025 “USAID Implementation of the Funding Pause for Foreign Assistance”, annexed to this declaration as Exhibit M (hereinafter “USAID Funding Pause”).

19. On January 31, 2025, HIAS received a partial stop-work order from USAID under its BHA award for Venezuela entitled “Partial Award Suspension and DEIA Activities under USAID/BHA Awards.” The notice instructed HIAS to suspend all activities under the award that were not for lifesaving humanitarian assistance which included “essential medicines, medical services, food, shelter, and subsistence assistance, as well as necessary supplies and reasonable administrative costs to facilitate the delivery of such assistance.” USAID/BHA stated that it interpreted this lifesaving humanitarian assistance to include “protection services necessary in an insecure environment for the delivery of lifesaving humanitarian assistance” in the exempted emergency sectors of food assistance, health, logistics, nutrition, protection,

shelter and settlements, and water, sanitation, and hygiene. HIAS was further instructed to “immediately cease all work related to the award, except as required to comply with [the] notice” and to “minimize the incurrence of costs allocable to the award during the partial suspension period.” *See* January 31, 2025, Letter from Christie Candyce Savage, annexed to this declaration as Exhibit N (hereinafter “HIAS USAID Stop-Work Order”).

20. After receiving this notice, on February, 4, 2025, HIAS sought immediate clarification from BHA as to whether HIAS’ activities, conducted in Venezuela pursuant to BHA award, “were exempt from the 90-day suspension expressed in President Trump’s executive order, Reevaluating and Realigning U.S. Foreign Aid, which suspended foreign assistance,” and HIAS requested, to the extent not already exempt, an emergency waiver. HIAS included a detailed description of all services provided, which HIAS believed qualified as “life-saving.” *See* February 4, 2025, Letter from Guillermo Birmingham, to Christie Candyce Savage of BHA, annexed to this declaration as Exhibit O. HIAS has yet to receive clarification or any further guidance or response from BHA.

21. As a result of these suspensions and terminations, HIAS has had to shutter program offices and defer payments to vendors. This, together with the immediate suspension of services has had a severe and negative impact on HIAS’ relationships with partners globally, including local and national government agencies and offices, private sector partners, faith partners, community leaders, and more. HIAS’ ability to rebuild these relationships, recruit qualified and committed staff, and support governments around the world with bringing stability to communities affected by displacement, has been critically and adversely impacted. Beyond the immediate impacts on refugees, displaced persons, and other vulnerable people who rely on HIAS’ assistance to meet basic needs, the forced suspension of projects has harmed HIAS’

professional relationships with wide-ranging stakeholders including contractors with whom HIAS partners to deliver specialized services, businesses with whom HIAS partners to provide employment opportunities for refugee clients, and suppliers of good that HIAS provides to program participants.

22. As a result of the State Department and USAID essentially breaking, without warning or justification, all written cooperative agreements with HIAS, HIAS now faces the real possibility of insolvency after more than 120 years serving the needs of refugees in the US and around the world.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 10, 2025, in Silver Spring, Maryland.

mark hetfield

Mark Hetfield
President
HIAS






Declaration of Harms - HIAS - Hetfield

Final Audit Report

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