

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLANDRHODE ISLAND COALITION AGAINST  
DOMESTIC VIOLENCE, *et al.**Plaintiffs,*

v.

ROBERT F. KENNEDY, JR., in his official  
capacity as Secretary of the United States  
Department of Health and Human Services, *et al.**Defendants.*

Case No. 1:25-cv-00342

**Department of Health and Human Services and HHS-Affiliated Defendants’  
Second Supplemental Declaration in Support of Their Opposition  
to the Plaintiffs’ Motion for Preliminary Relief**

On September 11, 2025, this Court granted the parties permission to present additional evidence concerning the Title IX Certification in the Standard Terms and Conditions of the Substance Abuse and Mental Health Services Administration (“SAMHSA”). In that regard, the defendants affiliated with the Department of Health and Human Services (“HHS”), collectively referred to below as the HHS Defendants,<sup>1</sup> submit the declaration of Odessa Crocker, attached hereto as Exhibit A. As with the ACF, HRSA, and HHS GPS Title IX Certifications, the HHS Defendants contend that the SAMHSA Title IX Certification is valid and enforceable. *See* ECF Nos. 43, 54, and the HHS Defendants’ oral argument of September 4, 2025.

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<sup>1</sup> In addition to HHS, these defendants include Robert F. Kennedy Jr., in his official capacity as Secretary of HHS, Defendant the Administration for Children and Families (“ACF”), Defendant Centers for Disease Control and Prevention, Defendant Health Resources and Services Administration (“HRSA”), and Andrew Gradison, Susan Monarez, and Thomas Engels.

Dated: September 11, 2025

Respectfully submitted,

U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES; ROBERT  
F. KENNEDY, JR., in his official  
capacity as Secretary of Health and  
Human Services,

By their Attorneys,

SARA MIRON BLOOM  
Acting United States Attorney

/s/ Lauren S. Zurier

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LAUREN S. ZURIER

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### **Certification of Service**

On this 11th day of September, 2025, I caused the within document to be filed electronically. It is available for viewing and downloading from the Court's ECF system, which will serve it upon all counsel of record.

/s/ Lauren S. Zurier

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LAUREN S. ZURIER

Assistant United States Attorney

# **Exhibit A**

## Declaration of Odessa Crocker (SAMHSA)

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

RHODE ISLAND COALITION AGAINST  
DOMESTIC VIOLENCE, *et al.*

*Plaintiffs,*

v.

ROBERT F. KENNEDY, JR., in his official  
capacity as Secretary of the United States  
Department of Health and Human Services, *et al.*

*Defendants.*

Case No. 1:25-cv-00342

**DECLARATION OF ODESSA CROCKER**

I, Odessa Crocker, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the acting Director of the Office of Financial Resources within the Substance Abuse and Mental Health Services Administration (“SAMHSA”), a component of the U.S. Department of Health and Human Services (“HHS”).

2. In this role, I am responsible for providing fiscal stewardship across the agency and serving as the agency’s principal advisor and liaison on all aspects of budget, grants, contracts, and financial management activities.

3. This declaration is based upon my personal knowledge, information acquired by me in the course of performing my official duties, information contained in the records and systems of SAMHSA to which I have access in the course of my duties, and information conveyed to me by other knowledgeable SAMHSA employees with whom I work on a regular basis.

**SAMHSA Grants**

4. Throughout the United States, SAMHSA funds organizations providing substance use and mental health services, research, technical assistance, and training to advance the

behavioral health and to improve the lives of individuals living with mental and substance use disorders, and their families.

5. SAMHSA issues both discretionary and nondiscretionary grants and cooperative agreements. *See* 45 C.F.R. § 75.2 (Definitions).<sup>1</sup> Discretionary awards are awards for which SAMHSA exercises judgment in selecting the recipient and the amount of the federal funding awarded through a competitive process or based on the merit of the proposals. Non-discretionary awards are awards made by SAMHSA to specific recipients in accordance with statutory, eligibility, and compliance requirements.

6. Recipients are organizations awarded a grant or cooperative agreement by SAMHSA. A sub-recipient is an entity that receives a sub-award from a grant recipient or another sub-recipient under an award of financial assistance. The sub-recipient is accountable to the grant recipient or other sub-recipient for the use of the federal funds provided by the sub-award.

7. Recipients are required to pass down any applicable requirements in direct awards to sub-recipients in sub-awards “so that the [f]ederal award is used in accordance with [f]ederal statutes, regulations and the terms and conditions of the [f]ederal award.” *See* 45 C.F.R. § 75.352(a)(2) (Requirements for Pass-Through Entities).<sup>2</sup>

8. The HHS grants regulations require SAMHSA and other HHS awarding agencies to “manage and administer the [f]ederal award in a manner so as to ensure that [f]ederal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements: Including, but not limited to, those protecting public welfare, the environment, and prohibiting discrimination.” 45 C.F.R. § 75.300(a).<sup>3</sup> They also require the federal awarding agency to “communicate to the [recipient] all relevant public policy requirements . . . and incorporate them either directly or by reference in the terms and conditions of the [f]ederal award.” 45 C.F.R. § 75.300(a).<sup>4</sup>

9. With few exceptions, the requirement to incorporate federal statutes generally applies to both discretionary and non-discretionary awards. *See* 45 C.F.R. § 75.101(d)

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<sup>1</sup> Beginning October 1, 2025, HHS will fully adopt 2 C.F.R. Part 200 and rescind 45 C.F.R. Part 75.

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

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

(Applicability).<sup>5</sup> As a result, SAMHSA has long complied with this regulation by incorporating compliance with federal statutes as a term in the SAMHSA Standard Terms and Conditions (SAMHSA ST&C), which is incorporated into all active awards. *See* <https://www.samhsa.gov/grants/grants-management/notice-of-award/terms> (requiring compliance with the HHS Administrative and National Policy Requirements, which lists numerous federal statutes that apply to federal financial assistance).

10. The SAMHSA ST&C applies to discretionary grants and cooperative agreements. It provides that the HHS Administrative and National Policy Requirements supersede provisions in the SAMHSA ST&C. The HHS Administrative and National Policy Requirements provide that the order of precedence, which is the order in which laws and policies may apply, in descending order, is the U.S. Constitution, statutes, regulations, followed by program guidance and award specific requirements. *See* <https://www.hhs.gov/sites/default/files/hhs-administrative-national-policy-requirements.pdf>. Executive Orders are listed in the HHS Administrative and National Policy Requirements at the same level of precedence as program guidance.

#### **Title IX Certification**

11. On March 28, 2025, the HHS Office of Grants sent an Action Transmittal to HHS Grants and Cooperative Agreements Awarding Agencies. The Action Transmittal required HHS awarding agencies to insert the following language in Notices of Award for all new awards made to entities that participate in, facilitate, or fund programs implicating Title IX (Title IX Certification):

By accepting this award, including the obligation, expenditure, or drawdown of award funds, recipient certifies as follows:

- Recipient is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including the requirements set forth in Presidential Executive Order 14168 titled Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and Recipient will remain compliant for the duration of the Agreement.
- The above requirements are conditions of payment that go the essence of the Agreement and are therefore material terms of the Agreement.
- Payments under the Agreement are predicated on compliance with the above requirements, and therefore Recipient is not eligible for funding

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<sup>5</sup> *Id.*

under the Agreement or to retain any funding under the Agreement absent compliance with the above requirements.

- Recipient acknowledges that this certification reflects a change in the government's position regarding the materiality of the foregoing requirements and therefore any prior payment of similar claims does not reflect the materiality of the foregoing requirements to this Agreement.
- Recipient acknowledges that a knowing false statement relating to Recipient's compliance with the above requirements and/or eligibility for the Agreement may subject Recipient to liability under the False Claims Act, 31 U.S.C. § 3729, and/or criminal liability, including under 18 U.S.C. §§ 287 and 1001.

12. The Action Transmittal noted that “[p]rograms that could implicate Title IX would include awards to or for school, colleges, universities, 4-H programs, non-governmental organization (NGO) programs, sports programs, and education-related awards to prisons or other detention facilities.”

13. On July 14, 2025, SAMHSA updated its ST&C for Fiscal Year 2025 to include the following certification (“SAMHSA Title IX Certification”):

By accepting this award, including the obligation, expenditure, or drawdown of award funds, recipients, whose programs, are covered by Title IX certify as follows:

- Recipient is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including the requirements set forth in Presidential Executive Order 14168 titled Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and Recipient will remain compliant for the duration of the Agreement.
- The above requirements are conditions of payment that go the essence of the Agreement and are therefore material terms of the Agreement.
- Payments under the Agreement are predicated on compliance with the above requirements, and therefore Recipient is not eligible for funding under the Agreement or to retain any funding under the Agreement absent compliance with the above requirements.
- Recipient acknowledges that this certification reflects a change in the government's position regarding the materiality of the foregoing requirements and therefore any prior payment of similar claims does not reflect the materiality of the foregoing requirements to this Agreement.
- Recipient acknowledges that a knowing false statement relating to Recipient's compliance with the above requirements and/or eligibility for the Agreement may subject Recipient to liability under the False Claims

Act, 31 U.S.C. § 3729, and/or criminal liability, including under 18 U.S.C. §§ 287 and 1001.

14. The SAMHSA Title IX Certification is currently in effect and applies to all awards issued on or after July 14, 2025, the date that SAMHSA updated its ST&C for Fiscal Year 2025.

15. As of the date of this declaration, SAMHSA has not paused funding, terminated funding, or taken any adverse actions with respect to SAMHSA grant recipients based on the SAMHSA Title IX Certification.

Executed on September 10, 2025.

Odessa F. Crocker -S Digitally signed by Odessa F.  
Crocker -S  
Date: 2025.09.10 20:43:30 -04'00'

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[NAME]