

**The Department of Homeland Security (DHS)
 Notice of Funding Opportunity (NOFO)
 Fiscal Year 2023 Tribal Homeland Security
 Grant Program**

All entities wishing to do business with the federal government must have a unique entity identifier (UEI). The UEI number is issued by the SAM system. Requesting a UEI using SAM.gov can be found at <https://sam.gov/content/entity-registration>.

Grants.gov registration information can be found at <https://www.grants.gov/web/grants/register.html>.

Planned UEI Updates in Grant Application Forms:

On April 4, 2022, the Data Universal Numbering System (DUNS) Number was replaced by a new, non-proprietary identifier requested in, and assigned by, the System for Award Management (SAM.gov). This new identifier is the Unique Entity Identifier (UEI).

Additional Information can be found on Grants.gov:
<https://www.grants.gov/web/grants/forms/planned-uei-updates.html>

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A. Program Description**1. Issued By**

U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD)

2. Assistance Listings Number

97.067

3. Assistance Listings Title

Homeland Security Grant Program

4. Funding Opportunity Title

Fiscal Year 2023 Tribal Homeland Security Grant Program (THSGP)

5. Funding Opportunity Number

DHS-23-GPD-067-00-02

6. Authorizing Authority for Program

Section 2005 of the *Homeland Security Act of 2002* (Pub. L. No. 107-296, as amended) (6 U.S.C. § 606)

7. Appropriation Authority for Program

Consolidated Appropriations Act, 2023 (Pub. L. No. 117-328)

8. Announcement Type

Initial

9. Program Category

Preparedness: Community Security

10. Program Overview, Objectives, and Priorities**a. *Overview***

The Fiscal Year (FY) 2023 Tribal Homeland Security Grant Program (THSGP) is one of three grant programs that support DHS/FEMA's focus on enhancing the ability of state, local, tribal, and territorial governments, as well as nonprofit organizations, to prevent, prepare for, protect against, and respond to terrorist attacks. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by DHS to help strengthen the nation's communities against potential terrorist attacks. Among the five basic homeland security missions noted in the [DHS Strategic Plan for Fiscal Years 2020-2024](#), the THSGP supports the goal to Strengthen National Preparedness and Resilience.

The [2022-2026 FEMA Strategic Plan](#) outlines three bold, ambitious goals in order to position FEMA to address the increasing range and complexity of disasters, support the diversity of communities we serve, and complement the nation's growing expectations of the emergency management community. The THSGP supports FEMA's efforts to achieve equitable outcomes for those we serve (Goal 1.3), as well as to promote and sustain a ready FEMA and

prepared nation (Goal 3). We invite our stakeholders and partners to also adopt these priorities and join us in building a more prepared and resilient nation.

For FY 2023, DHS is focused on the criticality of information sharing and collaboration to building a national culture of preparedness and protecting against terrorism and other threats to our national security. The threats to our nation have evolved during the past two decades. We now face continuous cyber threats by sophisticated actors, threats to soft targets and crowded places, and threats from domestic violent extremists who currently pose the greatest terrorism threat to the nation.¹ Therefore, for FY 2023, DHS has identified six priority areas related to the most serious threats to the nation. Recipients are expected to address those priority areas with their THSGP funds.

b. Objectives

THSGP provides funding directly to eligible tribes to strengthen their capacities to prevent, prepare for, protect against, and respond to potential terrorist attacks.

c. Priorities

Given the evolving national security threat landscape, DHS/FEMA continuously evaluates the national risk profile and sets priorities that help inform appropriate allocation of scarce security dollars. In assessing the national risk profile for FY 2023, six areas attract the most concern:

- 1) Enhancing cybersecurity;
- 2) Enhancing the protection of soft targets/crowded places;
- 3) Enhancing information and intelligence sharing and analysis;
- 4) Combating domestic violent extremism;
- 5) Enhancing community preparedness and resilience; and
- 6) Enhancing election security.

Additional information about these priority areas and how they relate to anti-terrorism security is included in Section D.11.b.

Likewise, there are several enduring security needs that crosscut the homeland security enterprise. The following are second-tier priorities that help recipients implement a comprehensive approach to securing communities:

- 1) Effective planning;
- 2) Training and awareness campaigns;
- 3) Equipment and capital projects; and
- 4) Exercises.

The table below provides a breakdown of these priority areas for the FY 2023 THSGP, showing both the core capabilities enhanced and lifelines supported, as well as examples of eligible project types for each area. A detailed description of allowable investments for each

¹Strategic Intelligence Assessment and Data on Domestic Terrorism, Federal Bureau of Investigation and Department of Homeland Security, May 2021.

project type is included in the [Preparedness Grants Manual](#). THSGP applicants are not required, but are encouraged, to address these areas in their applications. However, as discussed in Section E of this funding notice, investments that sufficiently address one or more of the National Priority Areas (enhancing cybersecurity; enhancing the protection of soft targets/crowded places; combating domestic violent extremism; enhancing information and intelligence sharing and analysis; enhancing community preparedness and resilience; and enhancing election security) will have their final review scores increased by a multiplier of 20%. The example project types in the table below are allowable to prepare for disasters unrelated to acts of terrorism as long as they also help achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

FY 2023 THSGP Funding Priorities

All priorities in this table concern Safety and Security Lifelines.

Priority Areas	Core Capabilities	Examples of Allowable Activities
National Priorities		
Enhancing Cybersecurity	<ul style="list-style-type: none"> • Cybersecurity • Intelligence and information sharing • Planning • Public information and warning • Operational coordination • Screening, search, and detection • Access control and identity verification • Supply chain integrity and security • Risk management for protection programs and activities • Long-term vulnerability reduction • Situational assessment • Infrastructure systems • Operational communications 	<ul style="list-style-type: none"> • Cybersecurity risk assessments • Projects that address vulnerabilities identified in cybersecurity risk assessments <ul style="list-style-type: none"> ○ Improving cybersecurity of critical infrastructure to meet minimum levels identified by the Cybersecurity and Infrastructure Security Agency, and the National Institute of Standards and Technology Cybersecurity Framework ○ Adoption of cybersecurity performance goals (https://www.cisa.gov/cpg) ○ Cybersecurity training and planning
Enhancing the Protection of Soft Targets/Crowded Places	<ul style="list-style-type: none"> • Operational coordination • Public information and warning • Intelligence and information sharing • Interdiction and disruption • Screening, search, and detection • Access control and identity verification • Physical protective measures • Risk management for protection programs and activities 	<ul style="list-style-type: none"> • Physical security enhancements <ul style="list-style-type: none"> ○ Security cameras (closed-circuit television [CCTV]) ○ Security screening equipment for people and baggage ○ Lighting ○ Access controls • Fencing, gates, barriers, etc.
Enhancing information and intelligence sharing and analysis	<ul style="list-style-type: none"> • Intelligence and information sharing • Interdiction and disruption • Planning • Public information and warning • Operational coordination • Risk management for protection programs and activities 	<ul style="list-style-type: none"> • Information sharing with all DHS components; fusion centers; other operational, investigative, and analytic entities; and other federal law enforcement and intelligence entities • Cooperation with DHS officials and other entities designated by DHS in intelligence, threat recognition, assessment, analysis, and mitigation • Identification, assessment, and reporting of threats of violence • Joint intelligence analysis training and planning with DHS officials and other entities designated by DHS

Priority Areas	Core Capabilities	Examples of Allowable Activities
Combating Domestic Violent Extremism	<ul style="list-style-type: none"> • Interdiction and disruption • Screening, search, and detection • Physical protective measures • Intelligence and information sharing • Planning • Public information and warning • Operational coordination • Risk management for protection programs and activities 	<ul style="list-style-type: none"> • Open-source analysis of misinformation campaigns, targeted violence and threats to life, including tips/leads, and online/social media-based threats • Sharing and leveraging intelligence and information, including open-source analysis • Execution and management of threat assessment programs to identify, evaluate, and analyze indicators and behaviors indicative of domestic violent extremists • Training and awareness programs (e.g., through social media, suspicious activity reporting [SAR] indicators and behaviors) to help prevent radicalization • Training and awareness programs (e.g., through social media, SAR indicators and behaviors) to educate the public on misinformation campaigns and resources to help them identify and report potential instances of domestic violent extremism
Enhancing Community Preparedness and Resilience	<ul style="list-style-type: none"> • Planning • Public Information and Warning • Community Resilience • Risk Management for Protection Programs and Activities • Mass Care Services • Intelligence and Information Sharing • Risk and Disaster Resilience Assessment • Long Term Vulnerability Reduction 	<ul style="list-style-type: none"> • Establish, train, and maintain tribal Community Emergency Response Teams (CERT) and Teen CERT, with a focus on historically underserved communities, including procurement of appropriate tools, equipment, and training aides for terrorism and related concerns <ul style="list-style-type: none"> ◦ Local delivery of CERT Train-the-Trainer and CERT Program Manager to build local program training and maintain capacity • Establish an emergency communication capability, such as the Integrated Public Alert & Warning System (IPAWS), that provides immediate emergency and life-saving information to members of the tribal community. • Provide continuity training, such as FEMA’s Organizations Preparing for Emergency Needs training, to tribal organizations that provide support services such as faith-based organizations, local businesses, and community-based organizations such as homeless shelters, food pantries, nonprofit medical providers, and senior care facilities to bolster their resilience to terrorism and related concerns • Partner with tribal school districts to deliver the Student Tools for Emergency Planning curriculum or other educational programming to guide students on how to create emergency kits and family communications plans for terrorism and related concerns • Partner with key stakeholders to bolster the financial resilience of tribal members and households to assist with completing the Emergency Financial First Aid Kit or a similar tool for terrorism and related concerns • Execute You are the Help Until the Help Arrives https://community.fema.gov/until-help-arrives

Priority Areas	Core Capabilities	Examples of Allowable Activities
		<p>workshops in concert with community-based organizations to bolster individual tribal member preparedness for terrorism and related concerns</p> <ul style="list-style-type: none"> • Target tribal youth preparedness using FEMA programing such as Prepare with Pedro resources and Ready2Help for terrorism and related concerns • Promote tribal community planning, coordination, and integration of children’s needs during terrorism related emergencies through workshops like FEMA’s Integrating the Needs of Children
Enhancing Election Security	<ul style="list-style-type: none"> • Cybersecurity • Intelligence and information sharing • Planning • Long-term vulnerability reduction • Situational assessment • Infrastructure systems • Operational coordination • Community resilience 	<ul style="list-style-type: none"> • Physical security planning support • Physical/site security measures (e.g., locks, shatter proof glass, alarms, access controls, etc.) • General election security navigator support • Cyber navigator support • Cybersecurity risk assessments, training, and planning • Projects that address vulnerabilities identified in cybersecurity risk assessments • Iterative backups, encrypted backups, network segmentation, software to monitor/scan, and endpoint protection • Distributed Denial of Service protection • Online harassment and targeting prevention services • Public awareness/preparedness campaigns discussing election security and integrity measures
Enduring Needs		
Planning	<ul style="list-style-type: none"> • Planning • Risk management for protection programs & activities • Risk & disaster resilience assessment • Threats and hazards identification • Operational coordination • Community resilience 	<ul style="list-style-type: none"> • Development of: <ul style="list-style-type: none"> ○ Security Risk Management Plans ○ Continuity of Operations Plans ○ Response Plans • Efforts to strengthen governance integration between/among regional partners • Joint training and planning with DHS officials and other entities designated by DHS • Cybersecurity training and planning • Revision of existing plans to strengthen community resilience in underserved communities
Training & Awareness	<ul style="list-style-type: none"> • Long-term vulnerability reduction • Public information & warning • Operational coordination • Situational assessment • Community resilience 	<ul style="list-style-type: none"> • Active shooter training • SAR and terrorism indicators/behaviors training • Security training for employees • Public awareness/preparedness campaigns • Joint training and planning with DHS officials and other entities designated by DHS • Cybersecurity training and planning • Sharing and leveraging intelligence and information • Targeted outreach and preparedness training for underserved communities in conjunction with community-based organizations

Priority Areas	Core Capabilities	Examples of Allowable Activities
Equipment & Capital Projects	<ul style="list-style-type: none"> • Long-term vulnerability reduction • Infrastructure systems • Operational communications • Interdiction & disruption • Screening, search & detection • Access control & identity verification • Physical protective measures 	<ul style="list-style-type: none"> • Protection of high-risk, high-consequence areas or systems that have been identified through risk assessments • Physical security enhancements • Security cameras (CCTV) • Security screening equipment for people and baggage • Lighting • Access controls • Fencing, gates, barriers, etc. • Enhancing Weapons of Mass Destruction and/or improvised explosive device prevention, detection, and response capabilities • Chemical Biological Radiological Nuclear, and Explosive detection, prevention, and response equipment
Exercises	<ul style="list-style-type: none"> • Long-term vulnerability reduction • Operational coordination • Operational communications • Community resilience 	<ul style="list-style-type: none"> • Response exercises, including exercise planning with community-based organizations

DHS/FEMA requires THSGP recipients to complete a Threat and Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR), and to prioritize grant funding to support building capability and/or closing capability gaps or sustaining capabilities that address national priorities and/or support enduring needs. Additional information on the THIRA/SPR process, including other National Preparedness System tools and resources, can be found at [National Preparedness System | FEMA.gov](https://www.fema.gov/national-preparedness-system).

11. Performance Measures

Performance metrics for this program are as follows:

- Percentage of funding allocated by the recipient to core capabilities to build or sustain the national priorities identified in the section above;
- Percentage of funding and projects allocated by the recipient that align to capability gaps identified through the THIRA/SPR process; and
- Percentage of projects identified by the recipient that address a capability gap in a core capability that has a target(s) rated as high priority.

FEMA will calculate and analyze the above metrics through a review of recipient SPR submissions and required programmatic reports/award monitoring to ensure that the funds are expended for their intended purpose and achieve the stated outcomes in the grant application.

B. Federal Award Information

1. **Available Funding for the NOFO:** **\$15,000,000**
2. **Period of Performance:** **36 months**

Extensions to the period of performance are allowed. For additional information on period of performance extensions, please refer to Section H of this NOFO or the [Preparedness Grants Manual](#).

FEMA awards under most programs, including this program, only include one budget period, so it will be same as the period of performance. *See* 2 C.F.R. § 200.1 for definitions of “budget period” and “period of performance.”

- 3. Projected Period of Performance Start Date: 09/01/2023**
- 4. Projected Period of Performance End Date: 08/31/2026**
- 5. Funding Instrument Type: Grant**

C. Eligibility Information

1. Eligible Applicants

Directly eligible tribes.

2. Applicant Eligibility Criteria

To be eligible to receive THSGP funding, recipients must be directly eligible tribes. Directly eligible tribes are federally recognized tribes that meet the criteria set forth in Section 2001 of the Homeland Security Act of 2002, as amended (6 U.S.C. § 601).

Federally recognized tribes are those tribes appearing on the list published by the Secretary of the Interior pursuant to the Federally Recognized Indian Tribe List Act of 1994 (Pub. L. No. 103-454) (25 U.S.C. § 5131).

Per 6 U.S.C. § 601(4), a “directly eligible tribe” is any federally recognized Indian Tribe that meets the following criteria:

- (A) Any Indian Tribe—
 - (i) that is located in the continental United States;
 - (ii) that operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;
 - (iii)
 - (I) that is located on or near (100 miles) an international border or a coastline bordering an ocean (including the Gulf of Mexico) or international waters;
 - (II) that is located within 10 miles of a system or asset included on the prioritized critical infrastructure list established under section 2214(a)(2) of the Homeland Security Act of 2002, as amended (6 U.S.C. § 664(a)(2) or has such a system or asset within its territory;
 - (III) that is located within or contiguous to one of the 50 most populous metropolitan statistical areas in the United States; or

- (IV) the jurisdiction of which includes not less than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code; and
- (iv) that certifies to the Secretary of Homeland Security that a state has not provided funds under section 2003 (Urban Area Security Initiative) or 2004 (State Homeland Security Program) of the Homeland Security Act of 2002, as amended (6 U.S.C. § 604 or 605, respectively) to the Indian Tribe or consortium of Indian Tribes for the purpose for which direct funding is sought; and
- (B) A consortium of Indian Tribes if each tribe satisfies the requirements of subparagraph (A).

In summary, directly eligible tribes must meet each of the requirements set forth in (A)(i), (A)(ii), and (A)(iv). Tribes must also meet at least one of the requirements set forth in (A)(iii), that is either (A)(iii)(I), (A)(iii)(II), (A)(iii)(III), or (A)(iii)(IV). Finally, under subparagraph (B), a consortium may also be eligible to be a recipient if each Indian Tribe in the consortium meets the criteria for a directly eligible tribe under subparagraph (A).

In FY 2023, applicants must self-certify as to whether they meet the eligibility requirements. Self-certification will be provided on the THSGP Eligibility Certification Form as part of the application Investment Justification (IJ). Additionally, DHS/FEMA will verify grant recipient eligibility against these criteria. Any questions regarding an applicant's proximity to a Critical Infrastructure site, as described in the eligibility criteria, may be directed to the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9 a.m. – 5 p.m. ET.

An application submitted by an otherwise eligible non-federal entity (i.e., the applicant) may be deemed ineligible when the person that submitted the application is not: 1) a ***current employee, personnel, official, staff, or leadership*** of the non-federal entity; and 2) ***duly authorized to apply*** for an award on behalf of the non-federal entity at the time of application.

Further, the Authorized Organization Representative (AOR) must be a duly authorized current employee, personnel, official, staff, or leadership of the recipient. ***They must provide an email address unique to the recipient at the time of application and upon any change in assignment during the period of performance. Consultants or contractors of the recipient are not permitted to be the AOR of the recipient.***

3. Other Eligibility Criteria/Restrictions

a. ***National Incident Management System (NIMS) Implementation***

THSGP recipients are required to work toward adopting and implementing NIMS. The list of objectives used for progress and achievement reporting is on FEMA's website at [NIMS Implementation and Training | FEMA.gov](#). Please see the [Preparedness Grants Manual](#) for more information on NIMS

4. Cost Share or Match

Cost share or cost match is not required under this program. Applicants that propose a cost share will not receive additional consideration in the scoring.

D. Application and Submission Information

1. Key Dates and Times

- a. Application Start Date:** **02/27/2023**
- b. Application Submission Deadline:** **05/18/2023 at 5 p.m. ET**

All applications **must** be received by the established deadline.

The Non-Disaster (ND) Grants System has a date stamp that indicates when an application is submitted. Applicants will receive an electronic message confirming receipt of their submission. For additional information on how an applicant will be notified of application receipt, see the subsection titled “Timely Receipt Requirements and Proof of Timely Submission” in Section D of this NOFO. Note: Hard copies of this application are not available.

FEMA will not review applications that are received after the deadline or consider these late applications for funding. FEMA may, however, extend the application deadline on request for any applicant who can demonstrate that good cause exists to justify extending the deadline. Good cause for an extension may include technical problems outside of the applicant’s control that prevent submission of the application by the deadline, other exigent or emergency circumstances, or statutory requirements for FEMA to make an award.

Applicants experiencing technical problems outside of their control must notify FEMA as soon as possible and before the application deadline. Failure to timely notify FEMA of the issue that prevented the timely filing of the application may preclude consideration of the award. “Timely notification” of FEMA means: prior to the application deadline and within 48 hours after the applicant became aware of the issue.

A list of FEMA contacts can be found in Section G of this NOFO, “DHS Awarding Agency Contact Information.” For additional assistance using the ND Grants System, please contact the ND Grants Service Desk at (800) 865-4076 or NDGrants@fema.dhs.gov. The ND Grants Service Desk is available Monday through Friday, 9:00 AM – 6:00 PM Eastern Time (ET). For programmatic or grants management questions, please contact your Program Analyst or Grants Specialist. If applicants do not know who to contact or if there are programmatic questions or concerns, please contact the Centralized Scheduling and Information Desk (CSID) by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9:00 AM – 5:00 PM ET.

c. Anticipated Funding Selection Date: **No later than 07/21/2023**

d. Anticipated Award Date: **No later than 09/30/2023**

e. **Other Key Dates:**

Event	Suggested Deadline for Completion
Initial registration in SAM.gov includes UEI issuance	Four weeks before actual submission deadline
Obtaining a valid Employer Identification Number (EIN)	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in SAM or updating SAM registration	Four weeks before actual submission deadline
Registering in Grants.gov	Four weeks before actual submission deadline
Registering in ND Grants	Four weeks before actual submission deadline
Starting application in Grants.gov	One week before actual submission deadline
Submitting application in Grants.gov	Three days before actual submission deadline
Submitting the final application in ND Grants	By the submission deadline

2. Agreeing to Terms and Conditions of the Award

By submitting an application, applicants agree to comply with the requirements of this NOFO and the terms and conditions of the award, should they receive an award.

3. Address to Request Application Package

See the [Preparedness Grants Manual](#) for requesting and submitting an application.

Initial applications are processed through the [Grants.gov](#) portal. Final applications are completed and submitted through FEMA's Non-Disaster Grants (ND Grants) System. Application forms and instructions are available at Grants.gov. To access these materials, go to [Home | Grants.gov](#).

4. Requirements: Obtain a Unique Entity Identifier (UEI) and Register in the System for Award Management (SAM)

Each applicant, unless they have a valid exception under 2 CFR 25.110, must:

- 1) Be registered in Sam.Gov before application submission;
- 2) Provide a valid Unique Entity Identifier (UEI) in its application; and
- 3) Continue to always maintain an active System for Award Management (SAM) registration with current information during the Federal Award process.

5. Steps Required to Obtain a Unique Entity Identifier, Register in the System for Award Management (SAM), and Submit an Application

Applying for an award under this program is a multi-step process and requires time to complete. Applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

Please review the table above for estimated deadlines to complete each of the steps listed. Failure of an applicant to comply with any of the required steps before the deadline for submitting an application may disqualify that application from funding.

To apply for an award under this program, all applicants must:

- a. Apply for, update, or verify their Unique Entity Identifier (UEI) number from SAM.gov and Employer Identification Number (EIN) from the Internal Revenue Service;
- b. In the application, provide an UEI number;
- c. Have an account with login.gov;
- d. Register for, update, or verify their SAM account and ensure the account is active before submitting the application;
- e. Create a Grants.gov account;
- f. Add a profile to a Grants.gov account;
- g. Establish an Authorized Organizational Representative (AOR) in Grants.gov;
- h. Register in ND Grants
- i. Submit an initial application in Grants.gov;
- j. **Submit the final application in ND Grants, including electronically signing applicable forms; and**
- k. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

Specific instructions on how to apply for, update, or verify an UEI number or SAM registration or establish an AOR are included below in the steps for applying through Grants.gov.

Applicants are advised that FEMA may not make a federal award until the applicant has complied with all applicable SAM requirements. Therefore, an applicant's SAM registration must be active not only at the time of application, but also during the application review period and when FEMA is ready to make a federal award. Further, as noted above, an applicant's or recipient's SAM registration must remain active for the duration of an active federal award. If an applicant's SAM registration is expired at the time of application, expires during application review, or expires any other time before award, FEMA may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

Per 2 C.F.R. § 25.110(c)(2)(iii), if an applicant is experiencing exigent circumstances that prevents it from obtaining an UEI number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible by contacting askcsid@fema.dhs.gov and providing the details of the circumstances that prevent completion of these requirements. If FEMA determines that there are exigent circumstances and FEMA has decided to make an award, the applicant will be required to obtain an UEI number, if applicable, and complete SAM registration within 30 days of the federal award date.

6. Electronic Delivery

DHS is participating in the Grants.gov initiative to provide the grant community with a single site to find and apply for grant funding opportunities. DHS encourages or requires applicants to submit their applications online through Grants.gov, depending on the funding opportunity.

For this funding opportunity, FEMA requires applicants to submit initial applications through Grants.gov and a final application through ND Grants.

7. How to Register to Apply through Grants.gov

For information on how to register to apply through Grants.gov, please see the [Preparedness Grants Manual](#).

8. How to Submit an Initial Application to FEMA via Grants.gov

Standard Form 424 (SF-424) is the initial application for this NOFO.

Grants.gov applicants can apply online using a workspace. A workspace is a shared, online environment where members of a grant team may simultaneously access and edit different web forms within an application. For each Notice of Funding Opportunity, you can create individual instances of a workspace. Applicants are encouraged to submit their initial applications in Grants.gov at least seven days before the application deadline.

In Grants.gov, applicants need to submit the following forms:

- SF-424, Application for Federal Assistance; and
- Grants.gov Lobbying Form, Certification Regarding Lobbying.

For further information on how to submit an initial application via Grants.gov, please see the [Preparedness Grants Manual](#).

9. Submitting the Final Application in ND Grants

After submitting the initial application in Grants.gov, eligible applicants will be notified by FEMA and asked to proceed with submitting their complete application package in ND Grants. Applicants can register early with ND Grants and are encouraged to begin their ND Grants registration at the time of this announcement or, at the latest, seven days before the application deadline. Early registration will allow applicants to have adequate time to start and complete their applications.

Applicants needing assistance registering for the ND Grants system should contact ndgrants@fema.dhs.gov or (800) 865-4076. For step-by-step directions on using the ND Grants system and other guides, please see [Non-Disaster Grants Management System | FEMA.gov](#).

In ND Grants, applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.10 of this NOFO, “Content and Form of Application Submission.” The Standard Forms (SF) are auto generated in ND Grants, but applicants may access these forms in advance through the Forms tab under

the [SF-424 family on Grants.gov](#). Applicants should review these forms before applying to ensure they have all the information required.

For additional application submission requirements, including program-specific requirements, please refer to the subsection titled “Content and Form of Application Submission” under Section D of this NOFO.

10. Timely Receipt Requirements and Proof of Timely Submission

As application submission is a two-step process, the applicant with the AOR role who submitted the application in Grants.gov will receive an acknowledgement of receipt and a tracking number (GRANTXXXXXXXX) from Grants.gov with the successful transmission of its initial application. **This notification does not serve as proof of timely submission, as the application is not complete until it is submitted in ND Grants.** Applicants can also view the ND Grants Agency Tracking Number by accessing the Details tab in the submitted workspace section in Grants.gov, under the Agency Tracking Number column. Should the Agency Tracking Number not appear, the application has not yet migrated from Grants.gov into the ND Grants System. Please allow 24 hours for your ND Grants application tracking number to migrate.

All applications must be received in ND Grants by **5:00 PM ET** on the application deadline. Proof of timely submission is automatically recorded by ND Grants. An electronic date/time stamp is generated within the system when the application is successfully received by ND Grants. Additionally, the applicant(s) listed as contacts on the application will receive a system-generated email to confirm receipt.

11. Content and Form of Application Submission

a. *Standard Required Application Forms and Information*

The following forms or information are required to be submitted in either Grants.gov or ND Grants. The Standard Forms (SF) are submitted either through Grants.gov, through forms generated in ND Grants, or as an attachment in ND Grants. Applicants may also access the SFs at [SF-424 family on Grants.gov](#).

I. GRANTS.GOV

- **SF-424, Application for Federal Assistance**, initial application submitted through Grants.gov
- **Grants.gov Lobbying Form, Certification Regarding Lobbying**, submitted through Grants.gov

II. ND GRANTS

- **SF-424A, Budget Information (Non-Construction)**, submitted via the forms generated by ND Grants
 - **For construction under an award, submit SF-424C, Budget Information (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424A
- **SF-424B, Standard Assurances (Non-Construction)**, submitted via the forms generated by ND Grants

- **For construction under an award, submit SF-424D, Standard Assurances (Construction)**, submitted via the forms generated by ND Grants, in addition to or instead of SF-424B
- **SF-LLL, Disclosure of Lobbying Activities**, submitted via the forms generated by ND Grants
- **Indirect Cost Agreement or Proposal**, submitted as an attachment in ND Grants if the budget includes indirect costs and the applicant is required to have an indirect cost rate agreement or proposal. If the applicant does not have or is not required to have an indirect cost rate agreement or proposal, please see Section D.13 of this NOFO, “Funding Restrictions and Allowable Costs,” for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this NOFO, “DHS Awarding Agency Contact Information” for further instructions.

Generally, applicants have to submit either the non-construction forms (i.e., SF-424A and SF-424B) or construction forms (i.e., SF-424C and SF-424D), meaning that applicants that only have construction work and do not have any non-construction work need only submit the construction forms (i.e., SF-424C and SF-424D) and not the non-construction forms (i.e., SF-424A and SF-424B), and vice versa. However, applicants who have both construction and non-construction work under this program need to submit both the construction and non-construction forms.

b. Program-Specific Required Forms and Information

The following program-specific forms or information are required to be submitted in ND Grants

- THSGP IJ (Office of Management and Budget [OMB] Control Number: 1660-0113/FEMA Form: 089-22), which is located in the “Related Documents” tab on Grants.gov; and
- Self-certification form stating the tribe’s eligibility per the Homeland Security Act of 2002, as amended (the self-certification is contained within the THSGP IJ).

Priority Investments

I. CYBERSECURITY

Today’s world is more interconnected than ever before, but with increased connectivity comes increased risk of our adversaries, including terrorists, exploiting cyber vulnerabilities and weaknesses to disrupt our way of life. Cybersecurity investments must support the security and functioning of critical infrastructure and core capabilities as they relate to preventing, preparing for, protecting against, or responding to acts of terrorism. Therefore, FEMA is giving priority to investments that enhance the tribe’s cybersecurity efforts.

Additional resources and information regarding cybersecurity and cybersecurity performance goals are available through the [Cybersecurity and Infrastructure Security Agency \(CISA\)](https://www.cisa.gov/cpg), <https://www.cisa.gov/cpg>, and the [National Institute of Standards and Technology](https://www.nist.gov/).

II. SOFT TARGETS AND CROWDED PLACES

Soft targets and crowded places are increasingly appealing to terrorists and other violent extremist actors because of their relative accessibility and the large number of potential targets. This challenge is complicated by the prevalent use of simple tactics and less sophisticated attacks. Segments of our society are inherently open to the general public, and by nature of their purpose do not incorporate strict security measures. Given the increased emphasis by terrorists and other violent extremist actors to leverage less sophisticated methods to inflict harm in public areas, it is vital that the public and private sectors collaborate to enhance security of locations such as transportation centers, parks, restaurants, shopping centers, special event venues, and similar facilities.

Additional resources and information regarding securing soft targets and crowded places are available at [Securing Public Gatherings \(SPG\) | CISA](#).

III. INFORMATION AND INTELLIGENCE SHARING AND ANALYSIS

Effective homeland security operations rely on access to, analysis of, and the timely sharing of open source, unclassified and classified information, suspicious activity reports, tips/leads, and actionable intelligence on indicators and behaviors. This information is crucial to accurately identify, assess and mitigate a wide array of threats against the United States, including terrorism, threats to life, targeted violence, and other threats within the DHS mission space. Accordingly, DHS works diligently to enhance intelligence collection, integration, analysis, and information sharing capabilities to ensure partners, stakeholders and senior leaders receive actionable intelligence and information necessary to inform their decisions and operations. A critical and statutorily charged mission of DHS is to deliver intelligence and information to federal, state, local and tribal governments, and private sector partners. Cooperation and information sharing among state, federal, and local partners, while upholding privacy, civil rights and civil liberties protections, is critical to homeland security operations and the prevention of, preparation for, protection against, and response to acts of terrorism and other threats to life and criminal acts of targeted violence. This is critical across all areas of the homeland security enterprise, including counterterrorism (both international and domestic), cybersecurity, border security, transnational organized crime, immigration enforcement, economic security, and other areas.

Additional resources and information regarding collaboration and information sharing are available through the Department's [Office of Intelligence and Analysis](#).

IV. DOMESTIC VIOLENT EXTREMISM

As stated in the [DHS Homeland Threat Assessment, October 2020](#), domestic violent extremists present the most persistent and lethal terrorist threat to the Homeland, including ideologically motivated lone offenders and small groups. These violent extremists capitalize on social and political tensions, which have resulted in an elevated threat environment. They utilize social media platforms and other technologies to spread violent extremist ideologies that encourage violence and influence action within the United States. The COVID-19 pandemic has further created an environment that may

lead to accelerated mobilization to targeted violence and/or radicalization to domestic terrorism, including leveraging lawful protests to incite violence, intimidate targets, and promote their violent extremist ideologies.

Additional resources and information regarding domestic violent extremism are available through [Center for Prevention Programs and Partnerships | Homeland Security \(dhs.gov\)](#).

V. COMMUNITY PREPAREDNESS AND RESILIENCE

Community organizations are the backbones of American civic life, both during “blue skies” and in the aftermath of terrorist attacks. Community organizations, such as homeless shelters, food banks, public libraries, faith-based institutions, and nonprofit medical providers must have the capabilities to withstand acts of terrorism and provide essential services, especially to members of underserved communities, in the aftermath of an attack. In addition, individual citizens and volunteer responders, such as Community Emergency Response Teams, are often the first on the scene after a terrorist attack. The ability of these volunteers to provide assistance to their fellow citizens prior to the arrival of professional first responders is paramount to a community’s resilience. FEMA’s [2021 National Household Survey](#) recorded an 11% decline in the number of Americans that have taken at least three preparedness actions to bolster individual and household resilience. In addition, the COVID-19 pandemic has placed a significant burden on community-based organizations such as homeless shelters, food banks, public libraries, faith-based institutions, and nonprofit medical providers and their ability to continue to provide key services during and after disasters, including acts of terrorism.

Additionally, equity in emergency management requires proactively prioritizing actions that reinforce cultural competency, accessibility, and inclusion, as well as reflect the historical context of specific groups of people. To that end, tribes are strongly encouraged to explore how THSGP-funded activities can address the needs of underserved, at-risk communities to help ensure consistent and systematic, fair, just and impartial treatment of all individuals before, during and after a disaster.

The focus on equity and investing in strategies that meet the needs of underserved communities will strengthen the whole of community system of emergency management. Substantial and ongoing prioritization of, and investment in, underserved communities is essential for the entire system to be effective and efficient. Engaging the whole community requires all members of the community to be part of the emergency management team, including representatives of underserved communities, diverse community members, social and community service groups and institutions, faith-based and disability advocacy groups, academia, professional associations, the private and nonprofit sectors, and government agencies that may not traditionally have been directly involved in emergency management. The whole community includes children; older adults; individuals with disabilities and others with access and functional needs; those from religious, racial and ethnically diverse backgrounds; people with limited English proficiency; and owners of animals including household pets and service animals.

Additional resources and information regarding community preparedness and resilience are available through [Individuals and Communities | FEMA.gov](#).

VI. ELECTION SECURITY

In January 2017, DHS designated the infrastructure used to administer the nation's elections as critical infrastructure. This designation recognizes that the United States' election infrastructure is of such vital importance to the American way of life that its incapacitation or destruction would have a devastating effect on the country. Securing election infrastructure, ensuring its continued operation in the face of threats and harassment, advancing the safety of election officials, and ensuring an election free from foreign interference are national security priorities. Threats to election systems are constantly evolving, so defending these systems requires constant vigilance, innovation, and adaptation.

Additional resources and information regarding election security are available through the [Cybersecurity and Infrastructure Security Agency](#).

12. Intergovernmental Review

An intergovernmental review may be required. Applicants must contact their state's Single Point of Contact (SPOC) to comply with the state's process under Executive Order 12372 (See [Executive Orders | National Archives](#); [Intergovernmental Review \(SPOC List\) \(whitehouse.gov\)](#)).

13. Funding Restrictions and Allowable Costs

All costs charged to awards covered by this NOFO must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200, unless otherwise indicated in the NOFO, the terms and conditions of the award, or the Preparedness Grants Manual. This includes, among other requirements, that costs must be incurred, and products and services must be delivered, within the period of performance of the award. See 2 C.F.R. § 200.403(h) (referring to budget periods, which for FEMA awards under this program is the same as the period of performance).

Federal funds made available through this award may be used for the purpose set forth in this NOFO, the [Preparedness Grants Manual](#), and the terms and conditions of the award and must be consistent with the statutory authority for the award. Award funds may not be used for matching funds for any other federal awards, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the Federal Government or any other government entity. See the [Preparedness Grants Manual](#) for more information on funding restrictions and allowable costs.

a. *Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services*

Recipients and subrecipients of FEMA federal financial assistance are subject to the prohibitions described in section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019 \(FY 2019 NDAA\)](#), Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13,

2020, the statute – as it applies to FEMA recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Guidance is available at [Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services, FEMA Policy #405-143-1](#), or superseding document.

Additional guidance is available at [Contract Provisions Guide: Navigating Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards \(fema.gov\)](#).

Effective August 13, 2020, FEMA recipients and subrecipients **may not** use any FEMA funds under open or new awards to:

1. Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
2. Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or
3. Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

I. REPLACEMENT EQUIPMENT AND SERVICES

FEMA grant funding may be permitted to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of the notice of funding and the [Preparedness Grants Manual](#).

II. DEFINITIONS

Per section 889(f)(2)-(3) of the FY 2019 NDAA and 2 C.F.R. § 200.216, covered telecommunications equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
- ii. For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
- iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or
- iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director

of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

Examples of the types of products covered by this prohibition include phones, internet, video surveillance, and cloud servers when produced, provided, or used by the entities listed in the definition of "covered telecommunications equipment or services." *See* 2 C.F.R. § 200.471.

b. *Pre-Award Costs*

Pre-award costs are not allowable and will not be approved, with the exception of costs resulting from pre-award grant writing services provided by an independent contractor that shall not exceed \$1,500 per applicant per year.

c. *Management and Administration (M&A) Costs*

Management and administration (M&A) costs are allowed. Recipients may use up to 5% of the amount of the award for M&A. Where applicable, subrecipients may use up to 5% of the amount they receive for M&A. M&A activities are those defined as directly relating to the management and administration of THSGP funds, such as financial management and monitoring. M&A expenses must be based on actual expenses or known contractual costs. M&A requests that are simple percentages of the award, without supporting justification, will not be allowed or considered for reimbursement.

M&A costs are not operational costs; they are the necessary costs incurred in direct support of the grant or as a result of the grant and should be allocated across the entire lifecycle of the grant. Examples include preparing and submitting required programmatic and financial reports, establishing and/or maintaining equipment inventory, documenting operational and equipment expenditures for financial accounting purposes, responding to official informational requests from state and federal oversight authorities, including completing the Civil Rights Evaluation Tool as required by DHS, and grant performance measurement or evaluation activities. See [Preparedness Grants Manual, Appendix B](#) for additional guidance on M&A costs. If an applicant uses an outside consultant or contractor to provide pre-award grant writing services or post-award grant management services, additional considerations and restrictions shall apply as detailed in subsection (e) XIII below.

d. *Indirect Facilities & Administrative (F&A) Costs*

Indirect costs are allowable under this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Applicants with a current negotiated indirect cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Not all applicants are required to have a current negotiated indirect cost rate agreement. Applicants that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of their proposal at the time of application. Applicants who do not have a current negotiated indirect cost rate agreement (including a provisional rate) and wish to charge the de minimis rate must reach out to the FEMA Preparedness Officer for further instructions. Applicants who wish to use a cost allocation plan in lieu of an indirect cost rate must also reach out to the FEMA Preparedness

Officer for further instructions. Post-award requests to charge indirect costs will be considered on a case-by-case basis and based upon the submission of an agreement or proposal as discussed above or based upon on the de minimis rate or cost allocation plan, as applicable.

e. *Other Direct Costs*

i. PLANNING

Planning costs are allowed under this program only as described in this funding notice and the [Preparedness Grants Manual](#).

ii. ORGANIZATION

Organization costs are allowed under this program only as described in this funding notice and the [Preparedness Grants Manual](#).

iii. EQUIPMENT

Equipment costs are allowed under this program only as described in this funding notice and the [Preparedness Grants Manual](#). In addition, recipients that are using THSGP funds to support emergency communications equipment activities must comply with the [SAFECOM Guidance on Emergency Communications Grants](#) (SAFECOM Guidance), including provisions on technical standards that ensure and enhance interoperable communications.

• Controlled Equipment

For decades, the federal government has provided equipment to state, local, and tribal law enforcement agencies (LEAs) through federal grants. Some federal grant programs have assisted LEAs as they carry out their critical missions to keep the American people safe. The equipment acquired by LEAs through these programs includes administrative equipment, such as office furniture and computers. Some federal grant programs also may include military and military-styled equipment, firearms and tactical vehicles provided by the federal government, including property covered under 22 C.F.R. Part 121 and 15 C.F.R. Part 774 (collectively, “controlled equipment”).

However, not all equipment that is considered controlled equipment is allowable under the THSGP. As discussed further below, there are certain “prohibited equipment” that are not allowable under the THSGP. And for the procurement of certain controlled equipment that is allowable under the THSGP, there are additional submission requirements and reviews that must be met before DHS/FEMA will permit funding to be used for this purpose, including but not limited to the provision of policies and procedures in place to safeguard individuals’ privacy, civil rights, and civil liberties.

DHS/FEMA will continue to collaborate with federal agency partners to ensure that there is a consistent and reasonable approach to the restrictions placed on controlled equipment expenditures while continuing to support these investments when there is a justifiable need. Further, DHS/FEMA will continue to maintain an awareness of the evolving policy developments related to controlled equipment expenditures and keep grant recipients up to date on future developments.

Grant funds under this program may not be used for the purchase of equipment not approved by DHS/FEMA. The purchase of tracked armored vehicles, camouflage uniforms, weapons, and weapons accessories, including ammunition, is not allowed with THSGP funds. Grant funds under this program must also comply with [Prohibited or Controlled Equipment Under FEMA Awards, FEMA Policy 207-22-0002](#) and may not be used for the purchase of the following equipment: 1) firearms; 2) ammunition; 3) grenade launchers; 4) bayonets; or 5) weaponized aircraft, vessels, or vehicles of any kind with weapons installed.

iv. TRAINING

Training costs are allowed under this program only as described in this funding notice and the [Preparedness Grants Manual](#). Recipients are encouraged to consider tuition-free courses offered by FEMA first, before investing in training. For more information and a catalog of courses please refer to the [National Preparedness Course Catalog at NTED](#).

v. EXERCISE

Exercise costs are allowed under this program only as described in this funding notice and the [Preparedness Grants Manual](#).

vi. PERSONNEL ACTIVITIES

Personnel hiring, overtime and backfill expenses are permitted under this grant in order to perform allowable THSGP planning, training, exercise and equipment activities. Please see the [Preparedness Grants Manual](#) for additional details.

vii. TRAVEL

Domestic travel costs are allowed under this program, as provided for in this funding notice and the [Preparedness Grants Manual](#). International travel is not an allowable cost under this program unless approved in advance by DHS/FEMA.

viii. CONSTRUCTION AND RENOVATION

Construction and renovation costs to achieve capability targets related to preventing, preparing for, protecting against, or responding to acts of terrorism are allowed under this program. All proposed construction and renovation activities must undergo an Environmental Planning and Historic Preservation (EHP) review, including approval of the review from FEMA, prior to undertaking any action related to the project. Failure of a grant recipient to meet these requirements may jeopardize Federal funding. For construction costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds for construction or renovation. Additionally, recipients are required to submit a SF-424C Form and Budget detail citing the project costs.

ix. OPERATIONAL OVERTIME

Operational overtime costs are allowed under this program only as described in this funding notice and the [Preparedness Grants Manual](#).

x. MAINTENANCE AND SUSTAINMENT

Maintenance and sustainment costs are allowed under this program only as described in this funding notice and the [Preparedness Grants Manual](#).

xi. CRITICAL EMERGENCY SUPPLIES

Critical emergency supply costs are allowed under this program only as described in this funding notice and the [Preparedness Grants Manual](#).

xii. SECURE IDENTIFICATION

Secure identification project costs are allowed under this program only as described in this funding notice and the [Preparedness Grants Manual](#).

xiii. AUTHORIZED USE OF CONTRACTUAL GRANT WRITERS AND/OR GRANT MANAGERS

A grant applicant may procure the services of a contractor to provide support and assistance for pre-award grant development services (grant writing) or post-award grant management and administrative services (grant management). As with all federal grant-funded procurements, grant writer or grant management services must be procured in accordance with the federal procurement standards at 2 C.F.R. §§ 200.317 – 200.327. See the [Preparedness Grants Manual](#) regarding Procurement Integrity, particularly the sections applicable to non-state entities that discuss organizational conflicts of interest under 2 C.F.R. § 200.319(b) and traditional conflicts of interest under 2 C.F.R. § 200.318(c)(1). States must follow the same policies and procedures it uses for procurements of its non-federal funds, pursuant to 2 C.F.R. § 200.317, which also applies 2 C.F.R. §§ 200.321, 200.322, 200.323, and 200.327.

As applicable to non-state entities, DHS/FEMA considers a contracted grant writer to be an agent of the recipient for any subsequent contracts the recipient procures under the same federal award for which the grant writer provided grant writing services. Federal funds and funds applied to the award's cost share generally cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of such specifications, unless the original contract was properly procured and included both grant writing and grant management services in the solicitation's scope of work.

As applicable to all non-federal entities, regardless of whether an applicant or recipient uses grant writing and/or grant management services, the recipient is solely responsible for the fiscal and programmatic integrity of the grant and its authorized activities and expenditures. The recipient must ensure adequate internal controls, including separation of duties, to safeguard grant assets, processes, and documentation, in keeping with the terms and conditions of its award, including this funding notice, and 2 C.F.R. Part 200.

Consultants or contractors are not permitted to be the AOR of the recipient. Further, an application must be officially submitted by 1) a ***current employee, personnel, official, staff, or leadership*** of the non-federal entity; and 2) ***duly authorized to apply*** for an award on behalf of the non-federal entity at the time of application.

a. Grant Writers

Grant writing contractors may assist the applicant in preparing, writing, and finalizing grant application materials and assisting the applicant with handling online application and submission requirements in Grants.gov and ND Grants. Grant writers may assist in a variety of ways. Ultimately, however, the applicant that receives an award is solely responsible for all grant award and administrative responsibilities.

By submitting the application, applicants certify that all of the information contained therein is true and an accurate reflection of the organization and that regardless of the applicant's intent, the submission of information that is false or misleading may result in actions by DHS/FEMA. These actions include, but are not limited to, the submitted application not being considered for award, temporary withholding of funding under the existing award pending investigation, or referral to the DHS Office of Inspector General.

To assist applicants with the cost of grant writing services, DHS/FEMA is permitting a one-time pre-award cost of no more than \$1,500 per applicant per year for contractual grant writing services as part of the recipient's M&A costs. This is only intended to cover costs associated with a grant writer and may not be used to reimburse an applicant for its own time and effort in the development of a grant application. Additionally, the applicant may be required to pay this fee with its own funds during the application preparation and submission period. If the applicant subsequently receives an award, it may then request to be reimbursed once grant funds become available for that cost, not to exceed \$1,500. If the applicant does not receive an award, this cost will not be reimbursed by the Federal Government. The applicant must understand this risk and be able to cover this cost if an award is not made.

If an applicant intends to request reimbursement for this one-time pre-award cost, it must include this request in its application materials, including in the budget section in each IJ. Failure to clearly identify this as a separate cost in the application may result in its disallowance. This is the only pre-award cost eligible for reimbursement. Recipients must maintain grant writer fee documentation including, but not limited to, a copy of the solicitation, such as a quote request, rate request, invitation to bid, or request for proposals, if applicable; a copy of the grant writer's contract agreement; a copy of the invoice or purchase order; and a copy of the cancelled check or proof of payment. These records must be made available to DHS/FEMA upon request.

Consultants or contractors are not permitted to be the AOR of the recipient.

Further, an application must be officially submitted by 1) a ***current employee, personnel, official, staff, or leadership*** of the non-federal entity; and 2) ***duly authorized to apply*** for an award on behalf of the non-federal entity at the time of application.

b. Grant Managers

Grant management contractors provide support in the day-to-day management of an active grant and their services may be incurred as M&A costs of the award.

Additionally, grant recipients may retain grant management contractors at their own expense.

Consultants or contractors are not permitted to be the AOR of the recipient. The AOR, or Authorized Official, is responsible for submitting programmatic and financial Performance reports, accepting award packages, signing assurances and certifications, and submitting award amendments.

c. Restrictions Regarding Grant Writers and Grant Managers

Pursuant to 2 C.F.R. Part 180, recipients may not use federal grant funds to reimburse any entity, including a grant writer or preparer, if that entity is presently suspended or debarred by the Federal Government from receiving funding under federally funded grants or contracts. Recipients must verify that a contractor is not suspended or debarred from participating in specified federal procurement or non-procurement transactions pursuant to 2 C.F.R. § 180.300. FEMA recommends recipients use SAM.gov to conduct this verification.

Further, regardless of whether any grant writer fees were requested, as applicable to non-state entities, unless a single contract covering both pre- and post-award services was awarded to the grant writer and procured in compliance with 2 C.F.R. §§ 200.317 – 200.327, federal funds cannot be used to pay the grant writer to provide post-award services.

E. Application Review Information

1. Application Evaluation Criteria

a. *Programmatic Criteria*

FY 2023 THSGP applications will be evaluated through a three-part review and selection process:

1. Applications will first be reviewed by a FEMA HQ Preparedness Officer to ensure that the applicant meets all eligibility requirements. To determine eligibility, the FEMA HQ Preparedness Officer will review submitted applications for completeness. Completeness is determined by confirming:
 - a. The applicant has submitted the self-certification form stating the tribe's eligibility per the *Homeland Security Act of 2002*, as amended (see Section C. Eligibility Information, for further information);
 - b. The information provided in the self-certification form is accurate;
 - c. Activities under each investment are allowable; and
 - d. The application meets all the administrative criteria identified in this funding notice, to include the required submission of an IJ by the established due dates.
2. Eligible and complete applications will then be reviewed using a process to individually score each proposed investment. Scoring is based on the following four criteria:
 - a. Overview (description of the investment);
 - b. Baseline (goals/objectives/capabilities of the investment);
 - c. Project management and milestones (funding amount/core capabilities/projects); and

- d. Accomplishments and impacts (outcomes).
- 3. FEMA HQ Grants Management Specialists will conduct a financial review of the top scoring investments using the following criteria:
 - a. Allowability, allocability, and financial reasonableness of the proposed budget and investment information; and
 - b. Whether the recipient meets the financial and legal requirements listed in 2 C.F.R. Part 200.

b. *Financial Integrity Criteria*

Prior to making a federal award, FEMA is required by 31 U.S.C. § 3354, as enacted by the Payment Integrity Information Act of 2019, Pub. L. No. 116-117 (2020); 41 U.S.C. § 2313; and 2 C.F.R. § 200.206 to review information available through any OMB-designated repositories of governmentwide eligibility qualification or financial integrity information, including whether the applicant is suspended or debarred.

FEMA may also pose additional questions to the applicant to aid in conducting the pre-award risk review. Therefore, application evaluation criteria may include the following risk-based considerations of the applicant:

- i. Financial stability;
- ii. Quality of management systems and ability to meet management standards;
- iii. History of performance in managing federal award;
- iv. Reports and findings from audits; and
- v. Ability to effectively implement statutory, regulatory, or other requirements.

c. *Supplemental Financial Integrity Criteria and Review*

Prior to making a federal award where the anticipated total federal share will be greater than the simplified acquisition threshold, currently \$250,000:

- i. FEMA is required to review and consider any information about the applicant, including information on the applicant's immediate and highest-level owner, subsidiaries, and predecessors, if applicable, that is in the designated integrity and performance system accessible through the System for Award Management (SAM), which is currently the [Federal Awardee Performance and Integrity Information System](#) (FAPIIS).
- ii. An applicant, at its option, may review information in FAPIIS and comment on any information about itself that a federal awarding agency previously entered.
- iii. FEMA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 C.F.R. § 200.206.

2. Review and Selection Process

A panel of reviewers will analyze and score the investments from all applications that the FEMA HQ Preparedness Officers determine to be complete and eligible. DHS/FEMA will assign reviewers who meet one or more of the following criteria:

- Experience working with tribes and tribal professionals;
- Federal employees experienced in a variety of disciplines, including homeland security, emergency management, law enforcement, fire and rescue, etc.; and/or
- Familiar with applications for funding and the application review process.

The reviewers will analyze and score the anticipated effectiveness of each individual proposed investment. Effectiveness is determined based on completeness and adherence to programmatic guidelines. Reviewers will score each investment individually using six questions to assess how well the investments satisfy the four criteria sections in the IJ template: Overview, Baseline, Project Management and Milestones, and Accomplishments and Impact.

The questions the reviewers will score are:

A. Overview Section

- How well are the activities described, including any activities that include planning, organization, equipment, training and/or exercises?

B. Baseline Section

- How well does this identify existing capability levels and address capability gaps?

C. Project Management and Milestones Section

- How well does the activity support the selected core capabilities outlined in the National Preparedness Goal?
- Does the budget narrative provide a clear explanation of why funds are needed and the outcomes the recipient wants to achieve?
- Will the projects/activities achieve progress during the grant's period of performance towards achieving the investment?

D. Accomplishments and Impact Section

- Does the outcome(s) demonstrate progress towards building the capability gap(s) identified in the investment?

Each of the six questions that the reviewers score is worth a maximum of five points. Using their subject matter expertise, the reviewers will provide a score from 1-5 for each question. Each investment will be reviewed by no less than two reviewers, who will use the following scoring scale to assess how well the information provided in each investment answers the question being scored:

- 1 = Little to None
- 2 = Inadequate
- 3 = Adequate
- 4 = Substantial
- 5 = Strong

To calculate the final score for each proposed investment, the scores from the six investment questions are first normalized by taking the average of the six scores, dividing this number by five, and multiplying the result by 100. For example, if an investment received the following scores for the six questions:

Question 1: 2
Question 2: 3
Question 3: 5
Question 4: 5
Question 5: 3
Question 6: 5

The sum of the scores is 23, and the average score is 3.8. The average score, 3.8, is then divided by 5, and the result is multiplied by 100. The resulting normalized score is 76.67. The investment's final score is determined by averaging the normalized scores from all reviewers of that investment.

Investments that *sufficiently address one or more of the National Priorities will receive an additional 20% score increase* to the overall average normalized score for each investment submitted.

In addition, applicants who have not received funding in prior years will receive five additional points that will be added to the overall average normalized score for each investment submitted.

All final investment scores will be sorted in descending order by final score, and investments will be selected for recommendation from the highest score to lowest score until available FY 2023 THSGP funding has been exhausted. In the event of a tie during the investment recommendation determination process, DHS/FEMA will give priority to the tribal entity that is proposing an investment that aligns with one of the National Priorities. If giving priority based on the National Priorities does not break the tie, DHS/FEMA will then give priority to the tribal entity that has not received prior year funding.

DHS/FEMA will use the results of the review process to make funding recommendations to the Secretary of DHS. Final funding determinations will be made by the DHS Secretary.

F. Federal Award Administration Information

1. Notice of Award

Before accepting the award, the AOR and recipient should carefully read the award package. The award package includes instructions on administering the grant award and the terms and conditions associated with responsibilities under federal awards. **Recipients must accept all conditions in this NOFO and the [Preparedness Grants Manual](#) as well as any specific terms and conditions in the Notice of Award to receive an award under this program.**

See the [Preparedness Grants Manual](#) for information on Notice of Award. Notification of award approval is made through the ND Grants system through an automatic electronic mail

to the recipient's authorized official listed in the initial application. The recipient should follow the directions in the notification to confirm acceptance of the award.

Recipients must accept their awards no later than 60 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award or provide a notice of intent to decline through the ND Grants system. For instructions on how to accept or decline an award in the ND Grants system, please see the ND Grants Grant Recipient User Guide, which is available at [Non-Disaster Grants Management System | FEMA.gov](#) along with other ND Grants materials.

Funds will remain on hold until the recipient accepts the award through the ND Grants system and all other conditions of the award have been satisfied or until the award is otherwise rescinded. Failure to accept a grant award within the 60-day timeframe may result in a loss of funds.

2. Administrative and National Policy Requirements

In addition to the requirements of in this section and in this NOFO, FEMA may place specific terms and conditions on individual awards in accordance with 2 C.F.R. Part 200.

In addition to the information regarding DHS Standard Terms and Conditions and Ensuring the Protection of Civil Rights, see the [Preparedness Grants Manual](#) for additional information on administrative and national policy requirements, including:

- [EHP Compliance](#);
- [FirstNet](#);
- [NIMS Implementation](#); and
- [SAFECOM Guidance](#).

a. DHS Standard Terms and Conditions

All successful applicants for DHS grant and cooperative agreements are required to comply with DHS Standard Terms and Conditions, which are available online at: [DHS Standard Terms and Conditions](#). Note: FEMA can impose additional terms and conditions to DHS Standard Terms and Conditions as the result of a programmatic or financial review/audit.

The applicable DHS Standard Terms and Conditions will be those in effect at the time the award was made. What terms and conditions will apply for the award will be clearly stated in the award package at the time of award.

b. Ensuring the Protection of Civil Rights

As the Nation works towards achieving the [National Preparedness Goal](#), it is important to continue to protect the civil rights of individuals. Recipients and subrecipients must carry out their programs and activities, including those related to the building, sustainment, and delivery of core capabilities, in a manner that respects and ensures the protection of civil rights for protected populations.

Federal civil rights statutes, such as Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964, along with DHS and FEMA regulations, prohibit

discrimination on the basis of race, color, national origin, sex, religion, age, disability, limited English proficiency, or economic status in connection with programs and activities receiving [federal financial assistance](#) from FEMA.

The DHS Standard Terms and Conditions include a fuller list of the civil rights provisions that apply to recipients. These terms and conditions can be found in the [DHS Standard Terms and Conditions](#). Additional information on civil rights provisions is available at [External Civil Rights Division | FEMA.gov](#).

Monitoring and oversight requirements in connection with recipient compliance with federal civil rights laws are also authorized pursuant to 44 C.F.R. Part 7.

In accordance with civil rights laws and regulations, recipients and subrecipients must ensure the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.

c. *Environmental Planning and Historic Preservation (EHP) Compliance*

As a federal agency, FEMA is required to consider the effects of its actions on the environment and historic properties to ensure that all activities and programs funded by FEMA, including grant-funded projects, comply with federal EHP laws, Executive Orders, regulations, and policies, as applicable.

All non-critical new construction or substantial improvement of structures in a Special Flood Hazard Area must, at a minimum, apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements. All other types of projects may choose to apply the flood elevations of the Federal Flood Risk Management Standard's Freeboard Value Approach. See [Executive Order \(EO\) 14030, Climate-Related Financial Risk](#) and [FEMA Policy #-206-21-0003, Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs \(Interim\)](#) ([fema.gov](#)).

All GPD actions, including grant-funded actions, must comply with National Flood Insurance Program criteria or any more restrictive federal, state, or local floodplain management standards or building code (44 CFR § 9.11(d)(6)). All GPD-funded non-critical actions in 1% annual chance floodplains (also known as 100-year floodplains) that involve new construction or substantial improvement of structures must be elevated, at a minimum, to the lower of:

- Two feet above the 1% annual chance flood elevation (also known as the base flood elevation), in accordance with the Federal Flood Risk Management Standard (FFRMS) "Freeboard Value Approach" (FVA); or
- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least two feet above the 1% annual chance flood elevation.

All GPD-funded critical actions in 0.2% annual chance floodplains (also known as 500-year floodplains) that involve new construction or substantial improvement of structures must be elevated, at a minimum, to the higher of:

- Three feet above the 1% annual chance flood elevation; or
- The 0.2% annual chance flood elevation. Where 0.2% annual chance flood elevations are not available, such actions must be elevated to at least three feet above the 1% annual chance flood elevation.

See [EO 11988, Floodplain Management](#), as amended by [EO 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input](#).

Recipients and subrecipients proposing projects that have the potential to impact the environment, including, but not limited to, the construction of communication towers, modification or renovation of existing buildings, structures, and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description along with any supporting documentation requested by FEMA in order to determine whether the proposed project has the potential to impact environmental resources or historic properties.

In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, Executive Orders, regulations, and policies.

DHS and FEMA EHP policy is found in directives and instructions available on the [FEMA.gov EHP page](#), the FEMA website page that includes documents regarding EHP responsibilities and program requirements, including implementation of the National Environmental Policy Act and other EHP regulations and Executive Orders.

The GPD EHP screening form is located at [FEMA Form](#). Additionally, all recipients under this funding opportunity are required to comply with the [FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1](#).

d. *SAFECOM Guidance on Emergency Communications Grants*

In addition, recipients that are using THSGP funds to support emergency communications equipment activities must comply with the SAFECOM Guidance on Emergency Communications Grants, including provisions on technical standards that ensure and enhance interoperable communications. This SAFECOM Guidance can be found at [Funding Resources | CISA](#).

See the [Preparedness Grants Manual](#) for information on reporting requirements.

3. Reporting

Recipients are required to submit various financial and programmatic reports as a condition of award acceptance. Future awards and funds drawdown may be withheld if these reports are delinquent.

See the [Preparedness Grants Manual](#) for information on reporting requirements.

4. Monitoring and Oversight

Per 2 C.F.R. § 200.337, FEMA, through its authorized representatives, has the right, at all reasonable times, to make site visits or conduct desk reviews to review project accomplishments and management control systems to review award progress and to provide any required technical assistance. During site visits or desk reviews, FEMA will review recipients' files related to the award. As part of any monitoring and program evaluation activities, recipients must permit FEMA, upon reasonable notice, to review grant-related records and to interview the organization's staff and contractors regarding the program. Recipients must respond in a timely and accurate manner to FEMA requests for information relating to the award.

See the [Preparedness Grants Manual](#) for information on monitoring and oversight.

G. DHS Awarding Agency Contact Information

1. Contact and Resource Information

a. *Program Office Contact*

FEMA has assigned region-specific Preparedness Officers for the THSGP. If you do not know your Preparedness Officer, please contact CSID by phone at (800) 368-6498 or by email at askcsid@fema.dhs.gov, Monday through Friday, 9 a.m.– 5 p.m. ET.

b. *Centralized Scheduling and Information Desk (CSID)*

CSID is a non-emergency comprehensive management and information resource developed by FEMA for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. When necessary, recipients will be directed to a federal point of contact who can answer specific programmatic questions or concerns.

CSID can be reached by phone at (800) 368-6498 or by e-mail at askcsid@fema.dhs.gov, Monday through Friday, 9:00 AM – 5:00 PM ET.

c. *Grant Programs Directorate (GPD) Award Administration Division*

GPD's Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. Additional guidance and information can be obtained by contacting the AAD's Help Desk via e-mail at ASK-GMD@fema.dhs.gov.

d. *Equal Rights*

The FEMA Office of Equal Rights (OER) is responsible for compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA and recipients of FEMA financial assistance. All inquiries and

communications about federal civil rights compliance for FEMA grants under this NOFO should be sent to FEMA-CivilRightsOffice@fema.dhs.gov.

e. *Environmental Planning and Historic Preservation*

GPD's EHP Team provides guidance and information about the EHP review process to recipients and subrecipients. All inquiries and communications about GPD projects under this NOFO or the EHP review process, including the submittal of EHP review materials, should be sent to gpdehpinfo@fema.dhs.gov.

2. Systems Information

a. *Grants.gov*

For technical assistance with [Grants.gov](https://www.grants.gov), call the customer support hotline 24 hours per day, 7 days per week (except federal holidays) at (800) 518-4726 or e-mail at support@grants.gov.

b. *Non-Disaster (ND) Grants*

For technical assistance with the ND Grants system, please contact the ND Grants Helpdesk at ndgrants@fema.dhs.gov or (800) 865-4076, Monday through Friday, 9:00 AM – 6:00 PM ET. User resources are available at [Non-Disaster Grants Management System | FEMA.gov](https://www.fema.gov/non-disaster-grants-management-system).

c. *Payment and Reporting System (PARS)*

FEMA uses the [Payment and Reporting System \(PARS\)](https://www.fema.gov/payment-reporting-system) for financial reporting, invoicing, and tracking payments. FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. To enroll in the DD/EFT, recipients must complete a Standard Form 1199A, Direct Deposit Form. If you have questions about the online system, please call the Customer Service Center at (866) 927-5646 or email ask-GMD@fema.dhs.gov.

H. Additional Information

GPD has developed the [Preparedness Grants Manual](https://www.fema.gov/preparedness-grants-manual) to guide applicants and recipients of grant funding on how to manage their grants and other resources. Recipients seeking guidance on policies and procedures for managing preparedness grants should reference the Preparedness Grants Manual for further information. Examples of information contained in the [Preparedness Grants Manual](https://www.fema.gov/preparedness-grants-manual) include:

- Actions to Address Noncompliance
- Audits
- Case Studies and Use of Grant-Funded Resources During Real-World Incident Operations
- Community Lifelines
- Conflicts of Interest in the Administration of Federal Awards and Subawards
- Disability Integration
- National Incident Management System
- Payment Information
- Period of Performance Extensions
- Procurement Integrity
- Record Retention

- Whole Community Preparedness
- Other Post-Award Requirements

1. Termination Provisions

FEMA may terminate a federal award in whole or in part for one of the following reasons. FEMA and the recipient must still comply with closeout requirements at 2 C.F.R. §§ 200.344-200.345 even if an award is terminated in whole or in part. To the extent that subawards are permitted under this NOFO, pass-through entities should refer to 2 C.F.R. § 200.340 for additional information on termination regarding subawards.

a. *Noncompliance*

If a recipient fails to comply with the terms and conditions of a federal award, FEMA may terminate the award in whole or in part. If the noncompliance can be corrected, FEMA may first attempt to direct the recipient to correct the noncompliance. This may take the form of a Compliance Notification. If the noncompliance cannot be corrected or the recipient is non-responsive, FEMA may proceed with a Remedy Notification, which could impose a remedy for noncompliance per 2 C.F.R. § 200.339, including termination. Any action to terminate based on noncompliance will follow the requirements of 2 C.F.R. §§ 200.341-200.342 as well as the requirement of 2 C.F.R. § 200.340(c) to report in FAPIIS the recipient's material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance [Preparedness Grants Manual](#).

b. *With the Consent of the Recipient*

FEMA may also terminate an award in whole or in part with the consent of the recipient, in which case the parties must agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated.

c. *Notification by the Recipient*

The recipient may terminate the award, in whole or in part, by sending written notification to FEMA setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. In the case of partial termination, FEMA may determine that a partially terminated award will not accomplish the purpose of the federal award, so FEMA may terminate the award in its entirety. If that occurs, FEMA will follow the requirements of 2 C.F.R. §§ 200.341-200.342 in deciding to fully terminate the award.

2. Program Evaluation

Recipients and subrecipients are encouraged to incorporate program evaluation activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 ([Evidence Act](#), [Pub. L. No. 115-435 \(2019\)](#)) urges federal awarding agencies and federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act § 101 (codified at 5 U.S.C.

§ 311). Evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation.

3. Period of Performance Extensions

Extensions to the period of performance for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests to the recipient's FEMA Preparedness Officer and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with the FEMA Preparedness Officer as needed when preparing an extension request. Please refer to the [Preparedness Grants Manual](#) for more detail on the requirements for submitting an extension request.

4. Financial Assistance Programs for Infrastructure

a. *Build America, Buy America Act*

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and EO 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also [OMB Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#).

None of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

To see whether a particular FEMA federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#) and [Build America, Buy America Act Frequently Asked Questions \(FAQs\) | FEMA.gov](#). Additional information is found in [Buy America Preference in FEMA Financial Assistance Programs for Infrastructure, FEMA Interim Policy #207-22-0001](#).

b. *Waivers*

When necessary, recipients (and subrecipients through their pass-through entity) may apply for, and FEMA may grant, a waiver from these requirements.

A waiver of the domestic content procurement preference may be granted by the agency awarding official if FEMA determines that:

- Applying the domestic content procurement preference would be inconsistent with the public interest.
- The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.
- The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25%.

For FEMA awards, the process for requesting a waiver from the Buy America preference requirements can be found on FEMA's website at: ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](https://www.fema.gov/financial-assistance-programs-for-infrastructure).

c. *Definitions*

Construction materials: an article, material, or supply — other than an item primarily of iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives — that is or consists primarily of non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, paint, and drywall.

Domestic content procurement preference: Means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

Federal financial assistance: Generally defined in 2 C.F.R. § 200.1 and includes all expenditures by a federal agency to a non-federal entity for an infrastructure project, except that it does not include expenditures for assistance authorities relating to major disasters or emergencies under sections 402, 403, 404, 406, 408, or 502 of the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) relating to a major disaster or emergency declared under section 401 or 501, respectively, or pre and post disaster or emergency response expenditures.

Infrastructure: infrastructure projects which serve a public function, including at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy.

Produced in the United States means the following for:

- **Iron and steel:** All manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- **Manufactured products:** The product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55% of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- **Construction Materials:** All manufacturing processes for the construction material occurred in the United States.

Project: is any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States.