

**The Department of Homeland Security (DHS)  
 Notice of Funding Opportunity (NOFO)  
 Fiscal Year 2023  
 Emergency Management Performance Grant (EMPG) 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**

97.042

**3. Assistance Listings Title**

Emergency Management Performance Grant (EMPG) Program

**4. Funding Opportunity Title**

Fiscal Year 2023 Emergency Management Performance Grant (EMPG) Program

**5. Funding Opportunity Number**

<b>FY 2023 EMPG Program</b>	<b>NOFO Number</b>
Region 1	DHS-23-GPD-042-01-01
Region 2	DHS-23-GPD-042-02-01
Region 3	DHS-23-GPD-042-03-01
Region 4	DHS-23-GPD-042-04-01
Region 5	DHS-23-GPD-042-05-01
Region 6	DHS-23-GPD-042-06-01
Region 7	DHS-23-GPD-042-07-01
Region 8	DHS-23-GPD-042-08-01
Region 9	DHS-23-GPD-042-09-01
Region 10	DHS-23-GPD-042-10-01

**6. Authorizing Authority for Program**

Section 662 of the *Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA)*, as amended, (Pub. L. No. 109-295) (6 U.S.C. § 762); the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*, as amended (Pub. L. No. 93-288) (42 U.S.C. §§ 5121 et seq.); the *Earthquake Hazards Reduction Act of 1977*, as amended (Pub. L. No. 95-124) (42 U.S.C. §§ 7701 et seq.); and the *National Flood Insurance Act of 1968*, as amended (Pub. L. No. 90-448) (42 U.S.C. §§ 4001 et seq.).

**7. Appropriation Authority for Program**

*Consolidated Appropriations Act, 2023* (Pub. L. No. 117-328); *Compact of Free Association Amendments Act of 2003* (Pub. L. No. 108-188 (2003))<sup>1</sup>

## 8. Announcement Type

Initial

## 9. Program Category

Preparedness: Emergency Management

## 10. Program Overview, Objectives and Priorities

### a. Overview

The Fiscal Year (FY) 2023 Emergency Management Performance Grant (EMPG) Program is one of the grant programs that constitute DHS/FEMA’s focus on all-hazards emergency preparedness, including the evolving threats and risks associated with climate change. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by DHS. Among the goals noted in the [DHS Strategic Plan for Fiscal Years 2020-2024](#), the EMPG Program supports the goal to Strengthen Preparedness and Resilience.

The [2022-2026 FEMA Strategic Plan](#) outlines a bold vision and three ambitious goals designed to address key challenges the agency faces during a pivotal moment in the field of emergency management. Wide-ranging and long-term, the goals defined in the plan respond to the changing landscape in which we find ourselves. The goals to meet this challenge are:

- Goal 1 - Instill Equity as a Foundation of Emergency Management
- Goal 2 - Lead Whole of Community in Climate Resilience
- Goal 3 - Promote and Sustain a Ready FEMA and Prepared Nation

These goals 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. All EMPG Program recipients are encouraged to review the [2022-2026 FEMA Strategic Plan](#) and consider how FY 2023 EMPG Program funding can be used to support the Plan’s goals and objectives as they apply to state/territory’s specific needs and the needs of the whole community.

We invite all stakeholders and partners to also adopt these priorities and join us in building a more prepared and resilient nation.

### b. Objectives

The primary objective of the FY 2023 EMPG Program is to provide funds to assist state, local, tribal, and territorial emergency management agencies to implement the National Preparedness System (NPS) and to support the National Preparedness Goal (the Goal) of a secure and resilient nation. To that end, program objectives include: 1) building or sustaining

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<sup>1</sup> An additional \$100,000 is funded pursuant to the Federal Programs and Services Agreements of the *Compact of Free Association Amendments Act of 2003* (Pub. L. No. 108-188 (2003)).

those capabilities that are identified as high priority through the Threat and Hazard Identification and Risk Assessment (THIRA)/Stakeholder Preparedness Review (SPR) process and other relevant information sources (see *Priorities* section below); and 2) closing capability gaps that are identified in the state or territory’s most recent SPR. DHS/FEMA requires EMPG Program recipients to complete a THIRA/SPR. Additional information on the THIRA/SPR process, including other NPS tools and resources, can be found at [National Preparedness System | FEMA.gov](#). Also refer to the FY 2023 [Preparedness Grants Manual, Appendix H](#). (All references in this NOFO to the Preparedness Grants Manual are for the FY 2023 version.)

**c. *Priorities***

All EMPG Program applicants are required to develop and submit a Work Plan as described in the “EMPG Program Work Plan” section of the [Preparedness Grants Manual, Appendix H](#). All EMPG Program Work Plans will require final approval by the applicable FEMA Regional Administrator (RA). Prior to submission, the applicant must work with the RA or designated Regional EMPG Program Manager to ensure that appropriate regional and state/territory priorities are effectively addressed in the Work Plan.

Priorities, and associated EMPG Program-funded projects, must be mutually agreed to by the recipient and RA. Identification of priorities and development of the EMPG Program Work Plan should involve a collaborative negotiation process through which a common set of priorities will emerge based on a combination of state/territory priorities, regional priorities, and national priorities (as outlined in the table below). State/territory priorities should be primarily driven by the THIRA/SPR process, as explained in the Objectives section above. Other relevant information sources, such as: 1) after-action reports (AARs) following exercises or real-world events; 2) audit and monitoring findings; 3) Hazard Mitigation Plans; and/or 4) other deliberate planning products may also be used to inform state/territory priorities. Regional priorities will be determined by the RA based on their unique knowledge of the region’s preparedness and emergency management needs, including broader insight into common capability gaps across the region and potential opportunities for economies of scale to capitalize on those commonalities. Regional priorities should also be based on an analysis of THIRA/SPR data and other information sources provided by the states/territories in their area(s) of responsibility. Ideally, all EMPG Program funded projects, as outlined in the approved FY 2023 EMPG Program Work Plan, will support the priorities identified through this approach.

Through the priority development and negotiation process, each region and state/territory should discuss state/territory, regional, and national priorities. Converging their processes for identifying priorities and reaching consensus on a common set of shared priorities helps the region and each state/territory to realize economies of scale. As a result of these negotiations, the region and state/territory should reach a consensus on three to five priorities each recipient will focus on addressing and improving in its EMPG Program Work Plan.

Federal regulations outlined in 2 C.F.R. Part 200 require federal awarding agencies to measure recipient performance to show achievement of program goals and objectives, share lessons learned, improve program outcomes, and foster adoption of promising practices (*see*

2 C.F.R. § 200.301, Performance measurement). For FY 2023, there is a continuing emphasis on priorities-based investments. Additionally, recipients must set outcome-oriented performance goals for closing capability gaps related to the three to five agreed-upon priorities, aligning funding with high-priority strategic preparedness needs. An outcome-oriented approach will allow recipients to define success, benchmark their projects, and measure their progress in building capability. Recipients will be able to use this to generate a feedback cycle. If projects are not achieving desired outcomes, recipients will have a basis for revisiting plans and assessments and adjusting their projects and other investments.

Finally, there is a continuing requirement that at least **87.5%** of all projects that include Planning, Training, and/or Exercise deliverables align with closing capability gaps identified and documented in the state/territory's most recent THIRA/SPR submission and other relevant information sources, as explained above.

When developing state/territory priorities, applicants should consider the following national priorities, which correspond directly to the [2022-2026 FEMA Strategic Plan](#) and are further described below:

- Equity;
- Climate Resilience; and
- Readiness

### **Equity**

Underserved communities suffer disproportionately from disasters. Disasters compound the challenges faced by these communities and increase their risk to future disasters. By instilling equity as a foundation of emergency management and striving to meet the unique needs of underserved communities, the emergency management community can work to break this cycle of compounding risks and build a more resilient nation.

[Executive Order \(EO\) 13985 on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce](#) (January 20, 2021) defines equity as “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,” and further defines underserved communities as “populations sharing a particular characteristic, as well as geographic communities, who have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life...such as Black and African American, Hispanic and Latino, Native American, Alaska Native and Indigenous, Asian American, Native Hawaiian and Pacific Islanders, Middle Eastern, and North African persons. It also includes individuals who belong to communities that face discrimination... (including lesbian, gay, bisexual, transgender, and queer persons)...” The EO definition of underserved communities also includes members of religious minorities, persons with disabilities, persons who live in rural areas, and persons otherwise adversely affected by persistent poverty or inequality. See [Goal 1: Instill Equity as a Foundation of Emergency Management](#) of the [2022-2026 FEMA Strategic Plan](#) for additional information on this topic.

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, **states and territories are strongly encouraged to explore how EMPG Program-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.

To the extent possible, equity considerations **must** be factored into all FY 2023 EMPG Program-funded investments across all national priority areas. Additionally, applicants are required to designate **at least one project** in their FY 2023 EMPG Program Work Plan and budget narrative that specifically addresses equity considerations.

### **Climate Resilience**

Climate change is one of the greatest challenges facing emergency managers today, and it will continue to shape the field of emergency management for the next several decades. To meet this challenge, the emergency management field needs to anticipate the increasing demands generated by more extreme and frequent disasters, from wildfires and coastal storms to inland flooding. Additionally, emergency managers must learn to manage and support climate-related emergencies such as drought and extreme heat. Natural disasters, worsened by the effects of climate change, often disproportionately affect people in underserved communities where weakened infrastructure, fewer resources, and less support invested in hazard mitigation can compound a disaster's impact. Therefore, FEMA recommends that climate change and resilience considerations be cornerstones of how the nation builds resilient communities. Emergency managers at the federal, state, territorial, tribal, and local levels need to undertake targeted efforts to increase resilience, including climate resilience, for underserved individuals and communities.

Climate change has both acute and chronic impacts; communities must be resilient against threats as varied as extreme flooding, drought, hurricanes, and wildfires. Many communities are faced with aging infrastructure, which can increase risk from major disasters. As the frequency of these disasters accelerates, FEMA must increase climate adaptation investments across the nation. To have the greatest impact, FEMA encourages smart investments in



system-based, community-wide projects to protect those with the most severe and persistent risk. **Communities can better target investments to the most transformational projects when they better understand the unique risks posed by climate change.**

The future disaster environment will not resemble that of the past, or even what is experienced today. To build long-term resilience, communities must understand their future risk and have the resources and capacity to reduce that risk. Even within the same geographic area, different communities will face differing levels of risk due to their unique demographic, economic, and physical characteristics. It is important for the emergency management community to develop capacity to access and interpret accurate information about this localized risk, specifically in light of future conditions. This information will help **communities better understand their own risks and identify the most appropriate resilience actions.** See [Goal 2: Lead Whole of Community in Climate Resilience](#) of the [2022-2026 FEMA Strategic Plan](#) for additional information on this topic.

**Climate resilience considerations will be a continued area of focus for FY 2024.**

### **Readiness**

As disasters become more frequent, severe, and complex, the demands placed upon the emergency management community, as well as federal resources, have increased dramatically. To adapt to this trend, FEMA and the emergency management community must expand our approach to readiness, preparedness, and resiliency by increasing the overall emergency management capabilities at all levels of government, as well as the private sector, the nonprofit sector, and among individuals. The National Capability Targets provide a shared vision of the staff, expertise, tools, and resources required to build a prepared nation. Aligning state and local readiness plans to these targets will ensure agencies can continuously support the needs and priorities identified by whole community partners, in addition to continuity of government across all hazards.

Disaster mitigation, preparedness, response, and recovery are not the responsibility of just one agency. Rather, these functions are a shared responsibility requiring coordination of federal agencies, private and social sectors, state, local, tribal, and territorial governments, and other partners. The ability to support communities begins with how emergency management agencies help them prepare before a disaster occurs. Through better coordination of pre-disaster programs, we can all help communities identify, prioritize, and plan to address their specific community-based threats, identify hazards and risks, and mitigate capability gaps. Together, federal assistance can be targeted to address areas of greatest national risk and increase support to the most at-risk communities. See [Goal 3: Promote and Sustain a Ready FEMA and Prepared Nation](#) of the [2022-2026 FEMA Strategic Plan](#) for additional information on this topic.

### **Additional Guidance on EMPG Program Priorities**

Recognizing that every state and territory has its own unique preparedness and emergency management needs, the national priorities outlined above should inform the identification of state/territory priorities and regional priorities when developing the common set of mutual priorities as agreed upon by the RA and each state/territory. Ideally, the regional and

state/territory priorities will complement and support the national priorities. In addition to the requirement that at least one project address equity considerations, the only other mandate stemming from these national priorities is the requirement for all EMPG Program recipients to develop and maintain a Distribution Management Plan as an annex to their existing Emergency Operations Plan (EOP). See the Logistics Planning section of the [Preparedness Grants Manual, Appendix H](#) for additional details on this requirement.

Consistent with FY 2022, states and territories are encouraged to identify whether and how each project included in their EMPG Program Work Plan addresses equity-related considerations, or the impacts associated with climate change (as applicable). This guidance is in addition to the requirement that at least one project focus specifically on equity considerations. The reporting of this information will allow FEMA to better understand how states and territories are using EMPG Program funding to support equity and climate resilience. See the [Preparedness Grants Manual, Appendix H](#) for more information about the requirements for addressing these priorities in the EMPG Program Work Plan submission.

The table below provides a high-level breakdown of the national priority areas, the associated core capabilities, as well as examples of project types for each area. A detailed description of allowable investments for each project type is included in the [Preparedness Grants Manual, Appendix H](#).

National Priority Area	Associated Core Capabilities <sup>2</sup>	Examples of Allowable Activities
<b>Equity</b>	<ul style="list-style-type: none"> <li>• Health and Social Services</li> <li>• Mass Care Services</li> <li>• Public Health, Healthcare and Emergency Medical Services</li> <li>• Housing</li> <li>• Logistics and Supply Chain Management</li> <li>• Critical Transportation</li> <li>• Public Information and Warning</li> <li>• Community Resilience</li> <li>• Economic Recovery</li> <li>• Planning</li> <li>• Long-Term Vulnerability Reduction</li> <li>• Risk and Disaster Resilience Assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Employment of planners to identify, assess, and understand the unique threats, vulnerabilities, inequities and needs of underserved, at-risk communities</li> <li>• Update of EOPs and other deliberate plans as necessary to ensure the needs of underserved, at-risk communities are adequately addressed in those plans</li> <li>• Provide training and exercises for emergency managers and other stakeholders, including representatives of underserved, at-risk communities, to ensure awareness and understanding of the plans and procedures that will promote equity for those communities most at risk relative to disaster preparedness, response, and recovery</li> <li>• Purchase of trailers/temporary points of distribution (to serve as a mobile testing site, educational outreach center, transport for critical resources, etc.), associated equipment and supplies to expand health coverage, critical resources and education to traditionally underserved, at-risk residents following a disaster</li> <li>• Purchase of GPS-enabled cameras, geospatial mapping technologies, and data integration and analysis tools to</li> </ul>

<sup>2</sup> NOTE: The core capabilities listed under the Equity priorities are not all-inclusive. Equity considerations should be factored into all core capabilities and all EMPG-funded projects, including those listed under the Climate Resilience and Readiness priorities.

National Priority Area	Associated Core Capabilities <sup>2</sup>	Examples of Allowable Activities
	<ul style="list-style-type: none"> <li>• Threats and Hazards Identification</li> </ul>	<p>support mitigation planning and situational awareness for disaster response and recovery in vulnerable communities</p>
<b>Climate Resilience</b>	<ul style="list-style-type: none"> <li>• Community Resilience</li> <li>• Infrastructure Systems</li> <li>• Long-Term Vulnerability Reduction</li> <li>• Planning</li> <li>• Risk and Disaster Resilience Assessment</li> <li>• Threats and Hazards Identification</li> </ul>	<ul style="list-style-type: none"> <li>• Development of/updates to disaster housing plans to incorporate and address climate data/projections/risks (e.g., ensure housing is not placed in potentially climate impacted areas and that housing solutions are climate resilient)</li> <li>• Establishment of climate or resiliency positions within emergency management offices to assess climate related risks, develop mitigation strategies, and support updating of EOPs</li> <li>• Development of evacuation plans in accordance with climate exacerbated risk (e.g., mass evacuation during catastrophic fast-moving events, like wildfires)</li> <li>• Establishment of risk communication plans to inform all residents (including those with access and functional needs) about climate risks (e.g., what the communities can do at a local and individual level to prepare) and potential evacuations</li> <li>• Development of internal plans (including response and recovery) that incorporate climate impact on emergency management resources (e.g., personnel, logistics)</li> <li>• Development of climate literacy plans to enable communities to understand and prepare for their climate-related risks</li> <li>• Conduct exercises that incorporate climate considerations into response and recovery efforts to increase climate literacy and prepare communities to respond to and recover from climate-exacerbated disasters</li> <li>• Incorporation of climate considerations into risk assessments (e.g., THIRA) and mitigation plans</li> <li>• Creation of or updates to hazard fuel reduction and safety zone mapping to manage vegetation within a jurisdiction to minimize potential wildfire ignitions along the wildland-urban interface</li> <li>• Purchase/install solar and battery systems to supply backup power for critical Emergency Operation Center electronic systems and equipment</li> </ul>
<b>Readiness:</b> Catastrophic Disaster Housing	<ul style="list-style-type: none"> <li>• Housing</li> <li>• Planning</li> <li>• Situational Assessment</li> <li>• Infrastructure Systems</li> </ul>	<ul style="list-style-type: none"> <li>• Development of state-led disaster housing task force plan</li> <li>• Establishment of State Disaster Recovery Coordinator</li> <li>• Completion of State Housing Strategy template</li> <li>• Assessment of accessible housing needs, including the unique risks and needs of underserved communities</li> </ul>
<b>Readiness:</b> Disaster Financial Management	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Risk Management for Protection Programs and Activities</li> </ul>	<ul style="list-style-type: none"> <li>• Development of a plan for the sequencing of federal, nonprofit, and state disaster programs</li> <li>• Development of a Disaster Financial Management Plan</li> </ul>

National Priority Area	Associated Core Capabilities <sup>2</sup>	Examples of Allowable Activities
	<ul style="list-style-type: none"> <li>• Risk and Disaster Resilience Assessment</li> <li>• Community Resilience</li> <li>• Economic Recovery</li> </ul>	
<b>Readiness:</b> Evacuation Plan/Annex	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Risk Management for Protection Programs and Activities</li> <li>• Risk and Disaster Resilience Assessment</li> <li>• Threats and Hazards Identification</li> <li>• Operational Coordination</li> <li>• Long-Term Vulnerability Reduction</li> <li>• Critical Transportation</li> <li>• Infrastructure Systems</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment of evacuation capabilities and needs, including ensuring accessibility and effective communication for persons with disabilities and others with access and functional needs, and integration of these requirements into evacuation plans</li> <li>• Development of/updates to evacuation plans</li> <li>• Improvement of evacuation capabilities, such as transportation systems to support contraflow lanes</li> <li>• Conduct evacuation training and exercises</li> <li>• Development of public awareness campaigns support evacuation plans</li> <li>• (See <a href="#">Planning Considerations: Evacuation and Shelter-in-Place</a> for additional guidance)</li> </ul>
<b>Readiness:</b> Logistics – Distribution Management Planning	<ul style="list-style-type: none"> <li>• Logistics and Supply Chain Management</li> <li>• Supply Chain Integrity and Security</li> </ul>	<ul style="list-style-type: none"> <li>• Development of/updates to a Distribution Management Plan that addresses: <ul style="list-style-type: none"> <li>○ State/local staging site plans</li> <li>○ State/local commodity point of distribution site plans</li> <li>○ Staging and Point of Distribution staffing strategies/plans</li> <li>○ Transportation strategies/plans</li> <li>○ Resource sourcing strategies/plans</li> <li>○ Provision of critical emergency supplies for underserved communities</li> </ul> </li> </ul>
<b>Readiness:</b> Resilient Communications	<ul style="list-style-type: none"> <li>• Operational Communications</li> <li>• Planning</li> <li>• Public Information and Warning</li> <li>• Operational Coordination</li> <li>• Intelligence and Information Sharing</li> <li>• Cybersecurity</li> <li>• Physical Protective Measures</li> <li>• Long-Term Vulnerability Reduction</li> <li>• Risk and Disaster Resilience Assessment</li> <li>• Threats and Hazards Identification</li> <li>• Infrastructure Systems</li> </ul>	<ul style="list-style-type: none"> <li>• Development of Statewide Communication Interoperability Plans, Tactical Interoperable Communications Plans, and Standard Operating Procedures that address continuity and recovery of emergency communication systems</li> <li>• Conduct risk and vulnerability assessments associated with emergency communications systems, to include cybersecurity risks</li> <li>• Adoption of cybersecurity performance goals (<a href="#">Cross-Sector Cybersecurity Performance Goals   CISA</a> )</li> <li>• Conduct National Incident Management System (NIMS) compliant training, exercise, and evaluation activities to test emergency communications capabilities, to include testing of resiliency and continuity of communications</li> <li>• Physical hardening of infrastructure systems and support emergency communications</li> </ul>

## 11. Performance Measures

Performance metrics for this program are as follows:

- Performance Measure 1: Percent of capability-building EMPG Program-funded projects that align to capability gaps identified by states, territories, and urban areas in their SPR submissions.
- Performance Measure 2: Percent of EMPG Program dollars spent on capability-building projects that align to capability gaps identified by states, territories, and urban areas in their SPR submissions.
- Performance Measure 3: Percent of capability-building EMPG Program-funded projects that address a core capability that has one or more targets rated as high priority.
- Performance Measure 4: Percent of funding allocated to build or sustain capabilities in EMPG Program national priority areas and RA agreed-upon priority areas.
- Performance Measure 5: Percent of Planning, Training, and/or Exercise related projects that align with closing capability gaps identified and documented in the state/territory's most recent THIRA/SPR submission, Mitigation Plan, AARs, Audit/Monitoring Findings, or Other Deliberate Plans.

FEMA will analyze the above metrics through the review of state/territory SPR submissions, EMPG Program Work Plans, and required programmatic reports.

## **B. Federal Award Information**

### **1. Available Funding for the NOFO: \$355,100,000**

EMPG Program awards are based on section 662 of the *Post-Katrina Emergency Management Reform Act of 2006*, as amended, (6 U.S.C. § 762). All 50 States, the District of Columbia, and Puerto Rico receive a base amount of 0.75% of the total available funding appropriated for the EMPG Program. Four territories (American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands) receive a base amount of 0.25% of the total available funding appropriated for the EMPG Program. The remaining balance of the funds appropriated for the EMPG Program are distributed on a population-share basis.

In addition to the \$355 million available from the *Consolidated Appropriations Act, 2023* (Pub. L. No. 117-328), FEMA will also make available \$100,000 in total from the Disaster Relief Fund for the Federated States of Micronesia and for the Republic of the Marshall Islands pursuant to Article X of the Federal Programs and Services Agreement of the *Compact of Free Association Act* (Pub. L. No. 108-188).

### **FY 2023 EMPG Program Full-Year and Supplemental Allocations**

<b>State/Territory</b>	<b>FY 2023 Allocation</b>	<b>State/Territory</b>	<b>FY 2023 Allocation</b>
Alabama	\$5,871,149	New Hampshire	\$3,544,752
Alaska	\$3,126,369	New Jersey	\$8,518,986
Arizona	\$7,315,970	New Mexico	\$3,998,839
Arkansas	\$4,588,359	New York	\$15,105,029
California	\$27,342,079	North Carolina	\$9,427,823

State/Territory	FY 2023 Allocation	State/Territory	FY 2023 Allocation
Colorado	\$6,355,283	North Dakota	\$3,155,253
Connecticut	\$4,955,472	Ohio	\$10,096,254
Delaware	\$3,306,466	Oklahoma	\$5,204,356
District of Columbia	\$3,087,304	Oregon	\$5,343,682
Florida	\$16,728,655	Pennsylvania	\$10,865,140
Georgia	\$9,563,081	Rhode Island	\$3,354,105
Hawaii	\$3,573,185	South Carolina	\$6,002,888
Idaho	\$3,888,616	South Dakota	\$3,237,813
Illinois	\$10,618,545	Tennessee	\$7,121,300
Indiana	\$6,983,261	Texas	\$21,651,216
Iowa	\$4,686,295	Utah	\$4,800,294
Kansas	\$4,519,759	Vermont	\$3,071,660
Kentucky	\$5,515,786	Virginia	\$8,153,446
Louisiana	\$5,565,065	Washington	\$7,585,716
Maine	\$3,538,497	West Virginia	\$3,784,991
Maryland	\$6,560,623	Wisconsin	\$6,388,552
Massachusetts	\$7,077,439	Wyoming	\$3,030,127
Michigan	\$9,007,410	Puerto Rico	\$4,699,746
Minnesota	\$6,277,669	U.S. Virgin Islands	\$942,605
Mississippi	\$4,521,598	American Samoa	\$918,933
Missouri	\$6,569,031	Guam	\$984,776
Montana	\$3,372,527	Northern Mariana Islands	\$917,428
Nebraska	\$3,906,884	Republic of the Marshall Islands	\$50,000
Nevada	\$4,671,913	Federated States of Micronesia	\$50,000
<b>Total</b>			<b>\$355,100,000</b>

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 the [Preparedness Grants Manual, Appendix H](#).

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(s): **10/01/2022**

4. Projected Period of Performance End Date(s): **09/30/2025**

5. Funding Instrument Type: **Grant**

**C. Eligibility Information**

**1. Eligible Applicants**

State or territorial governments (the State Administrative Agency [SAA] or the state's Emergency Management Agency [EMA]).

## 2. Applicant Eligibility Criteria

All 56 states and territories, as well as the Republic of the Marshall Islands and the Federated States of Micronesia (collectively "state or territory"), are eligible to apply for FY 2023 EMPG Program funds. Either the SAA or the EMA is eligible to apply directly to FEMA for EMPG Program funds on behalf of each state or territory. However, only one application will be accepted from each state or territory.

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 and ***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

Prior to allocation of any federal preparedness awards, recipients must ensure and maintain adoption and implementation of NIMS. The list of objectives used for progress and achievement reporting is on FEMA's website at [NIMS Implementation and Training | FEMA.gov](https://www.fema.gov/nims-implementation-and-training).

Relatedly, as a post-award requirement for FY 2023, all recipients and subrecipients in the 50 states and the District of Columbia must work toward achieving the Phase 1 National Qualification System (NQS) implementation objectives and must, at a minimum, execute the Implementation Plan they developed last year as part of the Phase 0 NQS Implementation Objectives. All other jurisdictions (including territories and FY 2023 EMPG Program subrecipients) are required to work toward implementation of NQS by developing an Implementation Plan.

Please see the [Preparedness Grants Manual, Appendix H](#) for more information on NIMS and NQS implementation requirements.

### b. Emergency Management Assistance Compact (EMAC) Membership

In support of the Goal, EMPG Program recipients must belong to, be located in, or act as an EMAC temporary member state, except for American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Commonwealth of the Northern Mariana Islands, which are not currently subject to these requirements. All assets supported

in part or entirely with FY 2023 EMPG Program funding must, where applicable, be readily deployable to support emergency or disaster operations per existing EMAC agreements.

#### 4. Cost Share or Match

The FY 2023 EMPG Program has a cost-share requirement. The recipient contribution can be cash (hard match) or third-party in-kind (soft match). Eligible EMPG Program applicants shall agree to make available non-federal funds to carry out an EMPG Program award in an amount not less than 50% of the total project cost. In other words, the federal share applied toward the EMPG Program budget shall not exceed 50% of the total budget as submitted in the application and approved in the award. If the total project ends up costing more, the recipient is responsible for any additional costs; if the total project ends up costing less, the recipient may owe FEMA an amount required to ensure that the federal cost share is not in excess of 50%. A state must at least equally match (cash or third party in-kind) the federal contribution pursuant to sections 611(j) and 613(a) of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Pub. L. No. 93-288), as amended, (42 U.S.C. §§ 5121 *et seq.*). Unless otherwise authorized by law, federal funds cannot be matched with other federal funds. The recipient's contribution should be specifically identified. These non-federal contributions have the same eligibility requirements as the federal share.

DHS/FEMA administers cost-matching requirements in accordance with 2 C.F.R. § 200.306. To meet matching requirements, the recipient contributions must be verifiable, reasonable, allowable, allocable, necessary under the grant program, and in compliance with all applicable federal requirements and regulations.

For example, if the federal award were at a 50% cost share and the total approved budget cost was \$100,000, then:

- Federal share is 50% of \$100,000 = \$50,000
- Recipient share is 50% of \$100,000 = \$50,000

However, with this example, if the total cost ended up being \$120,000, the federal share would remain at 50% of the total approved budget at the time of application of \$100,000, or \$50,000. If the total cost ended up being \$80,000, then the 50% federal share would decrease to \$40,000, and the recipient cost share would be \$40,000.

In accordance with 48 U.S.C. § 1469a, cost-match requirements are waived for the insular areas of the U.S. territories of American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, as well as the Federated States of Micronesia and the Republic of the Marshall Islands.

See the [Preparedness Grants Manual, Appendix H](#), for additional cost share/match guidance.

#### 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 5:00 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.

**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](mailto:NDGrants@fema.dhs.gov). The ND Grants Service Desk is available Monday through Friday, 9:00 AM – 5:00 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](mailto: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**

<b>Event</b>	<b>Suggested Deadline for Completion</b>
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

<b>Event</b>	<b>Suggested Deadline for Completion</b>
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 FEMA's 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, Appendix H](#) 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.
- 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](https://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](mailto: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](mailto: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 | 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; 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 information is required to be submitted as part of the FY 2023 EMPG Program application: EMPG Program Work Plan.

**I. EMPG PROGRAM WORK PLAN INSTRUCTIONS**

All EMPG Program applicants must develop and submit a Work Plan as described in the “EMPG Program Work Plan” section of the [Preparedness Grants Manual, Appendix H](#). All EMPG Program Work Plans will require final approval by the RA. Before submitting the EMPG Program Work Plan, the applicant must work with the RA or designated Regional EMPG Program Manager to ensure that the common set of agreed-upon priorities, as explained in the Priorities section above, are properly addressed in the EMPG Program Work Plan. All EMPG Program applicants are strongly encouraged to use the FY 2023 EMPG Program Work Plan Template provided in the [Preparedness Grants Manual, Appendix H](#) to submit the required Work Plan which outlines the state or territory’s emergency management sustainment and enhancement efforts, including new and ongoing activities and projects, proposed for the EMPG Program period of performance. This document is also located in the Related Documents tab of the [Grants.gov](#) EMPG Program posting.

Regions can request additional budget detail information, if necessary, to ensure the proposed projects and associated costs are in alignment with the agreed-upon priorities, address the identified need/capability gaps, and are in compliance with the cost principles.

See [Preparedness Grants Manual, Appendix H](#) for additional information on the EMPG Program Work Plan requirements.

**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

EMPG Program recipients may only fund projects and activities that are included and approved in the Work Plan. 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, Appendix H](#) 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:

- 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;
- 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
- 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 NOFO and the [Preparedness Grants Manual, Appendix H](#).

#### **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:

- Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
- 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);
- Telecommunications or video surveillance services provided by such entities or using such equipment; or
- 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 allowable only with the prior written approval of DHS/FEMA and if they are included in the award agreement. To request pre-award costs, a written request must be included with the application and be signed by the AOR. The request letter must outline what the pre-award costs are for, including a detailed budget break-out of pre-award costs from the post-award costs and a justification for approval.

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



M&A costs are allowed for both states and territories and local-level EMAs. A state or territory EMA may use up to 5% of the EMPG Program award for M&A purposes. In addition, local EMAs may retain and use up to 5% of the amount they receive from the state for local M&A purposes. If the SAA is not the state or territory-level EMA, the SAA is not eligible to retain funds for M&A.

M&A costs and activities are not operational costs; they are those costs and activities 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. They are directly related to managing and administering the award, such as financial management, reporting, and program and financial monitoring. It should be noted that salaries of state and local emergency managers are not typically categorized as M&A costs unless the state or local EMA chooses to assign personnel to specific M&A activities. See [Preparedness Grants Manual, Appendix H](#) for additional guidance on M&A costs.

**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 Regional Grants Management Specialist 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 Regional Grants Management Specialist 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***

Direct costs generally need to fit within one of the categories listed below. For costs that do not explicitly fit within one of the mentioned categories, recipients should consult their Regional EMPG Program Manager to determine whether the cost is allowable under the award. In addition to the descriptions and references below, applicants should refer to the FY 2023 [Preparedness Grants Manual, Appendix H](#).

**I. PLANNING**

Planning costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual, Appendix H](#).

**II. ORGANIZATION**

Organization costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual, Appendix H](#).

**III. EQUIPMENT**

Equipment costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual, Appendix H](#).

**IV. TRAINING**

Training costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual, Appendix H](#).

**V. EXERCISES**

Exercise costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual, Appendix H](#).

**VI. TRAVEL**

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

**VII. CONSTRUCTION AND RENOVATION**

Construction and renovation costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual, Appendix H](#). All proposed construction and renovation activities must undergo an Environmental Planning and Historic Preservation (EHP) review, including approval of the review from FEMA, before undertaking any action related to the project. Failure of a grant recipient to meet these requirements may jeopardize Federal funding.

**VIII. OPERATIONAL OVERTIME**

Operational overtime costs are allowed under this program only as described in this NOFO and the [Preparedness Grants Manual, Appendix H](#).

**IX. MAINTENANCE AND SUSTAINMENT**

Funding may be used to sustain programs that help achieve core capabilities that, while they may not be physically deployable, support national response capabilities, such as Geographic/Geospatial Information Systems, interoperable communications systems, capabilities as defined under the Response Mission Area of the Goal, and fusion centers.

For additional details on the use of funds for maintenance and sustainment costs, please refer to the [Preparedness Grants Manual, Appendix H](#).

**E. Application Review Information****1. Application Evaluation Criteria****a. *Programmatic Criteria***

Please see the [Preparedness Grants Manual, Appendix H](#) for information on Application Evaluation Criteria.

**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 Office of Management and Budget (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**

Recipients must comply with all administrative requirements described herein including the submission of the EMPG Program Work Plan and other application materials as required. The following process will be used to make awards for the EMPG Program:

**a. *Initial Review***

The Regional EMPG Program Managers conduct all pre-award reviews for EMPG Program grant awards. All EMPG Program Work Plans require final approval by the RA. Prior to submission of the EMPG Program Work Plan, the applicant must work with the RA or designated Regional EMPG Program Manager to ensure that regional or state priorities are properly addressed in the EMPG Program Work Plan.

Funds for recipients will not be released until such Work Plan is received, reviewed, and approved by DHS/FEMA. Recipients will be notified by the RA or their Regional EMPG Program Manager should any component of the EMPG Program application require additional information.

**b. Overall Review**

FEMA Regions are responsible for reviewing submitted applications. Each Regional EMPG Program Manager reviews the FY 2023 EMPG Program Work Plans for their states or territories to assess the proposed EMPG Program investments against the agreed upon priorities. This will include a financial review using the following criteria:

- Allowability, allocability, and financial reasonableness of the proposed budget and investment information; and
- Whether a recipient meets the financial and legal requirements listed in 2 C.F.R. Part 200.

**F. Federal Award Administration Information**

**1. Notice of Award**

Before accepting the award through ND Grants, 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.**

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.

See the [Preparedness Grants Manual](#) for information on Notice of Award.

**2. Pass-Through Requirements**

Each state or territory shall obligate 100% of its total EMPG Program allocation to the designated state-level EMA. If the SAA is also the EMA, this requirement is automatically met. If the SAA is a separate agency or has a separate budget process, then all EMPG Program funds must be obligated to the EMA within 15 days of the grant award date. In

instances where the state EMA is making subawards to local jurisdictions, DHS/FEMA expects the state EMA to make these subawards as expeditiously as possible.

### 3. 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 on Emergency Communications Grants](#)

Recipients using EMPG 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.

#### 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](#).

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](https://www.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](#).

#### **4. 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 Appendix H](#) for information on reporting requirements.

#### **5. 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 Regional Program Analysts for the EMPG Program. If you do not know your Regional Program Analyst, reference [Regions, States and Territories | FEMA.gov](#) or contact CSID by phone at (800) 368-6498 or by email at [askcsid@fema.dhs.gov](mailto: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](mailto:askcsid@fema.dhs.gov), Monday through Friday, 9 a.m. – 5 p.m. ET.

#### **c. *FEMA Regional Offices***

FEMA Regional Offices manage, administer, and conduct the application budget review, create the award package, approve, amend, and close out awards, as well as conduct cash analysis, financial and programmatic monitoring, and audit resolution for the EMPG Program. The Regions also provide technical assistance to EMPG Program recipients.

FEMA Regional Office contact information is available at [Regions, States, and Territories | FEMA.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](mailto: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](mailto:gpdehpinfo@fema.dhs.gov).

### **2. Systems Information**

#### **a. *Grants.gov***

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

**c. *Payment and Reporting System (PARS)***

FEMA uses the [Payment and Reporting System \(PARS\)](#) 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](mailto:ask-GMD@fema.dhs.gov).

**H. Additional Information**

GPD has developed the [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](#) 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; and
- 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 in this NOFO or in the [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.

In addition, recipients are required to participate in a DHS-led evaluation if selected, which may be carried out by a third-party on behalf of the Program Office or DHS. By accepting grant funds, recipients agree to participate in the evaluation, which may include analysis of individuals who benefit from the grant, and provide access to program operating personnel and participants, as specified by the evaluator(s) during the award.

**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 Regional Program Analyst and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with

the FEMA Regional Program Analyst as needed when preparing an extension request. Please see the [Preparedness Grants Manual, Appendix H](#) for further instructions.

#### **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 Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also [Office of Management and Budget \(OMB\), 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](#).

**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.