The Department of Homeland Security (DHS)
Notice of Funding Opportunity (NOFO)
Fiscal Year 2023 State and Local Cybersecurity Grant Program (SLCGP)

All entities wishing to do business with the federal government must have a unique entity identifier (UEI). The UEI number is issued by the system. Instructions for 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)/Resilience/Grant Programs Directorate (GPD)

2. Assistance Listings Number
97.137

3. Assistance Listings Title
State and Local Cybersecurity Grant Program

4. Funding Opportunity Title
Fiscal Year 2023 State and Local Cybersecurity Grant Program (SLCGP)

5. Funding Opportunity Number
DHS-23-GPD-137-00-01

6. Authorizing Authority for Program
Section 2220A of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296) (6 U.S.C. § 665g)

7. Appropriation Authority for Program
Infrastructure Investment and Jobs Act (Pub. L. No. 117-58, Division J, Title V)

8. Announcement Type
Initial

9. Program Category
Preparedness: Infrastructure Security

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

Our nation faces unprecedented cybersecurity risks, including increasingly sophisticated adversaries, widespread vulnerabilities in commonly used hardware and software, and broad dependencies on networked technologies for the day-to-day operation of critical infrastructure. Cyber risk management is further complicated by the ability of malicious actors to operate remotely, linkages between cyber and physical systems, and the difficulty of reducing vulnerabilities.

Considering the risk and potential consequences of cyber incidents, strengthening the cybersecurity practices and resilience of state, local and territorial (SLT) governments is an important homeland security mission and the primary focus of SLCGP. Through funding from the Infrastructure Investment and Jobs Act referred to as the Bipartisan Infrastructure Law (BIL) throughout this document, the SLCGP enables DHS to make targeted cybersecurity investments in SLT government agencies, thus improving the security of

critical infrastructure and improving the resilience of the services SLT governments provide their communities.

The Fiscal Year (FY) 2023 SLCGP aligns with the National Cybersecurity Strategy by addressing three of the five pillars:

- Pillar One – Defend Critical Infrastructure,
- Pillar Two – Disrupt and Dismantle Threat Actors, and
- Pillar Four – Invest in a Resilient Future.

The FY 2023 SLCGP also addresses the 2020-2024 DHS Strategic Plan by helping DHS achieve Goal 3: Secure Cyberspace and Critical Infrastructure. This includes Objective 3.3: Assess and Counter Evolving Cybersecurity Risks.

Additionally, the FY 2023 SLCGP supports the 2022-2026 FEMA Strategic Plan, which outlines a bold vision with three ambitious goals, including Goal 3: Promote and Sustain a Ready FEMA and Prepared Nation, under which falls Objective 3.2: Posture FEMA to meet current and emergent threats. The FY 2023 SLCGP also aligns with the Cybersecurity and Infrastructure Security Agency's (CISA) 2023–2025 Strategic Plan, which encompasses Goal 1: Cyber Defense, Goal 2: Risk Reduction and Resilience and Goal 3: Operational Collaboration.

b. Objectives

The goal of SLCGP is to assist SLT governments with managing and reducing systemic cyber risk. This goal can be achieved over the course of the four years of SLCGP funding as applicants focus their Cybersecurity Plans, priorities, projects, and implementation toward addressing the SLCGP objectives. Once CISA confirms that a recipient has met their objective requirements for each fiscal year, the recipient moves to the next set of program objective(s).

During FY 2022, applicants focused on Program Objective 1: Develop and establish appropriate governance structures, including by developing, implementing, or revising Cybersecurity Plans, to improve capabilities to respond to cybersecurity incidents, and ensure continuity of operations.

In FY 2023, applicants are required to focus on addressing the following program objectives in their applications:

- Objective 2: Understand their current cybersecurity posture and areas for improvement based on continuous testing, evaluation, and structured assessments.
- Objective 3: Implement security protections commensurate with risk.
- Objective 4: Ensure organization personnel are appropriately trained in cybersecurity, commensurate with responsibility.

Applicants should refer to Appendix A, "Program Goals and Objectives" for more information on SLCGP program goals, objectives, sub-objectives, and desired outcomes required in their FY 2023 SLCGP application.

Eligible subrecipients include local governments, Indian tribes or authorized tribal organizations, rural communities, unincorporated towns or villages, and other public entities. Nonprofit and private organizations are not eligible subrecipients.

c. Priorities

I. CYBERSECURITY PLANS, COMMITTEES AND CHARTER

The Homeland Security Act of 2002, as amended by the BIL, requires SLCGP grant recipients to develop a Cybersecurity Plan, establish a Cybersecurity Planning Committee to support development of the plan, and identify projects to implement using SLCGP funding. With the FY 2022 SLCGP, recipients were directed to accomplish the following:

- Establish a Cybersecurity Planning Committee;
- Develop a state-wide Cybersecurity Plan, unless the recipient already has a state-wide Cybersecurity Plan; and
- Use SLCGP funds to implement or revise a state-wide Cybersecurity Plan.

For those states that did not apply for FY 2022 SLCGP funding, or for FY 2022 SLCGP recipients that were unable to meet the requirements listed above, please refer to Appendix A, "Program Goals and Objectives" and Appendix B, "Cybersecurity Planning Committee and Charter" for more information on the FY 2022 requirements that must be met before development of applications for FY 2023.

For FY 2023, there are no new Cybersecurity Planning Committee and Cybersecurity Plan requirements. CISA considers the plans as living documents that states and territories may update and resubmit, if desired. Eligible applicants must coordinate with the appropriate CISA Regional Representatives before submitting or updating their Cybersecurity Plan, Investment Justifications (IJ) and/or Project Worksheets (PW) (See Section G of this funding notice for relevant contact information).

For FY 2024, states and territories can anticipate additional guidance for updating their Cybersecurity Planning Committees and Cybersecurity Plans.

II. CYBERSECURITY ACTIVITIES, BEST PRACTICES, INVESTMENTS AND PROJECTS

Cybersecurity Activities

The State Administrative Agency (SAA) must consult with its Chief Information Officer (CIO) and the Chief Information Security Officer (CISO) (or an equivalent official of the eligible entity) regarding the plans for allocating SLCGP funds. To support the FY 2023 SLCGP requirements, Cybersecurity Plans must include the following activities:

a. Conducting assessment and evaluations as the basis for individual projects throughout the life of the program; and
b. Adopting key cybersecurity best practices and consulting Cybersecurity Performance Goals (CPGs).
    i. The CPGs are a prioritized subset of information technology and operational technology cybersecurity practices aimed at meaningfully reducing risks to both critical infrastructure operations and the American people.
    ii. These goals are applicable across all critical infrastructure sectors and are informed by the most common and impactful threats and adversary tactics,

techniques, and procedures observed by CISA and its government and industry partners, making them a common set of protections that all critical infrastructure entities – from large to small – should implement.

iii. The CPGs do not reflect an all-encompassing cybersecurity program – rather, they are a minimum set of practices that organizations should implement toward ensuring a strong cybersecurity posture.

iv. The Cross-Sector Cybersecurity Performance Goals are regularly updated, with a targeted revision cycle of at least every 6 to 12 months.

Key Cybersecurity Best Practices for Individual Projects

To keep pace with today's dynamic and increasingly sophisticated cyber threat environment, SLT governments must take decisive steps to modernize their approach to cybersecurity. As states, territories, and local entities increase their cybersecurity maturity, CISA recommends they move toward implementing more advanced best practices, such as endpoint detection and response capabilities, as well as conducting regular penetration testing. To assist in the revision of SLT cyber planning efforts, the following Cybersecurity Best Practices are provided. As appropriate, the strategic elements listed in the table below should be included in FY 2023 individual projects:

Cybersecurity Best Practices for Individual Projects
Implement multi-factor authentication
Implement enhanced logging
Data encryption for data at rest and in transit
End use of unsupported/end of life software and hardware that are accessible from the internet
Prohibit use of known/fixed/default passwords and credentials
Ensure the ability to reconstitute systems (backups)
Actively engage in bidirectional sharing between CISA and SLT entities in cyber relevant time frames to drive down cyber risk
Migration to the .gov internet domain

Cybersecurity Investments and Projects

Given the Cybersecurity Plan is a strategic document, it should not identify specific vulnerabilities but instead capture the broad level of capability across the jurisdiction. The Cybersecurity Plan must also show how the implementation of the individual projects and activities over time will help achieve the goals and objectives of the plan. The summary of projects using FY 2023 SLCGP funds associated with each required and discretionary element provides a helpful snapshot of state- and territory-wide capabilities and capacity that will be achieved as a result of this funding. Details for each project using SLCGP funds must be included in the Investment Justifications (IJs).

Each IJ must provide a baseline understanding of the existing cybersecurity gaps, risks, and threats that the applicant entity faces, which have influenced the development of the IJ. The IJ must include a summary of the current capabilities within the applicant jurisdiction to address these threats and risks. The IJ should also include a description of how the proposed project addresses gaps identified in or sustainment of the approved Cybersecurity Plan and

how the project aligns to the cybersecurity elements in this NOFO. Finally, the IJ should include implementation planning data to assist in project management.

The Project Worksheet (PW) will be used to identify the budget details and budget narrative portion of the application. Eligible applicants should submit only one PW as part of the overall application and must include information for each IJ submitted as part of the application for funding. More information on the IJ Form, PW and instructions can be found in Section D.11 in this funding notice.

III. MULTI-ENTITY PROJECTS

Multiple eligible entities (states or territories) can group together to address cybersecurity risks and threats to information systems within the states and territories which are the eligible entities. There is no separate funding for multi-entity projects. Instead, these investments would be considered as group projects: each group member contributing an agreed-upon funding amount from their SLCGP award to the overall project. Each group member's financial contribution is then funded from their individual SLCGP award. Each participating state or territory in the group should include the multi-entity project in their individual IJ submissions with their application. It is expected that IJs for multi-entity projects will be almost identical. Any differences should reflect alignment with the entities' respective Cybersecurity Plan.

The multi-entity project submissions must be approved by each of the participating state or territory's Cybersecurity Planning Committees, and each of the multi-entity project submissions must be aligned with each of the participating state or territory's respective Cybersecurity Plan. For multi-entity groups, each participating state or territory must have a CISA-approved Cybersecurity Plan. The project must improve or sustain capabilities identified in the respective Cybersecurity Plan for each eligible entity.

Multi-Entity Project Requirements and Process Overview

The following must be included in each of the participating state or territory group members' Cybersecurity Plans, the Investment Justifications and Project Worksheets for the multi-entity project:

- A detailed description of the overall project;
- The division of responsibilities among each participating state or territory group member entity;
- The distribution of funding among the participating state or territory group member entities; and
- Overview of how implementation of the multi-entity project will help achieve the goals and objectives in the Cybersecurity Plan of each participating entity.

Multi-Entity Project Benefits

A multi-entity project is funded from each participating state or territory group members' SLCGP award in accordance with their agreed-upon contribution amounts. Since the multi-entity group may be comprised of state and territory governments, each can benefit from information sharing and awareness opportunities. Multi-entity projects may permit smaller state and territory entities to combine resources with larger state and territory entities to reap

the benefits associated with larger acquisitions. At the same time, all parties to a multi-entity project may realize cost savings due to volume purchases. Lastly, the non-federal cost share in FY 2023 SLCGP for the projects in a multi-entity project is 10%.

IV. IMMINENT CYBERSECURITY THREAT

SLCGP is primarily a security preparedness program focused on reducing cyber risks by helping SLT entities address cybersecurity vulnerabilities and build cybersecurity capabilities. Over time, the program activities and investments reduce the potential impact of cybersecurity threats and incidents. The Homeland Security Act of 2002, as amended in *6 U.S.C. § 665g(d)(4),* provides that "An eligible entity that receives a grant under this section and a local government that receives funds from a grant under this section, as appropriate, shall use the grant to…(4) assist with activities that address imminent cybersecurity threats, as confirmed by the Secretary, acting through the [CISA] Director, to the information systems owned or operated by, or on behalf of, the eligible entity or a local government within the jurisdiction of the eligible entity."

The following provides a general overview of the processes for the FY 2023 grant cycle from a grant management perspective. Specific details on CISA's criteria and process for confirming an imminent cybersecurity threat are not included here. The following also does not supersede or replace existing threat notification procedures or existing methods to collaborate on operational cybersecurity matters.

Process Overview

- Any eligible entity seeking to use SLCGP funds to address an imminent cybersecurity threat, as confirmed by the Secretary, acting through the CISA Director, must have a Cybersecurity Plan approved by CISA.
- DHS, through CISA, will determine if an incident constitutes as an imminent cybersecurity threat.
- Upon confirmation, DHS will notify the SLCGP SAA and the SAA must notify the state or territory Cybersecurity Planning Committee and CIO/ CISO/equivalent.
- DHS will notify impacted SLT entities, as appropriate, of permissible imminent cybersecurity threat fund usage.
- FEMA will issue an Information Bulletin detailing the impacted entities and procedures for reprograming SLCGP funds in support of the specific imminent cybersecurity threat. The scope of the Information Bulletin will be dependent on the nature of the imminent cybersecurity threat.

11. Performance Measures

DHS will communicate with all SLCGP SAA recipients on the information collection process related to performance measures data. DHS will measure the recipient's performance by comparing the number of activities and projects needed and requested in its IJs with the number of activities and projects acquired and delivered by the end of the period of performance (POP) using the following programmatic metrics:

Performance Measures
Percentage of entities with CISA approved state-wide Cybersecurity Plans

Percentage of entities with statewide Cybersecurity Planning Committees that meet the Homeland Security Act of 2002 and SLCGP funding notice requirements
Percentage of entities conducting annual table-top and full-scope exercises to test Cybersecurity Plans
Percent of the entities' SLCGP budget allocated to exercises
Average dollar amount expended on exercise planning for entities
Percentage of entities conducting an annual cyber risk assessment to identify cyber risk management gaps and areas for improvement
Percentage of entities performing phishing training
Percentage of entities conducting awareness campaigns
Percent of entities providing role-based cybersecurity awareness training to employees
Percentage of entities adopting the Workforce Framework for Cybersecurity (NICE Framework) as evidenced by established workforce development and training plans
Percentage of entities with capabilities to analyze network traffic and activities related to potential threats
Percentage of entities implementing multi-factor authentication (MFA) for all remote access and privileged accounts
Percentage of entities with programs to anticipate and discontinue use of end-of-life software and hardware
Percentage of entities prohibiting the use of known/fixed/default passwords and credentials
Percentage of entities operating under the ".gov" internet domain
Number of cybersecurity gaps or issues addressed annually by entities

B. Federal Award Information

1. Available Funding for the NOFO: $374,981,324

For FY 2023, DHS will award funds to states and territories based on baseline minimums and population as required by section 2200A(l) of the Homeland Security Act of 2002 (codified at 6 U.S.C. § 665g(l)) and described below.

Each state and territory will receive a baseline allocation using thresholds established in section 2200A(l) of the Homeland Security Act of 2002 (codified at 6 U.S.C. § 665g(l)). All 50 States, the District of Columbia, and the Commonwealth of Puerto Rico will receive a minimum of $4,082,282 each, equaling 1% of total funds appropriated to DHS in FY 2023. Each of the four territories (American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands) will receive a minimum of $1,020,570, equaling 0.25% of the total funds appropriated to DHS in FY 2023. $79,310,190, 50% of the remaining amount, will be apportioned based on the ratio that the population of each state or territory bears to the population of all states and territories. The remaining $79,310,190, equaling the other 50% of the remaining amount, will be apportioned based on the ratio that the population of each state that resides in rural areas bears to the population of all states that resides in rural areas.

FY 2023 SLCGP Allocations

State/Territory	FY 2023 SLCGP Allocation	State/Territory	FY 2023 SLCGP Allocation
Alabama	$7,840,285	Nevada	$5,072,822
Alaska	$4,567,677	New Hampshire	$5,096,082
Arizona	$6,776,692	New Jersey	$6,858,348
Arkansas	$6,402,359	New Mexico	$5,178,907
California	$15,879,497	New York	$11,588,894
Colorado	$6,553,216	North Carolina	$10,813,417
Connecticut	$5,465,875	North Dakota	$4,666,397
Delaware	$4,546,985	Ohio	$10,042,553
District of Columbia	$4,240,457	Oklahoma	$6,665,123
Florida	$11,997,340	Oregon	$6,047,316
Georgia	$9,873,903	Pennsylvania	$10,463,799
Hawaii	$4,567,336	Rhode Island	$4,467,229
Idaho	$5,210,589	South Carolina	$7,428,446
Illinois	$8,834,866	South Dakota	$4,766,558
Indiana	$7,977,398	Tennessee	$8,606,142
Iowa	$6,228,366	Texas	$17,418,110

Kansas	$5,707,130	Utah	$5,348,368
Kentucky	$7,413,939	Vermont	$4,717,850
Louisiana	$6,732,858	Virginia	$8,712,723
Maine	$5,439,273	Washington	$7,403,503
Maryland	$6,514,533	West Virginia	$5,620,962
Massachusetts	$6,419,112	Wisconsin	$7,666,939
Michigan	$9,609,530	Wyoming	$4,477,270
Minnesota	$7,270,657	Puerto Rico	$5,068,610
Mississippi	$6,639,551	U.S. Virgin Islands	$1,046,957
Missouri	$7,748,105	American Samoa	$1,039,880
Montana	$4,947,036	Guam	$1,068,051
Nebraska	$5,188,485	Northern Mariana Islands	$1,037,018
Total		**$374,981,324**	

2. **Projected Number of Awards:** **56**

3. **Period of Performance:** **48 months**

   Extensions to the period of performance are allowed. Refer to Section I.3 of this NOFO, for additional information on period of performance extensions. 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."

4. **Projected Period of Performance Start Date(s):** **Dec. 1, 2023**

5. Projected Period of Performance End Date(s): **Nov. 30, 2027**

6. Funding Instrument Type: **Grant**

C. Eligibility Information

1. Eligible Applicants

All 56 states and territories, including any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, are eligible to apply for SLCGP funds. The Governor-designated SLCGP SAA is the only entity eligible to submit SLCGP applications to DHS/FEMA.

a. Eligible Entity

"State" is defined in 6 U.S.C. § 101(17) to include the 50 states, District of Columbia, Commonwealth of Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

b. Eligible Subrecipient Entities

"Local government" is defined in *6 U.S.C. § 101(13)* as:

a. A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law), regional or interstate government entity, or agency or instrumentality of a local government;
b. *An Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and
c. A rural community, unincorporated town or village, or other public entity.

*Although tribes are not eligible to apply directly for SLCGP funding, they may be eligible subrecipients, and can receive SLCGP funding as a local government. Each individual SAA may determine whether and how much SLCGP funding to pass through to tribal entities. DHS does not have the authority to mandate that a certain percentage of SLCGP funds are directed to tribal governments. Additionally, funding will be directly available to eligible tribal entities under the forthcoming Tribal Cybersecurity Grant Program, for which DHS will expects to publish the funding notice this year.

Ineligible subrecipient entities include:

a. Nonprofit organizations; and
b. Private corporations.

c. Educational Institutions

A public educational institution (e.g., elementary school, secondary school, or institution of higher education) is generally eligible to receive assistance under SLCGP if it is an agency or instrumentality of a state or local government under state and/or local law. In contrast, a private educational institution would not be eligible to receive SLCGP assistance because it is not an agency or instrumentality of a state or local government. "Assistance" means either

funding, non-funding assistance (i.e., items, services, capabilities, or activities), or a combination of both. The eligibility of charter schools depends on the function of the charter school – it will be eligible if, and only if, it is an agency or an instrumentality of the state or local government. This will be a determination for the SAA to make (and to justify, if necessary), based on state or local law. The SAA for an SLCGP grant award is responsible for demonstrating the eligibility of each entity receiving assistance and should consult with FEMA if there is uncertainty regarding eligibility for a particular entity.

2. Applicant Eligibility Criteria

Applicants must be one of the 56 states and territories that are eligible for the program. One or more states or territories may submit a multi-entity project.

3. Other Eligibility Criteria/Restrictions

Each eligible entity is required to meet the following criteria for FY 2023:

a. Submit a Cybersecurity Plan, Cybersecurity Planning Committee Membership List and a Cybersecurity Charter that aligns with the criteria detailed in this NOFO, unless the applicant has a CISA-approved Cybersecurity Plan, Committee Membership List and Charter;
b. FEMA will not release funds to a recipient until CISA approves the entity's Cybersecurity Plan; and
c. Details on the requirements for the Cybersecurity Plan, Committee Membership List and Charter can be found in Appendix A - C in this funding notice.

4. Cost Share or Match

Eligible entities must meet a 20% cost share requirement for the FY 2023 SLCGP. The recipient contribution can be cash (hard match) or third-party in-kind (soft match). Eligible applicants must agree to make available non-federal funds to carry out an SLCGP award in an amount not less than 20% of the total project costs (federal award amount plus cost share amount). For FY 2023, in accordance with *48 U.S.C. § 1469a*, cost share 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.

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, allocable, and necessary, and otherwise allowable under the grant program, and in compliance with all applicable federal requirements and regulations. The non-federal cost share requirement cannot be matched with other federal funds, unless specifically authorized by the legislation governing that other source of federal funding.

By statute, the cost share applies to each individual project funded by the grant award rather than just to the cumulative total. Recipients must ensure that each activity's cost share is met. DHS interprets "activity" to mean all projects approved as part of the submitted Project Worksheets. The Project Worksheets must include cost share and Management and Administration (M&A) for each project objective. Also, the Project Worksheet must include a description of the source of the cost share/match. Note for post-award documentation of

cost share, if funds or services are to be provided by a third party for in-kind match, a dated letter of commitment is required to document the donation.

a. Types of Cost Share/Match

Hard Match (Cash)

Cash or hard matching includes cash spent for project-related costs. The allowable cash match must include costs that are necessary, reasonable, and allowable under the SLCGP.

i. Examples: State or local general fund monies.

Soft Match (In-kind)

Soft match refers to contributions of the reasonable value of property or services in lieu of cash which benefit a federally assisted project or program. This type of match may only be used if not restricted or prohibited by program statute, regulation or guidance and must be supported with source documentation. Only property or services that comply with program guidance and/or program regulations, are allowable. In other words, a recipient cannot use a source for the soft match that is completely unrelated to the SLCGP program's goals, objectives, NOFO, etc. The same contribution cannot be used if it is already used as match for another grant program or paid from other grant funds. Below are some examples of allowable soft match:

i. Example 1: The dollar value of the salary and fringe benefits of the CIO position paid by state, territory or local government general fund monies who is working on cybersecurity efforts within the state, territory, or local entity government.

ii. Example 2: A hotel offers a room or space to conduct a cybersecurity training event or tabletop exercise. The hotel manager should provide the SAA with written documentation of the room rental (dollar value), date/time of the donation, signed by the hotel manager. This should align with the date/time of the training or exercise event. And, per *2 C.F.R. 200.306*, "The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality."

iii. Example 3: Contributions of salary, travel, equipment, supplies, and other budget areas that are from third party sources (in compliance with *2 C.F.R. 200.306*) and include voluntary contributions such as emergency personnel, lawyers, etc., who donate their time to a federal grant program. The normal per hour rate for these professionals (acting in their professional capacity) can be used to meet the matching requirement. The value of the services provided is taken into consideration when determining the value of the contribution and not who is providing the service. For example, if a lawyer is volunteering his/her services to assist the Cybersecurity Planning Committee with preparing and filing legal paperwork for their Charter, the lawyer's normal hourly rate is allowable. However, if the lawyer is volunteering his/her time and services to conduct cybersecurity needs assessments as part of the state's cyber plan implementation, the lawyer's hourly rate would not be applicable; instead, the hourly rate for an information technology specialist would be more reasonable and applicable.

b. Cost Share Documentation

The source documentation is very important, as it is with hard match. The source of the soft match should be:

1. Valued at the time of the donation—value must not exceed the fair market value of the equipment of the same age and condition at the time of donation.
2. Signed and dated by the donating company, person, etc.
3. For third-party in-kind contributions, the fair market value of goods and services must be documented and, to the extent feasible, supported by the same methods used internally by the non-federal entity.

c. Calculating Cost Share for the Application

Applicants must make available non-federal funds to carry out an SLCGP award in an amount not less than 20% of the total project costs (federal award amount plus cost share amount). The cost share for the multi-entity projects is 10%.

Formula: Federal Award Amount / Federal Share Percentage = Total Project Cost; Total Project Cost x Cost Share Percentage = Cost Share Amount

i. **Example**: If the federal award is $100,000 with an 80% federal share percentage and a 20% cost share percentage, the cost share amount is calculated below:
   - $100,000 (Federal Award Amount) / .80 = $125,000 (Total Project Cost)
   - $125,000 x .20 = $25,000 (Cost Share Amount)

d. Calculating Cost Share for Projects

Cost share must be provided on a project basis. To calculate cost share for a project, please see the following formula and example:

Formula: Total Project Cost x Cost Share Percentage of the Project = Cost Share Amount; Total Project Cost x Federal Percentage Share of the Project = Federal Amount for the Project

i. **Example**: If the total project cost is $125,000, the cost share percentage of the project is 20% and the federal percentage share of the project is 80%, the cost share amount for the project and federal amount for the project is calculated below:
   - $125,000 x .20 = $25,000 (Cost Share Amount for Project)
   - $125,000 x .80 = $100,000 (Federal Share Amount for Project)

e. Future Cost Share Amounts

With the exception for multi-entity projects, for SLCGP planning purposes, the following chart indicates the federal share and cost share percentages for SLCGP FY 2022 - 2025:

Federal fiscal year (FFY)	Federal share percentage	Non-federal cost share percentage
2022	90%	10%
2023	80%	20%
2024	70%	30%
2025	60%	40%

f. Cost Share Waiver

The Secretary of Homeland Security (or designee) may waive or modify the non-federal share for an individual entity if the entity demonstrates economic hardship. The Homeland Security Act of 2002, as amended, requires SLCGP recipients in FY 2023 to provide a non-federal cost share of 20% if they are applying as a single entity *(6 U.S.C. § 665g(m)(1)).* However, DHS is not able to provide additional funds even if it does grant a cost share waiver. The federal funding will remain at the same amount as indicated by the statutory formula.

Additionally, in accordance with *48 U.S.C. § 1469a* cost share requirements 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 are waived, provided the cost share is less than $200,000.

Economic Hardship Factors

6 U.S.C. § 665g(m)(2)(C) requires the Secretary of Homeland Security (or designee) to consider the following factors when determining economic hardship:

a. Changes in rates of unemployment in the jurisdiction from previous years;
b. Changes in the percentage of individuals who are eligible to receive benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (*7 U.S.C. § 2011 et seq.)* from previous years; and
c. Any other factors the Secretary considers appropriate.

In addition, for FY 2023, the Secretary of Homeland Security (or designee) will also consider the following factors in determining economic hardship:

a. Demonstration that the rate of unemployment has exceeded the annual national average rate of unemployment for three of the past five years;
b. Demonstration that the entity has filed for bankruptcy or been placed under third-party financial oversight or receivership within the past three years; and
c. For local units of government only, demonstration that those localities have areas within them that are designated as either “high” or “very high” on the Centers for Disease Control and Prevention’s Social Vulnerability Index.

To be considered for a cost share waiver, eligible entities must meet at least one of the five criteria described above, but do not necessarily need to meet all of them. Requests for waivers will be considered on a case-by-case basis and evaluated holistically.

Cost Share Waiver Request Requirements
To request a waiver, an eligible entity should submit a written narrative, including the following three (3) categories to demonstrate economic hardship, with its FY 2023 SLCGP application submission in the Non-Disaster (ND) Grants System:

a. History: A description of the entity's background/history of economic hardship.
b. Austerity: Describe any measures the entity has taken to address economic hardship.
c. Operational Impact: Describe how the lack of a waiver will impact the entity's ability to develop, implement, or revise a Cybersecurity Plan or address imminent cybersecurity threats.

A detailed justification explaining why the state (or specific local government(s) or specific project(s) if requesting only a partial waiver) is unable to fulfill the cost share requirement. The applicant must identify specific economic hardship(s) and address the factors listed above.

Approval Process
Once a decision on a waiver request is made, the SLCGP SAA will be notified in writing. If approved, the award package will indicate that the cost share has been waived in full or in part and might indicate a requirement for the state to submit a revised budget and/or scope (as applicable) for the identified project(s). If the waiver request is approved after the award has been issued, FEMA will amend the award package to indicate that the cost share has been waived in full or in part and whether the recipient must submit a revised budget and/or scope (as applicable) for the identified project(s).

Questions regarding the cost share waiver process may be directed to your FEMA Preparedness Officer by emailing FEMA-SLCGP@fema.dhs.gov.

D. Application and Submission Information

1. Key Dates and Times

a. ***Application Start Date:*** ***Aug. 7, 2023, at 8:45 a.m. ET***

b. ***Application Submission Deadline:*** ***Oct. 6, 2023, at 5:00 p.m. ET***

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

The 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 notice.

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, or other exigent or emergency circumstances.

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

c. Anticipated Award Date: ***No later than Dec. 1, 2023***

d. *Other Key Dates*

Event	Suggested Deadline for Completion
Initial registration in SAM.gov includes UEI issuance	Four weeks before actual submission deadline
Obtaining a valid Employer Identification Number (EIN)	Four weeks before actual submission deadline
Creating an account with login.gov	Four weeks before actual submission deadline
Registering in the System for Award Management (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 the final application in ND Grants	By the submission deadline

2. Agreeing to Terms and Conditions of the Award

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

3. Address to Request Application Package

Initial applications are processed through the Grants.gov portal. Final applications are completed and submitted through FEMA's ND Grants System. Application forms and instructions are available at Grants.gov. To access these materials, go to http://www.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 C.F.R. 25.110, must:
   1. Be registered in Sam.Gov before application submission;
   2. Provide a valid Unique Entity Identifier (UEI) in its application; and
   3. Continue to always maintain an active System for Award Management (SAM) registration with current information during the Federal Award process.

5. **Steps Required to Obtain a Unique Entity Identifier, Register in System for Award Management (SAM), and Submit an Application**
   Applying for an award under this program is a multi-step process, and applicants are encouraged to register early as the registration process can take four weeks or more to complete. Therefore, registration should be done in sufficient time to ensure it does not impact your ability to meet required submission deadlines.

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

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

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

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

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

6. Electronic Delivery

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

7. How to Register to Apply through Grants.gov

a. ***General Instructions:***

Registering and applying for an award under this program is a multi-step process and requires time to complete. Read the instructions below about registering to apply for FEMA funds. Applicants should read the registration instructions carefully and prepare the information requested before beginning the registration process. Reviewing and assembling the required information before beginning the registration process will alleviate last-minute searches for required information.

The registration process can take up to four weeks to complete. To ensure an application meets the deadline, applicants are advised to start the required steps well in advance of their submission. Organizations must have an UEI number, an EIN, an active SAM registration and Grants.gov account to apply for grants.

Organizations must also have a Grants.gov account to apply for an award under this program. Creating a Grants.gov account can be completed online in minutes, but UEI and SAM registrations may take several weeks. Therefore, an organization's registration should be done in sufficient time to ensure it does not impact the entity's ability to meet required application submission deadlines. Complete organization instructions can be found on Grants.gov: https://www.grants.gov/web/grants/applicants/organization-registration.html.

If individual applicants are eligible to apply for this grant funding opportunity, refer to: https://www.grants.gov/web/grants/applicants/registration.html.

b. ***Obtain an UEI Number:***
All entities applying for funding, including renewal funding, before April 4, 2022, must have a UEI number. Applicants must enter the UEI number in the applicable data entry field on the SF-424 form.

For more detailed instructions for obtaining a UEI number, refer to Sam.gov.

c. ***Obtain Employer Identification Number:***
All entities applying for funding must provide an Employer Identification Number (EIN). The EIN can be obtained from the IRS by visiting https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online.

d. ***Create a login.gov account:***
Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account here: https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd3.

Applicants only have to create a login.gov account once. For applicants that are existing SAM users, use the same email address for the login.gov account as with SAM.gov so that the two accounts can be linked.

For more information on the login.gov requirements for SAM registration, refer to: https://www.SAM.gov/SAM/pages/public/loginFAQ.jsf.

e. ***Register with SAM:***
All organizations applying online through Grants.gov must register with SAM. Failure to register with SAM will prevent your organization from applying through Grants.gov. SAM registration must be renewed annually. Organizations will be issued a UEI number with the completed SAM registration.

For more detailed instructions for registering with SAM, refer to: https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html.

Note: As a new requirement per *2 C.F.R. § 25.200*, applicants must also provide the applicant's immediate and highest-level owner, subsidiaries, and predecessors that have been awarded federal contracts or federal financial assistance within the past three years, if applicable.

I. ADDITIONAL SAM REMINDERS

Existing SAM.gov account holders should check their account to make sure it is "ACTIVE." SAM registration should be completed at the very beginning of the application period and should be renewed annually to avoid being "INACTIVE." **Please allow plenty of time before the grant application submission deadline to obtain an UEI number and then to register in SAM. It may be four weeks or more after an applicant submits the SAM registration before the registration is active in SAM, and then it may be an additional 24 hours before FEMA's system recognizes the information.**

It is imperative that the information applicants provide is correct and current. Please ensure that your organization's name, address, and EIN are up to date in SAM and that the UEI number used in SAM is the same one used to apply for all other FEMA awards. Payment under any FEMA award is contingent on the recipient's having a current SAM registration.

II. HELP WITH SAM

The SAM quick start guide for new recipient registration and SAM video tutorial for new applicants are tools created by the General Services Administration (GSA) to assist those registering with SAM. If applicants have questions or concerns about a SAM registration, please contact the Federal Support Desk at https://www.fsd.gov/fsd-gov/home.do or call toll free (866) 606-8220.

f. ***Create a Grants.gov Account:***

The next step in the registration process is to create an account with Grants.gov. If applicable, applicants must know their organization's UEI number to complete this process.

For more information, follow the on-screen instructions or refer to: https://www.grants.gov/web/grants/applicants/registration.html.

See also Section D.8 in this NOFO, "Submitting the Final Application in ND Grants," for instructions on how to register early in ND Grants.

g. ***Add a Profile to a Grants.gov Account:***

A profile in Grants.gov corresponds to a single applicant organization the user represents (i.e., an applicant) or an individual applicant. If you work for or consult with multiple organizations and have a profile for each, you may log in to one Grants.gov account to access all of your grant applications. To add an organizational profile to your Grants.gov account, if applicable, enter the UEI number for the organization in the UEI field while adding a profile.

For more detailed instructions about creating a profile on Grants.gov, refer to https://www.grants.gov/web/grants/applicants/registration/add-profile.html.

h. ***EBiz Point of Contact (POC) Authorized Profile Roles:***

After you register with Grants.gov and create an Organization Applicant Profile, the organization applicant's request for Grants.gov roles and access is sent to the EBiz POC. The EBiz POC will then log in to Grants.gov and authorize the appropriate roles, which may include the AOR role, thereby giving you permission to complete and submit applications on

behalf of the organization. You will be able to submit your application online any time after you have been assigned the AOR role.

For more detailed instructions about creating a profile on Grants.gov, refer to: https://www.grants.gov/web/grants/applicants/registration/authorize-roles.html.

i. ***Track Role Status:***
To track your role request, refer to:
https://www.grants.gov/web/grants/applicants/registration/track-role-status.html.

j. ***Electronic Signature:***
When applications are submitted through Grants.gov, the name of the organization applicant with the AOR role that submitted the application is inserted into the signature line of the application, serving as the electronic signature. The EBiz POC **must** authorize individuals who are able to make legally binding commitments on behalf of the organization as an AOR; **this step is often missed, and it is crucial for valid and timely submissions.**

8. How to Submit an Initial Application to FEMA via Grants.gov
Standard Form 424 (SF-424) is the initial application for this notice.

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:

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

Below is an overview of applying on Grants.gov. For access to complete instructions on how to apply for opportunities using Workspace, refer to:
https://www.grants.gov/web/grants/applicants/workspace-overview.html

a. ***Create a Workspace:***
Creating a workspace allows you to complete it online and route it through your organization for review before submitting.

b. ***Complete a Workspace:***
Add participants to the workspace to work on the application together, complete all the required forms online or by downloading PDF versions, and check for errors before submission.

c. ***Adobe Reader:***
If you decide not to apply by filling out webforms you can download individual PDF forms in Workspace so that they will appear similar to other Standard or DHS forms. The

individual PDF forms can be downloaded and saved to your local device storage, network drive(s), or external drives, then accessed through Adobe Reader.

NOTE: Visit the Adobe Software Compatibility page on Grants.gov to download the appropriate version of the software at https://www.grants.gov/web/grants/applicants/adobe-software-compatibility.html

d. ***Mandatory Fields in Forms:***
In the forms, you will note fields marked with an asterisk and a different background color. These fields are mandatory fields that must be completed to successfully submit your application.

e. ***Complete SF-424 Fields First:***
The forms are designed to fill in common required fields across other forms, such as the applicant name, address, and UEI number. To trigger this feature, an applicant must complete the SF-424 information first. Once it is completed, the information will transfer to the other forms.

f. ***Submit a Workspace:***
An application may be submitted through workspace by clicking the "Sign and Submit" button on the Manage Workspace page, under the Forms tab. Grants.gov recommends submitting your application package at least 24-48 hours prior to the close date to provide you with time to correct any potential technical issues that may disrupt the application submission.

g. ***Track a Workspace:***
After successfully submitting a workspace package, a Grants.gov Tracking Number (GRANTXXXXXXXX) is automatically assigned to the application. The number will be listed on the confirmation page that is generated after submission. Using the tracking number, access the Track My Application page under the Applicants tab or the Details tab in the submitted workspace.

h. ***Additional Training and Applicant Support:***

For additional training resources, including video tutorials, refer to:
https://www.grants.gov/web/grants/applicants/applicant-training.html

Grants.gov provides applicants 24/7 (except federal holidays) support via the toll-free number (800) 518-4726, email at support@grants.gov and the website at https://www.grants.gov/support.html. For questions related to the specific grant opportunity, contact the number listed in the application package of the grant you are applying for.

If you are experiencing difficulties with your submission, it is best to call the Grants.gov Support Center and get a ticket number. The Support Center ticket number will assist FEMA with tracking your issue and understanding background information on the issue.

9. Submitting the Final Application in ND Grants

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

Applicants needing assistance registering for the ND Grants system should contact ndgrants@fema.dhs.gov or (800) 865-4076. For step-by-step directions on using the ND Grants system and other guides, please see https://www.fema.gov/grants/guidance-tools/non-disaster-grants-management-system.

In ND Grants, applicants will be prompted to submit the standard application information and any program-specific information required as described in Section D.11 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.11 of this notice.

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 p.m. 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 SFs 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 https://www.grants.gov/web/grants/forms/sf-424-family.html.

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 notice, "Funding Restrictions and Allowable Costs," for further information regarding allowability of indirect costs and whether alternatives to an indirect cost rate agreement or proposal might be available, or contact the relevant FEMA staff identified in Section G of this notice, "DHS Awarding Agency Contact Information" for further instructions.

b. ***Program-Specific Required Forms and Information***

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

I. INVESTMENT JUSTIFICATION FORM AND INSTRUCTIONS

Each eligible entity is required to submit complete project-level information detailing how the SLCGP program objectives and goals will be met through the development, implementation and/or revision of its Cybersecurity Plan. If the state or territory has not established a Cybersecurity Planning Committee, then the proposed plans for this requirement must be included in the IJs and projects submitted with the application. Project-level information should also include state or territory projects which address the requirement to conduct assessments and evaluation and to incorporate the adoption of key cybersecurity best practices. Eligible entities should consult the CISA Cybersecurity Performance Goals for their SLCGP application.

Only one application will be submitted by the eligible entity. Requirements for the application are listed in order of hierarchy below:

Application level: No more than four **IJs** can be submitted with the application.

- **Objective:** Each SLCGP objective requires no more than one IJ and at least one project.
  - **Projects**: Project-level information will vary based on the associated SLCGP objectives and sub-objectives as outlined in the NOFO.
    - **Project Worksheet**: Applicants must submit only one Project Worksheet with the application. Multi-entity projects must be included as individual projects within a Project Worksheet, aligned to the applicable IJ and SLCGP objectives.
    - Use the following naming convention for the IJs and PWs: [Insert name of state or territory] Objective [insert number of corresponding objectives – 1, 2, 3 or 4]. For example: "Alaska PW Objective 2" or "Alaska IJ Objective 2."

Investment Justification Implementation Schedule
The implementation schedule table should be used as a planning tool for the key activities and milestones associated with each project identified in the Cybersecurity Plan. Applicants must also describe how implementing the plan will be measured (metrics). For each project and each year of the grant, the applicant should include the activities necessary to accomplish the goals of each project, as well as the estimated start and completion dates (by calendar quarter) for each activity. The standard definition of a project is a temporary endeavor with a defined beginning and end (usually time-constrained, and often constrained by funding or a deliverable), undertaken to meet unique goals and objectives, typically to bring about beneficial change or added value. Applying this standard to projects using preparedness grant funds, a project is a related set of activities and purchases supporting the building or sustaining of core capabilities; and is associated with a single entity responsible for execution.

Download IJ Template from FEMA's website or access the IJ Template on Grants.gov. The IJ Template is useful for the **Program Narrative** portion of the application. All IJs must provide a baseline understanding of the existing cybersecurity gaps, risks, and threats that the applicant entity faces which have influenced the development of the IJs. Also, applicants must include a summary of the current capabilities within the applicant jurisdiction to address these threats and risks.

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For states and territories **with** a CISA-approved Cybersecurity Plan, Committee Membership List and Charter, Investments Justifications for SLCGP Objectives 3 and 4 must have at least one project. However, it is important to note that identifying and mitigating gaps in the cybersecurity workforce, enhancing recruitment and retention efforts and bolstering the knowledge, skills, and abilities of personnel are still statutory requirements for Cybersecurity Plans to address even if the eligible entity does not use grant funds to carry this out. In addition, state and territories may include projects related to SLCGP Objectives 1 and 2 at their discretion.

II. PROJECT WORKSHEET

The PW is useful for the **Budget Details and Budget Narrative** portion of the application. Eligible applicants must submit one PW as part of the overall application submission through the ND Grants system. The PW must include information for each IJ submitted as part of the application for funding: IJ Number, Objective, Project Name, Local and/or Rural Pass-through information, etc. The PW should be used to record all proposed projects with budget details, budget narrative, M&A costs, amount and source of cost share, etc. The Planning, Organization, Equipment, Training, and/or Exercises (POETE) Solution Areas associated with the IJs and Projects should be indicated on the PW. The federal Amount and Cost Share Amount must be included for each project within the PW. The PW template provides drop-down selections for several of the project attributes. All project attribute fields must be completed for the PW to be considered complete. Incomplete PWs will not be accepted. Information provided should primarily align to one objective to facilitate project review. If a project aligns to multiple objectives, then applicant must provide sufficient detail to determine which projects, POETE elements, and requested funds belong under which objective. The applicant may then use the information collected in the worksheet for rapid transfer to the ND Grants interface. Each project will be given a unique identifier as it is submitted via ND Grants. Applicants should keep a record of the project identifiers as they will be required to report on each project using that identifier. All requested funding must be associated with specific projects.

Cybersecurity Project Submissions (if applicable)

Applicants may request an exception to submitting their cybersecurity projects at the time of application. The exception request must be supported by the Cybersecurity Planning Committee. One IJ and one PW must be included with the application indicating "To be determined" on both forms. The applicant may request M&A funding on the PW which will be released at the time of award.

Applicants can email questions about the IJ, PW or application requirements to FEMA-SLCGP@fema.dhs.gov.

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)

13. Funding Restrictions and Allowable Costs

All costs charged to awards covered by this funding notice must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at *2 C.F.R. Part 200*, unless otherwise indicated in the funding notice and the terms and conditions of the award. 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).

In general, the Cost Principles establish standards for the allowability of costs, provide detailed guidance on the cost accounting treatment of costs as direct or administrative costs, and set forth allowability principles for selected items of cost. More specifically, except as otherwise stated in this NOFO, the terms and condition of an award, or other program materials, costs charged to awards covered by this NOFO must be consistent with the cost principles for federal awards located at *2 C.F.R. Part 200, Subpart E*. In order to be allowable, all costs charged to a FEMA award or applied to the cost share must be reasonable in nature and amount and allocable to the particular FEMA award.

Additionally, all costs charged to awards must comply with the grant program's applicable statutes, policies, requirements in this notice as well as with the terms and conditions of the award. If FEMA staff identify costs that are inconsistent with any of these requirements, these costs may be disallowed, and FEMA may recover funds as appropriate, consistent with applicable laws, regulations, and policies.

As part of those requirements, grant recipients and subrecipients may only use federal funds or funds applied to a cost share for the purposes set forth in this notice and the terms and conditions of the award, and those costs must be consistent with the statutory authority for the award.

Grant funds may not be used for matching funds for other federal grants/cooperative agreements, 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.

Unallowable Costs
For FY 2023 SLCGP, grant funds may not be used for the following:

a. Spyware;
b. Construction;
c. Renovation;
d. To pay a ransom;
e. For recreational or social purposes;
f. To pay for cybersecurity insurance premiums;
g. To acquire land or to construct, remodel, or perform alterations of buildings or other physical facilities;
h. For any purpose that does not address cybersecurity risks or cybersecurity threats on information systems owned or operated by, or on behalf of, the eligible entity that receives the grant or a local government within the jurisdiction of the eligible entity;
i. To supplant state or local funds; however, this shall not be construed to prohibit the use of funds from a grant under this NOFO for otherwise permissible uses on the basis that the SLT has previously used SLT funds to support the same or similar uses; and
j. For any recipient or subrecipient cost-sharing contribution.

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 FEMA Policy #405-143-1 - Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services

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, 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, 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 funding notice and the Preparedness Grants Manual.

II. Definitions

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

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

iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the People's Republic of China.

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

b. Pre-Award Costs

Pre-award costs are allowable only with the prior written approval of DHS/FEMA and as included in the award agreement. Grant funds cannot be used to pay for products and services contracted for or obligated prior to the effective date of the award. Grant writer fees, which are limited to $1,500 per eligible entity per application, are considered an exception and may be included as a Pre-Award cost.

The applicant must seek approval from FEMA at the time of application and before the award is announced.

To request pre-award costs, a written request must be included with the eligible entity's application and signed by the AOR of the entity. The signed letter must outline the purposes for the pre-award costs, a detailed budget and budget narrative describing the pre-award costs from the post-award costs and a justification for the request. All pre-award and post-award costs should be included in the IJ and PW and clearly identified as such. The recipient must receive written confirmation from FEMA that the expenses have been reviewed and that FEMA has determined the costs to be justified, unavoidable, and consistent with the grant's scope of work. The pre-award cost must meet the requirements of *2 C.F.R. § 200.458*, which provides that the costs must be reasonable and necessary for efficient and timely performance of the grant's scope of work.

FEMA may re-evaluate and disallow pre-award costs if it is later determined that the services were not properly procured or do not satisfy the requirements of *2 C.F.R. § 200.458*. See Section H of this NOFO for general procurement under grants requirements.

c. Management and Administration (M&A) Costs

A maximum of up to 5% of SLCGP funds awarded may be retained by the state, and any funds retained are to be used solely for M&A purposes associated with the SLCGP award.

Subrecipients may also retain a maximum of up to five percent of the funding passed through by the state solely for M&A purposes associated with the SLCGP award. While the eligible entity may retain up to 5% of this total for M&A, the state or territory must still ensure that all subrecipient award amounts meet the mandatory minimum pass-through requirements that are applicable to SLCGP. *To meet this requirement, the percentage of*

funds passed through to state or local jurisdictions must be based on the state's or territory's total SLCGP award prior to withholding any M&A.

M&A costs are for activities directly related to the management and administration of the award, such as financial management, reporting, and program and financial monitoring. Some examples of M&A costs include grants management training for M&A staff, equipment and supplies for M&A staff to administer the grant award, travel costs for M&A staff to attend conferences or training related to the grant program, travel costs for the M&A staff to conduct subrecipient monitoring, contractual services to support the M&A staff with M&A activities, and auditing costs related to the grant award to the extent required or permitted by statute or *2 C.F.R. Part 200*. Characteristics of M&A expenses can include the following:

1. direct costs that are incurred to administer a particular federal award;
2. identifiable and unique to each federal award;
3. charged based on the activity performed for that particular federal award; and
4. not duplicative of the same costs that are included in the approved Indirect Cost Rate Agreement, if applicable.

d. Indirect Facilities and 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 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 Grants Management Specialist for further instructions.

Establishing Indirect Cost Rates

The processes for establishing the indirect cost rate varies based on the type of entity and the amount of funding they receive:

1. If the entity is a non-governmental entity, and is a subrecipient, indirect cost rate procedures are outlined in *2 C.F.R. 200.332(a)(4)*. These types of entities may either use the de minimis rate or negotiate a rate with the pass-through entity.
2. If the subrecipient is a state or local governmental entity, indirect cost rate procedures are established in *2 C.F.R. 200, Appendix VII*.
    a. *Per Paragraph D.1.b. of Appendix VII*, state or local governmental entities receiving grant funds must develop an indirect cost rate proposal.
        - If the state or local entity receives more than $35 million in grant funding in a fiscal year, the proposal must be approved by the cognizant agency.
        - If a state or local entity receives $35 million or less in grant funding in a fiscal year, they must develop an indirect cost rate proposal, but that indirect

cost rate proposal does not need to be approved by the cognizant agency.

3. If a state or local governmental entity wants to use the de minimis rate (instead of developing an indirect cost rate proposal), they can request a case-by-case exception from FEMA *(per 2 C.F.R. 200.102(b)).* Applicants should reach out to the FEMA Grants Management Specialist for further instructions.

e. Other Direct Costs

Funding guidelines established within this section support the development, updating, and implementing a Cybersecurity Plan. Allowable investments made in support of this goal must fall into POETE, aligned to closing capability gaps or sustaining capabilities. More information on the POETE solution areas can be found in Appendix D, "POETE Solution Areas for Investments."

E. Application Review Information

1. Application Evaluation Criteria

a. Programmatic Criteria

DHS/FEMA will evaluate the FY 2023 SLCGP applications for completeness and applicant eligibility. DHS/CISA will evaluate the FY 2023 SLCGP applications for adherence to programmatic guidelines, and anticipated effectiveness of the proposed investments.

For eligible entities with a CISA-approved Cybersecurity Plan, Committee Membership List and Charter, the review will include verification of the following elements:

a. Eligible entities understand their current cybersecurity posture and areas for improvement based on continuous testing, evaluation, and structured assessments;
b. Eligible entities implement security protections commensurate with risk; and
c. Eligible entities ensure organization personnel are appropriately trained in cybersecurity, commensurate with responsibility

In addition to the above, DHS/CISA will evaluate whether proposed projects are: 1) both feasible and effective at reducing the risks for which the project was designed; and 2) able to be fully completed within the four-year period of performance.

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 SAM.gov Responsibility/Qualification (R/Q), formally known as the Federal Awardee Performance and Integrity Information System (FAPIIS).

ii. An applicant, at its option, may review information in SAM.gov R/Q 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 SAM.gov R/Q, 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

FEMA will follow all applicable statutes, rules, and requirements and will take into consideration materials accompanying the SLCGP legislation and annual appropriations acts, such as the Joint Explanatory Statement, as appropriate, in reviewing and determining recipient eligibility.

All proposed investments will undergo a federal review by FEMA and CISA to verify compliance with all administrative and eligibility criteria identified in the NOFO. FEMA will conduct the federal review for compliance and the budget review of the IJs and PWs. FEMA will use a checklist to verify compliance with all administrative and eligibility criteria identified in the NOFO.

Applicants must demonstrate how investments support closing capability gaps or sustaining capabilities. CISA will review IJs and PWs at both the investment and project level. The following criteria apply to the review of projects:

- Clarity: Sufficient detail to understand what the project is intending to do with grant dollars.
- Logical/Project Alignment: Alignment of the stated SLCGP objectives to the applicant's approved Cybersecurity Plan.
- Reasonableness: Costs for the items/services outlined within the project description are reasonable. Execution within the period of performance is feasible.

Projects rated as effective or promising are approved.

In addition, investments with emergency communications activities will be reviewed to verify compliance with SAFECOM Guidance (see Section F.3.d below). FEMA and CISA

will coordinate directly with the recipient on any compliance concerns and will provide technical assistance as necessary to help ensure full compliance.

F. Federal Award Administration Information

1. Notice of Award

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

Notification of award approval is made through the ND Grants system through an automatic electronic mail to the recipient's authorized official listed in the initial application. The recipient should follow the directions in the notification to confirm acceptance of the award.

Recipients must accept their awards no later than 60 days from the award date. The recipient shall notify FEMA of its intent to accept and proceed with work under the award or provide a notice of intent to decline through the ND Grants system. For instructions on how to accept or decline an award in the ND Grants system, please see the ND Grants Grant Recipient User Guide, which is available at https://www.fema.gov/grants/guidance-tools/non-disaster-grants-management-system along with other ND Grants materials.

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

2. Pass-Through Requirements

The SLCGP SAA recipient must pass through at least 80% of the federal funds provided under the grant. With the consent of the recipients, this pass-through may be in the form of in-kind services, capabilities, or activities, or a combination of funding and other services. 25% of the total federal award must also go to rural areas. This pass-through to rural areas is a part of the overall 80% pass-through; however, it should be emphasized that 25% of the total federal amount must be passed through to rural areas. All pass-through entities must meet all program and grant administration requirements. See *2 C.F.R. § 200.332*. For a description of eligible subrecipients, please see Section C.1.b. of this NOFO.

a. ***Documenting the Pass-Through***

1. The SLCGP SAA must make a firm written commitment to passing through grant funds or equivalent services to local government subrecipients;
2. The SLCGP SAA's commitment must be unconditional (i.e., no contingencies for the availability of eligible entity funds);
3. There must be documentation (i.e., subgrant award document with terms, and conditions) of the commitment; and
4. The award terms must be communicated to the local subrecipient.

The signatory authority of the SLCGP SAA must certify in writing to DHS/FEMA that pass-through requirements have been met. A letter of intent (or equivalent) to award funds is not considered sufficient; after the funds have been awarded, the SAA must self-certify, on behalf of the state, that the pass-through requirements have been met.

b. ***Rural Area Pass-Through***

As part of the 80% local government pass through requirement, in obligating funds, items, services, capabilities, and/or activities to local governments, each SLCGP SAA or multi-entity group is required to pass through at least 25% of the federal award amount to local jurisdictions within rural areas of the state or territory. Per 49 U.S.C. 5302 "rural" is any area with a population of less than 50,000 individuals. To meet the 25% rural pass-through requirement for SLCGP, the eligible subrecipient must be a local government entity within a rural area (a jurisdiction with a population of less than 50,000 individuals).

The SLCGP SAA or multi-entity group may either pass through 25% of the federal funds provided under the grant; items, services, capabilities, or activities having a dollar value of at least 25% of the federal funds provided under the grant; or grant funds combined with other items, services, capabilities, or activities that have a total dollar value of at least 25% of the federal funds provided under the grant.

Because the pass-through to rural entities is part of the overall 80% pass-through requirement to local governments, the eligible entity or multi-entity must obtain the consent of local governments if intending to pass through items, services, capabilities, or activities to rural areas in lieu of funding to count that dollar value as part of the overall 80% passthrough requirement (see *6 U.S.C. §665g(n)(2)(A)-(B*)) The same four criteria for pass-through to local governments also applies to the pass-through to rural areas within those local governments.

c. ***Exceptions to the Pass-Through Requirement***

The local government pass-through requirement, including the rural area pass-through requirement, **does not apply to situations, or to entities, as described below:**

1. Grant funding awarded solely to support projects integral to the revision of the state or territory Cybersecurity Plan; or
2. The District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, or a tribal government.

To exercise option one above, recipients must submit a proposed budget and budget narrative in the PW, along with a written justification outlining how the proposed costs will be used to revise the cybersecurity plan to FEMA. Once the proposed costs and activities are reviewed by FEMA and CISA, the recipient will be notified, and the funding will be released.

d. ***Timing***

After the funds have been released, FY 2023 SLCGP recipients must submit a letter to FEMA signed by the Authorized Official listed on the grant award certifying that they have met the 45-day pass-through requirement and collected any signed local government consents. Local consent must be signed by the Authorized Official (or his/her designee) for the local government entity receiving the items, services, capabilities, or activities in lieu of funding, and the consent must specify the amount and intended use of the funds. The SAA's certification letter is due no later than 10 calendar days after the 45-day period for issuing pass-through funding has passed. The letter should be emailed to FEMA-SLCGP@fema.dhs.gov. FEMA will send a copy of the letter to CISA.

Please see below some example guidance on how the release of funds date may impact the mandatory pass-through requirement date:

Example-Project Name	FEMA-to-SAA Release of Funds Date	SAA-to-Local Government(s) Pass-Through Deadline Date	Letter Submission from SAA to FEMA Due Date
Project A	April 15, 2023	May 30, 2023	NLT June 9, 2023
Project B	May 15, 2023	June 29, 2023	NLT July 9, 2023
Project C	June 15, 2023	July 30, 2023	NLT August 9, 2023

e. ***Other Guidance and Requirements for Passing Through Items, Services, Capabilities, or Activities in Lieu of Funding***

As stated in the previous section, the signatory authority of the SLCGP recipient entity must certify in writing to FEMA that pass-through requirements have been met. If a state or territory wishes to pass through items, services, capabilities, or activities on a state-wide basis to all local governments and rural areas in lieu of funding, DHS recommends consulting with applicable municipal, city, county, rural area, or other local government councils or associations within the state or territory to gauge the level of interest in receiving these benefits in lieu of funding. DHS also recommends including these councils or associations in the approved Cybersecurity Planning Committees. Local consent must be signed by the Authorized Official (or his/her designee) for the local government entity receiving statewide items, services, capabilities, or activities in lieu of funding, and the consent must specify the amount and intended use of the funds.

States must still engage individual local governments, as applicable, to obtain consent where the state wants to pass through items, services, capabilities, or activities to a particular local government or rural area in lieu of funding. Consent can be given at individual local or tribal units of government. Additionally, consent to receive items, services, capabilities, or activities in lieu of funding does not have to be provided by all local governments within the state—consent is only required only from those local subrecipients wishing to participate. If an individual unit of government does not consent to having the state retain a portion of funding, then the SLCGP SAA must pass-through funding to that local government in the form of a subgrant award, *provided that entity has an approved project* as part of the approved Cybersecurity Plan to utilize the funds.

3. Administrative and National Policy Requirements

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

a. *DHS Standard Terms and Conditions*

All successful applicants for DHS grant and cooperative agreement 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 https://www.fema.gov/about/offices/equal-rights/civil-rights.

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).

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 incompliance with applicable EHP laws, Executive Orders, regulations, and policies.

Executive Order (EO) 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government, rearticulates and strengthens the environmental justice framework articulated in 1994 in EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Specifically, Section 1 of E.O. 13985 states that: "Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systemic approach to embedding fairness in decision-making processes, executive departments, and agencies…must recognize and work to redress inequalities in their policies and programs that serve as barriers to equal opportunity."

Many projects funded by FEMA GPD's grant programs can have significant impacts on environmental justice. In particular, construction of buildings and other structures and construction of new communication towers may have disproportionately high and adverse effects on minority and low-income populations. FEMA acknowledges the important role that FEMA recipients and subrecipients play in advancing and achieving environmental justice by identifying low-income and minority populations within a proposed project's affected area as early as possible and taking steps to accommodate these interests.

For consistency with the Administration's policy, FEMA will review and evaluate potential projects for racial equity and justice concerns. If FEMA determines that a proposed project would have a disproportionately high and adverse effect on minority or low-income populations, FEMA will consult with recipients and subrecipients to discuss the feasibility of revising the scope of work to avoid these adverse impacts, or otherwise applying mitigation

measures to alleviate these effects. In addition, FEMA may work with other recipients and subrecipients to solicit public input on the proposed projects for a more informed decision-making process. To learn more about how FEMA environmental justice responsibilities might affect your project, go to https://www.fema.gov/fact-sheet/executive-order-12898-environmental-justice.

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 FEMA GPD EHP screening form is located at https://www.fema.gov/media-library/assets/documents/90195. Additionally, all recipients under this funding opportunity are required to comply with the FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1, available at https://www.fema.gov/media-library/assets/documents/85376.

d. ***SAFECOM Guidance Compliance***

All entities using SLCGP funding to support emergency communications investments are required to comply with the SAFECOM Guidance on Emergency Communications Grants (SAFECOM Guidance). The SAFECOM Guidance provides current information on emergency communications policies, eligible costs, best practices, and technical standards for SLT recipients investing federal funds in emergency communications projects. It is also designed to promote and align with the National Emergency Communications Plan (NECP). Conformance with the SAFECOM Guidance helps ensure that federally funded investments are compatible, interoperable, resilient, and support national goals and objectives for improving emergency communications. Applicants should use the SAFECOM Guidance during planning, development, and implementation of emergency communications projects and in conjunction with other planning documents. Specifically, Appendix F, "Required, Encouraged, and Optional Services, Memberships, and Resources" of the SAFECOM Guidance contains compliance instructions for SLCGP grant recipients. If an entity uses SLCGP funding to support emergency communications investments, the following requirements shall apply to all such grant-funded communications investments in support of the emergency communications priorities and recognized best practices: The signatory authority for the eligible entity must certify in writing to DHS/FEMA their compliance with the SAFECOM Guidance. The certification letter should be coordinated with the Statewide Interoperability Coordinator (SWIC) for each state and must be uploaded to ND Grants at the time of the first Performance Progress Report (PPR) submission.

e. Requirement for using CISA Services

As a condition of receiving SLCGP funding, the grant recipient is required to adhere to or sign up for certain services, sponsored by CISA and further described in Appendix F.

Participation in the following services and memberships are not required for submission and approval of a grant:

a. Sign up for cyber hygiene services, specifically vulnerability scanning and web application scanning; and

b. Complete the Nationwide Cybersecurity Review, administered by the Multi-State Information Sharing and Analysis Center (MS-ISAC), during the first year of the award/subaward period of performance and annually thereafter.

Recipients and subrecipients are also encouraged to sign up for the other services and memberships identified in Appendix F.

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. Reports may also be returned for further information if insufficient information and data was submitted.

a. *Financial Reporting Requirements*

i. Federal Financial Report (FFR)

Recipients must report obligations and expenditures through the FFR form-Standard Form (SF-425) to FEMA.

Recipients may review the Federal Financial Reporting Form (FFR) (SF-425) at https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortby=1

Recipients must file the FFR electronically using the Payment and Reporting Systems (PARS).

ii. FFR Reporting Periods and Due Dates

An FFR must be submitted quarterly throughout the POP, including partial calendar quarters, as well as in periods where no grant award activity occurs. The final FFR is due within 120 calendar days after the end of the POP. Future awards and fund drawdowns may be withheld if these reports are delinquent, demonstrate lack of progress, or are insufficient in detail.

Except for the final FFR due no later than 120 days after the end of the POP for purposes of closeout, the following reporting periods and due dates apply for the FFR:

Reporting Period	Report Due Date
October 1 – December 31	January 30
January 1 – March 31	April 30
April 1 – June 30	July 30
July 1 – September 30	October 30

Closeout FFR	No Later than 120 days after the end of the POP

b. *Programmatic Performance Reporting Requirements*

I. PERFORMANCE PROGRESS REPORT (PPR)

Recipients are responsible for providing updated performance reports on an annual basis, consistent with section 2200A(q)(1) of the Homeland Security Act of 2002, as an attachment in ND Grants. The PPR should include a:

- Brief narrative of overall project(s) status;
- Summary of project expenditures;
- Description of any potential issues that may affect project completion;
- Data collected for DHS performance measures; and
- PPR must be signed by the Authorized Official or Signatory Authority.

Questions regarding programmatic performance reporting should be submitted to the recipient's assigned FEMA Preparedness Officer by emailing the SLCGP general email inbox at FEMA-SLCGP@fema.dhs.gov. Please include the recipient's grant award number with the email.

Additionally, any questions regarding financial reporting should be directed to the FEMA Grants Management Specialist (GMS) by contacting ASK-GMD@fema.dhs.gov.

II. ADDITIONAL PROGRAMMATIC REPORTING REQUIREMENTS

Program Performance Reporting Periods and Due Dates

The annual PPR submission is due Jan. 30 of each year to account for the previous calendar year.

c. *Closeout Reporting Requirements*

I. CLOSEOUT REPORTING

Within 120 calendar days after the end of the period of performance for the prime award, or after an amendment has been issued to close out an award before the original POP ends, recipients must liquidate all financial obligations and must submit the following:

i. The final request for payment, if applicable;
ii. The final FFR (SF-425);
iii. The final progress report detailing all accomplishments, including a narrative summary of the impact of those accomplishments throughout the period of performance;
iv. Other documents required by this notice, terms and conditions of the award, or other FEMA guidance.

In addition, pass-through entities are responsible for closing out their subawards as described in *2 C.F.R. § 200.344*; subrecipients are still required to submit closeout materials to the SAA within 90 calendar days of the SAA's prime award period of performance end date. When a subrecipient completes all closeout requirements, the SAA must promptly complete

all closeout actions for subawards in time for the SAA to submit all necessary documentation and information to FEMA during the closeout of the prime award.

After the prime award closeout reports have been reviewed and approved by FEMA, a closeout notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for at least three years from the date of the final FFR. The record retention period may be longer, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in *2 C.F.R. § 200.334*.

The recipient is responsible for refunding to FEMA any balances of unobligated cash that FEMA paid that are not authorized to be retained per *2 C.F.R. § 200.344(d).*

II. ADMINISTRATIVE CLOSEOUT

Administrative closeout is a mechanism for FEMA to unilaterally move forward with closeout of an award using available award information in lieu of final reports from the recipient per *2 C.F.R. § 200.344(h)-(i).* It is a last resort available to FEMA, and if FEMA needs to administratively close an award, this may negatively impact a recipient's ability to obtain future funding. This mechanism can also require FEMA to make cash or cost adjustments and ineligible cost determinations based on the information it has, which may result in identifying a debt owed to FEMA by the recipient.

When a recipient is not responsive to FEMA's reasonable efforts to collect required reports needed to complete the standard closeout process, FEMA is required under *2 C.F.R. § 200.344(h)* to start the administrative closeout process within the regulatory timeframe. FEMA will make at least three written attempts to collect required reports before initiating administrative closeout. If the recipient does not submit all required reports in accordance with *2 C.F.R. § 200.344*, this NOFO, and the terms and conditions of the award, FEMA must proceed to administratively close the award with the information available within one year of the period of performance end date. Additionally, if the recipient does not submit all required reports within one year of the period of performance end date, per *2 C.F.R. § 200.344(i)*, FEMA must report in SAM.gov the recipient's material failure to comply with the terms and conditions of the award.

If FEMA administratively closes an award where no final FFR has been submitted, FEMA uses that administrative closeout date in lieu of the final FFR submission date as the start of the record retention period under *2 C.F.R. § 200.334*.

In addition, if an award is administratively closed, FEMA may decide to impose remedies for noncompliance per *2 C.F.R. § 200.339*, consider this information in reviewing future award applications, or apply special conditions to existing or future awards.

d. ***Additional Reporting Requirements***

i. Disclosing Information per 2 C.F.R. § 180.335

This reporting requirement pertains to disclosing information related to government-wide suspension and debarment requirements. Before a recipient enters into a grant award with FEMA, the recipient must notify FEMA if it knows if it or any of the recipient's principals under the award fall under one or more of the four criteria listed at *2 C.F.R. § 180.335*:

i. Are presently excluded or disqualified;
ii. Have been convicted within the preceding three years of any of the offenses listed in *2 C.F.R. § 180.800(a)* or had a civil judgment rendered against it or any of the recipient's principals for one of those offenses within that time period;
iii. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses listed in *2 C.F.R. § 180.800(a)*; or
iv. Have had one or more public transactions (federal, state, or local) terminated within the preceding three years for cause or default.

At any time after accepting the award, if the recipient learns that it or any of its principals falls under one or more of the criteria listed at *2 C.F.R. § 180.335*, the recipient must provide immediate written notice to FEMA in accordance with *2 C.F.R. § 180.350*.

ii. Reporting of Matters Related to Recipient Integrity and Performance

Per *2 C.F.R. Part 200, Appendix I § F.3*, the additional post-award reporting requirements in *2 C.F.R. Part 200, Appendix XII* may apply to applicants who, if upon becoming recipients, have a total value of currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies that exceeds $10 million for any period of time during the period of performance of an award under this funding opportunity.

Recipients that meet these criteria must maintain current information reported in SAM.gov about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII at the reporting frequency described in paragraph 4 of Appendix XII.

iii. Single Audit Report

For audits of fiscal years beginning on or after Dec. 26, 2014, recipients that expend $750,000 or more from all federal funding sources during their fiscal year are required to submit an organization-wide financial and compliance audit report, also known as the single audit report.

The audit must be performed in accordance with the requirements of U.S. Government Accountability Office's (GAO) Government Auditing Standards, located at https://www.gao.gov/yellowbook/overview, and the requirements of *Subpart F of 2 C.F.R. Part 200*, located at http://www.ecfr.gov/cgi-bin/text-idx?node=sp2.1.200.f.

5. 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 the proposed outcomes. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) defines evaluation as "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*). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

Evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (*2 C.F.R. § 200*).

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) for six months after the period of performance.

6. 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.

Effective monitoring and oversight help FEMA ensure that recipients use grant funds for their intended purpose(s); verify that projects undertaken are consistent with approved plans; and ensure that recipients make adequate progress toward stated goals and objectives. Additionally, monitoring serves as the primary mechanism to ensure that recipients comply with applicable laws, rules, regulations, program guidance, and requirements. FEMA regularly monitors all grant programs both financially and programmatically in accordance with federal laws, regulations (including 2 C.F.R. Part 200), program guidance, and the terms and conditions of the award. All monitoring efforts ultimately serve to evaluate progress towards grant goals and proactively target and address issues that may threaten grant success during the period of performance.

FEMA staff will periodically monitor recipients to ensure that administrative processes, policies and procedures, budgets, and other related award criteria are meeting Federal Government-wide and FEMA regulations. Aside from reviewing quarterly financial and programmatic reports, FEMA may also conduct enhanced monitoring through either desk-based reviews, onsite monitoring visits, or both. Enhanced monitoring will involve the

review and analysis of the financial compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and it will identify areas where the recipient may need technical assistance, corrective actions, or other support.

Financial and programmatic monitoring are complementary processes within FEMA's overarching monitoring strategy that function together to ensure effective grants management, accountability, and transparency; validate progress against grant and program goals; and safeguard federal funds against fraud, waste, and abuse. Financial monitoring primarily focuses on statutory and regulatory compliance with administrative grant requirements, while programmatic monitoring seeks to validate and assist in grant progress, targeting issues that may be hindering achievement of project goals and ensuring compliance with the purpose of the grant and grant program. Both monitoring processes are similar in that they feature initial reviews of all open awards, and additional, in-depth monitoring of grants requiring additional attention.

Recipients who are pass-through entities are responsible for monitoring their subrecipients in a manner consistent with the terms of the federal award at *2 C.F.R. Part 200*, including *2 C.F.R. § 200.332*. This includes the pass-through entity's responsibility to monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

In terms of overall award management, recipient and subrecipient responsibilities include, but are not limited to: accounting of receipts and expenditures, cash management, maintaining adequate financial records, reporting and refunding expenditures disallowed by audits, monitoring if acting as a pass-through entity, or other assessments and reviews, and ensuring overall compliance with the terms and conditions of the award or subaward, as applicable, including the terms of *2 C.F.R. Part 200*.

Financial and Program Monitoring Overview and Approach
FEMA's approach to financial and program monitoring provides a standard monitoring framework that promotes consistent processes across all monitoring staff. There are four core components of the monitoring process:

1. **Monitoring Assessment**: Monitoring staff measure each grant's monitoring needs using a system of pre-determined evaluation criteria. The criteria help assess the recipient and potential challenges to the success of the grant award.
2. **Monitoring Selection and Scheduling**: Monitoring staff make selection and scheduling decisions in accordance with applicable statutory requirements, such as the Homeland Security Act of 2002, as amended, and consider the results of the monitoring assessment process.
3. **Monitoring Activities**: Financial monitoring activities include cash analysis, desk reviews, and site visits. Grants Management Specialists are responsible for conducting quarterly or semi-annual reviews of all grants via cash analysis. Program monitoring is conducted by FEMA and CISA and will include a review of the grant program performance, particularly the implementation of the recipient's project

activities toward meeting the goals and objectives in the approved Cybersecurity Plan. Desk reviews and site visits are additional monitoring activities conducted on grants where the monitoring assessment process identified the need for additional monitoring and validated the use of FEMA resources for these activities.

4. **Post-Monitoring Actions**: Monitoring staff may follow up with recipients via post-monitoring actions based on the outcomes of monitoring activities. Post-monitoring actions include conducting additional monitoring; reviewing Corrective Action Plans (CAP) and monitoring the progress of CAP deliverables; documenting the resolution of identified corrective actions and issues; providing technical assistance and recipient training; and debt collection.

G. DHS Awarding Agency Contact Information

1. Contact and Resource Information

a. ***FEMA SLCGP Preparedness Officers***

The FEMA Preparedness Officers can provide general information on all FEMA grant programs and additional guidance surrounding questions on SLCGP administration. If desired, applicants and recipients may contact their FEMA Preparedness Officer for more information by email at FEMA-SLCGP@fema.dhs.gov.

b. ***CISA Grant Program Office***

The CISA Grant Program Office has programmatic staff as well as regional staff available to provide general information regarding the SLCGP and additional guidance surrounding programmatic requirements and performance metrics. Applicants and recipients can contact their CISA grant program staff and/or regional staff for more information by email at SLCGPinfo@cisa.dhs.gov.

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

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

d. ***FEMA Grants News***

FEMA Grants News 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. FEMA Grants News can be reached by phone at (800) 368-6498 or by e-mail at fema-grants-news@fema.dhs.gov, Monday through Friday, 9:00 AM – 5:00 p.m. ET.

e. ***Equal Rights***

The FEMA Office of Equal Rights 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.

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

2. Systems Information

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

b. ***Non-Disaster (ND) Grants***
For technical assistance with the ND Grants system, please contact the ND Grants Helpdesk at ndgrants@fema.dhs.gov or (800) 865-4076, Monday through Friday, 9:00 AM – 6:00 p.m. ET. User resources are available at https://www.fema.gov/grants/guidance-tools/non-disaster-grants-management-system

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. If you have questions about the online system, please call the Customer Service Center at (866) 927-5646 or email ask-GMD@fema.dhs.gov.

H. Additional Information

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 notice, 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 SAM.gov the recipient's material failure to comply with the award terms and conditions. See also the section on Actions to Address Noncompliance in this notice.

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 POP for this program are allowed. Extensions to the POP identified in the award will only be considered through formal, written requests to the recipient's FEMA Preparedness Officer and must contain specific and compelling justifications as to why an extension is required. Recipients are advised to coordinate with FEMA Preparedness Officer as needed when preparing an extension request.

All extension requests must address the following:

a. The grant program, fiscal year and award number;
b. Reason for the delay –including details of the legal, policy, or operational challenges that prevent the final outlay of awarded funds by the deadline;
c. Current status of the activity(ies);

d. Approved POP termination date and new project completion date;
e. Amount of funds drawn down to date;
f. Remaining available funds, both federal and, if applicable, non-federal;
g. Budget outlining how remaining federal and, if applicable, non-federal funds will be expended;
h. Plan for completion, including milestones and timeframes for achieving each milestone and the position or person responsible for implementing the plan for completion; and
i. Certification that the activity(ies) will be completed within the extended POP without any modification to the original statement of work, as described in the investment justification and as approved by FEMA.

Extension requests will be granted only due to compelling legal, policy, or operational challenges. Extension requests will only be considered for the following reasons:

1. Contractual commitments by the recipient or subrecipient with vendors prevent completion of the project, including delivery of equipment or services, within the existing POP.
2. The project must undergo a complex environmental review that cannot be completed within the existing POP.
3. Projects are long-term by design, and therefore acceleration would compromise core programmatic goals. Or
4. Where other special or extenuating circumstances exist.

Recipients should submit all proposed extension requests to FEMA as an amendment to the award in the ND Grants System for review and approval at least 120 days before the end of the POP to allow sufficient processing time. Extensions are typically granted for no more than a six-month period. Recipients considering submitting a grant extension should contact their FEMA Preparedness Officer by email at FEMA-SLCGP@fema.dhs.gov.

4. Disability Integration

Pursuant to Section 504 of the Rehabilitation Act of 1973, recipients of FEMA financial assistance must ensure that their programs and activities do not discriminate against other qualified individuals with disabilities.

Grant recipients should engage with the whole community to advance individual and community preparedness and to work as a nation to build and sustain resilience. In doing so, recipients are encouraged to consider the needs of individuals with disabilities into the activities and projects funded by the grant.

FEMA expects that the integration of the needs of people with disabilities will occur at all levels, including planning alerting, notification and public outreach, training, purchasing of equipment and supplies, protective action implementation, and exercises/drills.

The following are examples that demonstrate the integration of the needs of people with disabilities in carrying out FEMA awards:

a. Include representatives of organizations that work with/for people with disabilities on planning committees, work groups and other bodies engaged in development and implementation of the grant programs and activities.
b. Hold all activities related to the grant in locations that are accessible to persons with physical disabilities to the extent practicable.
c. Acquire language translation services, including American Sign Language, that provide public information across the community and in shelters.
d. Ensure shelter-specific grant funds are in alignment with FEMA's Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters.
e. If making alterations to an existing building to a primary function area utilizing federal funds, complying with the most recent codes and standards and making path of travel to the primary function area accessible to the greatest extent possible.
f. Implement specific procedures used by public transportation agencies that include evacuation and passenger communication plans and measures for individuals with disabilities.
g. Identify, create, and deliver training to address any training gaps specifically aimed toward whole-community preparedness. Include and interact with individuals with disabilities, aligning with the designated program capability.
h. Establish best practices in inclusive planning and preparedness that consider physical access, language access and information access. Examples of effective communication access include providing auxiliary aids and services such as sign language interpreters, Computer Aided Real-time Translation (CART) and materials in Braille or alternate formats.

FEMA grant recipients can fund projects towards the resiliency of the whole community, including people with disabilities, such as training, outreach and safety campaigns, provided that the project aligns with this notice and the terms and conditions of the award.

5. Conflicts of Interest in the Administration of Federal Awards or Subawards

For conflicts of interest under grant-funded procurements and contracts, refer to NOFO Section H.6 "Procurement Integrity" and 2 C.F.R. §§ 200.317 – 200.327.

To eliminate and reduce the impact of conflicts of interest in the subaward process, recipients and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipients and pass-through entities are also required to follow any applicable federal and SLT statutes or regulations governing conflicts of interest in the making of subawards.

The recipient or pass-through entity must disclose to the respective Preparedness Officer or Program Manager, in writing, any real or potential conflict of interest that may arise during the administration of the federal award, as defined by the federal or SLT statutes or regulations or their own existing policies, within five days of learning of the conflict of interest. Similarly, subrecipients, whether acting as subrecipients or as pass-through entities, must disclose any real or potential conflict of interest to the recipient or next-level pass-

through entity as required by the recipient or pass-through entity's conflict of interest policies, or any applicable federal or SLT statutes or regulations.

Conflicts of interest may arise during the process of FEMA making a federal award in situations where an employee, officer, or agent, any members of his or her immediate family, his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an applicant, sub applicant, recipient, subrecipient, or FEMA employees.

6. Procurement Integrity

Through audits conducted by the DHS Office of Inspector General (OIG) and FEMA grant monitoring, findings have shown that some FEMA recipients have not fully adhered to the proper procurement requirements at *2 C.F.R. §§ 200.317 – 200.327* when spending grant funds. Anything less than full compliance with federal procurement requirements jeopardizes the integrity of the grant as well as the grant program. To assist with determining whether an action is a procurement or instead a subaward, please review *2 C.F.R. § 200.331*. For detailed guidance on the federal procurement standards, recipients and subrecipients should refer to various materials issued by FEMA's Procurement Disaster Assistance Team (PDAT), such as the PDAT Field Manual and Contract Provisions Guide. Additional resources, including an upcoming trainings schedule can be found on the PDAT Website: https://www.fema.gov/grants/procurement.

The below highlights the federal procurement requirements for FEMA recipients when procuring goods and services with federal grant funds. FEMA will include a review of recipients' procurement practices as part of the normal monitoring activities. **All procurement activity must be conducted in accordance with federal procurement standards at *2 C.F.R. §§ 200.317 – 200.327*.** Select requirements under these standards are listed below. The recipient and any of its subrecipients must comply with all requirements, even if they are not listed below.

Under 2 C.F.R. § 200.317, when procuring property and services under a federal award, states (including territories) must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states must now follow *2 C.F.R. § 200.321* regarding socioeconomic steps, 200.322 regarding domestic preferences for procurements, 200.323 regarding procurement of recovered materials, and *2 C.F.R. § 200.327* regarding required contract provisions.

All other non-federal entities, such as tribes (collectively, non-state entities), must have and use their own documented procurement procedures that reflect applicable SLTT laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in *2 C.F.R. Part 200*. These standards include, but are not limited to, providing for full and open competition consistent with the standards of *2 C.F.R. § 200.319* and the required procurement methods at *§ 200.320*.

a. *Important Changes to Procurement Standards in 2 C.F.R. Part 200*

OMB recently updated various parts of Title 2 of the Code of Federal Regulations, among them, the procurement standards. States are now required to follow the socioeconomic steps

in soliciting small and minority businesses, women's business enterprises, and labor surplus area firms per 2 C.F.R. § 200.321. All non-federal entities should also, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States per *2 C.F.R. § 200.322*. More information on OMB's revisions to the federal procurement standards can be found in Purchasing Under a FEMA Award: OMB Revisions Fact Sheet.

The recognized procurement methods in 2 C.F.R. § 200.320 have been reorganized into informal procurement methods, which include micro-purchases and small purchases; formal procurement methods, which include sealed bidding and competitive proposals; and noncompetitive procurements. The federal micro-purchase threshold is currently $10,000, and non-state entities may use a lower threshold when using micro-purchase procedures under a FEMA award. If a non-state entity wants to use a micro-purchase threshold higher than the federal threshold, it must follow the requirements of 2 C.F.R. § 200.320(a)(1)(iii)-(v). The federal simplified acquisition threshold is currently $250,000, and a non-state entity may use a lower threshold but may not exceed the federal threshold when using small purchase procedures under a FEMA award. *See* 2 C.F.R. § 200.1 (citing the definition of simplified acquisition threshold from 48 C.F.R. Part 2, Subpart 2.1).

See *2 C.F.R. §§ 200.216, 200.471*, and Appendix II as well as Section D.13.a of the NOFO regarding prohibitions on covered telecommunications equipment or services.

b. ***Competition and Conflicts of Interest***

Among the requirements of *2 C.F.R. § 200.319(b)* applicable to all non-federal entities other than states, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a non-federal entity develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the non-federal entity.

Under this prohibition, unless the non-federal entity solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with *2 C.F.R. §§ 200.317 – 200.327*, federal funds cannot be used to pay a contractor to carry out the work if that contractor also worked on the development of those specifications. This rule applies to all contracts funded with federal grant funds, including pre-award costs, such as grant writer fees, as well as post-award costs, such as grant management fees.

Additionally, some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;

- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

Per *2 C.F.R. § 200.319(c),* non-federal entities other than states must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed SLTT geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Under *2 C.F.R. § 200.318(c)(1),* non-federal entities other than states are required to maintain written standards of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, and administration of contracts. **No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.** Such conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

Under *2 C.F.R. 200.318(c)(2),* if the recipient or subrecipient (other than states) has a parent, affiliate, or subsidiary organization that is not a state, local, tribal, or territorial government, the non-federal entity must also maintain written standards of conduct covering organizational conflicts of interest. In this context, organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The non-federal entity must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

c. ***Supply Schedules and Purchasing Programs***

Generally, a non-federal entity may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

I. General Services Administration Schedules

State, tribes and local governments and any instrumentality thereof (such as local education agencies or institutions of higher education) may procure goods and services from a General Services Administration (GSA) schedule. GSA offers multiple efficient and effective procurement programs for state, tribal and local governments, and instrumentalities thereof, to purchase products and services directly from pre-vetted contractors. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term government-wide contracts with commercial firms that provide access to millions of commercial products and services at volume discount pricing.

Information about GSA programs for states, tribes and local governments, and instrumentalities thereof, can be found at https://www.gsa.gov/resources-for/programs-for-State-and-local-governments and https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/schedule-buyers/state-and-local-governments.

For tribes, local governments and their instrumentalities that purchase off of a GSA schedule, this will satisfy the federal requirements for full and open competition provided that the recipient follows the GSA ordering procedures; however, tribes, local governments, and their instrumentalities will still need to follow the other rules under *2 C.F.R. §§ 200.317 – 200.327*, such as solicitation of minority businesses, women's business enterprises, small businesses, or labor surplus area firms *(§ 200.321*), domestic preferences *(§ 200.322*), contract cost and price *(§ 200.324*), and required contract provisions *(§ 200.327 and Appendix II*).

II. Other Supply Schedules and Programs

For non-federal entities other than states, such as tribes, local governments, and nonprofits, that want to procure goods or services from a state supply schedule, cooperative purchasing program, or other similar program, in order for such procurements to be permissible under federal requirements, the following must be true:

- The procurement of the original contract or purchasing schedule and its use by the non-federal entity complies with state and local law, regulations and written procurement procedures.
- The state or other entity that originally procured the original contract or purchasing schedule entered the contract or schedule with the express purpose of making it available to the non-federal entity and other similar types of entities.
- The contract or purchasing schedule specifically allows for such use, and the work to be performed for the non-federal entity falls within the scope of work under the contract as to type, amount and geography.
- The procurement of the original contract or purchasing schedule complied with all the procurement standards applicable to a non-federal entity other than states under at *2 C.F.R. §§ 200.317 – 200.327*. And
- With respect to the use of a purchasing schedule, the non-federal entity must follow ordering procedures that adhere to applicable state, tribal and local laws and regulations and the minimum requirements of full and open competition under *2 C.F.R. Part 200*.

If a non-federal entity other than a state seeks to use a state supply schedule, cooperative purchasing program, or other similar type of arrangement, FEMA recommends the recipient discuss the procurement plans with its FEMA Grants Management Specialist.

d. ***Procurement Documentation***

Per 2 C.F.R. § 200.318(i), non-federal entities other than states and territories are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, selection of contract type, contractor selection or rejection, and the basis for the contract price. States and territories are encouraged to maintain and retain this information as well and are reminded that in order for any cost to be allowable, it must be adequately documented per *2 C.F.R. § 200.403(g)*.

Examples of the types of documents that would cover this information include but are not limited to:

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.
- Additional information on required procurement records can be found on pages 24-26 of the PDAT Field Manual.

7. 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.

Please consult FEMA Interim Policy #207-22-0001: Buy America Preference in FEMA Financial Assistance Programs for Infrastructure for more information. 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.

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

8. Record Retention

a. *Record Retention Period*

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a federal award generally must be maintained for at least three years from the date the final FFR is submitted. *See* 2 C.F.R. § 200.334. Further, if the recipient does not submit a final FFR and the award is administratively closed, FEMA uses the date of administrative closeout as the start of the general record retention period.

The record retention period **may be longer than three years or have a different start date** in certain cases. These include:

- Records for real property and equipment acquired with federal funds must be retained for **three years after final disposition of the property**. *See* 2 C.F.R. § 200.334(c).
- If any litigation, claim, or audit is started before the expiration of the three-year period, the records **must be retained until** all litigation, claims, or audit findings involving the records **have been resolved and final action taken**. *See* 2 C.F.R. § 200.334(a).
- The **record retention period will be extended if the non-federal entity is notified in writing** of the extension by FEMA, the cognizant or oversight agency for audit, or the cognizant agency for indirect costs, or pass-through entity. *See* 2 C.F.R. § 200.334(b).

- Where FEMA requires recipients to report program income after the period of performance ends, the **program income record retention period begins at the end of the recipient's fiscal year in which program income is earned**. *See* 2 C.F.R. § 200.334(e).
- For indirect cost rate computations and proposals, cost allocation plans, or any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates), the start of the record retention period depends on whether the indirect cost rate documents were submitted for negotiation. If the **indirect cost rate documents were submitted for negotiation, the record retention period begins from the date those documents were submitted** for negotiation. If indirect cost rate documents were **not submitted for negotiation, the record retention period begins at the end of the recipient's fiscal year or other accounting period covered by that indirect cost rate**. *See* 2 C.F.R. § 200.334(f).

b. ***Types of Records to Retain***

FEMA requires that non-federal entities maintain the following documentation for federally funded purchases:

- Specifications;
- Solicitations;
- Competitive quotes or proposals;
- Basis for selection decisions;
- Purchase orders;
- Contracts;
- Invoices; and
- Canceled checks.

Non-federal entities should keep detailed records of all transactions involving the grant. FEMA may at any time request copies of any relevant documentation and records, including purchasing documentation along with copies of cancelled checks for verification. *See, e.g.*, *2 C.F.R. §§ 200.318(i), 200.334, 200.337*.

In order for any cost to be allowable, it must be adequately documented per *2 C.F.R. § 200.403(g)*. Non-federal entities who fail to fully document all purchases may find their expenditures questioned and subsequently disallowed.

9. Actions to Address Noncompliance

Non-federal entities receiving financial assistance funding from FEMA are required to comply with requirements in the terms and conditions of their awards or subawards, including the terms set forth in applicable federal statutes, regulations, funding notices, and policies. Throughout the award lifecycle or even after an award has been closed, FEMA or the pass-through entity may discover potential or actual noncompliance on the part of a recipient or subrecipient. This potential or actual noncompliance may be discovered through routine monitoring, audits, closeout, or reporting from various sources.

In the case of any potential or actual noncompliance, FEMA may place special conditions on an award per *2 C.F.R. §§ 200.208 and 200.339*, FEMA may place a hold on funds until the matter is corrected, or additional information is provided per *2 C.F.R. § 200.339*, or it may do both. Similar remedies for noncompliance with certain federal civil rights laws are authorized pursuant to *44 C.F.R. Parts 7 and 19*.

In the event the noncompliance is not able to be corrected by imposing additional conditions or the recipient or subrecipient refuses to correct the matter, FEMA might take other remedies allowed under *2 C.F.R. § 200.339*. These remedies include actions to disallow costs, recover funds, wholly or partly suspend or terminate the award, initiate suspension and debarment proceedings, withhold further federal awards, or take other remedies that may be legally available. For further information on termination due to noncompliance, see the section on Termination Provisions in the funding notice.

FEMA may discover and take action on noncompliance even after an award has been closed. The closeout of an award does not affect FEMA's right to disallow costs and recover funds as long the action to disallow costs takes place during the record retention period. *See* 2 *C.F.R. §§ 200.334, 200.345(a)*. Closeout also does not affect the obligation of the non-federal entity to return any funds due as a result of later refunds, corrections, or other transactions. *2 C.F.R. § 200.345(a)(2)*.

The types of funds FEMA might attempt to recover include, but are not limited to, improper payments, cost share reimbursements, program income, interest earned on advance payments, or equipment disposition amounts.

FEMA may seek to recover disallowed costs through a Notice of Potential Debt Letter, a Remedy Notification, or other letter. The document will describe the potential amount owed, the reason why FEMA is recovering the funds, the recipient's appeal rights, how the amount can be paid, and the consequences for not appealing or paying the amount by the deadline.

If the recipient neither appeals nor pays the amount by the deadline, the amount owed will become final. Potential consequences if the debt is not paid in full or otherwise resolved by the deadline include the assessment of interest, administrative fees, and penalty charges; administratively offsetting the debt against other payable federal funds; and transferring the debt to the U.S. Department of the Treasury for collection.

FEMA notes the following common areas of noncompliance for FEMA's grant programs:

- Insufficient documentation and lack of record retention;
- Failure to follow the procurement under grants requirements;
- Failure to submit closeout documents in a timely manner;
- Failure to follow EHP requirements; and
- Failure to comply with the POP deadline.

10. Audits

FEMA grant recipients are subject to audit oversight from multiple entities including the DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits,

and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award. Recipients and subrecipients must retain award documents for at least three years from the date the final FFR is submitted, and even longer in many cases subject to the requirements of *2 C.F.R. § 200.334*. In the case of administrative closeout, documents must be retained for at least three years from the date of closeout, or longer subject to the requirements of *2 C.F.R. § 200.334*. If documents are retained longer than the required retention period, the DHS OIG, the GAO, and the pass-through entity, as well as FEMA in its oversight capacity, have the right to access these records as well. *See 2 C.F.R. §§ 200.334, 200.337*.

Additionally, non-federal entities must comply with the single audit requirements at *2 C.F.R. Part 200, Subpart F*. Specifically, non-federal entities, other than for-profit subrecipients, that expend $750,000 or more in federal awards during their fiscal year must have a single or program-specific audit conducted for that year in accordance with *Subpart F. 2 C.F.R. § 200.501*. A single audit covers all federal funds expended during a fiscal year, not just FEMA funds. The cost of audit services may be allowable per *2 C.F.R. § 200.425*, but non-federal entities must select auditors in accordance with *2 C.F.R. § 200.509*, including following the proper procurement procedures. For additional information on single audit reporting requirements, see section F of this NOFO under the header "Single Audit Report" within the subsection "Additional Reporting Requirements."

The objectives of single audits are to:

- Determine if financial statements conform to generally accepted accounting principles (GAAP);
- Determine whether the schedule of expenditures of federal awards is presented fairly;
- Understand, assess, and test the adequacy of internal controls for compliance with major programs; and
- Determine if the entity complied with applicable laws, regulations, and contracts or grants.

For single audits, the auditee is required to prepare financial statements reflecting its financial position, a schedule of federal award expenditures, and a summary of the status of prior audit findings and questioned costs. The auditee also is required to follow up and take appropriate corrective actions on new and previously issued but not yet addressed audit findings. The auditee must prepare a corrective action plan to address the new audit findings. *2 C.F.R. §§ 200.508, 200.510, 200.511*.

Non-federal entities must have an audit conducted, either single or program-specific, of their financial statements and federal expenditures annually or biennially pursuant to *2 C.F.R. § 200.504*. Non-federal entities must also follow the information submission requirements of *2 C.F.R. § 200.512*, including submitting the audit information to the Federal Audit Clearinghouse within the earlier of 30 calendar days after receipt of the auditor's report(s) or nine months after the end of the audit period. The audit information to be submitted include the data collection form described at *2 C.F.R. § 200.512(c)* and *Appendix X to 2 C.F.R. Part 200* as well as the reporting package described at *2 C.F.R. § 200.512(b)*.

The non-federal entity must retain one copy of the data collection form and one copy of the reporting package for three years from the date of submission to the Federal Audit Clearinghouse. *2 C.F.R. § 200.512; see also 2 C.F.R. § 200.517* (setting requirements for retention of documents by the auditor and access to audit records in the auditor's possession).

FEMA, the DHS OIG, the GAO, and the pass-through entity (if applicable), as part of monitoring or as part of an audit, may review a non-federal entity's compliance with the single audit requirements. In cases of continued inability or unwillingness to have an audit conducted in compliance with *2 C.F.R. Part 200, Subpart F*, FEMA and the pass-through entity, if applicable, are required to take appropriate remedial action under *2 C.F.R. § 200.339* for noncompliance, pursuant to *2 C.F.R. § 200.505*.

11. Payment Information

FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients.

FEMA utilizes the Payment and Reporting System (PARS) for financial reporting, invoicing, and tracking payments. For additional information, refer to https://isource.fema.gov/sf269/execute/LogIn?sawContentMessage=true.

12. Whole Community Preparedness

Preparedness is a shared responsibility that calls for the involvement of everyone—not just the government—in preparedness efforts. By working together, everyone can help keep the nation safe from harm and help keep it resilient when struck by hazards, such as natural disasters, acts of terrorism, and pandemics.

Whole Community includes:

- Individuals and families, including those with access and functional needs;
- Businesses;
- Faith-based and community organizations;
- Nonprofit groups;
- Schools and academia;
- Media outlets; and
- All levels of government, including state, local, tribal, territorial, and federal partners.

The phrase "Whole Community" or "Whole of Community" often appears in preparedness materials, as it is one of the guiding principles. It means:

1. Involving people in the development of national preparedness documents; and
2. Ensuring their roles and responsibilities are reflected in the content of the materials.

13. Continuity Capability

Continuity should be integrated into each core capability and the coordinating structures that provide them. Protection of critical systems and networks that ensure continuity of operation, business and government are fundamental to ensuring the delivery of all core capabilities. Continuity capabilities increase resilience and the probability that organizations can perform

essential functions in the delivery of core capabilities that support the mission areas. FEMA is responsible for developing, managing, and promulgating national continuity planning, guidance, training, and exercise programs for the whole community.

FEMA develops and promulgates directives, policy, and guidance for continuing SLT government jurisdictions, nongovernmental organizations, and private sector organizations' essential functions across a broad spectrum of emergencies. This direction and guidance assist in developing capabilities for continuing the essential functions of SLT governmental entities, as well as public/private critical infrastructure owners, operators, and regulators enabling them.

Continuity Guidance Circular outline continuity requirements for agencies and organizations and provide guidance, methodology, and checklists. For additional information on continuity programs, guidance, and directives, visit the Continuity Resource Toolkit at https://www.fema.gov/emergency-managers/national-preparedness/continuity/toolkit. For additional information on continuity programs, guidance, and directives, visit https://www.fema.gov/emergency-managers/national-preparedness/continuity.

This aligns with the requirements that approved Cybersecurity Plans ensure continuity of operations of the state or territory as well as applicable local governments in the event of a cybersecurity incident, as well as continuity of communications and data networks within the state or territory and between the state or territory and applicable local governments. *6 U.S.C. § 665g(e)(2)(B)(vii), (ix)*.

14. Appendices

Appendix A. Program Goals and Objectives
Appendix B. Cybersecurity Planning Committee and Charter
Appendix C. Cybersecurity Plan
Appendix D. POETE Solution Areas for Investments
Appendix E. SLCGP Requirements Matrix
Appendix F. Required, Encouraged, and Optional Services, Memberships, and Resources

Appendix A: Program Goals and Objectives

Our nation faces unprecedented cybersecurity risk due to increasingly sophisticated adversaries, widespread vulnerabilities in commonly used software and hardware, and broad dependencies on networked technologies for the delivery of National Critical Functions, the disruption of which would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof. Cyber risk management is particularly complex due to several factors: the ability of malicious actors to operate from anywhere in the world, the linkages between cyber and physical systems, and the difficulty of reducing vulnerabilities in cyber infrastructure. Considering the risk and potential consequences of cyber incidents, strengthening the cybersecurity practices and resilience of SLT governments is an important homeland security mission.

As part of DHS, CISA is at the heart of mobilizing a collective defense to understand and manage risk to our critical infrastructure partners. In its unique role, CISA is proactively supporting efforts to achieve a cybersecurity ecosystem in which malicious actors face insurmountably high costs to execute damaging intrusions, vulnerabilities are rapidly identified before exploitation, and technology is used to reduce the most harmful and systemic risks. CISA programs and services are driven by a comprehensive understanding of the risk environment and the corresponding needs identified by our partners. The SLCGP is key to achieving this vision and enables the Department to make targeted investments in SLT government agencies, improving the security and resilience of critical infrastructure upon which Americans rely. The goals and objectives outlined below, if achieved, will significantly reduce the risk of a cybersecurity threat against SLT government information technology (IT) networks. These broad outcomes are listed in logical sequence to aid recipients in focusing on the overall intent of the SLCGP. These outcomes will help prioritize the use of scarce resources and to develop metrics to gauge success at both the project and organizational level. Outcomes of the program will be measured by how well recipients can achieve outlined goals and improve the risk posture of the information systems they either own or those that are operated on their behalf.

The program objectives for SLCGP are as follows: (1) develop and establish appropriate governance structures, as well as develop, implement, or revise Cybersecurity Plans, to improve capabilities to respond to cybersecurity incidents and ensure continuity of operations; (2) ensure SLT agencies understand their current cybersecurity posture and areas for improvement based on continuous testing, evaluation, and structured assessments; (3) implement security protections commensurate with risk (outcomes of SLCGP Objectives 1 & 2); and (4) ensure organization personnel are appropriately trained in cybersecurity, commensurate with their responsibilities. These program objectives are further divided into sub-objectives and outcomes with accompanying sample evidence of implementation provided to assist the reader in development of their application.

Goal of SLCGP: Assist SLT governments with managing and reducing systemic cyber risk.

(If you are an SLT that has successfully applied and received approval of all requirements for FY 2022, then you have completed the first objective.)

Program Objective	Program Sub-Objective(s)	Outcome(s)	Evidence of Implementation Example
1. Develop and establish appropriate governance structures, as well as develop, implement, or revise cybersecurity plans, to improve capabilities to respond to cybersecurity incidents and ensure continuity of operations	**1.1:** Establish cybersecurity governance structures and implement a program to evaluate maturity of the cybersecurity program aligned to Cybersecurity Performance Goals established by CISA and the National Institute of Standards and Technology (NIST).	**1.1.1** Participants have established and documented a uniform cybersecurity governance structure that is accountable to organizational leadership and works together to set the vision for cyber risk management. **1.1.2** Participants have identified senior officials to enable whole-of organization coordination on cybersecurity policies, processes and procedures.	Organization has a cybersecurity defense concept of operations, with responsibilities assigned to specific organizational roles.
	1.2 Develop, implement, or revise, and test cybersecurity plans, including cyber incident response plans, with clearly defined roles and responsibilities.	**1.2.1** Develop, implement, or revise and exercise cyber incident response plans.	Organization conducts annual table-top and full-scope exercises that include practical execution of restoration and recovery processes to test approved cybersecurity plans. Conducting these exercises allow organizations to test approved cybersecurity plans to identify, protect, detect, respond to and recover from cybersecurity incidents, in line with the NIST Cybersecurity Framework, and demonstrates process to incorporate lessons learned from the exercise into their cybersecurity program.
	1.3 Asset (e.g., devices, data, software) protections and recovery actions are prioritized based on the asset's criticality and business value.	**1.3.1** Ensure that systems and network functions are prioritized and reconstituted according to their impact to essential functions.	Organization conducts a regular business impact assessment to prioritize which systems must be protected and recovered first.
Program Goals	**Program Objectives**	**Outcome(s)**	**Evidence of Implementation Example**
2. SLT agencies understand their current cybersecurity posture and areas for	**2.1** Physical devices and systems, as well as software platforms and applications, are inventoried	**2.1.1** Establish and regularly update asset inventory.	Organization maintains and regularly updates an asset inventory list.

improvement based on continuous testing, evaluation and structured assessments	**2.2** Cybersecurity risk to the organization's operations and assets are understood.	**2.2.1** Conduct an annual cyber risk assessment to identify cyber risk management gaps and areas for improvement	Organization annually completes the Nationwide Cybersecurity Review (NCSR)
	2.3 Vulnerability scans are performed, and a risk-based vulnerability management plan is developed and implemented	**2.3.1** Participate in CISA's Vulnerability Scanning service, part of the Cyber Hygiene program. **2.3.2** Effectively manage vulnerabilities by prioritizing mitigation of high impact vulnerabilities and those most likely to be exploited.	Organization is an active participant in CISA's Cyber Hygiene program Organization has a plan to manage vulnerabilities based on those with the highest criticality, internet-facing vulnerabilities, as well as known exploited vulnerabilities identified in CISA's Known Exploited Vulnerabilities Catalog.
	2.4 Capabilities are in place to monitor assets to identify cybersecurity events.	**2.4.1** SLT agencies are able to analyze network traffic and activity transiting or traveling to or from information systems, applications, and user accounts to understand baseline activity and identify potential threats.	*Not Applicable*
	2.5 Processes are in place to action insights derived from deployed capabilities.	**2.5.1** SLT agencies are able to respond to identified events and incidents, document root cause, and share information with partners.	*Not Applicable*
Program Goals	**Program Objectives**	**Outcome(s)**	**Evidence of Implementation Example**
3. Implement security protections commensurate with risk **(Outcomes of goals 1 & 2)**	**3.1** SLT agencies adopt fundamental cybersecurity best practices.	**3.1.1** Implement multi-factor authentication (MFA), prioritizing privileged users, Internet-facing systems, and cloud accounts.	The organization implements MFA for all remote access and privileged accounts.
	3.2 Reduce gaps identified through assessment and planning process and apply increasingly sophisticated security protections commensurate with risk.	**3.2.1** Individual participants address items identified through assessments and planning process **3.2.2** SLT entities improve cybersecurity ecosystem by collaborating to address items identified through assessments and planning process (e.g., regional and intra-state efforts)	*Not Applicable*
Program Goals	**Program Objectives**	**Outcome(s)**	**Evidence of Implementation Example**

4. Ensure organization personnel are appropriately trained in cybersecurity, commensurate with responsibility.	**4.1** Train personnel to have the fundamental knowledge and skills necessary to recognize cybersecurity risks and understand their roles and responsibilities within established cybersecurity policies, procedures, and practices.	**4.1.1** Organization requires regular ongoing phishing training, awareness campaigns are conducted, and organization provides role-based cybersecurity awareness training to all employees. **4.1.2** Organization has dedicated resources and funding available for its cybersecurity professionals to attend technical trainings and conferences.	*Not Applicable*
	4.2 Organization has adopted the National Initiative for Cybersecurity Education (NICE) Cybersecurity Workforce Framework.	**4.2.1** Organization has established cyber workforce development and training plans, based on the NICE Cybersecurity Workforce Framework.	*Not Applicable*

Appendix B: Cybersecurity Planning Committee and Charter

Governance
In keeping with the guiding principles of governance for all FEMA preparedness programs and statutory requirements, recipients must coordinate activities across preparedness disciplines and levels of government, including SLT governments. Specific attention should be paid to how available funding sources can effectively support a whole of state approach to cyber preparedness and resiliency. To ensure this, the entity must establish or reestablish a Cybersecurity Planning Committee. A Cybersecurity Planning Committee is also required pursuant to the statute authorizing the SLCGP (see section 2220A(g) of the Homeland Security Act of 2002, as amended (*6 U.S.C. § 665g(g)*).

Cybersecurity Planning Committee
The Cybersecurity Planning Committee builds upon previously established advisory bodies under other preparedness grant programs. The membership of the Cybersecurity Planning Committee must reflect an eligible entity's unique cybersecurity risk profile.

An existing multijurisdictional planning committee must meet the membership requirements as outlined in the next section, or an existing committee's membership can be expanded or leveraged to meet the membership requirements as well as the unique requirements of each eligible entity. It is recommended that eligible entities consider using Senior Advisory Committees or create a subcommittee within an existing multijurisdictional committee for this purpose, modified to meet the membership and purpose requirements. Any reference to a Cybersecurity Planning Committee elsewhere in this notice, and the accompanying requirements, also apply to these alternative planning committee options.

Cybersecurity Planning Committee Composition and Scope Requirements
Cybersecurity Planning Committee membership must include at least one representative from relevant stakeholders including:

- The eligible entity;
- The CIO, the CISO, or equivalent official (e.g., Chief Cyber Officer, Governor's cabinet official overseeing cybersecurity) of the eligible entity;
- Representatives from counties, cities, and towns within the jurisdiction of the eligible entity;
- Institutions of public education and health within the jurisdiction of the eligible entity; and
- As appropriate, representatives of rural, suburban, and high-population jurisdictions.

At least one half of the representatives of the approved Cybersecurity Planning Committee must have professional experience relating to cybersecurity or information technology. Qualifications are determined by the states. DHS strongly encourages membership from critical infrastructure sectors and subsectors including K-12 education, water/wastewater, healthcare, energy, defense, and elections infrastructure.

Eligible entities are given the flexibility to identify the specific public health and public education agencies and communities these members represent. DHS strongly encourages

eligible entities to consider naming additional members to the approved Cybersecurity Planning Committee, including but not limited to representatives from the following:

- State and county judicial entities;
- State legislature;
- Election Infrastructure officials, including Secretaries of State and Election Directors;
- Representatives from state, territorial, and local public safety, homeland security, emergency management, and law enforcement agencies;
- Emergency Communications Officials, such as Interoperability Coordinators;
- City and county CIOs and CISOs;
- Publicly owned or operated critical infrastructure;
- State National Guard if such entities have a cybersecurity mission;
- Municipal, city, county, rural area, or other local government councils or associations; and
- Other entities with expertise and skillsets that best represent the cybersecurity interests across the eligible entity.

The composition, structure, and charter of the approved Cybersecurity Planning Committee should focus on building cybersecurity capabilities across the eligible entity instead of simply combining previously existing advisory bodies under other grant programs. The approved Cybersecurity Planning Committee member's contact information must be provided to FEMA as part of the grant application. Eligible entities must ensure that information for current points of contact is submitted to FEMA.

Eligible entities must submit the list of Cybersecurity Planning Committee members at the time of application as an attachment in ND Grants. Eligible entities must verify compliance with Cybersecurity Planning Committee charter requirements. The below table provides a suggested format for submitting the list of required Cybersecurity Planning Committee members.

Representation	Committee Member Name	Committee Member Title	Committee Member's Organization	Cybersecurity/IT experience (Yes/No)
State or Territory				
Counties, cities, and towns within the jurisdiction of the entity				
Institution of Public Education within the eligible entity				
Institution of Public Health within the eligible entity				
(Additional)				
As appropriate, representatives of rural, suburban, and				

high-population jurisdictions				
(Here the entity may add others at their discretion)				

Cybersecurity Planning Committee Responsibilities
The responsibilities of the approved Cybersecurity Planning Committee include:

- Assisting with the development, implementation, and revision of the Cybersecurity Plan;
- Approving the Cybersecurity Plan;
- Assisting with the determination of effective funding priorities;
- Coordinating with other committees and like entities with the goal of maximizing coordination and reducing duplication of effort;
- Creating a cohesive planning network that builds and implements cybersecurity preparedness initiatives using CISA and FEMA resources, as well as other federal, SLT, private sector, and faith-based community resources;
- Ensuring investments support closing capability gaps or sustaining capabilities; and
- Ensuring local government members, including representatives from counties, cities, and towns within the eligible entity provide consent on behalf of all local entities across the eligible entity for services, capabilities, or activities provided by the eligible entity through this program.

Limitations
Cybersecurity Planning Committees that meet the requirements of this NOFO and the statute are not permitted to make decisions relating to information systems owned or operated by, or on behalf of, the state.

Cybersecurity Planning Committee Charter
The governance of the SLCGP through the approved Cybersecurity Planning Committee must be documented in a charter. All members of the Cybersecurity Planning Committee should sign and date the charter showing their agreement with its content and their representation on the committee. Eligible entities must submit the Cybersecurity Planning Committee charter at the time of application as an attachment in ND Grants. Revisions to the governing charter must also be sent to the recipient's assigned FEMA Preparedness Officer. The Cybersecurity Planning Committee charter must, at a minimum, provide:

- A detailed description of the Cybersecurity Planning Committee's composition and an explanation of key governance processes;
- A description of the frequency at which the Cybersecurity Planning Committee will meet;
- An explanation as to how the committee will leverage existing governance bodies;
- A detailed description of how decisions on programmatic priorities funded by SLCGP will be made and how those decisions will be documented and shared with its members and other stakeholders, as appropriate; and

- A description of defined roles and responsibilities for financial decision making and meeting administrative requirements.

To ensure ongoing coordination efforts, eligible entities are encouraged to share community preparedness information from other preparedness grant programs as submitted in a state's Biannual Strategy Implementation Report with members of the approved Cybersecurity Planning Committee. Eligible entities are also encouraged to share their Threat and Hazard Identification and Risk Assessment/Stakeholder Preparedness Review data with members of the approved Cybersecurity Planning Committee who are applying for other FEMA preparedness grants to enhance their understanding of statewide capability gaps.

To manage this effort and to further reinforce collaboration and coordination across the stakeholder community, a portion of the 20% funding holdback of a state (including territories) award may be utilized by the eligible entity to support the approved Cybersecurity Planning Committee and to ensure representation and active participation of Cybersecurity Planning Committee members. Funding may be used for hiring and training planners, establishing and maintaining a program management structure, identifying and managing projects, conducting research necessary to inform the planning process, and developing plans that bridge mechanisms, documents, protocols, and procedures.

Appendix C: Cybersecurity Plan

Cybersecurity Plan Basics

- Comprehensive strategic plan to reduce cybersecurity risk and increase capability across the entity
- Entity-wide plan, not a single entity
- Should cover strategic direction for two to three years
- Must include required elements, with discretion to add other elements as necessary
- Existing plans can be used
- Individual projects must align to Cybersecurity Plan
- Must be approved by the Cybersecurity Committee and CIO/CISO/equivalent (e.g., Chief Cyber Officer, Governor's cabinet official overseeing cybersecurity)
- CISA reviews and approves the plan
- Plans are initially approved for two years; annually thereafter (there are no update requirements for FY23, but as the plans are living documents, applicants may resubmit in FY23 if desired. Applicants may work with their CISA regional staff for guidance and to prepare for additional plan requirements and updates in FY24).

Submission of a Cybersecurity Plan is required for any eligible entity participating in the SLCGP. The Cybersecurity Plan is a key component of a strategic approach to building cyber resilience. The approved Cybersecurity Planning Committee, with a holistic membership representing the various stakeholder groups across the entity, is responsible for developing, approving, revising, and implementing the approved Cybersecurity Plan.

Accordingly, the Cybersecurity Plan should establish high level goals and finite objectives to reduce specific cybersecurity risks at SLT governments across the eligible entity. The Cybersecurity Plan should also serve as the overarching framework for the achievement of the SLCGP goal, with grant funded projects working to achieve outcomes. Regional approaches, as part of an entity-wide approach, should also be considered.

In developing the Cybersecurity Plan, the approved Cybersecurity Planning Committee should consider the following:

- Existing governance and planning documents and identification of any planning gaps that should be addressed by the Cybersecurity Plan;
- Existing assessments and evaluations (e.g., reports, after action reports) conducted by SLT governments within the entity and any planning gaps that require additional assessments and/or evaluations; and
- Identification of potential SLCGP projects to address planning gaps and prioritize mitigation efforts.

Plan Components

- Roles and responsibilities
- Required elements
- Discretionary elements
- Capabilities assessment

- Implementation plan
- A summary of projects
- Metrics

Cybersecurity Plan Overview

The following identifies the plan requirements and additional considerations that eligible entities should consider when constructing the Cybersecurity Plan. Although there is no required format for the Cybersecurity Plan, the approved Cybersecurity Planning Committees are encouraged to review the Cybersecurity Plan Template, which includes additional details, samples, and templates.

Cybersecurity Plans must include and address the following items:

- **Incorporate, to the extent practicable, any existing plans to protect against cybersecurity risks and cybersecurity threats to information systems owned or operated by, or on behalf of, SLTs.** Building upon and incorporating existing structures and capabilities allows entities to provide governance and a framework to meet the critical cybersecurity needs across the entity while making the best use of available resources. For example, consider referencing an existing emergency management plan to address potential cascading impacts affecting health and safety when responding to or recovering from a cybersecurity incident.
- **Describe how input and feedback from local governments and associations of local governments was incorporated.** For states, the SLCGP is intended to reduce cybersecurity risk across the eligible entity. Incorporating input from local entities is critical to building a holistic Cybersecurity Plan.
- **Include the specific required elements** (see Required Elements section of this Appendix). There are 16 required elements that are central to the Cybersecurity Plan and represent a broad range of cybersecurity capabilities and activities. They also include specific cybersecurity best practices that, when implemented over time, will substantially reduce cybersecurity risk and cybersecurity threats. Although each of the 16 required elements must be addressed in the plan, this may include a brief explanation as to why certain elements are not currently being prioritized. Not all 16 elements are required to be aligned to projects and have associated funding. These determinations should be addressed in accordance with capability gaps and vulnerabilities identified through an objective assessment process.
- **Describe, as appropriate and to the extent practicable, the individual responsibilities of the state and local governments within the state in implementing the Cybersecurity Plan.** Defining the roles and responsibilities of SLT governments is critical from both governance and implementation perspectives.
- **Assess the required elements from an entity-wide perspective.** The candid assessment of the current capabilities of SLT entities is the first step in reducing cybersecurity risk across the entity. This assessment also serves as the justification for individual projects. Additional information on the assessment is provided below and in the Cybersecurity Plan Template.
- **Outline, to the extent practicable, the necessary resources and a timeline for implementing the plan.** The Cybersecurity Plan is a strategic planning tool that looks two to three years into the future. Accordingly, it should set forth how the

approved Cybersecurity Planning Committee seeks to achieve plan goals and objectives. Cybersecurity Plans should address how SLCGP funds will help develop and/or implement the plan. It should also set forth how other activities and funding sources contribute to the achieving the outcomes described in the plans.

- **Summary of associated projects.** Individual projects are the way elements of the plan are implemented over time. The plan must include a summary of projects associated with each required and discretionary element, designating which will use SLCGP funds. Details for each project using SLCGP funds must be included in the IJs.
- **Describe the metrics that the eligible entity will use to measure progress.** The metrics that will be used must measure implementation of the Cybersecurity Plan and, more broadly, cybersecurity risks reduction across the state. **These are different than the metrics that will be used to measure outcomes of the SLCGP, as described in Section A.10, "Performance Measures" of this NOFO**. Additional information is provided in the Cybersecurity Plan Metric Section below and also in the Cybersecurity Plan Template.
- **Approvals - the Cybersecurity Plan must be approved by the Cybersecurity Planning Committee and the CIO/CISO/equivalent** (e.g., Chief Cyber Officer, Governor's cabinet official overseeing cybersecurity)**.** The eligible entity, upon submitting the Cybersecurity Plan, must certify that the Cybersecurity Plan has been formally approved by the Cybersecurity Planning Committee and the CIO/CISO/Equivalent of the eligible entity.

Cybersecurity Planning Committees should also consider the following when constructing the Cybersecurity Plan:

- Holistic approach to the Cybersecurity Plan. The Cybersecurity Plan should be strategic in nature, guiding development of capabilities to address cybersecurity risks and threats across the state or territory. Individual projects should demonstrably support the state, territorial, and local entities in achieving those capabilities over time.
- Prioritizing projects that address critical infrastructure cybersecurity. SLT entities are strongly encouraged to include projects related to K-12 education, water/wastewaters, healthcare, energy, defense, and elections infrastructure.
- Focused investments that are sustainable over time. The SLCGP currently is authorized for four years, and limited funds are available. Cybersecurity Plans must address how SLT entities will sustain capabilities once the program ends or funds are no longer available.
- State role as leader and service provider. Many states have significant cyber defenses and elect to provide services to local entities to improve capabilities. Where appropriate, states should consider approaches to support state-wide efforts, that may include using funds to provide services to local entities. Multi-entity projects are another way that eligible entities can group together to address cybersecurity risk and build capabilities.
- Building from existing efforts. Cybersecurity Committees should consider describing how cooperative programs developed by groups of local governments are integrated into the entity-wide approach.

- Additional cybersecurity elements prioritized by the approved Cybersecurity Planning Committee.

Required Elements
If there are any existing plans that meet the required elements, references to them may be used in lieu of incorporating them in their entirety. The Cybersecurity Plan must describe, to the extent practicable, how the state plans to address the below elements. The Cybersecurity Plan is a strategic document, looking broadly across the entire jurisdiction. The description should support the vision, mission and other strategic guidance set by the Cybersecurity Planning Committee.

1. Manage, monitor, and track information systems, applications, and user accounts owned or operated by, or on behalf of, the state or local governments within the state, and the information technology deployed on those information systems, including legacy information systems and information technology that are no longer supported by the manufacturer of the systems or technology.

2. Monitor, audit, and track network traffic and activity transiting or traveling to or from information systems, applications, and user accounts owned or operated by, or on behalf of, the state or local governments within the state.

3. Enhance the preparation, response, and resilience of information systems, applications, and user accounts owned or operated by, or on behalf of, the state or local governments within the state, against cybersecurity risks and cybersecurity threats.

4. Implement a process of continuous cybersecurity vulnerability assessments and threat mitigation practices prioritized by degree of risk to address cybersecurity risks and cybersecurity threats on information systems, applications, and user accounts owned or operated by, or on behalf of, the state or local governments within the state.

5. Ensure that the state or local governments within the state, adopt and use best practices and methodologies to enhance cybersecurity, discussed further below. The following cybersecurity best practices under required element 5 must be included in each eligible entity's Cybersecurity Plan:
    - Implement multi-factor authentication;
    - Implement enhanced logging;
    - Data encryption for data at rest and in transit;
    - End use of unsupported/end of life software and hardware that are accessible from the Internet;
    - Prohibit use of known/fixed/default passwords and credentials;
    - Ensure the ability to reconstitute systems (backups); and
    - Migration to the .gov internet domain.

    Additional best practices that the Cybersecurity Plan can address include:

- NIST Cybersecurity Framework;
- NIST's cyber chain supply chain risk management best practices; and
- Knowledge bases of adversary tools and tactics.

6. Promote the delivery of safe, recognizable, and trustworthy online services by the state or local governments within the state, including through the use of the .gov internet domain.

7. Ensure continuity of operations of the state or local governments within the state, in the event of a cybersecurity incident, including by conducting exercises to practice responding to a cybersecurity incident.

8. Use the National Initiative for Cybersecurity Education (NICE) Workforce Framework for Cybersecurity developed by National Institute of Science and Technology (NIST) to identify and mitigate any gaps in the cybersecurity workforces of the state or local governments within the state, enhance recruitment and retention efforts for those workforces, and bolster the knowledge, skills, and abilities of personnel of the state or local governments within the state, to address cybersecurity risks and cybersecurity threats, such as through cybersecurity hygiene training.

9. Ensures continuity of communication and data networks within the jurisdiction of the state between the state and local governments within the state in the event of an incident involving those communications or data networks.

10. Assess and mitigate, to the greatest degree possible, cybersecurity risks and cybersecurity threats relating to critical infrastructure and key resources, the degradation of which may impact the performance of information systems within the jurisdiction of the state.

11. Enhance capabilities to share cyber threat indicators and related information between the state, local governments within the state, and CISA.

12. Leverage cybersecurity services offered by the Department (See Appendix F for additional information on CISA resources and required services and membership).

13. Implement an information technology and operational technology modernization cybersecurity review process that ensures alignment between information technology and operational technology cybersecurity objectives.

14. Develop and coordinate strategies to address cybersecurity risks and cybersecurity threats. Local governments and associations of local governments within the state should be consulted. Cybersecurity Planning Committees should also consider consulting neighboring entities, including adjacent states and countries.

15. Ensure adequate access to, and participation in, the services and programs described in this subparagraph by rural areas within the state.

16. Distribute funds, items, services, capabilities, or activities to local governments.

Cybersecurity Planning Committees are strongly encouraged to expand their Cybersecurity Plans beyond the required elements. This may include a focus on specific critical infrastructure or emphasis on different types of SLT entities.

Required Key Cybersecurity Best Practices

Key Cybersecurity Best Practices (see Section 10 of this notice) must be addressed in the Cybersecurity Plan, but immediate adoption by every SLT entity is not required. Cybersecurity Plans must clearly articulate efforts to implement these cybersecurity best practices across the eligible entity within reasonable timelines. Individual projects that assist SLT entities must adopt these best practices and should also be prioritized by the approved Cybersecurity Planning Committee. As there are multiple ways to implement the best practices, this approach provides committees the flexibility to work with SLT entities to design a plan that takes resource constraints, existing programs, and other factors into account.

Required Cybersecurity Plan Capabilities Assessment

Given the Cybersecurity Plan is a strategic document, it should not identify specific vulnerabilities but instead capture the broad level of capability across the jurisdiction. The assessment will become the road map for individual projects and activities using SLCGP funds. **All IJs must provide a baseline understanding of the existing cybersecurity gaps, risks, and threats that the applicant entity faces which have influenced the development of the IJs. Also, applicants must include a summary of the current capabilities within the applicant jurisdiction to address these threats and risks.** The Cybersecurity Plan Capabilities Assessment in the Cybersecurity Plan Template provides an easy way for approved Cybersecurity Planning Committees to capture this information and can be customized as appropriate.

Summary of Projects

Although the Cybersecurity Plan is a strategic document, it must show how individual projects and activities will implement the Plan over time. A summary of projects using FY 2023 SLCGP funds associated with each required and discretionary element provides a helpful snapshot of state- and territory-wide capability and capacity that will be achieved as a result of this funding. Details for each project using SLCGP funds must be included in Investment Justifications and is to include a description of the purpose of the project and what it will accomplish, and, more specifically, how the project will address an identified gap or need and how it supports one or more of the required elements.

The Cybersecurity Plan Template includes a fillable Project Plan Worksheet, a sample of which is below.

- Column 1. Project number assigned by the entity

- Column 2. Name the project
- Column 3. Brief (e.g., 1-line) Description of the purpose of the project
- Column 4. The number of the Required Elements the project addresses
- Column 5. Estimated project cost
- Column 6. Status of project (future, ongoing, complete)
- Column 7. Project priority listing (high, medium, low)
- Column 8. Project Type (Plan, Organize, Equip, Train, Exercise)

Sample Table – Project Plan Worksheet:

1.#	2.Project Name	3.Project Description	4.Related Required Element #	5.Cost	6.Status	7.Priority	8.Project Type

Cybersecurity Plan Metrics

Cybersecurity Plans must include language detailing processes and methods for measuring the following:

- How the state or territory will implement the plan;
- How the state or territory will reduce cybersecurity risks; and
- How the state or territory will identify, respond to, and recover from cybersecurity threats to information systems owned or operated by, or on behalf of, the state or local governments within the state.

These measures should be at the macro level, related to the goals, objectives, and priorities as part of the overarching strategic plan and not associated with individual projects.

The SLCGP SAAs, in partnership with their approved Cybersecurity Planning Committees, should consider the following when developing Cybersecurity Plan metrics:

- Aligning metrics to the Cybersecurity Plan and the established program goals and objectives and state/territory priorities;
- Reviewing existing metrics that are in use across the state or territory;
- Reporting data for each metric that is accurate, timely, accessible and validated; and
- Ensuring that the collection of metric data is not burdensome to the jurisdiction from which it must be obtained.

The **Cybersecurity Plan Template** provides a fillable table for reporting metrics.

Sample Table – Cybersecurity Plan Metrics:

Program Objectives	**Program Sub Objectives**	**Associated Metrics**	**Metric Description** (details, source, frequency)
1.	1.1		
	1.2		
	1.3		
2.	2.1		
	2.2		
	2.3		
3.	3.1		
	3.2		
	3.3		
4.	4.1		
	4.2		
	4.3		

Appendix D: POETE Solution Areas for Investments

Overview
Funding guidelines established within this section support developing, updating, and implementing a Cybersecurity Plan. Allowable investments made in support of this goal must fall into the categories of planning, organization, equipment, training, or exercises (POETE), aligned to closing capability gaps or sustaining capabilities.

Planning
Planning costs are allowable under this program. SLCGP funds may be used for a range of planning activities, such as those associated with the development, review, and revision of the holistic, entity-wide Cybersecurity Plan and other planning activities that support the program goals and objectives and Cybersecurity Planning Committee requirements.

FEMA will not release funds to a recipient until CISA approves the entity's Cybersecurity Plan. When the eligible entity applies for FY 2023 SLCGP funding, the entity should submit a completed Investment Justification (IJ) and Project Worksheet (PW) with the proposed budget details, budget narrative and program narrative for the costs associated with the plan development. As part of the application review, FEMA will coordinate with CISA on the plan development costs.

Organization
Organization costs are allowable under this program. States and territories must justify proposed expenditures of SLCGP funds to support organization activities within their IJ and PW submissions. Organizational activities may include the following:

- Program management;
- Development of whole community partnerships that support the approved Cybersecurity Planning Committee;
- Structures and mechanisms for information sharing between the public and private sector; and
- Operational support

Personnel hiring, overtime, and backfill expenses are permitted under this grant to perform allowable SLCGP POETE activities. Personnel expenses may include, but are not limited to training and exercise coordinators, program managers and planners, and cybersecurity navigators. The grant recipient must demonstrate that the personnel will be sustainable once the program ends or funds are no longer available.

Equipment
Equipment costs are allowable under this program. SLCGP equipment is intended to be used to address cybersecurity risks and cybersecurity threats to information systems owned or operated by, or on behalf of SLT governments.

Unless otherwise stated, all equipment must meet all applicable statutory, regulatory, and DHS standards to be eligible for purchase using these funds. Please refer to FEMA's Authorized Equipment List | FEMA.gov. In addition, recipients will be responsible for obtaining and

maintaining all necessary certifications and licenses for the requested equipment. Investments in emergency communications systems and equipment must meet applicable SAFECOM Guidance recommendations. Such investments must be coordinated with the Statewide Inoperability Coordinator (SWIC) and the State Interoperability Governing Body (SIGB) to ensure interoperability and long-term compatibility.

SLCGP funds may be used to purchase maintenance contracts or agreements, warranty coverage, licenses, and user fees in support of a system or equipment. These contracts may exceed the period of performance if they are purchased incidental to the original purchase of the system or equipment as long as the original purchase of the system or equipment is consistent with that which is typically provided for, or available through, these types of agreements, warranties, or contracts. When purchasing a stand-alone warranty or extending an existing maintenance contract on an already-owned piece of equipment system, coverage purchased may not exceed the period of performance of the award used to purchase the maintenance agreement or warranty, and it may only cover equipment purchased with SLCGP funds or for equipment dedicated for SLCGP-related purposes. As with warranties and maintenance agreements, this extends to licenses and user fees as well.

The use of SLCGP grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable, unless otherwise noted. Except for maintenance plans or extended warranties purchased incidental to the original purchase of the equipment, the period covered by maintenance or warranty plan must not exceed the POP of the specific grant funds used to purchase the plan or warranty.

Training

Training costs are allowable under this program. Allowable training-related costs under SLCGP include the establishment, support, conduct, and attendance of training and/or in conjunction with training by other federal agencies. Training conducted using SLCGP funds should align to the eligible entity's approved Cybersecurity Plan, address a performance gap identified through assessments, and contribute to building a capability that will be evaluated through a formal exercise. Any training or training gaps, including training related to underserved communities (e.g., children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity and other underserved populations that may be more impacted by disasters) should be identified in the assessment and addressed in the eligible entity's training cycle. Recipients are encouraged to use existing training rather than developing new courses. When developing new courses, recipients are encouraged to apply the Analyze, Design, Develop, Implement, and Evaluate model of instructional design.

Recipients are also encouraged to use FEMA's National Preparedness Course Catalog. Trainings include programs or courses developed for and delivered by institutions and organizations funded by FEMA. This includes the Center for Domestic Preparedness (CDP), the Emergency Management Institute (EMI), and FEMA's Training Partner Programs, including the Continuing Training Grants (CTG), the National Domestic Preparedness Consortium (NDPC), the Rural Domestic Preparedness Consortium (RDPC), and other partners. The catalog features a wide

range of course topics in multiple delivery modes to meet FEMA's mission scope as well as the increasing training needs of federal, state, local, and territorial audiences.

Some training activities require Environmental and Historic Preservation (EHP) Review, including exercises, drills, or **trainings that require any type of land, water, or vegetation disturbance or building of temporary structures or that are not located at facilities designed to conduct training and exercises**. Additional information on training requirements and EHP review can be found online at https://www.fema.gov/media-library/assets/documents/90195.

CISA's Federal Virtual Training Environment offers cybersecurity training to federal, state, local, tribal, and territorial government employees, which offer education and certifications aligned with the NICE Framework. Additional information can be found at https://fedvte.usalearning.gov.

Exercises
Exercise costs are allowable under this program. Exercises conducted with grant funding should be managed and conducted consistent with Homeland Security Exercise and Evaluation Program (HSEEP). HSEEP guidance for exercise design, development, conduct, evaluation, and improvement planning is located at https://www.fema.gov/emergency-managers/national-preparedness/exercises/hseep.

Some exercise activities require EHP review, including exercises, drills, or trainings **that require any type of land, water, or vegetation disturbance or building of temporary structures or that are not located at facilities designed to conduct training and exercises**. Additional information on exercise requirements and EHP review can be found online at https://www.fema.gov/media-library/assets/documents/90195.

Appendix E. SLCGP Requirements Matrix

ID	Category	Requirement	Location	Due Date Cycle	Due Date	Submission Plan
1	Administrative	Pass-through Requirement	NOFO, Sec. G	Within 45 calendar days of release of funds	Varies	Certification letter in writing to DHS/FEMA
2	Administrative	Rural Pass- through Requirements	NOFO Sec. G	Within 45 Calendar days of release of funds	Varies	Certification letter in writing to DHS/FEMA
3	Application	Cybersecurity Plan	NOFO Sec. A	Prior to award or during POP (if not already approved by CISA)	Varies	Prior to Award: ND Grants Post Award: Submit to FEMA Preparedness Officer (Password Protected)
4	Application	Cybersecurity Planning Committee Membership List	NOFO Sec. A	Prior to award (or during POP (if not already approved by CISA)	Varies	Prior to Award: ND Grants Post Award: Submit to FEMA Preparedness Officer (Password Protected)
5	Application	Cybersecurity Planning Committee Charter	NOFO Sec. A	Prior to award or during POP (if not already approved by CISA)	Varies	Prior to Award: ND Grants Post Award: Submit to FEMA Preparedness Officer (Password Protected)
6	Application	Investment Justification	NOFO Sec. A	Prior to award	At time of application	Prior to Award: ND Grants Post Award: Submit to FEMA Preparedness Officer
7	Application	Project Worksheet	NOFO Sec. A	Prior to award	At time of application	Prior to Award: ND Grants Post Award: Submit to FEMA Preparedness Officer
8	Closeout	Closeout Reporting Requirements	NOFO Sec. G	Within 120 days after end of POP	Varies	Submit final SF-425 Federal Financial Report (FFR) in PARS; and process final reimbursement requests in PARS
9	Cost Share	Cost Share Requirement	NOFO Sec C	Application, Quarterly, Closeout	Varies	Federal Financial Report (FFR)/SF-425 (Quarterly and at Closeout)
10	Exercises	EHP Review/ Approval	NOFO Sec. F	Prior to conducting exercises that require EHP Review as outlined in NOFO Section F.	Varies	Email to: GPDEHPInfo@fema.dhs.gov and cc: FEMA-SLCGP@fema.dhs.gov
11	Pre-Award	Pre-award Cost	NOFO Sec. D	Prior to award (if applicable)	At time of application	Written request included with the eligible entity's application and signed by the AOR of the entity. Letter must be submitted with the PW and IJ via ND Grants

ID	Category	Requirement	Location	Due Date Cycle	Due Date	Submission Plan
12	Post Award	Cybersecurity Membership (Cyber Hygiene Services) Nationwide Cybersecurity Review (NCSR)	NOFO Appendix F	Post award	During the first year of the award/sub award POP, and annually	SAA and their subrecipients receiving federal funding; however, subrecipients receiving non-funding assistance in lieu of funding do not have to complete the NCSR.
13	Reporting	Standard Form (SF) 425, also known as the Federal Financial Report (FFR)	NOFO Sec. G	Quarterly	30-Jan 30-Apr 30-Jul 30-Oct	Submit SF-425 FFR in Payment and Reporting Systems (PARS)
14	Progress Reporting and Performance Measurement	Performance Progress Report (PPR)	NOFO Sec. G	Once annually and at Closeout	30-Jan and Closeout	Submit Signed PPR (pdf) in ND Grants
15	Reporting	Single Audit Report	NOFO Sec. G	Throughout POP	Varies	Federal Audit Clearinghouse https://facweb.census.gov/uploadpdf.aspx

Appendix F: Required, Encouraged, and Optional Services, Memberships, and Resources

All SLCGP recipients and subrecipients are required to participate in a limited number of free services by CISA. This requirement applies to all subrecipients. For these required services and memberships, note that participation is not required for submission and approval of a grant but is a post-award requirement.

All SLCGP recipients are strongly encouraged to participate in other memberships. Additional, optional CISA resources are also available in this Appendix.

Required Services and Memberships

- **Cyber Hygiene Services**
  - Vulnerability Scanning evaluates external network presence by executing continuous scans of public, static Internet Protocols for accessible services and vulnerabilities. This service provides weekly vulnerability reports and ad-hoc alerts.

To register for this service, email vulnerability@cisa.dhs.gov with the subject line "Requesting Cyber Hygiene Services – SLCGP" to get started. Indicate in the body of your email that you are requesting this service as part of the SLCGP. For more information, visit CISA's Cyber Hygiene Information Page.

Nationwide Cybersecurity Review (NCSR)

The NCSR is a free, anonymous, annual self-assessment designed to measure gaps and capabilities of a SLT's cybersecurity programs. It is based on the NIST Cybersecurity Framework and is sponsored by DHS and the MS-ISAC.

Eligible entities and their subrecipients are required to complete the NCSR, administered by the MS-ISAC, during the first year of the award/subaward period of performance and annually. However, subrecipients receiving non-funding assistance in lieu of funding do not have to complete the NCSR.

For more information, visit Nationwide Cybersecurity Review (cisecurity.org).

Encouraged Services, Membership and Resources

Membership in the MS-ISAC and/or Election Infrastructure Information Sharing and Analysis Center (EI-ISAC):

Recipients and subrecipients are strongly encouraged to become a member of the MS-ISAC and/or EI-ISAC, as applicable. Membership is free.

The MS-ISAC receives support from and has been designated by DHS as the cybersecurity ISAC for SLT governments. The MS-ISAC provides services and information sharing that significantly enhances SLT governments' ability to prevent, protect against, respond to, and recover from cyberattacks and compromises. DHS maintains operational-level coordination with the MS- ISAC through the presence of MS-ISAC analysts in CISA Central to coordinate

directly with its own 24x7 operations center that connects with SLT government stakeholders on cybersecurity threats and incidents. To register, please visit https://learn.cisecurity.org/ms-isac-registration. For more information, visit MS-ISAC (cisecurity.org).

The EI-ISAC, is a collaborative partnership between the Center for Internet Security (CIS), CISA, and the Election Infrastructure Subsector Government Coordinating Council. The EIISAC is funded through DHS grants and offers state and local election officials a suite of elections-focused cyber defense tools, including threat intelligence products, incident response and forensics, threat and vulnerability monitoring, cybersecurity awareness, and training products. To register, please visit https://learn.cisecurity.org/ei-isac-registration. For more information, visit https://www.cisa.gov/election-security.

CISA Recommended Resources, Assessments, and Memberships (not mandatory)
The following list of CISA resources are recommended products, services, and tools provided at no cost to federal and SLT governments, as well as public and private sector critical infrastructure organizations:

- CYBER RESOURCE HUB
- Ransomware Guide (Sept. 2020)
- Cyber Resilience Review
- External Dependencies Management Assessment
- EDM Downloadable Resources
- Cyber Infrastructure Survey
- Validated Architecture Design Review
- Free Public and Private Sector Cybersecurity Tools and Services
- Cross-Sector Cybersecurity Performance Goals
- Web Application Scanning
- Risk and Vulnerability Assessment - Penetration Testing
- Cyber Resilience Essentials Assessment
- CISA's Cybersecurity Marketplace

In addition to these resources, CISA's Interoperable Communications Technical Assistance Program (ICTAP) provides direct support to SLT emergency responders and government officials across all 56 states and territories through training, tools, and onsite assistance to advance public safety interoperable communications capabilities. These services are provided at no cost and scalable to the community's needs. Within the catalog, the 9-1-1/Public Safety Answering Point/Land Mobile Radio Cyber Assessment technical assistance offering provides organizations with a review of their cyber posture in accordance with nationally recognized best practices guidelines. CISA employs the NIST Special Publication 800-53, Rev 5, "Security and Privacy Controls for Information Systems and Organizations" as a framework. Requests for ICTAP assistance are coordinated through the Statewide Interoperability Coordinator from each state and territory.

CISA Central: To report a cybersecurity incident, visit https://www.us-cert.gov/report.
For additional CISA services visit the CISA Services Catalog.

For additional information on memberships, visit Information Sharing and Analysis Organization (ISAO) Standards Organization.