



U.S. DEPARTMENT OF HOMELAND SECURITY

FISCAL YEAR 2009

STATE HOMELAND SECURITY PROGRAM TRIBAL

GUIDANCE AND APPLICATION KIT

NOVEMBER 2008



U.S. DEPARTMENT OF HOMELAND SECURITY

Title of Opportunity: State Homeland Security Program (SHSP) Tribal

Funding Opportunity Number: DHS-09-GPD-067--1973

Federal Agency Name: FEMA Grant Programs Directorate (GPD)

Announcement Type: Initial

Dates: Completed applications must be submitted **no later than 11:59 PM EDT, March 20, 2009.**

Additional overview information: The Fiscal Year (FY) 2009 SHSP Tribal contains the following key changes:

SHSP Tribal Priorities

Priorities for this year continue to further narrow the focus through the risk-based funding and the capability-based planning process that DHS began four years ago. FY 2009 SHSP Tribal will focus on the following objectives as its highest priorities. These priorities are:

1. Addressing Capability Requirements and Measuring Progress in Achieving the National Preparedness Guidelines
2. National Priority: Strengthen Planning and Citizen Preparedness Capabilities - *Strengthening Preparedness Planning*
3. National Priority: Strengthen Information Sharing and Collaboration Capabilities - *Maximizing Information Sharing via the National Network of Fusion Centers*
4. National Priority: Strengthen Medical Surge and Mass Prophylaxis - *Developing and Enhancing Health and Medical Readiness and Preparedness Capabilities*

At least 25 percent of FY 2009 SHSP Tribal funding must be allocated to the Strengthening Preparedness Planning Priority through planning, training and exercise activities.

Optional Cost Share

In FY 2009, there is an optional cost share that will provide a bonus in the effectiveness analysis (see Investment Justification Outline in Part IV.B for additional information).

Personnel Costs

As directed by the *Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act* (Public Law 110-412), all personnel and personnel-related costs, including those for intelligence analysts, are allowed up to 50 percent of SHSP and UASI funding without time limitation placed on the period of time that such personnel can serve under the grant. These guidelines are not retroactive to previous fiscal years of SHSP funding (see Part IV.E.4 for additional information).

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PART I.

FUNDING OPPORTUNITY DESCRIPTION

The State Homeland Security Program (SHSP) is one tool among a comprehensive set of measures authorized by Congress and implemented by the Administration to help strengthen the Nation against risks associated with potential terrorist attacks.

The purpose of this package is to provide supplementary guidance for tribal applicants and includes: (1) an overview of the SHSP Tribal and (2) the formal grant guidance and application materials needed to apply for funding under the program. The package outlines FEMA management requirements for implementation of a successful application. The package also reflects changes called for in the *Implementing Recommendations of the 9/11 Commission Act of 2007* (Public Law 110-53) (hereafter “9/11 Act”), enacted in August 2007, as well as the *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009* (Public Law 110-329).

As part of the 9/11 Act, tribes are directly eligible applicants for SHSP Tribal funding¹. This guidance is meant to provide clear direction for those eligible tribes seeking to apply for SHSP Tribal funding. However, applicants will note that the guidance has been changed in several places in order to account for different tribal governance structures, unique tribal homeland security challenges, and 9/11 Act requirements.

Federal Investment Strategy

SHSP is an important part of the Administration’s larger, coordinated effort to strengthen homeland security preparedness. SHSP implements objectives addressed in a series of post-9/11 laws, strategy documents, plans and Homeland Security Presidential Directives (HSPDs).

FEMA expects our State, local, and tribal partners – including recipients of SHSP grants – to be familiar with this national preparedness architecture and to incorporate elements of this architecture into their planning, operations and investments.

SHSP Tribal Priorities

Funding priorities for this year continue the focus on risk-based funding and the capability-based planning process that DHS began four years ago. FY 2009 SHSP Tribal will focus on the following objectives as its highest priorities.

¹ This SHSP Tribal funding is a subset of the State Homeland Security Program (SHSP). Eligible tribes may apply directly to FEMA for SHSP Tribal funding and are also not precluded from requesting SHSP funding from the respective SAA as long as the projects contained within each application are not the same.

- 1. Addressing Capability Requirements and Measuring Progress in Achieving the National Preparedness Guidelines.** FEMA will continue in FY 2009 to tie together the performance of preparedness programs (via grants, training, exercises, technical assistance, planning, etc.) with established priorities and objectives of the National Preparedness Guidelines, target capabilities, and joint Federal-Tribal assessments. The preparedness cycle allows for adjustments based upon evolving risks and capabilities. The Target Capability List (TCL) Implementation Project is in the process of updating target capabilities into usable frameworks with performance classes and objectives to guide evaluations and assessments. The Comprehensive Assessment System (CAS) is under development to assess compliance with the broad national preparedness system as described under Subtitle C of the *Post-Katrina Emergency Management Reform Act of 2006* (Public Law 109-295) (PKEMRA), including NIMS, the National Response Framework, the TCL, and the performance of training, exercises, and operations.

Measuring Progress: As part of the FY 2009 SHSP Investment Justifications, applicants are also asked to establish specific capability-based outcomes associated with all proposed Investments. Proposals should be aligned with the National Priorities of the National Preparedness Guidelines and must outline measurable outcomes that will be tracked and accomplished during implementation. Grantees should reference the TCL, dated September 2007, the supplemental Target Capability Implementation Frameworks, where appropriate, and applicable national plans and strategies to develop concrete, measurable outcomes, and milestones, while preserving the necessary flexibility to meet unique tribal operational requirements outlined in their homeland security plans. After funds are awarded, grantees are required to report on progress made toward achieving the identified outcomes for each Investment as part of the regular grant reporting process. Performance measure data submitted through grant reporting will be reviewed and validated through programmatic monitoring by FEMA staff.

These outcomes should support both capability development and strategic, operational, and tactical-level planning. For interoperable emergency communications-related Investments, applicants should align to the objectives of the National Emergency Communications Plan (NECP).² The outcomes should include a minimum number of quantitative and qualitative measures necessary to demonstrate achievement with regard to developing and enhancing health and medical readiness and preparedness capabilities. These measures should be drawn, where applicable, from the TCL and from supplemental Target Capability Implementation Frameworks. In addition to specific measures, grantees should outline two to four key enablers for each Investment that are essential to

² The FY 2007 HSGP required States to develop and submit a Statewide Communication Interoperability Plan (SCIP). All SCIPs were approved by DHS in April 2008. The National Emergency Communications Plan (NECP), which was informed by the SCIPs, is available at: www.dhs.gov/xnews/releases/pr_1217529182375.shtm.

achieving the outcome and require monitoring and management throughout the period of performance. These enablers are major outputs from the Investment and can be tangible (e.g., a major equipment item) or logistical (e.g., a critical process, such as a formal planning process) in nature. Examples should be drawn from the “Resource Elements” listed as part of each capability in the TCL. In the Target Capability Implementation Frameworks, outcomes are reflected in the “Performance Objectives.”

2. National Priority: Strengthen Planning and Citizen Preparedness Capabilities.

Strengthening Preparedness Planning. This provision also supports the Planning Annex to HSPD-8, *National Preparedness*. State, local, and tribal governments must engage in comprehensive national and regional planning processes that seek to enhance emergency management capabilities through strengthened national and regional relationships and the allocation of resources toward preparedness planning. As indicated in the Planning Annex, coordinated, comprehensive plans should be developed that cover prevention, protection, and response activities for specific planning scenarios.

In order to develop these plans, applicants are strongly encouraged to develop plans in a manner consistent with the principles and doctrine outlined in Comprehensive Preparedness Guide 101, *Producing Emergency Plans: A Guide for All-Hazard Operations Planning for State, Territorial, Local and Tribal Governments (Interim)*.

However, within these plans, specific activities may be implemented in support of the following areas:

- **Linking operational needs identified in plans to resource allocation.** Applicants should use grant funds to institutionalize a capabilities-based planning process that defines, documents, analyzes, adjusts, and approves capability requirements that drive resource allocation.
- **Fixing shortcomings in existing plans.** Areas of paramount concern are: Mass Evacuation and Sheltering, with particular emphasis on Regional Operations planning, special needs populations³ and citizen preparedness; Statewide Communication Interoperability Plans and Tactical Interoperable Communications Plans; Logistics planning, Resource/Commodity Management, with particular emphasis on National Incident Management System (NIMS) standardized mechanisms and processes to describe, inventory, mobilize, dispatch, track, and recover resources over both the lifecycle and regional or national scope of an incident, taking into account both at-risk and host jurisdictions/states;

2 See CPG-301: *Emergency Management Planning Guide for Special Needs Populations* as a reference in addressing this issue.

CIKR Protection, with particular emphasis on Explosive Device Response Operations; Hazard Identification and Risk Assessment; Health and Medical Services for Catastrophic Events; and long term recovery. Once these shortcomings have been addressed, they should be integrated into capabilities-based plans that address all hazards and all threats. Additional shortcomings should be identified by the applicant in addition to these requirements as warranted.

- **Building regional planning processes and planning communities.** The primary focus is to establish processes for planning, preparedness, data exchange, and operational resource and asset management among regional planning partners. Activities should ensure that preparedness planning networks are fully integrated with other key planning efforts such as Continuity of Operation Plans (COOP), Area Maritime Security Plans (AMSPs) for port areas and Buffer Zone Plans (BZPs) for CIKR resources and community preparedness planning conducted by governmental and non-governmental entities through the Citizen Corps Council. This should include drawing clear linkages in an appendix or annex to emergency operations plans as appropriate. Additionally, applicants should clearly address the linkages between Fusion Centers and the Tribal Emergency Operations Centers and develop the necessary protocols and procedures to ensure connectivity and support, as appropriate.
- **Enhancing continuity of operations planning.** Applicants should use grant funds to establish effective continuity plans and programs in an effort to enhance tribes' ongoing delivery of essential functions during all hazards. Actionable measurable items include developing staffing and guidance based on continuity priorities from the National Continuity Programs Directorate and described in the National Continuity Policy Implementation Plan (NCP/IP). Measurable items include: providing State, territorial, and local government continuity testing, training, and exercises; offering continuity planning and program guidance; conducting continuity education and outreach; providing mechanisms and making available annual meetings for tribal continuity working groups or other forums; offering and/or provide continuity guidance and outreach through tribal Continuity Working Groups (CWGs); providing guidance and offering assistance as required to conduct and/or support train-the-trainer continuity courses for tribal governments. Examples include the COOP Managers Train-the-Trainer Course, the COOP Planners Course, the Exercise Design Course, the Building Design Risk Assessment Course, and the Determined Accord (pandemic) Exercise.
- **Including the private sector in preparedness planning activities.** Tribes should include private sector entities in their preparedness planning process, building public-private partnerships where appropriate to more effectively prevent, protect against, respond to, and recover from major

events. In particular, tribes should engage with private sector entities as provisions for the voluntary private sector preparedness, accreditation, and certification program called for in the 9/11 Act are finalized in order to ensure that personnel have a comprehensive understanding of preparedness capabilities resident in their region.

3. National Priority: Strengthen Information Sharing and Collaboration Capabilities

Maximizing Information Sharing via the National Network of Fusion Centers. This priority reflects the policy outlined in the National Strategy for Information Sharing (NSIS) by supporting the participation of tribes in the national network of State and Urban Area fusion centers to facilitate effective nationwide information sharing between local, tribal, State, and Federal partners.

Effective prevention efforts depend on the ability of all levels and sectors of government to collect, analyze, disseminate, and use homeland security- and crime-related information and intelligence. In support of these efforts, tribes must prioritize the allocation of SHSP grant fund resources to participate in designated State and Urban Area fusion centers, in accordance with the capabilities as outlined in the Department of Justice's (DOJ's) Global Justice Information Sharing Initiative's (Global) *Baseline Capabilities for State and Major Urban Area Fusion Centers*, a supplement to the Fusion Center Guidelines, available at <http://www.it.ojp.gov/documents/baselinecapabilitiesa.pdf>.

4. National Priority: Strengthen Medical Surge and Mass Prophylaxis.

Developing and enhancing health and medical readiness and preparedness capabilities. State and local grantees should consider preparedness efforts that emphasize biological attack detection (bio collection), mass casualty incident response, and counter-measure stockpiling and distribution. The Office of Health Affairs (OHA) leads the Department's role in developing and supporting a scientifically rigorous, intelligence-based biodefense and health preparedness architecture to ensure the security of our Nation in the face of all hazards. Grantees are encouraged to work closely with OHA, in addition to their FEMA Program Analyst and FEMA Region, when developing or enhancing medical surge and mass prophylaxis programs in response to biological threats and for public health and medical preparedness. For more information, please visit http://www.dhs.gov/xabout/structure/editorial_0880.shtm or contact OHA at oha@dhs.gov.

Consolidation of Law Enforcement Terrorism Prevention-oriented Activities

Per the 9/11 Act and the *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009* (Public Law 110-329), the FY 2009 Homeland Security Grant Program (HSGP) will not contain a separate line-item Law Enforcement Terrorism Prevention Program (LETPP). As is clear in this year's overarching HSGP priorities, a significant need for law enforcement terrorism prevention exists. As a result, tribes are also required to ensure that at least 25 percent of their SHSP award funds are dedicated towards law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities.

PART II. **AWARD INFORMATION**

This section summarizes the award period of performance and the total amount of funding available under the FY 2009 SHSP Tribal, describes the basic distribution method used to determine final grants awards, and identifies all eligible applicants for FY 2009 funding.

Award Period of Performance

The period of performance of this grant is 36 months. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required.

Available Funding

In FY 2009, the total amount of funds distributed under the FY 2009 SHSP Tribal will be \$1,660,000, which is an amount equal to at least 0.1 percent of the total funds appropriated for grants under sections 2003 (Urban Areas Security Initiative) and 2004 (State Homeland Security Program) of the Homeland Security Act, as amended by the 9/11 Act. FY 2009 SHSP Tribal funds will be allocated based on risk and anticipated effectiveness upon completion of the application review process.

PART III.

ELIGIBILITY INFORMATION

A. Eligible Applicants

Per the 9/11 Act, “a directly eligible tribe applying for a grant under section 2004 [SHSP] shall designate an individual to serve as a tribal liaison with [DHS] and other Federal, State, local, and regional government officials concerning preventing, preparing for, protecting against, and responding to acts of terrorism.”

The term “directly eligible tribe” means –

- (A) any Indian tribe –
 - (i) that is located in the continental United States;
 - (ii) that operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;
 - (iii)
 - (I) that is located on or near an international border or a coastline bordering an ocean (including the Gulf of Mexico) or international waters;
 - (II) that is located within 10 miles of a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2) [please refer to section 1001 of the 9/11 Act] or has such a system or asset within its territory;
 - (III) that is located within or contiguous to 1 of the 50 most populous metropolitan statistical areas in the United States; or
 - (IV) the jurisdiction of which includes not less than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code; and
 - (iv) that certifies to the Secretary that a State has not provided funds under section 2003 [UASI] or 2004 [SHSP] to the Indian tribe or consortium of Indian tribes for the purpose for which direct funding is sought; and
- (B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

In summary, eligible tribes must meet the requirements set forth in (A) (i), (ii), and (iv). Tribes must also meet one of the requirements set forth in (A) (iii); either (I), (II), (III), or (IV). Finally, (B) may also be satisfied, if each tribe satisfies the requirements of subparagraph (A).

To be eligible to receive FY 2009 SHSP Tribal funding, applicants must meet NIMS compliance requirements. The NIMSCAST will be the required means to report FY 2008

NIMS compliance for FY 2009 preparedness award eligibility. All grantees were required to submit their compliance assessment via the NIMSCAST by September 30, 2008 in order to be eligible for FY 2009 preparedness programs. The grantee reserves the right to determine compliance reporting requirements of their sub-awardees (locals) in order to disperse funds at the local level.

For FY 2009 there are no new NIMS compliance objectives. If FY 2008 NIMS compliance was reported using NIMSCAST and the grantee has met all NIMS compliance requirements, then NIMSCAST will only require an update in FY 2009. Additional information on achieving compliance is available through the FEMA National Integration Center (NIC) at <http://www.fema.gov/emergency/nims/>.

B. Cost Sharing

In FY 2009, there is an optional cash or in-kind cost share.

C. Restrictions

Please see Part IV.E. for SHSP Tribal Priorities Threshold, Law Enforcement Terrorism Prevention, Management & Administration (M&A) limits, and allowable/unallowable costs guidance.

PART IV.

APPLICATION AND SUBMISSION INFORMATION

A. Address to Request Application Package

DHS participates in the Administration's e-government initiative. As part of that initiative, all applications must be filed using the Administration's common electronic "storefront" -- [grants.gov](http://www.grants.gov). Eligible tribes must apply for funding through this portal, accessible on the Internet at <http://www.grants.gov>. To access application forms and instructions, select "Apply for Grants," and then select "Download Application Package." Enter the CFDA and/or the funding opportunity number located on the cover of this announcement. Select "Download Application Package," and then follow the prompts to download the application package. To download the instructions, go to "Download Application Package" and select "Instructions." If you experience difficulties or have any questions, please call the [grants.gov](http://www.grants.gov) customer support hotline at (800) 518-4726.

B. Content and Form of Application

1. On-line application. The on-line application must be completed and submitted using [grants.gov](http://www.grants.gov) after Central Contractor Registry (CCR) registration is confirmed. The on-line application includes required forms and submissions:

- Tribal Investment Justification Worksheet
- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information
- Standard Form 424B Assurances
- Standard Form LLL, Disclosure of Lobbying Activities
- Standard Form 424C, Budget Information – Construction Programs (if applicable)
- Standard Form 424D, Assurances – Construction Programs (if applicable)

The program title listed in the Catalog of Federal Domestic Assistance (CFDA) is "*Homeland Security Grant Program.*" The CFDA number is **97.067**.

2. Application via [grants.gov](http://www.grants.gov). FEMA participates in the Administration's e-government initiative. As part of that initiative, all applicants must file their applications using the Administration's common electronic "storefront" -- [grants.gov](http://www.grants.gov). Eligible tribes must apply for funding through this portal, accessible on the Internet at <http://www.grants.gov>. **Eligible tribes are required to submit a copy of their application for SHSP Tribal funds to each State within which any part of the**

tribe is located for review before the tribe submits it to <http://www.grants.gov>.

3. **DUNS number.** The applicant must provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number with their application. This number is a required field within [grants.gov](http://www.grants.gov) and for CCR Registration. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at (866) 705-5711.
4. **Valid Central Contractor Registry (CCR) Registration.** The application process also involves an updated and current registration by the applicant. Eligible applicants must confirm CCR registration at <http://www.ccr.gov>, as well as apply for funding through [grants.gov](http://www.grants.gov).
5. **Investment Justification.** As part of the FY 2009 SHSP Tribal application process, applicants must develop a formal Investment Justification that addresses each Investment being proposed for funding. These Investment Justifications must demonstrate how proposed projects address gaps and deficiencies in current programs and capabilities. The Investment Justification must demonstrate the ability to provide enhancements consistent with the purpose of the program and guidance provided by FEMA. Applicants must ensure that the Investment Justification is consistent with all applicable requirements outlined in the application kit. Applicants may propose up to three (3) Investments within their Investment Justification.

The following table outlines the Tribal Investment Justification template, and has been provided by FEMA for directly eligible tribal applicants to apply for SHSP grant funding, specifically SHSP Tribal funding. The table includes scoring criteria for each section and the weights that will be applied to reinforce priority areas.

Investment Justification Outline

Question	Scoring Criteria
OVERALL	
<p>Overall Investment Justification Question: Describe your understanding of the spectrum of terrorism and natural hazard risks your tribal area faces. Explain how this understanding influenced development of this Investment Justification.</p>	<p>The information provided is not scored as an individual section; however, it <i>is</i> considered in the Portfolio Score, and should demonstrate the relationship between the individual Investments and the applicant’s understanding of risk</p>
<p>Management & Administrative Costs: Tribes must provide a brief overall summary of planned management and administrative (M&A) expenditures that support the implementation of the Investments proposed in this Investment Justification.</p>	<p>The information provided is not scored as an individual section; however, it <i>is</i> considered in the Portfolio Score</p>
<p>Project Management: Describe the management team’s roles and responsibilities, governance structures, and subject matter expertise specifically required for all of the Investments included in this Investment Justification.</p>	<p>The information provided is not scored as an individual section; however, it <i>is</i> considered in the Portfolio Score and should demonstrate the team’s ability to manage the Investments listed in the application</p>
BASELINE	
<p>Investment Heading:</p> <ul style="list-style-type: none"> • Tribe name • Investment name • Total FY 2009 SHSP Tribal funding requested • Investment Phase – Ongoing or New 	<p>The information provided is not scored</p>

Question	Scoring Criteria
<p>I.A. Baseline – Previous SHSP Tribal Request Name and Funding: If the Investment was included in a previous SHSP Tribal request, please provide the name of the Investment and the total amount of SHSP Tribal funding that was dedicated to this Investment, if any.</p>	<p>The information provided is not scored as an individual section; however, it <i>is</i> considered in the Comprehensive Investment Score and should establish the Investment’s background and progress made to date</p>
<p>I.B. Baseline – Purpose Statement: Describe, at a high-level, what activities will be implemented and what will be accomplished by this Investment.</p>	
<p>I.C. Baseline – Description: Provide a description of the current state of this Investment, its objectives, and any accomplishments that will be completed <u>prior</u> to the application of FY 2009 SHSP Tribal funds. Include in this description whether this is a new or ongoing Investment. Describe the capability gap(s) that this Investment is intended to address.</p>	
<p>STRATEGY (15%)</p>	
<p>II.A. Strategy – Homeland Security Plans: Explain how this Investment supports homeland security plans, such as the State Preparedness Report.</p>	<ul style="list-style-type: none"> • Response provides linkage between the Investment and homeland security plans • Response demonstrates how the Investment will contribute to reaching any homeland security plan targets

Question	Scoring Criteria
<p>II.B. Strategy – Target Capabilities: Provide one primary and up to four secondary Target Capabilities that this Investment supports. For the primary Target Capability selected, provide an explanation of how it is supported by this Investment.</p>	<ul style="list-style-type: none"> • Response provides linkage between the Investment and selected primary Target Capability • Response demonstrates how the Investment will support the selected primary Target Capability
<p>II.C. Strategy – National Priorities: Identify the National Priority(ies) that this Investment supports; up to four may be selected.</p>	<p>The information provided is not scored as an individual section; however, it is considered in the Comprehensive Investment Score</p>
FUNDING PLAN (15%)	
<p>III.A. Funding Plan: Provide the total estimated cost to implement this Investment during the three year, FY 2009 SHSP Tribal period of performance by completing the following table:</p> <ul style="list-style-type: none"> • For each solution area that has an associated FY 2009 SHSP Tribal cost, provide a brief summary of the planned expenditures (including personnel) • If this Investment includes an optional cost share, provide the cash or in-kind funding amounts in the appropriate section of the funding table and describe how those funds will be applied • Other sources of funding should be identified and described appropriately 	<ul style="list-style-type: none"> • Response references the appropriate activities, services, or products for the solution area • Response describes how the estimated SHSP Tribal costs will be used specifically towards this Investment • The optional cash and in-kind cost share identified are considered in the effectiveness analysis

Question	Scoring Criteria
ACCOMPLISHMENTS, CHALLENGE MITIGATION (35%)	
<p>III.B. Accomplishments: Identify two to five accomplishments that will be achieved within the three year, FY 2009 SHSP Tribal period of performance. For each accomplishment:</p> <ul style="list-style-type: none"> • Identify the planned end date for when the accomplishment will occur • Identify at least one milestone that will indicate the Investment is progressing towards the accomplishment • Identify at least one challenge that may impede the achievement of the accomplishment within the period of performance 	<ul style="list-style-type: none"> • Each response provides a clear description of the Investment's accomplishments • Milestones collectively present a clear sequence of events that will lead to the associated accomplishment • Challenges should describe potential barriers to both the successful implementation of the proposed Investment and the completion of the associated accomplishments within the FY 2009 SHSP Tribal period of performance
<p>III.C. Challenge Mitigation: Explain how the management team described in the Overall section will mitigate challenges and ensure that the expected accomplishments and milestones for this Investment will be achieved within the three year, FY 2009 SHSP Tribal period of performance.</p>	<ul style="list-style-type: none"> • Response describes how the management team will mitigate challenges to meet milestones in order to achieve the accomplishments for the proposed Investment
IMPACT (35%)	
<p>IV.A. Impact on Identified Risk: Describe how achieving this Investment's accomplishments will reduce your identified risk as described in the Overall Investment Justification question.</p>	<ul style="list-style-type: none"> • Response describes how the accomplishments will reduce risks outlined in the Overall Investment Justification question
<p>IV.B. Sustainability: Describe the long-term approach to sustaining the capabilities created or enhanced by this Investment, or explain why this Investment will not be sustained.</p>	<ul style="list-style-type: none"> • Response describes how the capabilities developed by this Investment will be maintained/sustained beyond the three year FY 2009 SHSP Tribal period of performance, or • Response describes why the Investment will not be maintained/sustained long-term

C. Submission Dates and Times

Completed applications must be submitted electronically through www.grants.gov no later than **11:59 PM EDT, March 20, 2009**. Late applications will neither be considered nor reviewed. Upon successful submission, a confirmation e-mail message will be sent with a [grants.gov](http://www.grants.gov) tracking number, which is needed to track the status of the application.

D. Intergovernmental Review

Executive Order 12372 requires applicants from State and local units of government or other organizations providing services within a State to submit a copy of the application to the State Single Point of Contact (SPOC), if one exists, and if this program has been selected for review by the State. Applicants must contact their State SPOC to determine if the program has been selected for State review. Executive Order 12372 can be referenced at <http://www.archives.gov/federal-register/codification/executive-order/12372.html>. The names and addresses of the SPOCs are listed on OMB's home page available at: <http://www.whitehouse.gov/omb/grants/spoc.html>.

E. Funding Restrictions

In administering the FY 2009 SHSP Tribal, the tribe must comply with the following general requirements:

- 1. SHSP Tribal Priorities Threshold.** As noted before, FY 2009 SHSP Tribal will focus on four objectives as its highest priorities, of which at least 25 percent of SHSP Tribal funds must be dedicated to **Strengthening Preparedness Planning Priority through planning, training and exercise activities.**
- 2. Law Enforcement Terrorism Prevention.** Per the 9/11 Act and the *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009* (Public Law 110-329), FY 2009 SHSP will not contain a separate line-item Law Enforcement Terrorism Prevention Program (LETPP). However, tribal applicants are still required to ensure that at least 25 percent of their SHSP award funds are dedicated towards law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities.
- 2. Management and Administration (M&A) limits.** A maximum of up to three percent (3%) of funds awarded may be retained by the direct tribal grantee, and any funds retained are to be used solely for management and administrative purposes associated with the SHSP award.
- 3. Allowable Costs.** Allowable Investments made in support of the SHSP Tribal Priorities discussed above as well as other capability-enhancing projects must fall into the categories of Planning, Organization, Equipment, Training, or Exercises. Up

to 50 percent of FY 2009 SHSP tribal funding may be used to pay for the total of all personnel or personnel-related costs from these categories.

Additional detail about each of these allowable expense categories, as well as sections on additional activities including explicitly unallowable costs is provided. In general, grantees should consult their FEMA Program Analyst prior to making any Investment that does not clearly meet the allowable expense criteria established by the guidance.

Planning Activities

Tribes are required to use FY 2009 SHSP Tribal funds for planning efforts as noted above in the “Tribal Priorities Threshold” section. This includes planning that enables them to prioritize needs, build capabilities, update preparedness strategies, allocate resources, and deliver preparedness programs across disciplines (e.g., law enforcement, fire, emergency medical service (EMS), public health, behavioral health, public works, agriculture, and information technology) and levels of government. Planning activities should focus on the four homeland security mission areas of prevention, protection, response, and recovery. All jurisdictions are encouraged to work through Citizen Corps Councils, nongovernmental entities, and the general public in planning activities.⁴

Organization Activities

Sec. 2008 under the 9/11 Act includes allowability for the following activities:

- Responding to an increase in the threat level under the Homeland Security Advisory System, or needs resulting from a National Special Security Event
- Establishing, enhancing, and staffing State, local and regional fusion centers
- Paying salaries and benefits for personnel to serve as qualified intelligence analysts

Tribes must justify proposed expenditures of SHSP funds to support organization activities within their Investment Justification submission by using historical data or other analysis.⁵ All tribes are allowed to utilize up to 50 percent of their FY 2009 SHSP funding for personnel related costs, which include Organizational activities⁶. At the request of a recipient of a grant, the Administrator may grant a waiver of the limitation noted above (50 percent).

- **Overtime costs.** Overtime costs are allowable for personnel to participate in information, investigative, and intelligence sharing activities specifically related to homeland security and specifically requested by a Federal agency. Allowable costs are limited to overtime associated with Federally requested participation in eligible fusion activities including anti-terrorism task forces, Joint Terrorism Task Forces (JTTFs), Area Maritime Security Committees (as required by the Maritime

⁴ Nongovernmental entities include the private sector and private nonprofit, faith-based, community, volunteer and other nongovernmental organizations.

⁵ The effectiveness of a request for the use of funds for allowable organizational costs will be judged on the Investment Justification to illustrate the need for such resources to effectively achieve a capability that will have a meaningful impact in the reduction of risk.

⁶ Note: Both organizational costs (e.g., intel analysts, operational overtime) and planning, equipment, training, exercise personnel costs are applied towards the 50 percent personnel cap.

Transportation Security Act of 2002), DHS Border Enforcement Security Task Forces, and Integrated Border Enforcement Teams. Tribes must submit to DHS a written letter from a Federal agency which explicitly requests tribal staff participation in an eligible activity or illustrates how the activities support the roles and responsibilities of fusion centers as noted in Appendix 1 of the National Strategy for Information Sharing and provides an estimate of the size of the request in man-hours. Grant funding can only be used in proportion to the Federal man-hour estimate, and only after funding for these activities from other Federal sources (i.e. FBI JTTF payments to tribal agencies) has been exhausted. Under no circumstances should DHS grant funding be used to pay for costs already supported by funding from another Federal source.

- **Intelligence Analysts.** Per the *Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act* (Public Law 110-412), SHSP funds may be used to hire new staff and/or contractor positions to serve as intelligence analysts to enable information/intelligence sharing capabilities, as well as support existing intelligence analysts previously covered by SHSP funding. In order to be hired as an intelligence analyst, staff and/or contractor personnel must meet at least one of the following criteria:
 - Successfully complete training to ensure baseline proficiency in *intelligence analysis and production* within six months of being hired; and/or,
 - Previously served as an intelligence analyst for a minimum of two years either in a Federal intelligence agency, the military, or State and/or local law enforcement intelligence unit.

All intelligence analyst training should be in accordance with Global's *Minimum Criminal Intelligence Training Standards for Law Enforcement and Other Criminal Justice Agencies in the United States*, which outlines the minimum categories of training needed for intelligence analysts. These include subject-matter expertise, analytic methodologies, customer-service ethics, information handling and processing skills, critical thinking skills, computer literacy, and objectivity and intellectual honesty. A certificate of completion of such training must be on file with the tribe and the designated State or Urban Area fusion center, and must be made available to FEMA Headquarters Program Analysts upon request.

Equipment Activities

The 21 allowable prevention, protection, response, and recovery equipment categories and equipment standards for FY 2009 SHSP are listed on the web-based version of the Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB), at <https://www.rkb.us>.

The Standardized Equipment List (SEL) is located at this site as well. In some cases, items on the SEL are not allowable under SHSP or will not be eligible for purchase unless specific conditions are met. Unless otherwise stated, equipment must meet all mandatory regulatory and/or DHS-adopted standards to be eligible for purchase using

these funds. In addition, agencies will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment.

Training Activities

Tribes are strongly encouraged to use SHSP funds to develop or enhance a tribal homeland security training program. Allowable training-related costs under SHSP Tribal include the establishment, support, conduct, and attendance of training specifically identified under the SHSP grant program. Allowable training topics include, but are not limited to, CBRNE terrorism, cyber/agriculture/food security, intelligence gathering and analysis, NIMS related training, citizen and community preparedness, and training for volunteers.

Training conducted using SHSP funds should address a performance gap identified through an After Action Report/Improvement Plan (AAR/IP) or contribute to building a capability that will be evaluated through an exercise. Exercises should be used to provide the opportunity to demonstrate and validate skills learned in training, as well as to identify training gaps. Any training or training gaps should be identified in the AAR/IP and addressed in the State or Urban Area training cycle. All training and exercises conducted with SHSP Tribal funds should support the development and testing of the jurisdiction's Emergency Operations Plan (EOP) or specific annexes, where applicable they may also include development of plans tied to the 15 national planning scenarios, or other tribe-specific planning scenarios.

Exercise Activities

Exercises conducted with FEMA support must be managed and executed in accordance with the Homeland Security Exercise and Evaluation Program (HSEEP). HSEEP Volumes One, Two, and Three contain guidance for exercise design, development, conduct, evaluation, and improvement planning. HSEEP Volume Four provides sample exercise materials and HSEEP Volume Five: Prevention Exercises contains guidance and recommendations for designing, developing, conducting, and evaluating prevention-focused exercises. All volumes can be found at <http://hseep.dhs.gov>.

All exercises using SHSP Tribal funding must be NIMS compliant. More information is available online at the NIMS Integration Center, <http://www.fema.gov/emergency/nims/index.shtm>.

Personnel Activities

Personnel hiring, overtime, and backfill expenses are permitted under this grant in order to perform allowable FY 2009 SHSP planning, training, exercise, and equipment activities.

- A personnel cap of up to 50 percent of total program funds may be used for personnel activities as directed by the *Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act* (Public Law 110-412). Grantees who wish to seek a waiver from the personnel cap must

provide documentation explaining why the cap is unacceptable; waiver requests will be considered only under extreme circumstances. In general, the use of SHSP grant funding to pay for staff and/or contractor regular time or overtime/backfill is considered a personnel cost. Activities that are considered “personnel”, and therefore count against the personnel cap of 50 percent include, but are not limited to:

- Operational overtime
- Overtime/backfill to participate in approved training or exercise deliveries
- Salaries and personnel costs of intelligence analysts
- Overtime to participate in intelligence sharing activities
- Salaries and personnel costs of planners, equipment managers, exercise coordinators, and/or training coordinators
- Salaries and personnel costs under the M&A category
- Contractor costs associated with performing the above activities

FY 2009 SHSP funds may not be used to support the hiring of any personnel for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities.

The following are definitions for the terms as used in this grant guidance:

- **Hiring** – Tribal entities may use grant funding to cover the salary of newly hired personnel who are exclusively undertaking allowable FEMA program activities as specified in this guidance. This may **not** include new personnel who are hired to fulfill any non-FEMA program activities under any circumstances. Hiring will always result in a net increase of FTEs.
- **Overtime** – These expenses are limited to the additional costs which result from personnel working over and above 40 hours of weekly work time as a direct result of their performance of FEMA-approved activities specified in this guidance. Overtime associated with any other activity is not eligible.
- **Backfill-related Overtime** – Also called “Overtime as Backfill,” these expenses are limited to overtime costs which result from personnel who are working overtime (as identified above) to perform the duties of other personnel who are temporarily assigned to FEMA-approved activities outside their core responsibilities. Neither overtime nor backfill expenses are the result of an increase of Full-Time Equivalent (FTE) employees.
- **Supplanting** – Replacing a currently budgeted position with one or more full-time employees or contracted supported in whole or in part with Federal funds. Supplanting is prohibited with grant funds.

Construction and Renovation

Use of SHSP funds for construction and renovation is generally prohibited except as outlined below. Such construction and renovation shall be strictly limited and allowable only when it is a necessary component of a security system at critical infrastructure facilities.

Project construction and renovation not exceeding \$1,000,000 is allowable, as deemed necessary. The following types of projects are considered to constitute construction or renovation, and must be submitted to FEMA for compliance review and approval under Federal environmental planning and historic preservation (EHP) laws and requirements prior to initiation of the project:

- Construction of and renovation to guard facilities.
- Renovation of and modifications, including the installation of security and communication equipment, to buildings and structures that are 50 years old or older.
- Any other construction or renovation efforts that change or expand the footprint of a facility or structure, including security enhancements to improve perimeter security.
- Physical security enhancements, including but not limited to:
 - Lighting
 - Fencing
 - Closed-circuit television (CCTV) systems
 - Motion detection systems
 - Barriers, doors, gates and related security enhancements

In addition, the erection of communications towers that are included in a jurisdiction's interoperable communications plan is allowed, subject to all applicable laws, regulations, and licensing provisions. Communication tower projects must be submitted to FEMA for EHP review. Communications towers are not subject to the \$1,000,000 construction and renovation cap.

In order to draw down funds for construction and renovation costs under SHSP grantees must provide to FEMA:

- A description of the asset or facility, asset location, whether the infrastructure is publicly or privately owned, and the construction or renovation project
- Certification that a facility vulnerability assessment has been conducted
- An outline addressing how the construction or renovation project will address the identified vulnerabilities from the assessment
- Consequences of not implementing the construction or renovation project
- Any additional information requested by FEMA to ensure compliance with Federal environmental and historic preservation requirements.

Grantees should refer to FEMA's Information Bulletin #271, *Environmental and Planning and Historic Preservation Requirements for Grants*, available at <http://ojp.usdoj.gov/odp/docs/info271.pdf>. Additional information may also be found on the FEMA's website located at <http://www.fema.gov/plan/ehp/>.

Law Enforcement Terrorism Prevention Activities Allowable Costs

Sec. 2006 under the 9/11 Act includes allowability for the following activities, while also subject to the 50 percent personnel cap:

- Overtime expenses consistent with a State homeland security plan, including enhanced operations in support of federal agencies, including border security and border crossing enforcement;
- Establishing, enhancing and staffing State, local and regional fusion centers;
- Paying salaries and benefits for personnel to serve as qualified intelligence analysts;
- Any other terrorism prevention activity authorized by the Administrator
- Provisions from Sec. 2008 also apply

Tribes are required to ensure that at least 25 percent of their SHSP award funds are dedicated towards law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities. These include the following activities:

- Information sharing and analysis
- Target hardening
- Threat recognition
- Terrorist interdiction
- Subject to the limitations on Organization and Personnel Costs outlined above, overtime expenses consistent with homeland security plans, including for the provision of enhanced law enforcement operations in support of Federal agencies, including for increased border security and border crossing enforcement
- Subject to the limitations on Organization and Personnel Costs outlined above, participating in and staffing fusion centers with appropriately qualified personnel
- Subject to the limitations on Organization and Personnel Costs outlined above, paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts

PART V.

APPLICATION REVIEW INFORMATION

A. Review Criteria

The FY 2009 SHSP will allocate funding based on a combination of the risk and effectiveness analyses. Applications will be evaluated through a national review process. The national review process will assess the completeness, adherence to programmatic guidelines, feasibility, and how well the proposed Investment addresses the identified need(s) or capability shortfall(s). The Investment Justification requires narrative on strategic alignment, funding plan, milestones and metrics, project management, potential challenges, impact, and sustainability for each Investment . This information will be used to evaluate the anticipated effectiveness of all proposed Investments. Please refer to Section IV.B. for the Investment Justification questions and scoring criteria.

B. Review Process

For FY 2009, eligible tribal applications will be reviewed and scored based on the anticipated effectiveness of proposed Investments. Applications will be evaluated through the national review process for completeness, adherence to programmatic guidelines, feasibility, and how well the proposed Investment addresses the identified need(s) or capability shortfall(s).

Eligible tribes are strongly encouraged to participate as reviewers in the FY 2009 national review process. Participation in the process will provide reviewers the unique opportunity to gain insight into the evaluation process and to learn innovative ideas being utilized by their peers.

Tribes have historically been identified as a partner of homeland security and have been encouraged to embrace nationally-identified guidelines and initiatives. The Department of Homeland Security (DHS) continues to encourage tribal entities to embrace these guidelines and initiatives and to collaborate with their local and State homeland security counterparts.

The Department will ensure that the Investment Justification review process be conducted in a fair and equitable manner. Tribal applications will be reviewed by subject matter experts who are familiar with tribal matters. The funding amount for FY 2009 SHSP Tribal Supplemental awards will be based on combination of the risk and effectiveness analyses.

The following process will be used to make awards under the program:

- FEMA will verify compliance with all administrative and eligibility criteria identified in the application kit, to include the required submission of Investment Justifications and homeland security plans (such as State Preparedness Reports) by the established due dates.
- Eligible applications will be reviewed and scored through a national review process to analyze the anticipated effectiveness of proposed Investments. Homeland security plans (such as State Preparedness Reports) will be reviewed during the national review for context, but will not be scored.
- FEMA will use the results of both the risk analysis and the national review to make recommendations for funding to the FEMA Administrator and Secretary of Homeland Security.

Note: Upon award, the recipient may only fund Investments that were included in the FY 2009 Investment Justification that was submitted to FEMA and evaluated through the national review process. In addition, release of SHSP funding is subject to successful completion and approval of Investment Justifications.

C. Anticipated Announcement and Award Dates

FEMA will evaluate and act on applications within 90 days following close of the application period, consistent with the *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009* (Public Law 110-329). Awards will be made on or before September 30, 2009.

PART VI.

AWARD ADMINISTRATION INFORMATION

A. Notice of Award

Upon approval of an application, the grant will be awarded to the grant recipient. The date that this is done is the “award date.” Notification of award approval is made through the Grants Management System (GMS). Once an award has been approved, a notice is sent to the authorized grantee official. Follow the directions in the notification and log into GMS to access the award documents. The authorized grantee official should carefully read the award and special condition documents. If you do not receive a notification, please contact your Program Analyst for your award number. Once you have the award number, contact the GMS Help Desk at (888) 549-9901, option 3, to obtain the username and password associated with the new award.

The period of performance is 36 months. Any unobligated funds will be deobligated at the end of the 90 day close-out period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required.

B. Administrative and National Policy Requirements

1. Standard Financial Requirements. The grantee and any subgrantee shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

1.1 -- Administrative Requirements.

- 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110)

1.2 -- Cost Principles.

- 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
- 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
- 2 CFR Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122)
- Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations

1.3 -- Audit Requirements.

- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

1.4 -- Duplication of Benefits. There may not be a duplication of any federal assistance, per A-87, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Circular may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements.

2. Non-supplanting Requirement. Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or grantees may be required to supply documentation certifying that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

3. Technology Requirements.

3.1 -- National Information Exchange Model (NIEM). FEMA requires all grantees to use the latest NIEM specifications and guidelines regarding the use of Extensible Markup Language (XML) for all grant awards. Further information about the required use of NIEM specifications and guidelines is available at <http://www.niem.gov>.

3.2 -- Geospatial Guidance. Geospatial technologies capture, store, analyze, transmit, and/or display location-based information (i.e., information that can be linked to a latitude and longitude). FEMA encourages grantees to align any geospatial activities with the guidance available on the FEMA website at <http://www.fema.gov/grants>.

3.3 -- 28 CFR Part 23 guidance. FEMA requires that any information technology system funded or supported by these funds comply with 28 CFR Part 23, Criminal Intelligence Systems Operating Policies, if this regulation is determined to be applicable.

4. Administrative Requirements.

4.1 -- Freedom of Information Act (FOIA). FEMA recognizes that much of the information submitted in the course of applying for funding under this program or provided in the course of its grant management activities may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the

FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. The applicant may also consult FEMA regarding concerns or questions about the release of information under State and local laws. The grantee should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.

4.2 -- Protected Critical Infrastructure Information (PCII). The PCII Program, established pursuant to the *Critical Infrastructure Information Act of 2002* (Public Law 107-296) (CII Act), created a new framework, which enables State and local jurisdictions and members of the private sector to voluntarily submit sensitive information regarding critical infrastructure to DHS. The Act also provides statutory protection for voluntarily shared CII from public disclosure and civil litigation. If validated as PCII, these documents can only be shared with authorized users who agree to safeguard the information.

PCII accreditation is a formal recognition that the covered government entity has the capacity and capability to receive and store PCII. DHS encourages all tribes to pursue PCII accreditation to cover their State government and attending local government agencies. Accreditation activities include signing a memorandum of agreement (MOA) with DHS, appointing a PCII Officer, and implementing a self-inspection program. For additional information about PCII or the accreditation process, please contact the DHS PCII Program Office at pcii-info@dhs.gov.

4.3 -- Compliance with Federal civil rights laws and regulations. The grantee is required to comply with Federal civil rights laws and regulations. Specifically, the grantee is required to provide assurances as a condition for receipt of Federal funds that its programs and activities comply with the following:

- *Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et. seq.* – no person on the grounds of race, color, or national origin will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity receiving Federal financial assistance.
- *Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794* – no qualified individual with a disability in the United States, shall, by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity receiving Federal financial assistance.

- *Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et. seq.* – discrimination on the basis of sex is eliminated in any education program or activity receiving Federal financial assistance.
- *The Age Discrimination Act of 1975, as amended, 20 U.S.C. 6101 et. seq.* – no person in the United States shall be, on the basis of age, excluded from participation in, denied the benefits of or subjected to discrimination under any program or activity receiving Federal financial assistance.

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes. The grantee is also required to submit information, as required, to the DHS Office for Civil Rights and Civil Liberties concerning its compliance with these laws and their implementing regulations.

4.4 -- Services to limited English proficient (LEP) persons. Recipients of FEMA financial assistance are required to comply with several Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, natural origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The grantee is encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, see <http://www.lep.gov>.

4.5 -- Integrating individuals with disabilities into emergency planning. Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against people with disabilities in all aspects of emergency mitigation, planning, response, and recovery by entities receiving financial from FEMA. In addition, Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness* signed in July 2004, requires the Federal Government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism. Executive Order 13347 requires the Federal government to encourage consideration of the needs of individuals with disabilities served by State, local, and tribal governments in emergency preparedness planning.

FEMA has several resources available to assist emergency managers in planning and response efforts related to people with disabilities and to ensure compliance with Federal civil rights laws:

- **Comprehensive Preparedness Guide 301 (CPG-301): Interim Emergency Management Planning Guide for Special Needs Populations:** CPG-301 is designed to aid tribal, State, territorial, and local governments in planning for individuals with special needs. CPG-301 outlines special needs considerations for: Developing Informed Plans; Assessments and Registries; Emergency Public Information/Communication; Sheltering and Mass Care; Evacuation; Transportation; Human Services/Medical Management; Congregate Settings; Recovery; and Training and Exercises. CPG-301 is available at <http://www.fema.gov/pdf/media/2008/301.pdf>.
- **Guidelines for Accommodating Individuals with Disabilities in Disaster:** The Guidelines synthesize the array of existing accessibility requirements into a user friendly tool for use by response and recovery personnel in the field. The Guidelines are available at <http://www.fema.gov/oer/reference/>.
- **Disability and Emergency Preparedness Resource Center:** A web-based “Resource Center” that includes dozens of technical assistance materials to assist emergency managers in planning and response efforts related to people with disabilities. The “Resource Center” is available at <http://www.disabilitypreparedness.gov>.
- **Lessons Learned Information Sharing (LLIS) resource page on Emergency Planning for Persons with Disabilities and Special Needs:** A true one-stop resource shop for planners at all levels of government, non-governmental organizations, and private sector entities, the resource page provides more than 250 documents, including lessons learned, plans, procedures, policies, and guidance, on how to include citizens with disabilities and other special needs in all phases of the emergency management cycle.

LLIS.gov is available to emergency response providers and homeland security officials from the Federal, State, and local levels. To access the resource page, log onto <http://www.LLIS.gov> and click on *Emergency Planning for Persons with Disabilities and Special Needs* under *Featured Topics*. If you meet the eligibility requirements for accessing Lessons Learned Information Sharing, you can request membership by registering online.

4.6 -- Compliance with the National Energy Conservation Policy and Energy Policy Acts. In accordance with the *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009* (Public Law 110-329), grant funds must comply with the following two requirements:

- None of the funds made available shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 USC 8251 et. Seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).
- None of the funds made available shall be used in contravention of section 303 of the Energy Policy Act of 1992 (42 USC13212).

4.7 -- Environmental and Historic Preservation Compliance. FEMA is required to consider the potential impacts to the human and natural environment of projects proposed for FEMA funding. FEMA, through its Environmental and Historic Preservation (EHP) Program, engages in a review process to ensure that FEMA-funded activities comply with various Federal laws including: National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains (11988), Wetlands (11990) and Environmental Justice (12898). The goal of these compliance requirements is to protect our nation's water, air, coastal, wildlife, agricultural, historical, and cultural resources, as well as to minimize potential adverse effects to children and low-income and minority populations.

The grantee shall provide any information requested by FEMA to ensure compliance with applicable Federal EHP requirements. Any project with the potential to impact EHP resources cannot be initiated until FEMA has completed its review. Grantees may be required to provide detailed information about the project, including the following: location (street address or map coordinates); description of the project including any associated ground disturbance work, extent of modification of existing structures, construction equipment to be used, staging areas, access roads, etc.; year the existing facility was built; natural, biological, and/or cultural resources present in the project vicinity; visual documentation such as site and facility photographs, project plans, maps, etc; and possible project alternatives.

For certain types of projects, FEMA must consult with other Federal and State agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for protecting natural and cultural resources. For projects with the potential to have significant adverse effects on the environment and/or historic properties, FEMA's EHP review and consultation may result in a substantive agreement between the involved parties outlining how the grantee will avoid the effects, minimize the effects, or, if necessary, compensate for the effects.

Because of the potential for significant adverse effects to EHP resources or public controversy, some projects may require an additional assessment or

report, such as an Environmental Assessment, Biological Assessment, archaeological survey, cultural resources report, wetlands delineation, or other document, as well as a public comment period. Grantees are responsible for the preparation of such documents, as well as for the implementation of any treatment or mitigation measures identified during the EHP review that are necessary to address potential adverse impacts. Grantees may use these funds toward the costs of preparing such documents and/or implementing treatment or mitigation measures. Failure of the grantee to meet Federal, State, and local EHP requirements, obtain applicable permits, and comply with any conditions that may be placed on the project as the result of FEMA's EHP review may jeopardize Federal funding.

Recipient shall not undertake any project having the potential to impact EHP resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and **modifications to buildings, structures and objects** that are 50 years old or greater. Recipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. **Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.**

For more information on FEMA's EHP requirements, tribes should refer to FEMA's Information Bulletin #271, *Environmental Planning and Historic Preservation Requirements for Grants*, available at <http://ojp.usdoj.gov/odp/docs/info271.pdf>. Additional information and resources can also be found at <http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm>.

4.8 -- Royalty-free License. Applicants are advised that FEMA reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which an award recipient or sub-recipient purchases ownership with Federal support. Award recipients must agree to consult with FEMA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

4.9 -- FEMA GPD Publications Statement. Applicants are advised that all publications created with funding under any grant award shall prominently contain the following statement: "This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the

authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."

4.10 -- Equipment Marking. Applicants are advised that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."

4.11 -- Disadvantaged Business Requirement. Applicants are advised that, to the extent that recipients of a grant use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

4.12 -- National Preparedness Reporting Compliance. *The Government Performance and Results Act* (Public Law 103-62) (GPRA) requires that the Department collect and report performance information on all programs. For grant programs, the prioritized Investment Justifications and their associated milestones provide an important tool for assessing grant performance and complying with these national preparedness reporting requirements. FEMA will work with grantees to develop tools and processes to support this requirement. FEMA anticipates using this information to inform future-year grant program funding decisions. Award recipients must agree to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within their grant agreement. This includes any assessments, audits, or investigations conducted by the Department of Homeland Security, Office of the Inspector General, or the Government Accountability Office.

C. Reporting Requirements

Reporting requirements must be met throughout the life of the grant (refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements. Please note that FEMA Payment and Reporting System (PARS) contains edits that will prevent access to funds if reporting requirements are not met on a timely basis.

1. Financial Status Report (FSR) -- required quarterly. Obligations and expenditures must be reported on a quarterly basis through the FSR, which is due within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, FSR is due no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund draw downs may be withheld if these reports are delinquent. The final FSR is due 90 days after the end date of the performance period.

FSRs **must be filed online** through the PARS.

Reporting periods and due dates:

- October 1 – December 31; *Due January 30*
- January 1 – March 31; *Due April 30*
- April 1 – June 30; *Due July 30*
- July 1 – September 30; *Due October 30*

- 2. Categorical Assistance Progress Report (CAPR).** Following an award, the awardees will be responsible for providing updated obligation and expenditure information on a semi-annual basis. The applicable tribes are responsible for completing and submitting the CAPR reports. Awardees should include a statement in the narrative field of the CAPR that reads: *See BSIR.*

The CAPR is due within 30 days after the end of the reporting period (July 30 for the reporting period of January 1 through June 30; and January 30 for the reporting period of July 1 through December 31). Future awards and fund drawdowns may be withheld if these reports are delinquent.

CAPRs must be filed online at <https://grants.ojp.usdoj.gov>. Guidance and instructions can be found at <https://grants.ojp.usdoj.gov/gmsHelp/index.html>.

Required submission: CAPR (due semi-annually).

- 3. Biannual Strategy Implementation Reports (BSIR).** Following an award, the awardees will be responsible for providing updated obligation and expenditure information on a semi-annual basis. The applicable SAAs are responsible for completing and submitting the BSIR reports which is a component of the CAPR. The BSIR submission will satisfy the narrative requirement of the CAPR. SAAs are still required to submit the CAPR with a statement in the narrative field that reads: *See BSIR.*

The BSIR is due within 30 days after the end of the reporting period (July 30 for the reporting period of January 1 through June 30; and January 30 for the reporting period of July 1 through December 31). Updated obligations and expenditure information must be provided with the BSIR to show progress made toward meeting strategic goals and objectives. Future awards and fund drawdowns may be withheld if these reports are delinquent.

Required submission: BSIR (due semi-annually).

- 4. Exercise Evaluation and Improvement.** Exercises, implemented with grant funds, should be threat and performance-based and should evaluate performance of the targeted capabilities required to respond to the exercise scenario. Guidance related to the conduct exercise evaluations and the implementation of improvement is defined in the *Homeland Security Exercise and Evaluation Program (HSEEP)*

Manual located at <http://www.fema.gov/government/grant/administration.shtm>. Grant recipients must report on scheduled exercises and ensure that an After Action Report (AAR) and Improvement Plan (IP) are prepared for each exercise conducted with FEMA support (grant funds or direct support) and submitted to the FEMA secure Portal (<https://preparednessportal.dhs.gov/>) within 60 days following completion of the exercise.

The AAR documents the demonstrated performance of targeted capabilities and identifies recommendations for improvements. The IP outlines an exercising jurisdiction(s) plan to address the recommendations contained in the AAR. At a minimum, the IP must identify initial action items and be included in the final AAR. Guidance for the development of AARs and IPs is provided in the HSEEP manual.

Required submissions: AARs and IPs (as applicable).

- 5. Financial and Compliance Audit Report.** Recipients that expend \$500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the U.S. General Accountability Office, *Government Auditing Standards*, located at <http://www.gao.gov/govaud/ybk01.htm>, and *OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations*, located at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2009 SHSP Tribal assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

The State shall require that sub-grantees comply with the audit requirements set forth in *OMB Circular A-133*. Recipients are responsible for ensuring that sub-recipient audit reports are received and for resolving any audit findings.

Monitoring

Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met. Programmatic monitoring may also include the Regional Federal Preparedness Coordinators, when appropriate, to ensure consistency of project investments with Regional and National goals and policies, as well as to help synchronize similar investments ongoing at the Federal, State, and local levels.

Monitoring will be accomplished through a combination of office-based reviews and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

Grant Close-Out Process

Within 90 days after the end of the period of performance, grantees must submit a final FSR and final CAPR detailing all accomplishments throughout the project. After these reports have been reviewed and approved by FEMA, a close-out notice will be completed to close out the grant. The notice will indicate the project as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for three years from the date of the final FSR. The grantee is responsible for returning any funds that have been drawdown but remain as unliquidated on grantee financial records.

Required submissions: (1) final SF-269a, due 90 days from end of grant period; and (2) final CAPR, due 90 days from the end of the grant period.

PART VII.

FEMA CONTACTS

This section describes several resources that may help applicants in completing a FEMA grant application. During the application period FEMA will identify multiple opportunities for a cooperative dialogue between the Department and applicants. This commitment is intended to ensure a common understanding of the funding priorities and administrative requirements associated with the FY 2009 SHSP Tribal, and to help in submission of projects that will have the highest impact on reducing risks.

- 1. Centralized Scheduling & Information Desk (CSID) Help Line.** CSID is a non-emergency resource for use by emergency responders across the nation. CSID is a comprehensive coordination, management, information, and scheduling tool developed by DHS through FEMA for homeland security terrorism preparedness activities. CSID provides general information on all FEMA grant programs and information on the characteristics of CBRNE, agro-terrorism, defensive equipment, mitigation techniques, and available Federal assets and resources.

CSID maintains a comprehensive database containing key personnel contact information for homeland security terrorism preparedness programs and events. These contacts include personnel at the Federal, State and local levels. CSID can be contacted at (800) 368-6498 or askcsid@dhs.gov. CSID hours of operation are from 8:00 am–6:00 pm (EST), Monday-Friday.

- 2. Grant Programs Directorate (GPD).** FEMA GPD will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov.
- 3. GSA's State and Local Purchasing Programs.** The U.S. General Services Administration (GSA) offers two efficient and effective procurement programs for State and local governments to purchase products and services to fulfill homeland security and other technology needs. The GSA Schedules (also referred to as the Multiple Award Schedules and the Federal Supply Schedules) are long-term, indefinite delivery, indefinite quantity, government-wide contracts with commercial firms of all sizes.
 - Cooperative Purchasing Program
Cooperative Purchasing, authorized by statute, allows State and local governments to purchase a variety of supplies (products) and services under

specific GSA Schedule contracts to save time, money, and meet their everyday needs and missions.

The Cooperative Purchasing program allows State and local governments to purchase alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services off of Schedule 84 and Information Technology products and professional services off of Schedule 70 and the Consolidated Schedule (containing IT Special Item Numbers) **only**. Cooperative Purchasing for these categories is authorized under Federal law by the *Local Preparedness Acquisition Act* (Public Law 110-248) and Section 211 of the *E-Government Act of 2002* (Public Law 107-347).

Under this program, State and local governments have access to GSA Schedule contractors who have voluntarily modified their contracts to participate in the Cooperative Purchasing program. The U.S. General Services Administration provides a definition of State and local governments as well as other vital information under the frequently asked questions section on its website at <http://www.gsa.gov/cooperativepurchasing>.

- Disaster Recovery Purchasing Program

GSA plays a critical role in providing disaster recovery products and services to Federal agencies. Now State and Local Governments can also benefit from the speed and savings of the GSA Federal Supply Schedules. Section 833 of the *John Warner National Defense Authorization Act for Fiscal Year 2007* (Public Law 109-364) amends 40 U.S.C. §502 to authorize GSA to provide State and Local governments the use of ALL GSA Federal Supply Schedules for purchase of products and services to be used to *facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or to facilitate **recovery** from terrorism or nuclear, biological, chemical, or radiological attack.*

GSA provides additional information on the Disaster Recovery Purchasing Program website at <http://www.gsa.gov/disasterrecovery>.

State and local governments can find a list of contractors on GSA's website, <http://www.gsa/library.gsa.gov>, denoted with a  or  symbol.

Assistance is available from GSA on the Cooperative Purchasing and Disaster Purchasing Program at the local and national levels. For assistance at the local level, visit <http://www.gsa.gov/csd> to find a local customer service director in your area. For assistance at the national level, contact Tricia Reed at tricia.reed@gsa.gov, (571) 259-9921. More information is available on all GSA State and local programs at: www.gsa.gov/stateandlocal.

- 4. Exercise Direct Support.** FEMA provides support to Regions, States, and local jurisdictions in accordance with State Homeland Security Strategies and the Homeland Security Exercise and Evaluation Program (HSEEP). Support is available to conduct a Training and Exercise Plan (TEP) workshop, to develop a Multi-year TEP, and to build or enhance the capacity of a jurisdiction to design, develop, conduct, and evaluate effective exercises.

In FY 2009, support for planning and conduct of exercises has shifted in strategy from a State-focused approach, organized by National Preparedness Directorate Headquarters, to a regional (multi-State) approach, organized by the FEMA Regions, to more effectively integrate national, regional, territorial, tribal, State, and local preparedness exercises. At this time, the Regional Exercise Support Program will support discussion-based exercises (i.e., seminar, workshop or tabletop), operations-based exercises (i.e. drills, functional exercises, full scale exercises), and TEP workshops within each of the 10 FEMA Regions. The Regional Exercise Support Program support is not limited to new exercise initiatives and can be applied to ongoing exercises to maintain continuity of existing planning schedules. Applicants are encouraged to coordinate requests for exercise support through the appropriate FEMA Regional Exercise Officer. State requests for support will be considered, however, priority will be given to exercise initiatives that support collaboration within a Region.

Additional guidance on the Regional Exercise Support Program to include the application process and information on the HSEEP is available on the HSEEP website, <https://hseep.dhs.gov>.

- 5. Homeland Security Preparedness Technical Assistance Program.** The Homeland Security Preparedness Technical Assistance Program (HSPTAP) provides direct support assistance on a first-come, first-served basis (and subject to the availability of funding) to eligible organizations to enhance their capacity and preparedness to prevent, protect against, respond to, and recover from terrorist and all hazard threats. In addition to the risk assessment assistance already being provided, FEMA also offers a variety of other direct support assistance programs.

More information can be found at http://www.fema.gov/about/divisions/pppa_ta.shtm.

- 6. Lessons Learned Information Sharing (LLIS) System.** LLIS is a national, online, secure website that houses a collection of peer-validated lessons learned, best practices, AARs from exercises and actual incidents, and other relevant homeland security documents. LLIS facilitates improved preparedness nationwide by providing response professionals with access to a wealth of validated front-line expertise on effective planning, training, equipping, and operational practices for homeland security.

The LLIS website also includes a national directory of homeland security officials, as well as an updated list of homeland security exercises, events, and conferences.

Additionally, LLIS includes online collaboration tools, including secure email and message boards, where users can exchange information. LLIS uses strong encryption and active site monitoring to protect all information housed on the system. The LLIS website is <https://www.llis.gov>.

- 7. Information Sharing Systems.** FEMA encourages all State, regional, local, and Tribal entities using FY 2009 funding in support of information sharing and intelligence fusion and analysis centers to leverage available Federal information sharing systems, including Law Enforcement Online (LEO) and the Homeland Security Information Network (HSIN). For additional information on LEO, contact the LEO Program Office at leoprogramoffice@leo.gov or (202) 324-8833. For additional information on HSIN and available technical assistance, contact the HSIN Help Desk at (703) 674-3003.

PART VIII.

OTHER INFORMATION - SHSP TRIBAL ALLOWABLE EXPENSES

Overview

The following provides guidance on allowable costs within Planning, Equipment, Training, and Exercise activities.

Planning Activities Information

The *FY 2009 SHSP Tribal Guidance and Application Kit* defines five broad categories of allowable planning costs. Following are examples for each of the categories. The personnel caps noted earlier will still apply.

- Developing scenario plans that incorporate the range of prevention, protection, response, and recovery activities for a scenario

- Developing and implementing homeland security support programs and adopting DHS national initiatives including but not limited to the following:
 - Implementing the National Preparedness Guidelines
 - Costs associated with the adoption, implementation and adherence to NIMS compliance requirements; including implementing the NIMS National Credentialing Framework.
 - Modifying existing incident management and EOPs to ensure proper alignment with the NRF coordinating structures, processes, and protocols
 - Establishing or enhancing mutual aid agreements
 - Developing communications and interoperability protocols and solutions
 - Conducting tribal program implementation meetings
 - Developing or updating resource inventory assets in accordance to typed resource definitions issued by the NIMS Integration Center (NIC)
 - Designing tribal geospatial data systems
 - Conducting public education and outreach campaigns, including promoting individual, family and business emergency preparedness; alerts and warnings education; and evacuation plans as well as IED or bombing prevention awareness

- Developing related terrorism prevention activities including:
 - Developing law enforcement prevention activities, to include participating in designated State or Urban Area fusion centers

- o Hiring an IT specialist to plan, develop, and implement the IT applications necessary to share information with a fusion center
 - o Participating in information/intelligence sharing groups
 - o Integrating and coordinating the sharing of tribal public health care and health security data-gathering (threats to human and animal health) with State and local fusion centers to achieve early warning and mitigation of health events
 - o Integrating and coordinating the sharing of information with the private sector
 - o Acquiring systems allowing connectivity to State, local, and Federal data networks, such as the National Crime Information Center (NCIC) and Integrated Automated Fingerprint Identification System (IAFIS), as appropriate
 - o Planning to enhance security during heightened alerts, during terrorist incidents, and/or during mitigation and recovery
 - o Multi-discipline preparation across first responder community, including EMS for response to catastrophic events and acts of terrorism
 - o Conducting public education campaigns, including promoting individual, family and business emergency preparedness; promoting the *Ready* campaign; and/or creating State, regional or local emergency preparedness efforts that build upon the *Ready* campaign
 - o Evaluating CIP security equipment and/or personnel requirements to protect and secure sites
 - o CIP cost assessments, including resources (e.g., financial, personnel) required for security enhancements/deployments
 - o Multi-Jurisdiction Bombing Prevention Plans (MJBPP)⁷
 - o Underwater Terrorist Protection Plans
- Developing and enhancing plans and protocols, including but not limited to:
 - o Developing or enhancing EOPs and operating procedures
 - o Developing or enhancing tribal strategic or tactical interoperable emergency communications plans
 - o Developing protocols or standard operating procedures for specialized teams to incorporate the use of equipment acquired through this grant program
 - o Developing terrorism prevention/deterrence plans
 - o Developing plans, procedures, and requirements for the management of infrastructure and resources related to SHSP Tribal and implementation of Homeland Security Strategies
 - o Developing or enhancing border security plans
 - o Developing or enhancing cyber security plans

⁷ The SAA should examine current bombing prevention and explosive device response capabilities as an import risk reduction activity. An explosive device recognition capability analysis can assist in determining their opportunities for increasing the capability to execute steady state and threat initiated tasks to prevent and respond to a bombing incident.

- o Developing or enhancing secondary health screening protocols at major points of entry (air, rail, port)
 - o Developing or enhancing cyber risk mitigation plans
 - o Developing or enhancing agriculture/food security risk mitigation, response, and recovery plans
 - o Developing public/private sector partnership emergency response, assessment, and resource sharing plans
 - o Developing or enhancing plans to engage and interface with, and to increase the capacity of, private sector/non-governmental entities working to meet the human service response and recovery needs of victims
 - o Developing or updating local or regional communications plans
 - o Developing plans to support and assist jurisdictions, such as port authorities and rail and mass transit agencies
 - o Developing or enhancing continuity of operations and continuity of government plans
 - o Developing or enhancing existing catastrophic incident response and recovery plans to include and integrate Federal assets provided under the NRF
 - o Developing or enhancing evacuation plans
 - o Developing or enhancing citizen surge capacity
 - o Developing or enhancing plans for donations and volunteer management and the engagement/integration of private sector/non-governmental entities in preparedness, response, and recovery activities
 - o Developing or enhancing Bombing Prevention Plans
 - o Developing school preparedness plans
 - o Ensuring jurisdiction EOPs adequately address warnings, emergency public information, evacuation, sheltering, mass care, resource management from non-governmental sources, unaffiliated volunteer and donations management, and volunteer resource integration to support each Emergency Support Function, to include appropriate considerations for special needs populations
 - o Developing and implementing civil rights, civil liberties and privacy policies, procedures, and protocols
 - o Designing and developing tribal geospatial data systems
- Developing or conducting assessments, including but not limited to:
 - o Conducting point vulnerability assessments at critical infrastructure sites/key assets and develop remediation/security plans
 - o Conducting or updating interoperable emergency communications capabilities assessments at the tribal level
 - o Developing border security operations plans in coordination with CBP
 - o Updating and refining threat matrices
 - o Conducting cyber risk and vulnerability assessments

- o Conducting assessments and exercising existing catastrophic incident response and recovery plans and capabilities to identify critical gaps that cannot be met by existing local and State resources
- o Conducting Bombing Prevention Capability Analysis
- o Activities that directly support the identification of specific catastrophic incident priority response and recovery projected needs across disciplines (e.g. law enforcement, fire, EMS, public health, behavioral health, public works, agriculture, information technology, and citizen preparedness)
- o Activities that directly support the identification of pre-designated temporary housing sites
- o Conducting community assessments, surveys, and research of vulnerabilities and resource needs, and determine citizen education and participation to meet the needs
- o Soft target security planning (public gatherings)

Training Information and Requirements

1. **Training Information Reporting System (“Web-Forms”).** Web-Forms is an electronic form/data management system built to assist the SAA and its designated State/territory TPOC with the reporting of State and Federal sponsored training supported by SHSP Tribal funds. Web-Forms can be accessed through the FEMA Toolkit located at <http://www.firstrespondertraining.gov/admin>.
2. **Types of training.** FEMA facilitates a number of different training sources:
 - **FEMA Provided Training:** These courses or programs are developed for and/or delivered by institutions and organizations funded directly by FEMA. This includes the Center for Domestic Preparedness (CDP), the National Domestic Preparedness Consortium (NDPC), the Rural Domestic Preparedness Consortium (RDPC), National Emergency Training Center (National Fire Academy and the Emergency Management Institute), and FEMA Training Partners funded through the Continuing and Demonstration Training grant programs.
 - **Training Not Provided by FEMA:** These courses are either State sponsored or Federal sponsored, coordinated and approved by the SAA or their designated Training Point of Contact (TPOC), and fall within the FEMA mission scope to prepare State and local personnel to prevent, protect against, respond to, and recover from acts of terrorism or catastrophic events.
 - **State Sponsored Courses:** These courses are developed for and/or delivered by institutions or organizations other than Federal entities or FEMA and are sponsored by the SAA or their designated TPOC.
 - **Approved State Sponsored Course Catalog:** This catalog lists State/territory sponsored courses that fall within the FEMA mission scope and have been approved through the FEMA course review and approval process. An updated version of this catalog can be accessed at http://www.firstrespondertraining.gov/odp_webforms.

- **Federal Sponsored Courses:** This catalog lists courses developed for and/or delivered by institutions funded by Federal entities other than FEMA.
- **Approved Federal Sponsored Course Catalog:** This catalog lists Federal-sponsored courses that fall within the FEMA mission scope, and have been approved through the FEMA course review and approval process. An updated version of this catalog can be accessed at http://www.firstrespondertraining.gov/odp_webforms.

FEMA Provided Training. FEMA funds the direct delivery of a variety of courses that States can request to meet training needs. These courses are listed in the FEMA approved course catalog listed at http://www.firstrespondertraining.gov/odp_webforms.

Each FEMA Training Partner should contact the SAA or designated TPOC for locations within the State that are appropriate for the training. When the direct delivery funds are exhausted, the Training Partner can continue to offer the classes to the States through one of two methods—the Voluntary Training Enhancement Program (VTEP) or the Excess Delivery Acquisition Program (EDAP).

VTEP is a voluntary program designed to increase flexibility for States and territories while enhancing FEMA’s training delivery capability and complementing the current training partner pool. Funding from previous fiscal years **may** be used to support a State, territory, or Urban Area’s implementation of this program. Through VTEP, the SAA has the authority to adopt various TEI/TO provided programs for delivery by institutions within its State and local jurisdictions, and designate institutions as recognized providers for the identified standardized curriculum.

EDAP allows a FEMA Training Partner to charge for a course delivery when the Federal grant that developed the program is completed or more deliveries of a requested class are needed than the grant funds can accommodate. This cost per class is approved by FEMA so that States pay for the cost of instruction only, not the curriculum development costs that were paid by FEMA training grant funds. SHSP funds can be used to pay for the delivery of these classes within a State at the request of the SAA/TPOC.

Attending Training Not Provided by FEMA (State or Federal Sponsored Courses). States, territories, and Urban Areas are not required to request approval from FEMA for personnel to attend training not provided by FEMA (State or Federal-sponsored courses) provided that the training is coordinated with and approved by the SAA or TPOC and falls within the FEMA mission scope and the jurisdiction’s EOP and Strategy of preparing State and local personnel or citizens to prevent, protect against, respond to, and recover from acts of terrorism or catastrophic events.

Tribes are required, within 30 days after attendance, to submit information through the SAA or TPOC via Web-Forms on all training not provided by FEMA, but supported with SHSP funds. This information will consist of course title, course description, mission area, level of training, the training provider, the date of the course, the number and associated disciplines of the individuals, and the sponsoring jurisdiction. Tribes

intending to use FEMA funds to support attendance at training not provided by FEMA must ensure these courses:

- Fall within the FEMA mission scope to prepare State and local personnel to prevent, protect against, respond to, and recover from acts of terrorism and catastrophic events
- Build additional capabilities that a) support a specific training need identified by the State, territory, and Urban Area, and b) comport with the State, territory, or Urban Area Homeland Security Strategy
- Address specific tasks and/or competencies articulated in FEMA's *Emergency Responder Guidelines* and the *Homeland Security Guidelines for Prevention and Deterrence*
- Address specific capabilities and related tasks articulated in the September 2006 version of the TCL, available through LLIS
- Support the specific program training activities identified in the SHSP Tribal for which the funding will be used
- Comport with all applicable Federal, State, and local regulations, certifications, guidelines, and policies deemed appropriate for the type and level of training

In support of the continuing efforts to build common catalogs of approved training not provided by FEMA, the SAA/TPOC will be allowed three deliveries of the same course within a State/territory before the course is required to go through the FEMA State course review and approval process. Additional course deliveries will be authorized during the review period. However, if the course is disapproved as part of the process, no additional FEMA funds can be dedicated to attending the course.

State and Federal-Sponsored Course Catalogs. Courses approved by FEMA will be added to either the approved State Sponsored Course Catalog or the Federal Sponsored Course Catalog. Courses identified within these catalogs may be attended on an unlimited basis within any State/territory as long as the training is coordinated and approved by the SAA/TPOC. A full description of the FEMA Course Development, Review, and Approval Process, as well as the approved course catalogs, can be found at http://www.firstrespondertraining.gov/odp_webforms.

FEMA will respond to the initial request for review within 15 days with one of the following outcomes:

- Course concept is approved as consistent with the State plan and the State should submit the full course package for subject matter expert review and comment.
- Course concept is disapproved as inconsistent with State plan, FEMA guidance, or is exactly the same as another course in the catalog (no need for another approval, refer to the curriculum already developed and approved).

At any time, the SAA/TPOC (for State-sponsored courses) or the Federal Agency POC (for Federal sponsored courses) may request the addition of a course to the corresponding approved catalog by submitting the associated Web-Form (i.e., Request for Addition to the Approved State-Sponsored Catalog) for review. If a class on the

same subject is already in the catalog, the submitting State should provide documentation as to why the course is unique, after contacting the owner(s) of the other courses to review the curriculum. This step is required to avoid unnecessary duplication of similar courses in the catalog, allow States to share course development costs, permit all States to have access to new or unique courses developed by other providers, and allow States to direct their training dollars to delivery rather than development. If it is determined that the proposed course meets the above listed criteria, the providing entity (SAA/TPOC or Federal Agency POC) will be invited to submit the Course Review and Approval Request Form along with all supporting training materials.

For further information on developing courses using the instructional design methodology and tools that can facilitate the process, SAAs and TPOCs are encouraged to review the FEMA Strategy for Blended Learning and access the Responder Training Development Center (RTDC) available at <http://www.firstrespondertraining.gov/admin>.

FEMA funds must be used to supplement, not supplant, existing funds that have been appropriated for the same purpose. FEMA will conduct periodic reviews of all State, territory, and Urban Area training funded by FEMA. These reviews may include requests for all course materials and physical observation of, or participation in, the funded training. If these reviews determine that courses are outside the scope of this guidance, grantees will be asked to repay grant funds expended in support of those efforts.

States and territories are required to conduct an annual Training and Exercise Plan Workshop to identify key priorities and major events over a multi-year time frame and to align training and exercises in support of those priorities. A Multi-year Training and Exercise Plan will be produced from the Training and Exercise Plan Workshop to include the State's training and exercise priorities, associated training and exercise capabilities, and a multi-year training and exercise schedule. Further guidance concerning the Multi-year Training and Exercise Plan can be found in the Exercises discussion immediately following. Tribes should participate in the State workshop.

Allowable Training Costs

Allowable training-related costs include, but are not limited to, the following:

- **Funds used to develop, deliver, and evaluate training**, including costs related to administering the training, planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment.
- **Overtime and Backfill** costs, as defined in this guidance, associated with attending or teaching FEMA-sponsored and/or approved training courses and programs are allowed. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the State or unit(s) of local government and has the approval of the State or the awarding agency, whichever is applicable. In no case is dual compensation allowable. That is, an

employee of a unit of government may not receive compensation from both their unit or agency of government AND from an award for a single period of time (e.g., 1:00 pm to 5:00 pm), even though such work may benefit both activities. Further, overtime costs associated with employees who participate in training in a teaching role for which they are compensated are not allowed. Fringe benefits on overtime hours are limited to Federal Insurance Contributions Act (FICA), Workers' Compensation and Unemployment Compensation.

- **Travel** costs (e.g., airfare, mileage, per diem, hotel) are allowable as expenses by employees who are on travel status for official business related to approved training.
- **Hiring of Full or Part-Time Staff or Contractors/Consultants** to support training-related activities. Payment of salaries and fringe benefits must be in accordance with the policies of the State or unit(s) of local government and have the approval of the State or awarding agency, whichever is applicable. Such costs must be included within the funding allowed for program management personnel expenses, which must not exceed 15 percent of the total allocation as specified in section E.6. In no case is dual compensation allowable (see above).
- **Certification/Recertification of Instructors** is an allowable cost. Tribes are encouraged to follow the FEMA Instructor Quality Assurance Program to ensure a minimum level of competency and corresponding levels of evaluation of student learning. This is particularly important for those courses that involve training of trainers. This information is contained in an information bulletin issued in October 2006.

Exercise Requirements

1. **Training and Exercise Plan Workshop.** States and Urban Areas are required to conduct an annual Training and Exercise Plan Workshop (T&EPW). A Multi-year Training and Exercise Plan must be produced from the T&EPW and submitted to the State's respective Exercise Manager and Program Analyst. This plan must be updated annually. Tribes should participate in the State workshop.

The Training and Exercise Plan will include the State's training and exercise priorities, associated capabilities, and a multi-year training and exercise schedule. The Plan and the schedule must both be submitted within 60 days of the workshop and should reflect all exercises that are being conducted throughout the State. All scheduled exercises must be entered through the National Exercise Schedule (NEXS) Application, which is located on the HSEEP website. A template of the Multi-year Training and Exercise Plan can be found in HSEEP Volume guidance and on the HSEEP website (<https://hseep.gov>) under the Sample Exercise Documents section..

Tribes must complete a cycle of exercise activity during the period of this grant. Tribes are encouraged to use exercises as an opportunity to meet the requirements of multiple exercise programs. To this end, grantees are encouraged to invite representatives/planners involved with other Federally-mandated or private exercise activities. Tribes are encouraged to share, at a minimum, the multi-year training and

exercise schedule with those departments, agencies, and organizations included in the plan.

Further guidance concerning Training and Exercise Plan Workshops can be found in the HSEEP Volumes.

- 2. Exercise Scenarios.** The scenarios used in SHSP-funded exercises must be based on the State's Homeland Security Strategy and plans. Acceptable scenarios for SHSP Tribal exercises include: chemical, biological, radiological, nuclear, explosive, cyber, agricultural and natural or technological disasters. Exercise scenarios must be catastrophic in scope and size, as defined by the National Response Framework.

The scenarios used in SHSP Tribal-funded exercises must focus on validating existing capabilities and must be large enough in scope and size to exercise multiple tasks and warrant involvement from multiple jurisdictions and disciplines and non-governmental organizations. Exercise scenarios should also be based on the Multi-year Training and Exercise Plan.

- 3. Models, Simulations and Games (MS&G).** Grantees who wish to expend funds on models, simulations, or games (MS&G) must consult with "*Review of Models, Simulations, and Games for Domestic Preparedness Training and Exercising, Volume III,*" which provides an overview and analysis of existing models, simulations, and games. Grantees can also consult with the MS&G Decision Support System, which automates the aforementioned report into a searchable database. Both the report and system are available through the HSEEP website.
- 4. Special Event Planning.** If a State or Urban Area will be hosting an upcoming special event (e.g., Super Bowl, G-8 Summit); they anticipate participating in a Tier 2 National-Level Exercise as defined by the National Exercise Program Implementation Plan (NEP I-Plan); or they anticipate that they will apply to be a venue for a Tier 1 National-Level Exercise, as defined by the I-Plan, they should plan to use SHSP Tribal funding to finance training and exercise activities in preparation for that event. States and Urban Areas should also consider exercises at major venues (e.g., arenas, convention centers) that focus on evacuations, communications, and command and control. States should also anticipate participating in at least one Regional Exercise annually. States must include all confirmed or planned special events in the Multi-year Training and Exercise Plan.
- 5. Exercise Evaluation.** All exercises will be performance-based and evaluated. An After-Action Report/Improvement Plan (AAR/IP) will be prepared and submitted to FEMA within 60 days, following every exercise, regardless of type or scope. AAR/IPs must conform to the HSEEP format, should capture objective data pertaining to exercise conduct, and must be developed based on

information gathered through Exercise Evaluation Guides (EEGs) found in HSEEP Volume IV. All applicants are encouraged to use the Lessons Learned Information Sharing System (LLIS.gov) as a source for lessons learned and to exchange best practices.

6. **Self-Sustaining Exercise Programs.** States are expected to develop a self-sustaining exercise program. A self-sustaining exercise program is one that is successfully able to implement, maintain, and oversee the Multi-year Training and Exercise Plan, including the development and delivery of SHSP Tribal-funded exercises. The program must utilize a multi-disciplinary approach to the development and delivery of exercises, and build upon existing plans, training, and equipment.
7. **Role of Non-Governmental Entities in Exercises.** Non-governmental participation in all levels of exercises is strongly encouraged. Leaders from non-governmental entities should be included in the planning, conduct, and evaluation of an exercise. State and local jurisdictions are encouraged to develop exercises that test the integration and use of non-governmental resources provided by non-governmental entities, defined as the private sector and private non-profit, faith-based, community, volunteer and other non-governmental organizations. Non-governmental participation in exercises should be coordinated with the local Citizen Corps Council(s).

Allowable Exercise Costs

Allowable exercise-related costs include:

- **Funds Used to Design, Develop, Conduct and Evaluate an Exercise –** Includes costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and documentation.
- **Hiring of Full or Part-Time Staff or Contractors/Consultants –** Full or part-time staff may be hired to support exercise-related activities. Such costs must be included within the funding allowed for program management personnel expenses. The applicant's formal written procurement policy or the Federal Acquisition Regulations (FAR) – whichever is more stringent – must be followed. In no case is dual compensation allowable.
- **Overtime and Backfill –** Overtime and backfill costs associated with the design, development, and conduct of exercises are allowable expenses. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the State or unit(s) of local government and has the approval of the State or the awarding agency, whichever is applicable. In no case is dual compensation allowable (see above). Fringe benefits on overtime hours are limited to FICA, Workers' Compensation and Unemployment Compensation.
- **Travel –** Travel costs are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of exercise project(s).

- **Supplies** – Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise project(s) (e.g., copying paper, gloves, tape, non-sterile masks, and disposable protective equipment).
- **Other Items** – These costs include the rental of space/locations for exercise planning and conduct, rental of equipment (e.g., portable toilets, tents), food, refreshments, gasoline, exercise signs, badges, etc.

Unauthorized Exercise Costs

Unauthorized exercise-related costs include:

- Reimbursement for the maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles) and emergency response apparatus (e.g., fire trucks, ambulances).
- Equipment that is purchased for permanent installation and/or use, beyond the scope of exercise conduct (e.g., electronic messaging signs).

Allowable Planning, Training, and Exercise Examples Specific to Law Enforcement Terrorism Prevention-oriented Activities

Planning Activity Examples

Participation in Fusion Centers

- Participation in or assigning a liaison to designated State or Urban Area fusion centers
- Hiring an IT specialist to plan, develop, and implement the IT applications necessary to share information with a fusion center
- Participation in information/intelligence sharing groups

Other Allowable Planning Activity Examples

- Conducting point vulnerability analyses and assessments
- Soft target security planning (public gatherings)
- Developing border security operations plans in coordination with CBP
- Updating and refining threat matrices
- Integrating and coordinating the sharing of information with the private sector
- Developing and implementing civil rights, civil liberties and privacy policies, procedures, and protocols.
- Acquiring systems allowing connectivity to State, local, and Federal data networks, such as the National Crime Information Center (NCIC) and Integrated Automated Fingerprint Identification System (IAFIS), as appropriate
- Designing and developing tribal geospatial data systems
- Costs associated with the adoption, implementation and adherence to NIMS compliance requirements; including implementing the NIMS National Credentialing Framework.

Training Activity Examples

Law enforcement terrorism prevention protection-oriented funds may be used for a range of law enforcement terrorism prevention related training activities to enhance the capabilities of State and local personnel, including the following:

Participation in Fusion Centers. Grant funds may be used to support intelligence analyst training in the following manners:

- **Participation in DHS approved intelligence analyst training:** States wishing to develop or sponsor intelligence analyst courses for a national audience should submit courses to FEMA for review and approval in accordance with the process outlined in Parts VI and VII of this guidance document. The list of approved

courses will be constantly updated and can be accessed in the FEMA catalog at http://www.firstrespondertraining.gov/odp_webforms.

- **Limited participation in non-FEMA approved intelligence analyst training:** States may send students to attend non-approved intelligence analysis courses for up to three offerings in accordance with the training process outlined in Parts VI and VII of this guidance document.

A certificate of completion of all intelligence analyst training must be on file with the SAA and must be made available to Program Analysts upon request upon the hiring of personnel.

Additional Allowable Training Activities

Allowable costs include training courses that focus on:

- Building information sharing capacities (especially among law enforcement, non-law enforcement, other government agencies, and the private sector)
- Methods of target hardening
- Facility law enforcement security personnel, to include facilities, vessels and ports
- CBRNE, agriculture, and cyber threats
- History of terrorism and social environments contributing to threats
- Surveillance and counter-surveillance techniques
- Privacy, civil rights, and civil liberties regulations, policies, procedures, and protocols
- Critical Infrastructure Protection training, to include identifying/assessing critical infrastructure assets, vulnerabilities, and threats
- Cyber/agriculture/food security threats recognition and protective measures training
- Cultural awareness training for community engagement activities and undercover operations related to terrorist organizations
- Languages, such as Arabic, Urdu, or Farsi, which are spoken by known terrorists and terrorist organizations
- Joint training with other homeland security entities (e.g., U.S. Secret Service, CBP)
- Use of interoperable communications equipment
- Collection, analysis, mapping, integration, and dissemination of geospatial data and imagery
- Geospatial database use, design, development, and management training
- Volunteer participation to support law enforcement and community policing activities related to increased citizen awareness of terrorism activities, to include the Volunteers in Police Service and Neighborhood Watch programs

Exercise Activity Examples

Law enforcement terrorism prevention protection-oriented funds may be used to design, develop, conduct, and evaluate terrorism prevention-related exercises, including the following:

- Exercises to evaluate the effectiveness of information sharing plans, policies, procedures, and protocols
- Exercises to evaluate NIMS implementation. This includes costs associated with exercising components of the NIMS National Credentialing Framework.
- Exercises to evaluate facility and/or vessel security protection
- Exercises to evaluate area maritime security protection
- Exercises to evaluate threat recognition capabilities
- Exercises to evaluate cyber security capabilities
- Exercises to evaluate agricultural/food security capabilities
- Exercises to evaluate prevention readiness and techniques
- “Red Team” (force on force) exercises
- Interoperable communications exercises
- Critical infrastructure vulnerability, protection, and/or attack exercises

Where practical, these exercises should involve the public sector, non-governmental partners, trained citizen volunteers, and the general public. State and local governments should work with their Citizen Corps Councils to include volunteers from programs such as Volunteers in Police Service, Neighborhood Watch, and the general public.