

# The Department of Homeland Security (DHS)

## Notice of Funding Opportunity (NOFO)

### Fiscal Year 2024 Flood Mitigation Assistance Swift Current Amendment 2

Fraud, waste, abuse, mismanagement, and other criminal or noncriminal misconduct related to this program may be reported to the Office of Inspector General (OIG) Hotline. The toll-free numbers to call are 1 (800) 323-8603 and TTY 1 (844) 889-4357.

#### Contents

1. Basic Information.....	4
A. Agency Name.....	4
B. NOFO Title .....	4
C. Announcement Type.....	4
D. Funding Opportunity Number.....	4
E. Assistance Listing Number .....	4
F. Expected Total Funding .....	4
G. Anticipated Number of Awards.....	7
H. Expected Award Range .....	7
I. Projected Application Start Date.....	7
J. Projected Application End Date.....	8
K. Anticipated Funding Selection Date .....	8
L. Anticipated Award Date.....	8
M. Projected Period of Performance Start Date .....	8
N. Projected Period of Performance End Date .....	8
O. Executive Summary.....	9
P. Agency Contact .....	9
2. Eligibility .....	10
A. Eligible Entities/Entity Types .....	10
B. Project Type Eligibility .....	14
C. Requirements for Personnel, Partners, and Other Parties .....	14
D. Maximum Number of Applications .....	14
E. Additional Restrictions.....	14
F. References for Eligibility Factors within the NOFO.....	15
G. Cost Sharing Requirement.....	15
H. Cost Share Description, Type and Restrictions .....	16
I. Cost Sharing Calculation Example.....	18
J. Required information for verifying Cost Share .....	18
3. Program Description .....	19
A. Background, Program Purpose, and Program History .....	19
B. Goals and Objectives.....	19
C. Program Rationale.....	19
D. Federal Assistance Type.....	20
E. Performance Measures and Targets .....	20
F. Program-Specific Unallowable Costs .....	21
G. General Funding Requirements.....	21

<b>H.</b>	Indirect Costs (Facilities and Administrative Costs).....	21
<b>I.</b>	Management and Administration (M&A) Costs .....	22
<b>J.</b>	Pre-Award Costs.....	24
<b>K.</b>	Beneficiary Eligibility .....	24
<b>L.</b>	Participant Eligibility .....	25
<b>M.</b>	Authorizing Authority .....	25
<b>N.</b>	Appropriation Authority.....	25
<b>O.</b>	Budget Period .....	25
<b>P.</b>	Prohibition on Covered Equipment or Services .....	25
<b>4.</b>	Application Contents and Format .....	25
<b>A.</b>	Pre-Application, Letter of Intent, and Whitepapers .....	25
<b>B.</b>	Application Content and Format .....	25
<b>C.</b>	Application Components.....	26
<b>D.</b>	Program-Specific Required Documents and Information .....	26
<b>E.</b>	Post-Application Requirements for Successful Applicants.....	27
<b>5.</b>	Submission Requirements and Deadlines .....	27
<b>A.</b>	Address to Request Application Package.....	27
<b>B.</b>	Application Deadline.....	29
<b>C.</b>	Pre-Application Requirements Deadline.....	31
<b>D.</b>	Post-Application Requirements Deadline .....	31
<b>E.</b>	Effects of Missing the Deadline .....	31
<b>6.</b>	Intergovernmental Review.....	31
<b>A.</b>	Requirement Description and State Single Point of Contact .....	31
<b>7.</b>	Application Review Information .....	31
<b>A.</b>	Threshold Criteria.....	31
<b>B.</b>	Application Criteria.....	31
<b>C.</b>	Financial Integrity Criteria .....	32
<b>D.</b>	Supplemental Financial Integrity Criteria and Review .....	32
<b>E.</b>	Reviewers and Reviewer Selection .....	32
<b>F.</b>	Merit Review Process.....	32
<b>G.</b>	Final Selection.....	34
<b>8.</b>	Award Notices .....	35
<b>A.</b>	Notice of Award .....	35
<b>B.</b>	Pass-Through Requirements.....	35
<b>C.</b>	Note Regarding Pre-Award Costs .....	35
<b>D.</b>	Obligation of Funds.....	35
<b>E.</b>	Notification to Unsuccessful Applicants.....	36
<b>9.</b>	Post-Award Requirements and Administration .....	36
<b>A.</b>	Administrative and National Policy Requirements .....	36
<b>B.</b>	DHS Standard Terms and Conditions .....	36
<b>C.</b>	Financial Reporting Requirements .....	37
<b>D.</b>	Programmatic Performance Reporting Requirements.....	38
<b>E.</b>	Closeout Reporting Requirements.....	38
<b>F.</b>	Disclosing Information per 2 C.F.R. § 180.335 .....	39
<b>G.</b>	Reporting of Matters Related to Recipient Integrity and Performance.....	39
<b>H.</b>	Single Audit Report.....	40

<b>I.</b>	Monitoring and Oversight .....	40
<b>J.</b>	Program Evaluation .....	40
<b>K.</b>	Additional Performance Reporting Requirements .....	41
	Not applicable .....	41
<b>L.</b>	Termination of Federal Award .....	41
<b>M.</b>	Best Practices .....	43
<b>N.</b>	Payment Information .....	43
<b>O.</b>	Immigration Conditions .....	45
<b>10.</b>	Other Information .....	45
<b>A.</b>	Period of Performance Extension .....	45
<b>B.</b>	Other Information .....	45
<b>C.</b>	Appendices .....	54

**1. Basic Information**

<b>A. Agency Name</b>	U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Resilience, Hazard Mitigation Directorate, Hazard Mitigation Assistance (HMA) Division
<b>B. NOFO Title</b>	Fiscal Year 2024 Flood Mitigation Assistance Swift Current (FMA Swift Current)
<b>C. Announcement Type</b>	Modification
<b>D. Funding Opportunity Number</b>	DHS-24-MT-144-000-99
<b>E. Assistance Listing Number</b>	97.144
<b>F. Expected Total Funding</b>	<p>\$500 million for individual flood mitigation projects and scoping efforts that result in submission of individual flood mitigation projects for Repetitive Loss (RL), Severe Repetitive Loss (SRL), or Substantially Damaged (SD) properties. Structures eligible for individual flood mitigation projects must have an NFIP policy (including a Group Flood Insurance Policy (GFIP)) in effect prior to the opening of the application period and the policy must be maintained throughout the life of the structure.</p> <p>FEMA will distribute the available fiscal year 2024 Flood Mitigation Assistance Swift Current funding amount as follows until the total available funding amount is exhausted:</p> <p>a. Applicant Maximum Set-Aside variable up to \$40 million</p> <ul style="list-style-type: none"> <li>• The applicant maximum set-aside may be used for: <ul style="list-style-type: none"> <li>○ Individual flood mitigation projects that mitigate NFIP-insured structures that have been deemed Substantially Damaged after the applicant’s disaster declaration incident period start date, and/or NFIP-insured structures that are NFIP-defined or FMA-defined SRL or RL structures.</li> <li>○ Up to 1% of the applicant’s maximum set-aside may be used for project scoping. Exception: U.S. territories and federally recognized tribes applying directly to FEMA for assistance may apply for up to 5% of the tribe or territory’s maximum set-aside to use for project scoping. Project scoping awards will be considered part of the maximum set-aside for the applicant.</li> <li>○ All associated management costs. See “Management and Administration (M&amp;A) Costs)” subsection for additional information on management costs.</li> </ul> </li> <li>• The applicant maximum set-aside determination may be up to <b>\$40 million</b>. All maximum set-asides require the applicants to have a major disaster declaration for a flood-related event declared</li> </ul>

between June 1, 2024, and May 31, 2025. FEMA will determine the maximum set-aside based on the following criteria:

- If the applicant has at least \$1 million in NFIP flood insurance claims with payment in the twelve months prior to the disaster declaration date, the applicant receives a maximum set-aside **up to \$10 million.**
- If the applicant has 500 or more NFIP flood insurance claims submitted, resulting from the declared flood-related disaster event, the applicant receives a maximum set-aside **up to \$10 million.**
- If the applicant has at least \$5 million in NFIP flood insurance claims with payment in the twelve months prior to the disaster declaration date, the applicant receives a maximum set-aside **up to \$20 million.**
- If the applicant has at least \$1 million in NFIP flood insurance claims with payment in the twelve months prior to the disaster declaration date **AND** has 500 or more NFIP flood insurance claims submitted, resulting from the declared flood-related disaster event, the applicant receives a maximum set-aside **up to \$20 million.**
- If the applicant has at least \$5 million in NFIP flood insurance claims with payment in the twelve months prior to the disaster declaration date **AND** has 500 or more NFIP flood insurance claims submitted, resulting from the declared flood-related disaster event, the applicant receives a maximum set-aside **up to \$40 million.**
- If federally recognized tribes and U.S. territories do not meet the NFIP flood insurance claims-based maximum set-aside determination criteria above, then the tribal and territorial maximum set-aside is up to **\$5 million.**
- The special consideration maximum set-aside is up to **\$5 million.** This is made available to applicants that submit a request for special consideration for FMA Swift Current to the FEMA Regional Administrator. The FEMA Regional Administrator will forward their recommendation to the FEMA Administrator for approval.

b. Subsequent Activations

Applicants with an FY 2024 FMA Swift Current-activating event that receive additional flood-related disaster declarations may be eligible for subsequent FY 2024 FMA Swift Current activations. An applicant who has accepted an FMA Swift Current activation during the NOFO Availability Window is eligible for subsequent FMA Swift Current activations if the applicant meets the following disaster declaration and claims-based criteria. Applicants may be eligible for multiple subsequent FMA Swift Current activations.

The applicant meets the subsequent FMA Swift Current activation criteria when:

- The applicant receives a major disaster declaration for a flood-related disaster event between the immediate previous FMA Swift Current activation and the subsequent disaster declaration deadline of May 31, 2025. A flood-related disaster event includes coastal storms, hurricanes, remnants of hurricanes, and floods; **and**
- The applicant meets at least one of the following three conditions:
  - The applicant has at least \$1 million in prior NFIP flood insurance claims from the previous FMA Swift Current activation disaster declaration date to the subsequent disaster declaration date; **or**
  - The applicant has 500 or more NFIP flood insurance claims resulting from the subsequent declared flood-related disaster event; **or**
  - The applicant is a U.S. Territory or Possession or a federally recognized Indian/Native American Tribal Government applying directly to FEMA.

During the FMA Swift Current availability window, the applicant’s eligibility period begins 60 days after the applicant both receives a subsequent major disaster declaration for a flood-related disaster event and meets the FMA Swift Current activation criteria above. Please note that there may be unique circumstances in which it may take more than 60 days to determine whether an applicant meets the FMA Swift Current activation criteria.

Subsequent Activation Set-Aside and Application Period

The applicant maximum set-aside determination may be up to \$30 million. All maximum set-asides require the applicants to have a major disaster declaration for a flood-related event declared between June 1, 2024, and May 31, 2025. FEMA will determine the maximum set-aside based on the following criteria:

- i. If the applicant has at least \$1 million in NFIP flood insurance claims with payment from the previous FMA Swift Current activation disaster declaration date to the subsequent disaster declaration date, the applicant receives a maximum set-aside up to **\$10 million**. The application submission deadline is 120 days after the eligibility period start date; **or**
- ii. If the applicant has 500 or more NFIP flood insurance claims submitted resulting from the subsequent declared declaration date, the applicant receives a maximum set-aside up to **\$10 million**. The application submission deadline is 120 days after the eligibility period start date; **or**
- iii. If the applicant has 2,500 or more NFIP flood insurance claims submitted resulting from the subsequent declared flood-related

	<p>disaster event, the applicant receives a maximum set-aside up to <b>\$30 million</b>. The application submission deadline is 150 days after the eligibility period start date.</p> <p>Exception: For U.S. territories and federally recognized tribal governments applying directly to FEMA for assistance and activated for subsequent FMA Swift Current offerings that do not meet the NFIP flood insurance claims-based subsequent activation maximum set-aside determination criteria above, then the tribal and territorial subsequent maximum activation set-aside is up to <b>\$5 million</b>, and the application submission deadline is 150 days after the eligibility period start date.</p> <p>c. FEMA shall make up to 10% of the available funding for Applicant Management Costs. See “Management and Administration (M&amp;A) Costs” subsection for additional information on management costs.</p> <p>d. For more information on FY 2024 FMA Swift Current funding priorities and eligible activities, see “Eligibility” and “Program Description” sections of this funding opportunity.</p> <p>e. At the close of the final application period, FEMA may consider eligible subapplications submitted that exceeded the maximum applicant set-aside. FEMA will prioritize subapplications based on one or more of the following factors:</p> <ul style="list-style-type: none"> <li>• Properties damaged by the incident for which the major disaster was declared;</li> <li>• Availability of funding; or</li> <li>• Program priorities and policy factors.</li> </ul> <p>FEMA may provide additional federal funding in the event of a cost overrun.</p>
<p><b>G. Anticipated Number of Awards</b></p>	<p>Variable. The number of projected awards is variable due to the unpredictable nature of flood-related major disaster declarations across the nation in any given year.</p>
<p><b>H. Expected Award Range</b></p>	<p>Variable up to \$40 million</p>
<p><b>I. Projected Application Start Date</b></p>	<p>Will vary by award. FEMA will accept FY 2024 FMA Swift Current applications based on the applicant eligibility period which is unique to each eligible FMA Swift Current activated event. Applicant eligibility period refers to the time that the applicant may submit subapplications for the FY 2024 FMA Swift Current funding opportunity.</p> <p>The availability window refers to the time period, from June 1, 2024, through December 30, 2026. Major disaster declarations for a flood-related disaster event must be declared between June 1, 2024, and May 31, 2025, to be considered as an eligible activating event for FY 2024 FMA Swift Current. Following determination of an eligible FMA Swift</p>

	<p>Current activating event, the applicant will be notified by FEMA regarding eligibility and other critical information including deadlines, available maximum set-aside, and other information within 60 days of the disaster declaration. Please note that there may be unique circumstances in which it may take more than 60 days to determine whether an applicant meets the FMA Swift Current activation criteria.</p> <p>The applicant eligibility period start date will vary by applicant. The applicant’s eligibility period is the time in which applications may be submitted by the applicant. The applicant eligibility period will generally begin 60 days after the date of the flood-related disaster event declaration. Generally, the eligibility period is 120 days.</p>
<b>J. Projected Application End Date</b>	<p>Upon FMA Swift Current activation, the application deadline date will be provided to the applicant. If the applicant has more than \$1 million in prior flood insurance claims in the previous year <u>and</u> the declared disaster results in 500 or more flood insurance claims for the applicant, their eligibility period is 150 days. If the applicant is a U.S. Territory or Possession or federally recognized Indian/Native American Tribal Government applying directly to FEMA for assistance, their eligibility period is 150 days. At the start of an applicant’s eligibility period, FEMA will determine a maximum set-aside for that applicant. Applicants must meet all other eligibility criteria to be eligible for FMA Swift Current funds.</p> <p>An applicant and their subapplicants develop and submit subapplications to FEMA during the applicant’s eligibility period. At the end of the applicant’s eligibility period, the applicant’s maximum set-aside will expire. Subapplications will be reviewed and awarded on a rolling basis, so subapplicants are also encouraged to submit their subapplications as soon as possible to expedite obligation.</p> <p>Any remaining unused funds by an applicant after the applicant’s eligibility period ends will be returned to the FY 2024 FMA Swift Current available funds.</p>
<b>K. Anticipated Funding Selection Date</b>	Variable
<b>L. Anticipated Award Date</b>	Variable
<b>M. Projected Period of Performance Start Date</b>	Will vary by award. The Period of Performance (POP) is 36 months, starting on the date of the recipient’s federal award. Any subsequent amendments to the federal award will not extend the POP unless explicitly stated.
<b>N. Projected Period of Performance End Date</b>	36 months from date of award unless otherwise approved by FEMA.

<p><b>O. Executive Summary</b></p>	<p>FY 2024 FMA Swift Current aims to better align the delivery of FMA flood mitigation funding to the disaster survivor experience. The FMA grant program makes federal funds available to states, U.S. territories, federally recognized Indian/Native American Tribal Governments,<sup>1</sup> and local governments to reduce or eliminate the risk of repetitive flood damage to buildings and structures insured under the National Flood Insurance Program (NFIP), and within NFIP-participating communities. FMA funds a variety of flood mitigation activities that are designed to reduce flood risk to NFIP policyholders in an effort to reduce the NFIP’s financial exposure.</p>
<p><b>P. Agency Contact</b></p>	<p><b>a. Program Office Contact</b></p> <p>General questions about the FMA program can be directed to the appropriate <a href="#">FEMA Regional Office</a> or <a href="#">State Hazard Mitigation Officer</a>.</p> <p>Tribal nations can find their Regional Tribal Liaison email at the <a href="#">Federally Recognized Tribes</a> webpage. Tribal nations with land that crosses multiple FEMA regions should work with the region in which their tribal headquarters is located; that will be their primary region of support.</p> <p>The HMA Helpline is available by email <a href="mailto:fema-hmahelpline@fema.dhs.gov">fema-hmahelpline@fema.dhs.gov</a>.</p> <p>For questions about cost-effectiveness and FEMA’s Benefit Cost Analysis (BCA) software, contact the BC Helpline by email <a href="mailto:BCHelpline@fema.dhs.gov">BCHelpline@fema.dhs.gov</a>.</p> <p>The Building Science Helpline is available for guidance on FEMA Building Science publications by email <a href="mailto:FEMA-BuildingScienceHelp@fema.dhs.gov">FEMA-BuildingScienceHelp@fema.dhs.gov</a>.</p> <p><b>b. FEMA Grants News</b></p> <p>This channel provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. FEMA Grants News Team is reachable at <a href="mailto:fema-grants-news@fema.dhs.gov">fema-grants-news@fema.dhs.gov</a> OR (800) 368-6498, Monday through Friday, 9:00 AM – 5:00 PM ET.</p> <p><b>c. Grant Programs Directorate (GPD) Award Administration Division</b></p> <p>GPD’s Award Administration Division (AAD) provides support regarding financial matters and budgetary technical assistance. AAD can be contacted at <a href="mailto:ASK-GMD@fema.dhs.gov">ASK-GMD@fema.dhs.gov</a>.</p> <p><b>d. FEMA Regional Offices</b></p>

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<sup>1</sup> The term “federally recognized Indian/Native American Tribal Government,” as used in this funding opportunity, has the same meaning as “Indian Tribal government,” as defined at 44 C.F.R. § 77.2(f).

	<p>FEMA Regional Offices also may provide fiscal support, including pre- and post-award administration and technical assistance. contact information is available at <a href="https://www.fema.gov/fema-regional-contacts">https://www.fema.gov/fema-regional-contacts</a>.</p> <p><b>e. Civil Rights</b></p> <p>Consistent with Executive Order 14173, Ending Illegal Discrimination &amp; Restoring Merit-Based Opportunity, the FEMA Integration and Coordination Division is responsible for ensuring compliance with and enforcement of federal civil rights obligations in connection with programs and services conducted by FEMA. They are reachable at <a href="mailto:FEMA-CivilRightsOffice@fema.dhs.gov">FEMA-CivilRightsOffice@fema.dhs.gov</a>.</p> <p><b>f. Environmental Planning and Historic Preservation</b></p> <p>The FEMA Office of Environmental Planning and Historic Preservation (OEHP) provides guidance and information about the EHP review process to FEMA programs and recipients and subrecipients. Send any inquiries regarding compliance for FEMA grant projects under this NOFO to <a href="mailto:FEMA-OEHP-NOFOQuestions@fema.dhs.gov">FEMA-OEHP-NOFOQuestions@fema.dhs.gov</a>.</p> <p><b>g. Payment and Reporting System</b></p> <p>FEMA uses FEMA Grants Outcomes (FEMA GO) for financial reporting, invoicing, and tracking payments. The Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment is used for recipients. For any questions about the system, contact the FEMA GO Helpdesk at <a href="mailto:femago@fema.dhs.gov">femago@fema.dhs.gov</a> or (877) 585-3242, Monday through Friday, 9:00 AM – 6:00 PM ET.</p> <p><b>h. FEMA GO</b></p> <p>For technical assistance with the FEMA GO system, please contact the FEMA GO Helpdesk at <a href="mailto:femago@fema.dhs.gov">femago@fema.dhs.gov</a> or (877) 585-3242, Monday through Friday, 9:00 AM – 6:00 PM ET.</p> <p><b>i. FEMA Preparedness Toolkit</b></p> <p>The <a href="#">FEMA Preparedness Toolkit</a> (PrepToolkit) provides access to tools and resources needed to implement the National Preparedness System and provides a collaborative space for communities completing the Unified Reporting Tool (URT). Recipients complete and submit their Threat and Hazard Identification and Risk Assessment (THIRA) and Stakeholder Preparedness Review (SPR), and other required assessments using the PrepToolkit. For assistance, contact <a href="mailto:support@preptoolkit.fema.dhs.gov">support@preptoolkit.fema.dhs.gov</a>.</p>
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**2. Eligibility**

<p><b>A. Eligible Entities/Entity Types</b></p>	<p>Only the following entities or entity types are eligible to apply.</p> <p><b>a. Applicants</b></p>
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	<p><b>1. Eligible Applicants</b></p> <ul style="list-style-type: none"> <li>• State</li> <li>• District of Columbia</li> <li>• U.S. territory</li> <li>• Indian/Native American Tribal Government (Federally Recognized)</li> </ul> <p>Each state, U.S. Territory or Possession, the District of Columbia, and federally recognized Indian/Native American Tribal Government shall designate one agency to serve as the applicant for FMA Swift Current funding. The designee is strongly encouraged to conduct outreach with NFIP participating communities prior to and during the application process. Each applicant’s designated agency may submit only one FMA grant application to FEMA at a time.</p> <p><b>2. Applicant Eligibility Criteria</b></p> <p>a. The applicant meets the FMA Swift Current activation criteria when:</p> <ul style="list-style-type: none"> <li>i. The applicant receives a major disaster declaration for a flood-related disaster event between June 1, 2024, and the disaster declaration deadline of May 31, 2025. A flood-related disaster event includes coastal storms, hurricanes, remnants of hurricanes, and floods; <b>and</b></li> <li>ii. The applicant meets at least one of the three conditions or the special consideration: <ul style="list-style-type: none"> <li>• The applicant has at least \$1 million in prior NFIP flood insurance claims in the twelve months prior to the disaster declaration date; <b>or</b></li> <li>• The applicant has 500 or more NFIP flood insurance claims resulting from the declared flood-related disaster event; <b>or</b></li> <li>• The applicant is a U.S. Territory or Possession or a federally recognized Indian/Native American Tribal Government<sup>2</sup> applying directly to FEMA.</li> <li>• Special Consideration: If the applicant receives a major disaster declaration for a flood-related disaster event between June 1, 2024, and May 31, 2025, but does not meet any of the three additional conditions listed above, the applicant may submit a</li> </ul> </li> </ul>
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<sup>2</sup> If a federally recognized Indian/Native American Tribal Government is applying as a subapplicant to the state, the state is considered the applicant and must meet at least one of the claims-related FMA Swift Current activation criteria. (i.e., the applicant has at least \$1 million in prior NFIP flood insurance claims from (in the twelve months prior to the disaster declaration date) or the applicant has 500 or more NFIP flood insurance claims in the declared flood-related disaster event).

request to their FEMA Regional Administrator (RA) for special consideration for FMA Swift Current within 60 days of the declared disaster. The applicant may submit a request to their FEMA RA by contacting the Regional Office contact listed at [FEMA Regional Contacts](#). By submitting a request for special consideration for FMA Swift Current, the applicant certifies that any FMA Swift Current funding will align with the applicant's SRL, RL and SD plans and strategies. The FEMA RA will review requests to confirm that the applicant and circumstance aligns with the Region's flood mitigation goals and will forward their recommendation to the FEMA Administrator for approval. If the request for special consideration for FMA Swift Current is approved, FEMA will provide a maximum set-aside of up to \$5 million.

- b. All applicants must be participating in the NFIP, and not be withdrawn, on probation, or suspended. NFIP community status can be verified at [Community Status Book](#).
  - Structures eligible for individual flood mitigation projects must have an NFIP policy (including a Group Flood Insurance Policy (GFIP)) in effect prior to the opening of the application period and the policy must be maintained throughout the life of the structure. The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property. If the subapplicant does not comply with this requirement, FEMA may take one or more actions as remedies for noncompliance, as appropriate. This could include disallowing all of the cost, part of the cost of the activity, or the action not in compliance. For additional details on NFIP requirements, see Title 44 of the Code of Federal Regulations (C.F.R.) § 77.6.
- c. Applicants are required to have a FEMA-approved state hazard mitigation plan or tribal hazard mitigation plan in accordance with Title 44 of the C.F.R. Part 201 at the time of application and at the time of obligation of the award.
- d. To be considered for financial assistance, all applicants must submit their FY 2024 FMA Swift Current grant applications to FEMA via FEMA GO.

- e. At the close of the final application period, FEMA may consider eligible subapplications submitted that exceeded the maximum applicant set-aside. FEMA will prioritize subapplications based on one or more of the following factors:
- Availability of funding; and
  - Program priorities and policy factors.

**b. Subapplicants**

Subapplicants and subawards are allowed.

Subapplicants should not have foreign nationals or noncitizens included. If a subapplicant has foreign nationals, they must be properly vetted and must adhere to all government statues, polices, and procedures including “staff American, stay in America” and security requirements.

**1. Eligible Subapplicants**

- City or Township
- County
- Special District
- Indian/Native American Tribal Government (Federally Recognized)

**2. Subaward Allowability**

Communities, including local governments, cities, townships, counties, special district governments, and tribal governments who choose to apply as subapplicants are considered subapplicants and must submit subapplications to their applicant agency. Federally recognized Indian/Native American Tribal Governments who directly apply to FEMA for FMA Swift Current assistance will be considered applicants. Certain political subdivisions (for example, regional flood control districts or county governments) may apply and act as subapplicants if they are part of a community participating in the NFIP where the political subdivision provides zoning and building code enforcement or planning and community development professional services for that community. Subapplications under which two or more entities would carry out the award are eligible, such as a multi-state or multi-tribal initiative; however, only one entity may be the subapplicant with primary responsibility for carrying out the award. Contact information for the state hazard mitigation officers is provided on the FEMA website at [State Hazard Mitigation Officers](#).

	<p><b>3. Subapplicant Eligibility</b></p> <p>All subapplicants must be participating in the NFIP, and not be withdrawn, on probation, or suspended. NFIP community status can be verified at <a href="#">Community Status Book</a>.</p> <p>Subapplicants are required to have a FEMA-approved local or tribal hazard mitigation plan in accordance with 44 C.F.R. Part 201 at the time of application and at the time of obligation of grant funds. Mitigation plan integration, while not required to be eligible for FMA, is encouraged. Local hazard mitigation plans must conform to the Local Plan Review Guide, or any subsequent local mitigation planning guide that supersedes it.</p>
<p><b>B. Project Type Eligibility</b></p>	<p>Applicants and recipients should actively coordinate and collaborate with their local and state authorities to help ensure and prioritize the commitment of future non-federal investments in order to sustain staffing capabilities once an award’s period of performance ends.</p> <p><b>a. Unallowable Project Types</b></p> <ul style="list-style-type: none"> <li>• Localized flood risk reduction projects</li> <li>• Capability and capacity building projects other than project scoping</li> </ul> <p><b>b. Allowable Project Types</b></p> <ul style="list-style-type: none"> <li>• Individual flood mitigation projects</li> <li>• Project scoping</li> <li>• Management costs</li> </ul>
<p><b>C. Requirements for Personnel, Partners, and Other Parties</b></p>	<p>Not applicable.</p>
<p><b>D. Maximum Number of Applications</b></p>	<p>Not applicable.</p>
<p><b>E. Additional Restrictions</b></p>	<p>Applicants/subapplicants or recipients/subrecipients are required to certify their compliance with federal statutes, DHS directives, polices, and procedures.</p> <p><b>a.</b> Properties included in individual flood mitigation project subapplications must be NFIP-insured properties that were deemed Substantially Damaged after the applicant’s disaster declaration incident period start date, or NFIP-insured FMA and/or NFIP-defined SRL properties or RL properties.</p> <p><b>b.</b> All activities under FMA Swift Current must be in conformance with all criteria established by FEMA that is specific to the proposed activity.</p>

	<ul style="list-style-type: none"> <li>c. All activities where a mitigated structure remains (elevation, mitigation reconstruction, floodproofing, etc.) must be designed in accordance with NFIP standards in 44 CFR Part 60 and the most recently adopted edition of ASCE 24 as minimum design criteria. The scope of work narrative should clearly state the structure will be designed to meet ASCE 24 criteria.</li> <li>d. All individual flood mitigation project subapplications submitted as part of an FMA Swift Current grant application must be consistent with the goals and objectives identified in the current, FEMA-approved state or tribal (standard or enhanced) mitigation plan and the local hazard mitigation plan for the jurisdiction in which the project is located. Hazard mitigation plans should reflect state-wide mitigation priorities across all potential federal and non-federal mitigation funding sources.</li> <li>e. Subapplicants can direct any questions about the proposed hazard mitigation project’s location in the floodplain to their local floodplain manager and/or state hazard mitigation officers. Contact information for the state hazard mitigation officers is provided on the FEMA website at <a href="#">State Hazard Mitigation Officers</a>.</li> <li>f. When eligible subapplications include an information technology or operational technology component as part of a larger project, FEMA will allow activities that enable greater community resilience through cybersecurity as eligible costs when those activities are performed in accordance with the cybersecurity performance goals for critical infrastructure and control systems directed by the <a href="#">National Security Memorandum on Critical Infrastructure Security and Resilience   CISA</a>. Subapplicants should address cybersecurity in their planning, design, and project oversight for awards that include a technology nexus that may pose a cyber risk that would affect the reliability or operability of project.</li> </ul>
<p><b>F. References for Eligibility Factors within the NOFO</b></p>	<p>Please see the following references provided below:</p> <ul style="list-style-type: none"> <li>1. “Eligibility” section.</li> <li>2. “Program Description” section.</li> <li>3. “Application Review Information” section.</li> <li>4. “Additional Restrictions” subsection.</li> <li>5. “Financial Integrity Criteria” subsection.</li> <li>6. “Supplemental Financial Integrity Criteria and Review” subsection.</li> <li>7. FEMA may/will request financial information such as Employer Identification Number (EIN) and bank information as part of the potential award selection. This will apply to everyone prospered, including subrecipients.</li> </ul>
<p><b>G. Cost Sharing Requirement</b></p>	<p>Applicants and subapplicants selected for this award must commit to an acceptable cost share agreement. Otherwise, they will not be</p>

	funded. See “Cost Share Description, Type and Restrictions” subsection for more information.
<b>H. Cost Share Description, Type and Restrictions</b>	<p>Cost share is required for most applications and subapplications funded under this program. FEMA may contribute the federal cost share funding if available, as follows:</p> <p><b>a. Management Costs</b></p> <p>The applicant's management cost is up to 10% of the aggregate of all total subapplication budgets. Management costs are inclusive of the maximum set-aside, not in addition to it. See “Management and Administration (M&amp;A) Costs” subsection for additional information on management costs.</p> <p><b>b. Individual Flood Mitigation Projects Federal Cost Share Options and Definitions</b></p> <ol style="list-style-type: none"> <li>1. Up to 100% federal cost share funding for <u>FMA-defined Severe Repetitive Loss (SRL)</u> properties, which, as defined in 42 U.S.C. § 4104c(h)(3)(B)(i) or (B)(ii), is a structure that: <ol style="list-style-type: none"> <li>i. Is covered under a contract for flood insurance made available under the NFIP; <b>and</b></li> <li>ii. Has incurred flood-related damage. <ol style="list-style-type: none"> <li>1) ((B)(i)) For which four or more separate claims payments (includes building and contents) have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claim payments exceeding \$20,000, <b>or</b></li> <li>2) ((B)(ii)) For which at least two separate claims payments (includes only building) have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.</li> </ol> </li> <li>iii. To receive an increased federal cost share under these provisions, properties must meet the FMA SRL definition. Applicants and subapplicants that are requesting an increased federal cost share must submit documentation with their application or subapplication demonstrating that properties meet the definition.</li> </ol> </li> <li>2. Up to 90% federal cost share funding for <u>FMA-defined Repetitive Loss (RL)</u> properties, which, as defined in 42 U.S.C. § 4121(a)(7), is a structure covered by a contract for flood insurance made available under the NFIP that: <ol style="list-style-type: none"> <li>i. Has incurred flood-related damage on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event; <b>and</b></li> </ol> </li> </ol>

- ii. At the time of the second incidence of flood-related damage, the contract for flood insurance contains Increased Cost of Compliance (ICC) coverage.
  - iii. To receive an increased federal cost share under these provisions, properties must meet the FMA RL definition. Applicants and subapplicants that are requesting an increased federal cost share must submit documentation with their application or subapplication demonstrating that properties meet this definition.
3. Up to 75% federal cost share funding if a higher federal cost share is not available.

To note, the individual flood mitigation project’s Repetitive Loss (RL) 90% federal cost share and the Severe Repetitive Loss (SRL) 100% federal cost share options are only eligible for those NFIP properties meeting FMA definitions under 42 U.S.C. § 4104c(h)(3) and 42 U.S.C. § 4121(a)(7). These federal cost shares are not available for NFIP-defined SRL and RL properties.

**c. Project Scoping**

Project scoping cost share for this program is 75% federal cost share and 25% non-federal cost share.

Generally, the cost share for this program is 75% federal cost share and 25% non-federal cost share. This means federal funding is available for up to 75% of eligible costs. The remaining 25% of eligible costs must be derived from non-federal sources. For example, if the total cost of the activity is \$400,000 and the non-federal cost share is 25%, then the non-federal contribution is \$100,000: 25% of \$400,000 is \$100,000. The non-federal contribution would be provided by the applicant or subapplicant. Likewise, the federal cost share of that activity would be \$300,000: 75% of \$400,000 is \$300,000. The federal contribution would be provided by FEMA. FEMA may consider the non-federal cost share based on availability of remaining federal funds.

Structures with different federal cost-share requirements can be submitted in a single project subapplication. The overall project federal cost share documented in the Cost Share Section of the project subapplication should reflect the combined federal cost shares of the structures. For example, in an individual flood mitigation project subapplication, a project with \$100,000 in costs for one Severe Repetitive Loss structure funded at 100% federal cost share plus \$100,000 in costs for one Repetitive Loss structure funded at 90% federal cost share will have an overall project federal cost share of 95%, or \$190,000, of the \$200,000 total cost for both structures.

	<p>For insular areas (American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands), FEMA waives the non-federal cost share for the applicant when the non-federal cost share for the entire award is under \$200,000. If the non-federal cost share for the entire award is \$200,000 or greater, FEMA may waive all or part of the non-federal cost share at the request of the applicant. The applicant may request 100% cost-share in its application.</p> <p>The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. Cash and third-party in-kind matches must consist of eligible costs (i.e., same eligibility as the federal share). Applicants cannot apply other federal award funds toward the non-federal cost share unless the other federal statutory authority allows the funds to be used to meet cost-share requirements<sup>3</sup>.</p> <p>FMA Swift Current funding cannot be used as matching funds for another federal grant. Additionally, third-party in-kind matches used to meet the matching requirement may not be used to meet matching requirements for any other federal grant program.</p> <p>Ultimately, the recipient is responsible for ensuring that it contributes the proper cost share to its actual project costs. If actual total project costs exceed the projected total project costs stated in the federal award, the recipient will not receive any additional federal funding and will be responsible for contributing additional funds above the required cost match. If actual total project costs are less than the projected total project costs stated in the federal award, the recipient will be responsible for contributing a cost match calculated as a percentage of those actual project costs.</p>
<p><b>I. Cost Sharing Calculation Example</b></p>	<p>See the “Cost Share Description, Type and Restrictions” section above for examples of cost sharing calculations.</p>
<p><b>J. Required information for verifying Cost Share</b></p>	<p>FEMA administers cost share requirements consistent with 2 C.F.R. § 200.1, 2 C.F.R. § 200.306 and 2 C.F.R. § 200.434. To meet cost share requirements, the non-federal contributions must be verifiable from the subrecipient’s records; reasonable, allowable, allocable and necessary under the federal program; and compliant with all federal requirements and regulations.</p> <p>Please see the “Application Format and Contents” section for more details.</p>

<sup>3</sup> For this funding opportunity, FEMA’s Safeguarding Tomorrow Through Ongoing Risk Management Revolving Loan Fund (Safeguarding Tomorrow RLF) Program loans are not eligible for non-federal cost share funding.

	<b>Maintenance of Effort</b> Not Applicable
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### **3. Program Description**

#### **A. Background, Program Purpose, and Program History**

FMA Swift Current makes federal funds available to states, U.S. territories, federally recognized tribal governments,<sup>4</sup> and local governments<sup>5</sup> to reduce or eliminate the risk of repetitive flood damage to buildings and structures insured under the National Flood Insurance Program (NFIP) and within NFIP-participating communities. It does so by acknowledging the increasing flood hazards to communities, anticipated growth of damage and Repetitive Losses due to flood, and the need for flood hazard risk mitigation activities that reduce the NFIP’s financial exposure.

This differs from the existing FMA grant opportunity, which has an annual grant cycle that funds a broader range of flood mitigation activities, which includes capability and capacity building activities, localized flood risk reduction projects, and individual flood mitigation projects, through a competitive selection process. FMA Swift Current aims to streamline funding through disaster declaration and flood insurance claims-based eligibility criteria, minimized application periods, and narrowed project type eligibility to individual flood mitigation projects that are Severe Repetitive Loss, Repetitive Loss, or Substantially Damaged.

#### **B. Goals and Objectives**

The goal of FMA Swift Current is to:

1. Reduce or eliminate the flood risk to of NFIP-participating communities and repetitive flood damage to structures and buildings insured by the NFIP following a flood-related disaster event; and
2. Enhance community flood resilience within NFIP-participating communities.

The FMA Swift Current opportunity provides allocated funds to states, U.S. territories, federally recognized tribal governments and local governments based on the applicant’s flood-related disaster declaration status combined with flood insurance claims-related status to meet the following objectives:

1. Implement individual flood mitigation projects for Repetitive Loss, Severe Repetitive Loss, or substantially damaged properties in line with the applicant’s flood-related disaster declaration; and
2. Implement project scoping to build capability and capacity to pursue individual flood mitigation projects which aim to reduce flood risk to NFIP policyholders.

#### **C. Program Rationale**

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<sup>4</sup> The term “federally recognized tribal government,” as used in this funding opportunity, has the same meaning as “Indian Tribal government,” as defined at 44 C.F.R. § 77.2(f).

<sup>5</sup> The term “local government,” as used in this funding opportunity, has the same meaning as “Community,” as defined at 44 C.F.R. § 77.2(d).

The purpose of FMA Swift Current is to reduce or eliminate the flood risk of repetitive flood damage to structures and buildings insured by the NFIP following a flood-related disaster event, and to enhance community flood resilience within NFIP-participating communities. It does so by providing funding for mitigation opportunities immediately after a flood disaster event with the aim of delivering timely mitigation outcomes.

FMA Swift Current funds project scoping that results in development of individual mitigation projects eligible under FMA Swift Current, and individual flood mitigation projects for Repetitive Loss, Severe Repetitive Loss, or properties deemed substantially damaged by the local jurisdiction according to the jurisdiction's floodplain management ordinance after the applicant's disaster declaration incident period start date. The incident period start date refers to the first date of the incident (i.e., flood event) associated with the applicant's flood-related major disaster<sup>6</sup> declaration that activates eligibility for FMA Swift Current. Disaster declaration information can be found on FEMA's disaster declaration website [Disasters and Other Declarations](#).

#### D. Federal Assistance Type Grant

#### E. Performance Measures and Targets

The following key performance indicators provide strategic and relevant information to decisionmakers and stakeholders about FMA Swift Current's progress and success toward achieving goals and objectives, and are based on measurable data that are available or could be feasibly collected:

1. Total number of NFIP-insured properties selected that are deemed Substantially Damaged after the applicant's disaster declaration incident period start date, and properties that are FMA and/or NFIP-defined<sup>7</sup> Severe Repetitive Loss (SRL) or Repetitive Loss (RL) (500-700 properties).
2. Number of state, local, tribal and territorial governments (SLTTs) that attended tailored pre-application support and outreach activities hosted by FEMA (5-10 SLTT Support and outreach activities).
3. Timeliness of obligation from the disaster declaration date (12 months).
4. Total dollar amount of flood losses avoided in projects or communities funded by FMA Swift Current subapplications (Dollar amount TBD).

FEMA will further assess the recipient's performance against the program objective during the award closeout process as outlined in "Closeout Reporting Requirements" subsection of this funding opportunity.

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<sup>6</sup> Sec. 102. Definitions (42 U.S.C. 5122) As used in this Act - (2) Major Disaster - "Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. See [Stafford Act, as Amended - FEMA P-592 vol. 1 May 2021](#).

<sup>7</sup> For the NFIP definition of an SRL and RL property, refer to 42 U.S.C. § 4014(h).

#### **F. Program-Specific Unallowable Costs**

1. Exercise-related costs.
2. Operational overtime costs.
3. Any expenses not directly tied to the approved flood mitigation project activities.
4. Costs that are not considered necessary or directly related to the project's goals, like personal use of goods or services, entertainment expenses, and excessive administrative costs.

#### **G. General Funding Requirements**

Costs charged to federal awards (including federal and non-federal cost share funds) must comply with applicable statutes, rules and regulations, policies, this funding opportunity, and the terms and conditions of the federal award. This includes, among other requirements, that costs must be incurred, and products and services must be delivered within the budget period. [2 C.F.R. § 200.403\(h\)](#).

Recipients may not use federal funds or any cost share funds for the following activities:

1. Matching or cost sharing requirements for other federal grants and cooperative agreements (see [2 C.F.R. § 200.306](#)).
2. Lobbying or other prohibited activities under [18 U.S.C. § 1913](#) or [2 C.F.R. § 200.450](#).
3. Prosecuting claims against the federal government or any other government entity (see [2 C.F.R. § 200.435](#)).

#### **H. Indirect Costs (Facilities and Administrative Costs)**

Indirect costs are allowed for indirect costs of administering the FMA program as part of the 10% management costs for the recipient or the 5% management costs of the subrecipient, but in no case do they make the recipient eligible for additional management costs that exceed the statutory caps. In addition, all costs must be in accordance with the provisions of 2 C.F.R. parts 200 and 3002.

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

Subapplicants are not required to submit negotiated indirect cost rate agreements or proposals directly to FEMA, but they may need to submit them to the applicable applicants per 2 C.F.R. § 200.332.

#### I. Management and Administration (M&A) Costs

M&A costs are allowed per [44 C.F.R. § 77.7](#). Applicants and subapplicants are eligible to request up to 10% and 5%, respectively, of the total costs (federal and non-federal shares) for management costs. Once management cost amount has been calculated, the applicant and subapplicant must determine the federal and non-federal cost shares of that management cost. Applicants will submit a single subapplication for management cost, and subapplicants will submit management cost request as a line item within their subapplication.

The subapplicant may request up to 5% of the total project costs for management costs. For example, a subapplicant submits a subapplication with total project cost of \$500,000. The management cost could be up to \$25,000 (\$500,000 multiplied by 5%, which is equal to \$25,000). The subapplicant's federal cost share of management cost is the same as the federal cost share of the total project cost. Subapplicant management cost activities must be added to the Scope of Work section and identified in the Cost Estimate section of subapplications.

Applicants may request up to 10% of the total costs (federal and non-federal shares) for management costs. The applicant's federal cost share of management cost is based on the overall federal cost share to total cost share ratio of all subapplications submitted. Applicant requests for management costs must be submitted in a separate management costs subapplication.

**Applicant Management Cost and Cost Share Example:** An applicant has received multiple subapplications with total project costs of \$1,000,000. The applicant requests the maximum allowed 10% of the total project costs as the requested total management costs, \$1,000,000 multiplied by 10%, which is equal to \$100,000.

Management costs will be subject to a federal and non-federal cost match. To calculate the federal cost share match, the applicant calculates the total federal cost share for all subapplications and divides it by the total project cost. In this example, the total federal cost share match for the project is \$930,000 of the \$1,000,000 total project costs, which is a 93% aggregate federal cost share. The total non-federal cost share match in the example is the remaining 7% aggregate, or \$70,000.

The applicant would then calculate the management cost federal and non-federal cost shares. The management cost federal cost share is calculated as the requested management costs of \$100,000 multiplied by 93%. Therefore, the management cost non-federal cost share is 7% multiplied by the total requested management costs of \$100,000, which equals **\$7,000**.

Applicant Total Project Cost	Applicant Requested Management Cost Subapplication (Total Cost)	Aggregate Federal Cost Share for all Subapplications (%)	Aggregate Non-federal Cost Share for all Subapplications (%)	Eligible Applicant MC Federal Cost Share (\$)	Eligible Applicant MC Non-Federal Cost Share (\$)
<b>\$1,000,000</b>	<b>\$100,000</b>	<b>93%</b>	<b>7%</b>	<b>\$93,000</b>	<b>\$7,000</b>
Subapplication 1: Total Project Cost \$310,000 + Subapplication 2: Total Project Cost \$230,000 + Subapplication 3: Total Project Cost \$460,000 = Total cost equal = <b>\$1,000,000</b>	Calculation: 10% x \$1,000,000 = <b>\$100,000</b>	Subapplication 1: Federal share \$300,000 + Subapplication 2: Federal share \$210,000 + Subapplication 3: Federal Share \$420,000 = Total federal cost \$930,000 / \$1,000,000 of total project costs  Calculation: (\$930,000/\$1,000,000) = <b>93%</b>	Subapplication 1: Non-federal share \$10,000 + Subapplication 2: Non-federal share \$20,000 + Subapplication 2: Non-federal share \$40,000 = Total non-federal cost \$70,000 / \$1,000,000 of total project costs  Calculation: (\$70,000/\$1,000,000) = <b>7%</b>	Calculation: \$100,000 x 93% = <b>\$93,000</b>  Maximum Applicant management cost federal share	Calculation: \$100,000 x 7% = <b>\$7,000</b>  Applicant management cost non-federal share

If the applicant is also implementing the award as the subapplicant, the applicant is allowed to claim subapplicant (up to 5%) and applicant management costs (up to 10%). Use of the applicant management costs must be distinct from subapplicant management costs and must adhere to the stated uses, even if being used by the same entity. The total management costs may not exceed 15% of the total award. Management costs are governed by 44 C.F.R. Part 77. Management costs are any indirect costs, any direct administrative costs, and other administrative expenses that are reasonably incurred in administering an award or subaward. Eligible applicant or subapplicant management cost activities may include:

- Solicitation, review, and processing of subapplications and subawards.
- Subapplication development and technical assistance to subapplicants regarding feasibility and effectiveness and BCA.
- Geocoding hazard mitigation projects identified for further review by FEMA.
- Delivery of technical assistance (e.g., plan reviews, planning workshops, training) to support the implementation of hazard mitigation activities.
- Managing awards (e.g., quarterly reporting including closeout).
- Technical monitoring (e.g., site visits, technical meetings).
- Purchase of equipment, per diem and travel expenses, and professional development that is directly related to the implementation of HMA programs.
- Staff salary costs directly related to performing the activities listed above.

M&A are not overhead costs but are necessary direct costs incurred in direct support of the federal award or as a consequence of it, such as travel, meeting-related expenses, and salaries of full/part-time staff in direct support of the program. As such, M&A costs can be itemized in financial reports.

#### **J. Pre-Award Costs**

The following pre-award costs are allowable:

Pre-award costs directly related to developing the FMA grant application or subapplication that are incurred prior to the date of the grant are allowed subject to FEMA approval at time of award.

Such costs may have been incurred prior to application submission, for example gathering data to be used for preparing environmental reviews required by the National Environmental Policy Act (NEPA), necessary permitting, or developing a BCA preparing design specifications, or conducting workshops or meetings related to development and submission of subapplications. To be eligible for FMA funding, pre-award costs must be identified in the individual line item in the cost estimate of the subapplication.

Pre-award costs may be cost shared or applicants and subapplicants may identify them as their non-federal cost share.

Costs associated with implementation of proposed projects in the submitted grant application or subapplication that are incurred prior to the date of the grant award are not allowed. Activities initiated or completed prior to the date of the grant award are generally not eligible.

- However, per the Hazard Eligibility and Local Projects (HELP) Act, FEMA may provide assistance for certain acquisition and demolition projects when implementation started after January 5, 2023. In order to be eligible, the project must also: (1) qualify for a categorical exclusion under NEPA; (2) be compliant with applicable floodplain management and protection of wet land regulations and criteria; and (3) not require consultation under any other environmental or historic preservation law or regulation or involve any extraordinary circumstances. An entity seeking assistance under the HELP Act must comply with all other applicable HMA and federal requirements ([Pub. L. No. 117-332](#)).

If any pre-award activities related to developing an FMA Swift Current grant application or subapplication result in ground disturbance, the applicant or subapplicant must comply with all applicable federal, state, and local laws and regulations, and obtain any applicable environmental permits and clearances. The applicant or subapplicant must ensure monitoring of ground disturbance, and if any potential archaeological resources are discovered, work will immediately cease, and the appropriate state authority will be notified.

Applicants and subapplicants who are not selected for awards or subawards, or do not meet the requirements of the HELP Act (if seeking reimbursement under HELP Act), will not receive reimbursement for the corresponding pre-award costs.

#### **K. Beneficiary Eligibility**

This funding opportunity and any subsequent federal awards create no rights or causes of action for any beneficiary.

**L. Participant Eligibility**

This funding opportunity and any subsequent federal awards create no rights or causes of action for any participant.

**M. Authorizing Authority**

Section 1366 of The National Flood Insurance Act of 1968, as amended (Pub. L. No. 90-448) (codified as amended at 42 U.S.C. § 4104c); Division J, Title V of the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), 135 Stat. 1387–1388 (2021).

**N. Appropriation Authority**

Department of Homeland Security Appropriations Act, 2024, Pub. L. No. 118-47; and Division J, Title V of the IJA, Pub. L. No. 117-58, 135 Stat. 1387–1388 (2021).<sup>8</sup>

**O. Budget Period**

There will be only a single budget period with the same start and end dates as the period of performance.

**P. Prohibition on Covered Equipment or Services**

Recipients, sub-recipients, and their contractors or subcontractors must comply with the prohibitions set forth in Section 889 of the [John S. McCain National Defense Authorization Act for Fiscal Year 2019](#), which restrict the purchase of covered telecommunications and surveillance equipment and services. Please see 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200, and [FEMA Policy #405-143-1 - Prohibitions on Expending FEMA Award Funds for Covered Telecommunications Equipment or Services](#) for more information.

**4. Application Contents and Format**

**A. Pre-Application, Letter of Intent, and Whitepapers**

FEMA is offering tailored pre-application support to FMA Swift Current applicants and subapplicants for subapplication development. For more information about FMA Swift Current tailored pre-application support, contact your [State Hazard Mitigation Officers](#), [FEMA Regional Office](#), or [Regional Tribal Liaison](#).

**B. Application Content and Format**

Applicants must review and approve subapplications submitted by their subapplicants. Applicants must ensure that accurate NFIP policy numbers and RL numbers are included in the Properties section of project subapplications to be considered for property flood mitigation project funding. For structures that are deemed Substantially Damaged after the first date of the applicant’s disaster declaration incident period date, applicants must include a certification that the structures meet these conditions.

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<sup>8</sup> Any fiscal year (FY) 2025 funding appropriated by the IJA will become available in FY 2025, and that it will not be awarded/obligated until after the start of FY 2025.

### C. Application Components

The following forms or information are required to be submitted via FEMA GO. The Standard Forms (SF) are also available at [Forms | Grants.gov](#):

- SF-424, Application for Federal Assistance
- Grants.gov Lobbying Form, Certification Regarding Lobbying
- SF-424A, Budget Information (Non-Construction)
  - For construction under an award, submit SF-424C, Budget Information (Construction), in addition to or instead of SF-424A
- SF-424B, Standard Assurances (Non-Construction)
  - For construction under an award, submit SF-424D, Standard Assurances (Construction), in addition to or instead of SF-424B
- SF-LLL, Disclosure of Lobbying Activities

### D. Program-Specific Required Documents and Information

Applicants may require their subapplicants to complete and attach the grant application and/or Assurance and Certifications forms to their individual flood mitigation project subapplications in FEMA GO.

Subapplicants should contact their applicant agency for information specific to their state/territory/federally recognized tribal government’s application process. Contact information for the state hazard mitigation officers is provided on the FEMA website at [State Hazard Mitigation Officers](#).

The following program-specific forms or information are required to be submitted in FEMA GO:

- FMA applications including individual flood mitigation project and management costs subapplications must be submitted in an FY 2024 FMA Swift Current application.
  - Individual flood mitigation projects must be submitted in a “**project**” subapplication type.
- Applicant management costs must be submitted in a “management costs” subapplication type.
- Project coping activities must be submitted in a project scoping application type.

### ***National Environmental Policy Act (NEPA) Requirement for Hazard Mitigation Projects***

Applicants and subapplicants applying for hazard mitigation projects must provide information needed to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321–4370h), 40 C.F.R. parts 1500-1508, and the related DHS and FEMA instructions and directives (i.e., DHS Directive 023-01,<sup>9</sup> DHS Instruction Manual 023-01-001-01,<sup>10</sup> FEMA Directive 108-1,

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<sup>9</sup> DHS Directive 023-01 is titled Implementation of the National Environmental Policy Act.

<sup>10</sup> DHS Instruction Manual 023-01-001-01 is titled Implementation of the National Environmental Policy Act (NEPA).

<sup>11</sup> and FEMA Instruction 108-1-1<sup>12</sup>. The required information is included in the subapplication in FEMA GO.

### ***Benefit-Cost Analysis (BCA) for Hazard Mitigation Projects***

Applicants and subapplicants applying for hazard mitigation projects are required to use FEMA-approved methodologies and tools, such as the [BCA Toolkit](#), to demonstrate the cost-effectiveness of their projects. Further details on hazard mitigation project cost-effectiveness can be found in the [HMA Guide, Part 5. Cost-Effectiveness](#) or on the [Benefit-Cost Analysis webpage](#).

#### **E. Post-Application Requirements for Successful Applicants**

Not applicable.

### **5. Submission Requirements and Deadlines**

#### **A. Address to Request Application Package**

Applications are processed through the FEMA GO system. To access the system, go to <https://go.fema.gov/>.

### **Steps Required to Apply For An Award Under This Program and Submit an Application**

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

- a. Apply for, update, or verify their Unique Entity Identifier (UEI) number and from the Internal Revenue Service;
- b. In the application, provide an UEI number;
- c. Have an account with [login.gov](https://login.gov/);
- d. Register for, update, or verify their System for Award Management (SAM) account and ensure the account is active before submitting the application;
- e. Register in FEMA GO, add the organization to the system, and establish the Authorized Organizational Representative (AOR). The organization's electronic business point of contact (eBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see [https://www.fema.gov/sites/default/files/2020-07/fema-go\\_user-registration-login\\_reference-guide.pdf](https://www.fema.gov/sites/default/files/2020-07/fema-go_user-registration-login_reference-guide.pdf);
- f. Submit the complete application in FEMA GO; and
- g. Continue to maintain an active SAM registration with current information at all times during which it has an active federal award or an application or plan under consideration by a federal awarding agency. As part of this, applicants must also provide information on an applicant's immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded federal contracts or federal financial assistance within the last three years, if applicable.

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<sup>11</sup> FEMA Directive 108-1 is titled Environmental Planning and Historic Preservation Responsibilities and Program Requirements.

<sup>12</sup> FEMA Instruction 108-1-1 is titled Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements.

Per [2 C.F.R. § 25.110\(a\)\(2\)\(iv\)](#), if an applicant is experiencing exigent circumstances that prevents it from obtaining an UEI number and completing SAM registration prior to receiving a federal award, the applicant must notify FEMA as soon as possible. Contact [fema-grants-news@fema.dhs.gov](mailto:fema-grants-news@fema.dhs.gov) and provide the details of the exigent circumstances.

How to Register to Apply:

General Instructions:

Registering and applying for an award under this program is a multi-step process and requires time to complete. Below are instructions for registering to apply for FEMA funds. Read the instructions carefully and prepare the requested information before beginning the registration process. Gathering the required information before starting the process will alleviate last-minute searches for required information.

**The registration process can take up to four weeks to complete.** To ensure an application meets the deadline, applicants are advised to start the required steps well in advance of their submission.

Organizations must have a UEI number, EIN, and an active SAM registration.

Obtain a UEI Number:

All entities applying for funding, including renewal funding, must have a UEI number. Applicants must enter the UEI number in the applicable data entry field on the SF-424 form. For more detailed instructions for obtaining a UEI number, refer to [SAM.gov](#).

Obtain Employer Identification Number:

In addition to having a UEI number, all entities applying for funding must provide an EIN. The EIN can be obtained from the IRS by visiting <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>.

Create a login.gov account:

Applicants must have a login.gov account in order to register with SAM or update their SAM registration. Applicants can create a login.gov account at: [https://secure.login.gov/sign\\_up/enter\\_email?request\\_id=34f19fa8-14a2-438c-8323-a62b99571fd](https://secure.login.gov/sign_up/enter_email?request_id=34f19fa8-14a2-438c-8323-a62b99571fd).

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

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

Register with SAM:

In addition to having a UEI number, all organizations must register with SAM. Failure to register with SAM will prevent your organization from applying through FEMA GO. SAM registration must be renewed annually and must remain active throughout the entire grant life cycle.

For more detailed instructions for registering with SAM, refer to: [Register with SAM](#)

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

Register in FEMA GO, Add the Organization to the System, and Establish the AOR:

Applicants must register in FEMA GO and add their organization to the system. The organization's electronic business point of contact (eBiz POC) from the SAM registration may need to be involved in this step. For step-by-step instructions, see: [FEMA GO Startup Guide](#)

Note: FEMA GO will support only the most recent major release of the following browsers:

Google Chrome;

Mozilla Firefox;

Apple Safari; and

Microsoft Edge.

Applicants using tablet type devices or other browsers may encounter issues with using FEMA GO.

Submitting the Final Application:

Applicants will be prompted to submit the standard application information, and any program-specific information required. Standard Forms (SF) may be accessed in the Forms tab under the: [SF-424 Family | Grants.gov](#).

Applicants should review these forms before applying to ensure they are providing all required information.

After submitting the final application, FEMA GO will provide either an error message, or an email to the submitting AOR confirming the transmission was successfully received.

#### **B. Application Deadline**

12/30/2026 at 03:00:00 PM Eastern Time

FEMA will solicit applications for the FY 2024 FMA Swift Current program from June 1, 2024, until December 30, 2026, based on applicants who have received a flood-related major disaster declaration between June 1, 2024, and May 31, 2025, and meet certain requirements. The final activation will be on or before June 30, 2025.



**C. Pre-Application Requirements Deadline**  
Not applicable.

**D. Post-Application Requirements Deadline**  
Not applicable.

**E. Effects of Missing the Deadline**

All applications must be completed in FEMA GO by the application deadline. FEMA GO automatically records proof of submission and generates an electronic date/time stamp when FEMA GO successfully receives an application. The submitting AOR will receive via email the official date/time stamp and a FEMA GO tracking number to serve as proof of timely submission prior to the application deadline.

**Applicants experiencing system-related issues have until 3 p.m. ET on the date applications are due to notify FEMA.** No new system-related issues will be addressed after this deadline. Applications not received by the application submission deadline will not be accepted.

## **6. Intergovernmental Review**

**A. Requirement Description and State Single Point of Contact**

An intergovernmental review may be required. Applicants must contact their state's [Single Point of Contact \(SPOC\)](#) to comply with the state's process under Executive Order 12372.

## **7. Application Review Information**

**A. Threshold Criteria**

FMA Swift Current funding is limited to individual flood mitigation projects that are Severe Repetitive Loss, repetitive loss, or substantially damaged and have a NFIP policy (including a Group Flood Insurance Policy (GFIP)) in effect prior to the opening of the application period.

**B. Application Criteria**

FMA Swift Current is noncompetitive with maximum set-asides and eligibility is based on activation criteria as noted in the "Expected Total Funding" subsection.

FEMA will review subapplications submitted by each applicant to ensure:

- Eligibility of the applicant and subapplicant;
- Eligibility of proposed activities and costs;
- Completeness of the subapplication;
- Cost-effectiveness and engineering feasibility of mitigation projects; or expected savings to the National Flood Insurance Fund (NFIF) from expected avoided damages through acquisition or relocation activity; All activities where a mitigated structure remains (elevation, mitigation reconstruction, floodproofing, etc.) are designed in accordance with NFIP standards in 44 CFR Part 60 and the most recently adopted edition of ASCE 24 as minimum design criteria.
- Eligibility and availability of non-federal cost share;

- Alignment with approved state mitigation plan and local and/or tribal hazard mitigation plan;
- Conformance with all applicable federal, state, tribal and local environmental and historic preservation laws and regulations;
- Proposed project will solve a problem independently, or constitute a functional portion of a long-term solution where there is assurance that the project will be completed; and
- Requested funds do not duplicate benefits available from another source for the same purpose or assistance that another federal agency or program has more primary authority to provide.

### C. Financial Integrity Criteria

Before making an award, FEMA is required to review OMB-designated databases for applicants' eligibility and financial integrity information. This is required by [the Payment Integrity Information Act of 2019](#) (Pub. L. No. 116-117, § 2 (2020)), [41 U.S.C. § 2313](#), and the “[Do Not Pay Initiative](#)” (31 U.S.C. 3354). For more details, please see [2 C.F.R. § 200.206](#).

Thus, the Financial Integrity Criteria may include the following risk-based considerations of the applicant:

1. Financial stability.
2. Quality of management systems and ability to meet management standards.
3. History of performance in managing federal award.
4. Reports and findings from audits.
5. Ability to effectively implement statutory, regulatory, or other requirements.

### D. Supplemental Financial Integrity Criteria and Review

Before making an award expected to exceed the simplified acquisition threshold (currently a total federal share of \$350,000) over the period of performance:

1. FEMA is required by [41 U.S.C. § 2313](#) to review or consider certain information found in SAM.gov. For details, please see [2 C.F.R. § 200.206\(a\)\(2\)](#).
2. An applicant may review and comment on any information in the responsibility/qualification records available in SAM.gov.
3. Before making decisions in the risk review required by [2 C.F.R. § 200.206](#), FEMA will consider any comments by the applicant.

### E. Reviewers and Reviewer Selection

Subapplications are reviewed by appropriate FEMA regional office staff.

FEMA and DHS will conduct additional reviews of allocations before releasing funds for all grants. These actions will ensure that funding is obligated and disbursed to support and prioritize communities and disaster survivors who rely on FEMA for assistance.

### F. Merit Review Process

FEMA will select eligible subapplications up to at least the available funding amount of **\$500 million**.

All identified properties in a subapplication must be deemed Substantially Damaged after the applicant's disaster declaration incident period start date, or NFIP-defined or FMA-defined SRL or RL. If a subapplication includes a property that is not SRL, RL, or has been deemed Substantially Damaged before the applicant's disaster declaration incident period start date, FEMA will remove the property from the subapplication prior to selection.

Project scoping that results in development of individual mitigation projects eligible under FMA Swift Current can be used to obtain data and to prioritize, select, and develop individual flood mitigation projects based on current FEMA-approved hazard mitigation plans. Project scoping subapplications will be evaluated to ensure that the end result will lead to an eligible project subapplication that will provide benefits to the NFIP.

Project scoping activities must be submitted in a project scoping application type. Project scoping is inclusive of the maximum set-aside, not in addition to it.

FEMA may lower the priority of subapplications where the average elevation federal cost share is greater than \$250,000 for all single dwelling units or the average acquisition federal cost share is greater than \$750,000 for all single dwelling units.

FEMA may increase the priority of properties from subapplications if the building value of a single-family dwelling is less than \$750,000, according to best available data, to ensure maximization of the number of NFIP-insured properties selected for mitigation projects in accordance with 44 C.F.R. § 77.4(a). To determine the building value of a single-family dwelling, homeowners can refer to the Replacement Cost Value (RCV)<sup>13</sup> documented in the most recent claim. If no RCV is provided, then homeowners can refer to the Actual Cash Value (ACV)<sup>14</sup> as documented on the most recent claim. If an RCV or ACV for the structure is not available or includes errors, FEMA will evaluate properties on a case-by-case basis for removal from the subapplication.

If the structure does not have an RCV, then FEMA will consider the Actual Cash Value (ACV) of the structure, as listed on the most current claim of the property. If the structure has neither RCV nor ACV, FEMA will consider the assessed market value.

Subapplications will be reviewed and selected on a rolling basis as subapplications are submitted to FEMA during the applicant's eligibility period.

At the end of the applicant's eligibility period, the applicant maximum set-aside will expire. At this time, any unused funds within the applicant maximum set-aside that are not tied to projects identified for further review will be returned to FY 2024 FMA Swift Current available funds. FEMA may select a subapplication out of prioritized order or rolling order based on one or more of the following factors:

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<sup>13</sup> The cost to replace property with the same kind of material and construction without deduction for depreciation.

<sup>14</sup> The cost to replace an insured item of property at the time of loss, less the value of its physical depreciation.

- Availability of funding;
- Duplication of subapplications;
- Program priorities and policy factors; or
- Other pertinent information, such as flood insurance claims history, substantial damage status, structure value, etc.

Subapplications that have made it through the selections process but will not be funded due to the limited availability of FMA funding may be reviewed by other FEMA grant programs for eligibility and alternative funding. Additional information may be requested to ensure all applicable programmatic eligibility criteria are met.

## G. Final Selection

### Selection Status

After the review has been completed, FEMA will designate the selected project subapplications as one of the following three statuses:

- **Identified for Further Review (IFFR)** – This means the subapplication is selected and there is available funding under the applicable subtotals. Additional information may be requested from the applicant at this stage that may impact eligibility. Identified for Further Review status does not automatically imply an award will be made.
- **Not Selected** – This means the subapplication does satisfy the basic eligibility or completeness requirements but was not selected. This status does not reflect eligibility determinations made if it was subject to the cost-effectiveness and technical feasibility requirements.
- **Does Not Meet Hazard Mitigation Assistance Requirements** – This means the subapplication does not satisfy the eligibility or completeness requirements. This status does not reflect eligibility determinations made if it was subject to the cost-effectiveness and technical feasibility requirements.

### Request for Reconsideration

At its discretion, and at the request of the applicant or subapplicant (through the applicant), FEMA may reconsider a decision regarding any subapplication that is Not Selected or Does Not Meet HMA Requirements only where there is an indication of substantive technical or procedural error that may have influenced FEMA’s decision. There will be no reconsideration regarding the amount of applicant management costs. Applicants must send requests for reconsideration based on technical or procedural error to the FEMA Regional Office within 60 days of the posting of subapplication status. Subapplicants should contact their applicant agency regarding reconsideration requests, so that the applicant may submit it to the FEMA Regional Office on their behalf. Contact information for each state hazard mitigation officer is provided at [State Hazard Mitigation Officers](#).

The FEMA Regional Office will review reconsideration requests received from applicants and submit the Regional recommendation to FEMA Headquarters. FEMA Headquarters will make a

final determination to overturn or uphold the original decision and send the response to the applicant.

Prior to making an award, FEMA will evaluate applicants to determine the level of risk when there is a history of failure to comply with general or specific terms and conditions of a federal award or failure to meet the expected performance goals. If FEMA determines that a federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award.

## **8. Award Notices**

### **A. Notice of Award**

The Authorized Organization Representative should carefully read the federal award package before accepting the federal award. The federal award package includes instructions on administering the federal award as well as terms and conditions for the award.

By submitting an application, applicants agree to comply with the prerequisites stated in this funding opportunity and the material terms and conditions of the federal award, should they receive an award.

FEMA will provide the federal award package to the applicant electronically via FEMA GO. Award packages include an Award Letter, Summary Award Memo, Agreement Articles, and Obligating Document. An award package notification email is sent via the grant application system to the submitting AOR.

Recipients must accept their awards no later than 30 days from the award date. Recipients shall notify FEMA of their intent to accept the award and proceed with work via the FEMA GO system.

Funds will remain on hold until the recipient accepts the award via FEMA GO and all other conditions of the award have been satisfied, or until the award is otherwise rescinded. Failure to accept a grant award within the specified timeframe may result in a loss of funds.

### **B. Pass-Through Requirements**

Recipients and subrecipients are required to meet standard pass-through requirements under 2 C.F.R. Part 200 and as noted in the funding opportunity.

### **C. Note Regarding Pre-Award Costs**

Even if pre-award costs are allowed, beginning performance is at the applicant and/or sub-applicant's own risk.

### **D. Obligation of Funds**

Funds are awarded on a rolling basis and obligated as projects are found to meet eligibility criteria.

#### E. Notification to Unsuccessful Applicants

Unsuccessful applicants will be notified through FEMA GO.

### **9. Post-Award Requirements and Administration**

#### A. Administrative and National Policy Requirements

##### Presidential Executive Orders

Recipients must comply with the requirements of Presidential Executive Orders related to grants (also known as federal assistance and financial assistance), the full text of which are incorporated by reference. Pursuant to the preliminary injunction order issued on November 21, 2025, in *County of Santa Clara et al. v. Noem, et al.*, No. 25-cv-08330-WHO (N.D. Cal.), this requirement does not apply to awards or subawards issued to any of the plaintiffs subject to the preliminary injunction order while the order remains in effect. If the preliminary injunction is stayed, vacated, or extinguished, this requirement will immediately become effective. Also, pursuant to the preliminary injunction order issued on November 21, 2025, in *City of Chicago et al. v. Noem, et al.*, No. 25-CV-12765 (N.D. Ill.), this requirement does not apply to awards or subawards issued to any of the plaintiffs subject to the preliminary injunction order while the order remains in effect. If the preliminary injunction is stayed, vacated, or extinguished, this requirement will immediately become effective.

In accordance with [Executive Order 14305, Restoring American Airspace Sovereignty \(June 6, 2025\)](#), and to the extent allowed by law, eligible state, local, tribal, and territorial grant recipients under this NOFO are permitted to purchase unmanned aircraft systems, otherwise known as drones, or equipment or services for the detection, tracking, or identification of drones and drone signals, consistent with the legal authorities of state, local, tribal, and territorial agencies. Recipients must comply with all applicable federal, state, and local laws and regulations, and adhere to any statutory requirements on the use of federal funds for such unmanned aircraft systems, equipment, or services.

##### Subrecipient Monitoring and Management

Pass-through entities must comply with the requirements for subrecipient monitoring and management as set forth in 2 C.F.R. §§ 200.331-333.

#### B. DHS Standard Terms and Conditions

A recipient under this funding opportunity must comply with the DHS Standard Terms and Conditions in effect as of the date of the federal award, unless a term and condition specifically indicates otherwise. The DHS Standard Terms and Conditions are available online: [DHS Standard Terms and Conditions | Homeland Security](#). For continuation awards, the terms and conditions for the initial federal award will apply unless otherwise specified in the terms and conditions of the continuation award. The specific version of the DHS Standard Terms and Conditions applicable to the federal award will be in the federal award package.

A recipient under this funding opportunity must comply with the FY 2026 Department of Homeland Security Standard Terms and Conditions, with the following exceptions. The term titled “Communication and Cooperation with the Department of Homeland Security and

Immigration Officials” and paragraph (2)(a)(ii) of the term titled “Federal Anti-Discrimination Laws Material to the Government’s Payment Decisions Under the False Claims Act” do not apply to any federal award under this funding opportunity.

Pursuant to the preliminary injunction order issued on November 21, 2025, in *County of Santa Clara et al. v. Noem, et al.*, No. 25-cv-08330-WHO (N.D. Cal.), the following terms and conditions do not apply to awards or subawards issued to any of the plaintiffs subject to the preliminary injunction order while the order remains in effect: (1) The DHS Standard Term and Condition titled " Federal Anti-Discrimination Laws Material to the Government’s Payment Decisions Under the False Claims Act "; and (2) the DHS Standard Term and Condition titled "All Executive Orders Related to Grants". If the preliminary injunction is stayed, vacated, or extinguished, both terms will immediately become effective. As stated above, Paragraph (2)(a)(ii) of the DHS Standard Term and Condition titled “Federal Anti-Discrimination Laws Material to the Government’s Payment Decisions Under the False Claims Act” will not apply even if the preliminary injunction is stayed, vacated, or extinguished.

Pursuant to the preliminary injunction order issued on November 21, 2025, in *City of Chicago et al. v. Noem, et al.*, No. 25-CV-12765 (N.D. Ill.), the following terms and conditions do not apply to awards or subawards issued to any of the plaintiffs subject to the preliminary injunction order while the order remains in effect: (1) the DHS Standard Term and Condition titled " Federal Anti-Discrimination Laws Material to the Government’s Payment Decisions Under the False Claims Act"; and (2) the DHS Standard Term and Condition titled " All Executive Orders Related to Grants". If the preliminary injunction is stayed, vacated, or extinguished, both terms will immediately become effective. As stated above, paragraph (2)(a)(ii) of the DHS Standard Term and Condition titled “Federal Anti-Discrimination Laws Material to the Government’s Payment Decisions Under the False Claims Act” will not apply even if the preliminary injunction is stayed, vacated, or extinguished.

Pursuant to the preliminary injunction order issued on October 31, 2025, in *City of Seattle v. Trump, et al.*, No. 2:25-cv-01435-BJR (W.D. Wa.), the following terms and conditions do not apply to awards or subawards issued to any of the plaintiffs subject to the preliminary injunction order while the order remains in effect: the DHS Standard Term and Condition titled " Federal Anti-Discrimination Laws Material to the Government’s Payment Decisions Under the False Claims Act ". If the preliminary injunction is stayed, vacated, or extinguished, the term will immediately become effective. As stated above, Paragraph (2)(a)(ii) of the DHS Standard Term and Condition titled “Federal Anti-Discrimination Laws Material to the Government’s Payment Decisions Under the False Claims Act” will not apply even if the preliminary injunction is stayed, vacated, or extinguished.

### C. Financial Reporting Requirements

1. Recipients must report obligations and expenditures through a federal financial report. The Federal Financial Report (FFR) form, also known as Standard Form 425 (SF-425), is available online at: [SF-425 OMB #4040-0014](https://www.fiscal.treasury.gov/forms/sf425/).

2. Recipients must submit the FFR quarterly throughout the period of performance (POP) as detailed below:

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

3. The final FFR is due within 120 calendar days after the end of the POP.

FEMA may withhold future federal awards and cash payments if the recipient does not submit timely financial reports or the financial reports submitted demonstrate lack of progress or provide insufficient detail.

**D. Programmatic Performance Reporting Requirements**

1. A Performance Progress Report must be submitted quarterly throughout the POP, including partial calendar quarters, as well as for periods where no grant award activity occurs.
2. A Performance Progress Report must include progress towards go/no-go milestones.
3. The Performance Progress Report must be submitted through FEMA GO using the Quarterly Performance Progress Report.
4. Performance Progress Reports are due within 30 days from the end of the first federal quarter following the initial grant award and thereafter until the grant ends.

**E. Closeout Reporting Requirements**

Within 120 days after the end of the period of performance, or after an amendment has been issued to close out a federal award, recipients must submit the following:

1. The final request for payment, if applicable.
2. The final FFR.
3. The final progress report detailing all accomplishments. The recipient must include with the final progress report an inventory of all construction projects.
4. A qualitative narrative summary of the impact of those accomplishments throughout the period of performance.
5. Other documents required by this NOFO, terms and conditions of the federal award, or other DHS Component guidance.

After FEMA approves these reports, it will issue a closeout notice. The notice will indicate the period of performance as closed, list any remaining funds to be de-obligated, and address the record maintenance requirement. Unless a longer period applies, such as due to an audit or litigation, for equipment or real property used beyond the period of performance, or due to other circumstances outlined in [2 C.F.R. § 200.334](#), this maintenance requirement is three years from the date of the final FFR.

Also, pass-through entities are responsible for closing out those subawards as described in [2 C.F.R. § 200.344](#); subrecipients are still required to submit closeout materials within 90 calendar

days of the subaward period of performance end date. When a subrecipient completes all closeout requirements, pass-through entities must promptly complete all closeout actions in time for the recipient to submit all necessary documentation and information to FEMA during the closeout of their prime award. The recipient is responsible for returning any balances of unobligated or unliquidated funds that have been drawn down that are not authorized to be retained per [2 C.F.R. § 200.344\(e\)](#).

#### Administrative Closeout

Administrative closeout is a mechanism for FEMA to unilaterally execute closeout of an award. FEMA will use available award information in lieu of final recipient reports, per [2 C.F.R. § 200.344\(h\)-\(i\)](#). It is an activity of last resort, and if FEMA administratively closes an award, this may negatively impact a recipient's ability to obtain future funding. FEMA has up to one year to complete the administrative closeout of the award.

#### Additional Reporting Requirements

Anytime there is a change in personnel for any of the awardees and/or subrecipients, their information needs to be submitted for approval (all the previous personal information identified).

#### F. Disclosing Information per [2 C.F.R. § 180.335](#)

Before entering into a federal award, the applicant must notify FEMA if it knows that the applicant or any of the principals (as defined at [2 C.F.R. § 180.995](#)) for the federal award:

1. Are presently excluded or disqualified;
2. Have been convicted within the preceding three years of any of the offenses listed in [§ 180.800\(a\)](#) or had a civil judgment rendered against you for one of those offenses within that time period;
3. Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with the commission of any of the offenses listed in [§ 180.800\(a\)](#); or
4. Have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default.

This requirement is fully described in [2 C.F.R. §180.335](#).

Additionally, [2 C.F.R. § 180.350](#) requires recipients to provide immediate notice to FEMA at any time after entering a federal award if:

1. The recipient learns that either it failed to earlier disclose information as required by [2 C.F.R. § 180.335](#);
2. Due to changed circumstances, the applicant or any of the principals for the federal award now meet the criteria at [2 C.F.R. § 180.335](#) listed above.

#### G. Reporting of Matters Related to Recipient Integrity and Performance

[Appendix XII to 2 C.F.R. Part 200](#) states the terms and conditions for recipient integrity and performance matters used for this funding opportunity.

If the total value of all active federal grants, cooperative agreements, and procurement contracts for a recipient exceeds \$10,000,000 at any time during the period of performance:

1. The recipient must maintain the currency of information reported in SAM.gov about civil, criminal, or administrative proceedings described in paragraph 2 of Appendix XII;
2. The required reporting frequency is described in paragraph 4 of Appendix XII.

#### **H. Single Audit Report**

A recipient expending \$1,000,000 or more in federal awards (as defined by [2 C.F.R. § 200.1](#)) during its fiscal year must undergo an audit. This may be either a single audit complying with [2 C.F.R. § 200.514](#) or a program-specific audit complying with [2 C.F.R. §§ 200.501](#) and [200.507](#). Audits must follow [2 C.F.R. Part 200, Subpart F](#), [2 C.F.R. § 200.501](#), and the U.S. Government Accountability Office (GAO) [Generally Accepted Government Auditing Standards](#).

#### **I. Monitoring and Oversight**

Per [2 C.F.R. § 200.337](#), DHS and its authorized representatives have the right of access to any records of the recipient or subrecipient pertinent to a Federal award to perform audits, site visits, and any other official use. The right also includes timely and reasonable access to the recipient's or subrecipient's personnel for the purpose of interview and discussion related to such documents or the Federal award in general.

Pursuant to this right and per [2 C.F.R. § 200.329](#), DHS may conduct desk reviews and make site visits to review and evaluate project accomplishments and management control systems as well as provide any required technical assistance. Recipients and subrecipients must respond in a timely and accurate manner to DHS requests for information relating to a federal award.

#### **J. Program Evaluation**

Title I of the Foundations for Evidence-Based Policymaking Act of 2018, (2019) (Evidence Act), [PUBL435.PS](#) urges federal agencies to use program evaluation as a critical tool to learn, improve delivery, and elevate program service and delivery across the program lifecycle. Evaluation means "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency." Evidence Act, § 101 (codified at 5 U.S.C. § 311). OMB A-11, Section 290 (Evaluation and Evidence-Building Activities) further outlines the standards and practices for evaluation activities. Federal agencies are required to specify any requirements for recipient participation in program evaluation activities (2 C.F.R. § 200.301). Program evaluation activities incorporated from the outset in the NOFO, and program design and implementation allow recipients and agencies to meaningfully document and measure progress and achievement towards program goals and objectives, and identify program outcomes and lessons learned, as part of demonstrating recipient performance (2 C.F.R. § 200.301).

As such, recipients and subrecipients are required to participate in a Program Office (PO) or a DHS Component-led evaluation, if selected. This may be carried out by a third-party on behalf of the PO or the DHS Component. Such an evaluation may involve information collections including, but not limited to, records of the recipients; surveys, interviews, or discussions with individuals who benefit from the federal award, program operating personnel, and award recipients; and site visits or other observation of recipient activities, as specified in a DHS Component or PO-approved evaluation plan. More details about evaluation requirements may be provided in the federal award, if available at that time, or following the award as evaluation requirements are finalized. Evaluation costs incurred during the period of performance are

allowable costs (either as direct or indirect) in accordance with [2 C.F.R. § 200.413](#). Recipients and subrecipients are also encouraged, but not required, to participate in any additional evaluations after the period of performance ends, although any costs incurred to participate in such evaluations are not allowable and may not be charged to the federal award.

#### **K. Additional Performance Reporting Requirements**

Not applicable

#### **L. Termination of Federal Award**

1. The FY 2026 DHS Standard Terms and Conditions sets forth a term and condition entitled “Termination of a Federal Award.” The termination provision condition listed below applies to the grant award and the “Termination of a Federal Award” term and condition in the FY 2026 DHS Standard Terms and Conditions does not.
2. Termination of the Federal Award by FEMA  
FEMA may terminate the federal award in whole or in part for one of the following reasons:
  - a. If the recipient or subrecipient fails to comply with the terms and conditions of the federal award.
  - b. With the consent of the recipient, in which case FEMA and the recipient must agree upon the termination conditions. These conditions include the effective date and, in the case of partial termination, the portion to be terminated.
  - c. If the federal award no longer effectuates the program goals or agency priorities. Under this provision, FEMA may terminate the award for these purposes if any of the following reasons apply:
    - i. If DHS/FEMA, in its sole discretion, determines that a specific award objective is ineffective at achieving program goals as described in this NOFO;
    - ii. If DHS/FEMA, in its sole discretion, determines that an objective of the award as described in this NOFO will be ineffective at achieving program goals or agency priorities;
    - iii. If DHS/FEMA, in its sole discretion, determines that the design of the grant program is flawed relative to program goals or agency priorities;
    - iv. If DHS/FEMA, in its sole discretion, determines that the grant program is not aligned to either the DHS Strategic Plan, the FEMA Strategic Plan, or successor policies or documents;
    - v. If DHS/FEMA, in its sole discretion, changes or re-evaluates the goals or priorities of the grant program and determines that the award will be ineffective at achieving the updated program goals or agency priorities; or
    - vi. For other reasons based on program goals or agency priorities described in the termination notice provided to the recipient pursuant to 2 C.F.R. § 200.341.
    - vii. If the awardee falls out of compliance with the Agency’s statutory or regulatory authority, award terms and conditions, or other applicable laws.
  - d. For convenience, including, but not limited to, when the award no longer advances agency priorities or the national interest.

3. Termination of a Subaward by the Pass-Through Entity  
The pass-through entity may terminate a subaward in whole or in part for one of the following reasons identified in 2 C.F.R. § 200.340:
  - a. If the subrecipient fails to comply with the terms and conditions of the federal award.
  - b. With the consent of the subrecipient, in which case the pass-through entity and the subrecipient must agree upon the termination conditions. These conditions include the effective date and, in the case of partial termination, the portion to be terminated.
  - c. If the pass-through entity's award has been terminated the pass-through recipient will terminate its subawards.
  
4. Termination by the Recipient or Subrecipient  
The recipient or subrecipient may terminate the federal award in whole or in part for the following reason identified in 2 C.F.R. § 200.340: Upon sending FEMA or pass-through entity a written notification of the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if FEMA or pass-through entity determines that the remaining portion of the federal award will not accomplish the purposes for which the federal award was made, FEMA or pass-through entity may terminate the federal award in its entirety.
  
5. Impacts of Termination
  - a. When FEMA terminates the federal award prior to the end of the period of performance due to the recipient's material failure to comply with the terms and conditions of the federal award, FEMA will report the termination in SAM.gov in the manner described at 2 C.F.R. § 200.340(c).
  - b. When the federal award is terminated in part or its entirety, FEMA or pass-through entity and recipient or subrecipient remain responsible for compliance with the requirements in 2 C.F.R. §§ 200.344 and 200.345.
  
6. Notification requirements  
FEMA or the pass-through entity must provide written notice of the termination in a manner consistent with 2 C.F.R. § 200.341. The federal award will be terminated on the date of the notification unless stated otherwise in the notification.
  
7. Opportunities to Object and Appeals  
Where applicable, when FEMA terminates the federal award, the written notification of termination will provide the opportunity and describe the process to object and provide information challenging the action, pursuant to 2 C.F.R. § 200.342.
  
8. Effects of Suspension and Termination  
The allowability of costs to the recipient or subrecipient resulting from financial obligations incurred by the recipient or subrecipient during a suspension or after the termination of a federal award are subject to 2 C.F.R. § 200.343.

## **M. Best Practices**

While not a requirement in the DHS Standard Terms and Conditions, as a best practice: Entities receiving funds through this program should ensure that cybersecurity is integrated into the design, development, operation, and maintenance of investments that impact information technology (IT) and/ or operational technology (OT) systems. Additionally, “The recipient and subrecipient must take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information.” [2 C.F.R. § 200.303\(e\)](#).

## **N. Payment Information**

Recipients will submit payment requests in FEMA GO for awards associated with this funding opportunity under this program.

## **Instructions to Grant Recipients Pursuing Payments**

FEMA reviews all grant payments and obligations to ensure allowability in accordance with [2 C.F.R. § 200.305](#). These measures ensure funds are disbursed appropriately while continuing to support and prioritize communities who rely on FEMA for assistance. Once a recipient submits a payment request, FEMA will review the request. If FEMA approves a payment, recipients will be notified by FEMA GO and the payment will be delivered pursuant to the recipient’s SAM.gov financial information. If FEMA disapproves a payment, FEMA will inform the recipient.

## **Processing and Payment Timeline**

FEMA must comply with regulations governing payments to grant recipients. See [2 C.F.R. § 200.305](#). For grant recipients other than States, [2 C.F.R. § 200.305\(b\)\(3\)](#) stipulates that FEMA is to make payments on a reimbursement basis within 30 days after receipt of the payment request, unless FEMA reasonably believes the request to be improper. For state recipients, [2 C.F.R. § 200.305\(a\)](#) instructs that federal grant payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements ("Treasury-State agreement") and default procedures codified at [31 C.F.R. part 205](#) and [Treasury Financial Manual \(TFM\) 4A-2000, "Overall Disbursing Rules for All Federal Agencies."](#) See [2 C.F.R. § 200.305\(a\)](#).

Treasury-State agreements generally apply to "major federal assistance programs" that are governed by [31 C.F.R. part 205, subpart A](#) and are identified in the Treasury-State agreement. [31 C.F.R. §§ 205.2, 205.6](#). Where a federal assistance (grant) program is not governed by subpart A, payment and funds transfers from FEMA to the state are subject to [31 C.F.R. part 205, subpart B](#). Subpart B requires FEMA to "limit a funds transfer to a state to the minimum amounts needed by the state and must time the disbursement to be in accord with the actual, immediate cash requirements of the state in carrying out a federal assistance program or project. The timing and amount of funds transfers must be as close as is administratively feasible to a state's actual cash outlay for direct program costs and the proportionate share of any allowable indirect costs." [31 C.F.R. § 205.33\(a\)](#). Nearly all FEMA grants are not “major federal assistance programs.” As a result, payments to states for those grants are subject to the "default" rules of [31 C.F.R. part 205, subpart B](#).

If additional information is needed, a request for information will be issued by FEMA to the recipient; recipients are strongly encouraged to respond to any additional FEMA request for

information inquiries within three business days. If an adequate response is not received, the request may be denied, and the entity may need to submit a new reimbursement request; this will re-start the 30-day timeline.

### Submission Process

All non-disaster grant program reimbursement requests must be reviewed and approved by FEMA prior to drawdowns.

For all non-disaster reimbursement requests (regardless of system), please ensure submittal of the following information:

1. Grant ID / Award Number
2. Total amount requested for drawdown
3. Purpose of drawdown and timeframe covered (must be within the award performance period)
4. Subrecipient Funding Details (if applicable).
  - Is funding provided directly or indirectly to a subrecipient?
    - If **no**, include statement “This grant funding is not being directed to a subrecipient.”
  - If **yes**, provide the following details:
    - The name, mission statement, and purpose of each subrecipient receiving funds, along with the amount allocated and the specific role or activity being reimbursed.
    - Whether the subrecipient’s work or mission involves supporting aliens, regardless of whether FEMA funds support such activities.
    - Whether the payment request includes an activity involving support to aliens.
    - Whether the subrecipient has any diversity, equity, and inclusion practices.<sup>15</sup>

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Pursuant to the preliminary injunction order issued on November 21, 2025, in *County of Santa Clara et al. v. Noem, et al.*, No. 25-cv-08330-WHO (N.D. Cal.), the DHS Standard Term and Condition titled "Federal Anti-Discrimination Laws Material to the Government’s Payment Decisions Under the False Claims Act" does not apply to awards or subawards issued to any of the plaintiffs subject to the preliminary injunction order while the order remains in effect. If the preliminary injunction is stayed, vacated, or extinguished, the term will immediately become effective.

Pursuant to the preliminary injunction order issued on November 21, 2025, in *City of Chicago et al. v. Noem, et al.*, No. 25-CV-12765 (N.D. Ill.), the DHS Standard Term and Condition titled "Federal Anti-Discrimination Laws Material to the Government’s Payment Decisions Under the False Claims Act" does not apply to awards or subawards issued to any of the plaintiffs subject to the preliminary injunction order while the order remains in effect. If the preliminary injunction is stayed, vacated, or extinguished, the term will immediately become effective.

Pursuant to the preliminary injunction order issued on October 31, 2025, in *City of Seattle v. Trump, et al.*, No. 2:25-cv-01435-BJR (W.D. Wa.), the DHS Standard Term and Condition titled "Anti-Discrimination" does not apply to awards or subawards issued to any of the plaintiffs subject to the preliminary injunction order while the order remains in effect. If the preliminary injunction is stayed, vacated, or extinguished, the term will immediately become effective.

As stated above, Paragraph(2)(a)(ii) of the DHS Standard Term and Condition titled "Federal Anti-Discrimination

5. Supporting documentation to demonstrate that expenses are allowable, allocable, reasonable, and necessary under [2 CFR part 200](#) and in compliance with the grant's NOFO, award terms, and applicable federal regulations.

**O. Immigration Conditions**

The term titled "Communication and Cooperation with the Department of Homeland Security and Immigration Officials" and paragraph (2)(a)(ii) of the term titled "Federal Anti-Discrimination Laws Material to the Government's Payment Decisions Under the False Claims Act" in the FY 2026 Department of Homeland Security Standard Terms and Conditions do not apply to any federal award under this funding opportunity.

**10. Other Information**

**A. Period of Performance Extension**

Extensions to the period of performance are allowed.

Recipients should consult with their FEMA point of contact for requirements related to a performance period extension.

**B. Other Information**

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

FEMA is required to consider effects of its actions on the environmental, historical, and cultural resources to ensure that activities, grants, and programs funded by FEMA comply with federal EHP laws, executive orders, regulations, and policies.

Recipients and subrecipients proposing projects with the potential to impact the environmental, historical, or cultural resources, such as the modification or renovation of existing buildings, structures, and facilities, and/or new construction and/or replacement of buildings, structures, and facilities, must participate in the FEMA EHP review process. This includes conducting early engagement to help identify EHP resources, such as threatened or endangered species or historic properties; submitting a detailed project description with supporting documentation to aid in FEMA's determination whether the proposed project has the potential to impact EHP resources; and, identifying mitigation measures and/or alternative courses of action that may lessen impacts to those resources.

FEMA is sometimes required to consult with other regulatory agencies and the public in order to complete the review process. Federal law requires EHP review to be completed before federal funds are released to carry out proposed projects. FEMA may not be able to fund projects that are not in compliance with applicable EHP laws, executive orders, regulations, and policies. FEMA may recommend mitigation measures and/or alternative courses of action to lessen impacts to EHP resources and bring the project into EHP compliance.

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Laws Material to the Government's Payment Decisions Under the False Claims Act" will not apply even if any of these preliminary injunctions are stayed, vacated, or extinguished.

EHP guidance is found at [Environmental Planning and Historic Preservation](#). The site contains links to documents identifying agency EHP responsibilities and program requirements, such as implementation of the National Environmental Policy Act and other EHP laws, regulations, and executive orders. DHS and FEMA EHP policy is also found in the [EHP Directive & Instruction](#).

All FEMA actions, including grants, must comply with National Flood Insurance Program (NFIP) criteria or any more restrictive federal, state, or local floodplain management standards or building code ([44 C.F.R. § 9.11\(d\)\(6\)](#)). For actions located within or that may affect a floodplain or wetland, the following alternatives must be considered: a) no action; b) alternative locations.

[Executive Orders 11988](#) and [11990](#): Protection of Wetlands, require that all federal actions in or affecting the floodplain or wetlands be reviewed for opportunities to relocate, and be evaluated for social, economic, historical, environmental, legal and safety considerations. The regulations at [44 C.F.R. Part 9](#) are how FEMA implements the EOs and require an 8-step review process if a proposed action is located in a floodplain or wetland or has the potential to affect or be affected by a floodplain or wetland.

The regulation also requires that the federal agency provide public notice of the proposed action at the earliest possible time to provide the opportunity for public involvement in the decision-making process ([44 C.F.R. § 9.8](#)). Where there is no opportunity to relocate the federal action, FEMA is required to undertake a detailed review to determine what measures can be taken to minimize future damages to the floodplain or wetland.

Through this NOFO, FEMA is giving initial public notice of grant opportunities that may be funded under the Flood Mitigation Assistance Swift Current program, consistent with the requirements of Section 9.8. The public is invited to participate in the process of identifying alternatives to locating a proposed project in the floodplain or wetland and analyzing the impacts of the alternatives on the floodplain or wetland. Comments may be provided by emailing [FEMA-OEHP-NOFOQuestions@fema.dhs.gov](mailto:FEMA-OEHP-NOFOQuestions@fema.dhs.gov) within 15 days of FMA Swift Current grant selections. While analyzing alternatives, FEMA may determine there are no practicable alternatives to carrying out the proposed work within the floodplain or wetland. Relocating facilities may not be practicable and could adversely impact affected communities socially and economically.

In addition, no alternative actions may be practicable that serve the same purpose and have less potential to affect or be affected by the floodplain. In the course of developing project proposals, subsequent project specific public notices will be published, if necessary, as more detailed information becomes available.

The GPD EHP screening form is located at [https://www.fema.gov/sites/default/files/documents/fema\\_ehp-screening\\_form\\_ff-207-fy-21-100\\_5-26-2021.pdf](https://www.fema.gov/sites/default/files/documents/fema_ehp-screening_form_ff-207-fy-21-100_5-26-2021.pdf).

Additionally, all recipients under this funding opportunity are required to comply with the FEMA GPD EHP Policy Guidance, FEMA Policy #108-023-1, available at [https://www.fema.gov/sites/default/files/documents/fema\\_gpd-ehp-policy-guidance.pdf](https://www.fema.gov/sites/default/files/documents/fema_gpd-ehp-policy-guidance.pdf).

### ***b. Procurement Integrity***

When purchasing under a FEMA award, recipients and subrecipients must comply with the federal procurement standards in [2 C.F.R. §§ 200.317 – 200.327](#). To assist with determining whether an action is a procurement or instead a subaward, please consult [2 C.F.R. § 200.331](#). For detailed guidance on the federal procurement standards, recipients and subrecipients should refer to various materials issued by FEMA’s Procurement Disaster Assistance Team (PDAT). Additional resources, including an upcoming trainings schedule can be found on the PDAT Website: <https://www.fema.gov/grants/procurement>.

Under [2 C.F.R. § 200.317](#), when procuring property and services under a federal award, States (including territories) and Indian Tribes, must follow the same policies and procedures they use for procurements from their non-federal funds; additionally, states and Indian Tribes must now follow [2 C.F.R. § 200.322](#) regarding domestic preferences for Procurements and [2 C.F.R. § 200.327](#) regarding required contract provisions.

Local government and nonprofit recipients or subrecipients must have and use their own documented procurement procedures that reflect applicable State, Local, Tribal, and Territorial (SLTT) laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200.

#### 1. Important Changes to Procurement Standards in 2 C.F.R. Part 200

On April 22, 2024, OMB updated various parts of Title 2 of the Code of Federal Regulations, among them the procurement standards. These revisions apply to all FEMA awards with a federal award date or disaster declaration date on or after October 1, 2024, unless specified otherwise. The changes include updates to the federal procurement standards, which govern how FEMA award recipients and subrecipients must purchase under a FEMA award.

More information on OMB’s revisions to the federal procurement standards can be found in [Purchasing Under a FEMA Award: 2024 OMB Revisions Fact Sheet](#).

#### 2. Competition and Conflicts of Interest

[2 C.F.R. § 200.319\(b\)](#), applicable to local government and nonprofit recipients or subrecipients, requires that contractors that develop or draft specifications, requirements statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. FEMA considers these actions to be an organizational conflict of interest and interprets this restriction as applying to contractors that help a recipient or subrecipient develop its grant application, project plans, or project budget. This prohibition also applies to the use of former employees to manage the grant or carry out a contract when those former employees worked on such activities while they were employees of the recipient or subrecipient.

Under this prohibition, unless the recipient or subrecipient solicits for and awards a contract covering both development and execution of specifications (or similar elements as described above), and this contract was procured in compliance with [2 C.F.R. §§ 200.317 – 200.327](#), federal funds cannot be used to pay a contractor to carry out the work if that contractor also

worked on the development of those specifications. This rule applies to all contracts funded with federal grant funds, including pre-award costs, such as grant writer fees, as well as post-award costs, such as grant management fees.

In addition to organizational conflicts of interest, situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

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

Under [2 C.F.R. 200.318\(c\)\(2\)](#), if the local government and nonprofit recipient or subrecipient has a parent, affiliate, or subsidiary organization that is not a SLTT government, the recipient or subrecipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflict of interest means that because of a relationship with a parent company, affiliate, or subsidiary organization, the recipient or subrecipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The recipient or subrecipient must disclose in writing any potential conflicts of interest to FEMA or the pass-through entity in accordance with applicable FEMA policy.

### 3. Supply Schedules and Purchasing Programs

Generally, a recipient or subrecipient may seek to procure goods or services from a federal supply schedule, state supply schedule, or group purchasing agreement.

Information about GSA programs for states, Indian Tribes, and local governments, and their instrumentalities, can be found at [Programs for state and local government | GSA](#).

#### 4. Procurement Documentation

Per [2 C.F.R. § 200.318\(i\)](#), local government and nonprofit recipients or subrecipients are required to maintain and retain records sufficient to detail the history of procurement covering at least the rationale for the procurement method, selection of contract type, contractor selection or rejection, and the basis for the contract price. States and Indian Tribes are reminded that in order for any cost to be allowable, it must be adequately documented per [2 C.F.R. § 200.403\(g\)](#).

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

- Solicitation documentation, such as requests for quotes, invitations for bids, or requests for proposals;
- Responses to solicitations, such as quotes, bids, or proposals;
- Pre-solicitation independent cost estimates and post-solicitation cost/price analyses on file for review by federal personnel, if applicable;
- Contract documents and amendments, including required contract provisions; and
- Other documents required by federal regulations applicable at the time a grant is awarded to a recipient.

#### ***c. Financial Assistance Programs for Infrastructure***

1. Recipients and subrecipients must comply with FEMA's implementation requirements of the Build America, Buy America Act (BABAA), which was enacted as part of the [Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 \(2021\)](#); and [Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers](#). See also [2 C.F.R. Part 184, Buy America Preferences for Infrastructure Projects](#) and [Office of Management and Budget \(OMB\), Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#).

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

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

To see whether a particular FEMA federal financial assistance program is considered an infrastructure program and thus required to implement FEMA's Build America, Buy America

requirements, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#).

## 2. Waivers

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

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

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

The process for requesting a waiver from the Buy America preference requirements can be found on FEMA’s website at: [“Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#).

## 3. Definitions

For definitions of the key terms of the Build America, Buy America Act, please visit [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#).

### **d. Mandatory Disclosures**

The non-federal entity or applicant for a federal award must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. ([2 C.F.R. § 200.113](#))

### **e. Adaptive Support**

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

### **f. Record Retention**

#### 1. Record Retention Period

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award generally must be maintained for at least three years from the date the final FFR is submitted. See [2 C.F.R. § 200.334](#). Further, if the recipient does not submit

a final FFR and the award is administratively closed, FEMA uses the date of administrative closeout as the start of the general record retention period.

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

## 2. Types of Records to Retain

FEMA requires that recipients and subrecipients maintain the following documentation for federally funded purchases:

- Specifications
- Solicitations
- Competitive quotes or proposals
- Basis for selection decisions
- Purchase orders
- Contracts
- Invoices
- Cancelled checks

### ***g. Actions to Address Noncompliance***

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

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

If the noncompliance is not able to be corrected by imposing additional conditions or the recipient or subrecipient refuses to correct the matter, FEMA may take other remedies allowed under [2 C.F.R. § 200.339](#).

### ***h. Audits***

FEMA grant recipients are subject to audit oversight from multiple entities including the DHS OIG, the GAO, the pass-through entity, or independent auditing firms for single audits, and may cover activities and costs incurred under the award. Auditing agencies such as the DHS OIG, the GAO, and the pass-through entity (if applicable), and FEMA in its oversight capacity, must have access to records pertaining to the FEMA award.

### ***i. Extraordinary Circumstances***

Applicants and subapplicants must have a FEMA-approved current hazard mitigation plan at the time of application submission and at the time of the award; hazard mitigation plans pending

adoption is not sufficient. The FEMA Regional Administrator may grant an exception to the local mitigation plan requirements in extraordinary circumstances when the appropriate justification is provided.

Extraordinary circumstances exist when FEMA or the applicant determine that the proposed project is consistent with the priorities and strategies identified in the state or tribal (standard or enhanced) mitigation plan and that the jurisdiction meets at least one of the criteria below:

- The jurisdiction meets the small and impoverished communities as defined in 44 C.F.R. 201.2.
- The jurisdiction has been determined to have had insufficient capacity because of lack of available assistance, staffing or other necessary expertise to satisfy the mitigation planning requirement prior to the current disaster or application deadline.
- The jurisdiction experienced significant disruption from a declared disaster or another event that impacts its ability to complete the mitigation planning process prior to award or final approval of a project award.
- The jurisdiction does not have a hazard mitigation plan for reasons beyond the control of the state, federally recognized Tribal government or local community, such as Disaster Relief Fund restrictions, that delay FEMA from granting a project subaward prior to the expiration of the local or tribal hazard mitigation plan.

Prior to award, the applicant must provide written justification, specific to each subapplication, that identifies the specific criteria from the above list and explains why the jurisdiction will be able to have a plan both approved by FEMA and adopted by the jurisdiction within 12 months. The justification must identify the specific actions or circumstances that have eliminated or will eliminate the deficiency that prevented the jurisdiction from previously having an approved plan. The justification must clearly demonstrate how the above circumstances impacted the community beyond just stating the above circumstances.

If FEMA grants an extraordinary circumstances exception, a local or tribal hazard mitigation plan must be approved by FEMA within 12 months of the award of the project subaward to that community. The recipient must acknowledge in writing to the Regional Administrator that the jurisdiction will complete a plan within 12 months of the project subaward. The recipient must provide a Compliance Action Plan for completing the local or tribal hazard mitigation plan, including milestones and a timetable, to ensure the jurisdiction will complete the plan in the required time. This requirement must be incorporated into the award. If a plan is not provided within this time frame, the project subaward will be terminated, and any costs incurred after notice of subaward termination will not be reimbursed by FEMA. FEMA must notify the recipient of the subaward termination. For more information on award termination, refer to the [HMA Guide, Part 8, L. Award Termination](#).

If the hazard mitigation plan is not approved by FEMA within 12 months of the project subaward, FEMA should notify the recipient of its failure to meet the additional specific award or subaward conditions and request that the issue be corrected following remedies for non-compliance procedures in the [HMA Guide, Part 8, K. Remedies for Noncompliance](#).

#### ***j. Integrating Hazard Mitigation and Planning***

FEMA encourages state, local, tribal and territorial governments to pursue hazard mitigation planning and infrastructure projects with co-benefits that advance shared community outcomes such as economic resilience.

Alignment with SLTT planning mechanisms (economic development, housing, comprehensive plans, transportation plans, building codes, floodplain ordinances, etc.) is vital to building safer, more resilient communities. This two-way exchange of hazard mitigation principles, risk and vulnerability assessments, and hazard mitigation strategies supports risk reduction, both before and after disasters occur. Not only will SLTT planning efforts be better integrated, but by going through this process there is a higher level of interagency coordination, which is just as important as the planning mechanisms themselves. Additional information on hazard mitigation planning policies, training, and Planning Integration can be found at the FEMA [Implement, Integrate and Maintain Mitigation Planning Activities](#) and the [American Planning Association Hazards Planning](#) webpage.

#### ***k. Hazard-Resistant Building Codes***

Hazard-resistant building codes are a foundational element of a more resilient nation, safeguarding communities and lives against natural disasters, with an estimated \$11:1 return on investment. The adoption, enforcement and application of modern building codes mitigates community vulnerabilities, reduces disaster recovery costs, and strengthens nationwide capability. FEMA is working to promote and support building codes in all areas of its work. In the interest of building a stronger, more resilient nation, FEMA encourages all grant recipients and subrecipients to meet current published editions of relevant consensus-based building codes, specifications, and standards, and to exceed them where feasible.

#### ***l. Construction Project Requirements***

Acceptance of federal funding requires FEMA, the recipient, and any subrecipients to comply with all federal, state, and local laws and regulations prior to the start of any construction activity. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding.

Any change to the approved scope of work will require re-evaluation by FEMA for compliance with the NEPA and other laws and executive orders.

If ground-disturbing activities occur during construction, the recipient and any subrecipients must ensure monitoring of ground disturbance, and if any potential archaeological resources are discovered, the subrecipient will immediately cease construction in that area and notify the recipient and FEMA.

All mitigation projects must be in conformance with flood insurance requirements. This means that if the project is located in a Special Flood hazard Area: (a) the project must be in a jurisdiction participating in the NFIP; and (b) the property owner(s) must obtain and maintain flood insurance for the life of the structure, regardless of transfer of ownership, in an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the mitigated property, whichever is less.

## C. Appendices

### a. Abbreviations

- ACV: Actual Cash Value
- BCA: Benefit Cost Analysis
- C.F.R: Code of Federal Regulations
- DHS: U. S. Department of Homeland Security
- EHP: Environmental Planning and Historic Preservation
- FEMA: Federal Emergency Management Agency
- FEMA GO: FEMA Grants Outcomes
- FMA: Flood Mitigation Assistance
- FVA: Freeboard Value Approach
- GAO: U.S. Government Accountability Office
- GFIP: Group Flood Insurance Policy
- HELP Act: Hazard Eligibility and Local Projects Act
- NEPA: National Environmental Policy Act
- NFIP: National Flood Insurance Program
- POP: Period of Performance
- RCV: Replacement Cost Value
- RL: Repetitive Loss
- SFHA: Special Flood Hazard Area
- SLTT: State, Local, Tribal, and Territorial Governments
- SRL: Severe Repetitive Loss

### b. Resources

- ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure](#)
- [FEMA GO](#)
- FEMA National Flood Insurance Program (NFIP) [Community Status Book](#)
- [FEMA Nationwide Building Code Adoption Tracking](#)
- [FEMA Procurement Disaster Assistance Team](#)
- [Hazard Mitigation Assistance Job Aids](#)
- [State hazard mitigation officers](#)
- [Tools to Assist with FEMA Grants](#)