



# FEMA Directive: Preparation and Publication of a Notice of Funding Opportunity

## FEMA Directive #080-1, Revision 1

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### **BACKGROUND**

This directive applies to all Federal Emergency Management Agency (FEMA) Components that are required to publish a Notice of Funding Opportunity (NOFO) to announce opportunities for federal financial assistance. Title 2 of the Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, requires that FEMA issue NOFOs. NOFOs must be developed in accordance with Title 2, CFR, Parts 25, 170, and 200.

This directive is not applicable to financial assistance programs made available under a Presidential declaration or pursuant to the provisions of Titles 4 and 5 of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*.<sup>1</sup>

While NOFOs do contain FEMA policy, they are treated as an exception under FD 112-12, Development and Management of FEMA Policy, due to their unique development timelines and externally imposed requirements. The process set forth in this directive includes all required review processes for NOFOs.

This directive supersedes FEMA Directive 080-1, Preparation and Publication of Notices of Funding Opportunity for Non-Disaster Grants dated January 6, 2016.

### **PURPOSE**

This directive communicates roles and responsibilities for the development, approval and publication of FEMA's NOFOs.

### **PRINCIPLES**

- A. FEMA will ensure consistent, reliable and accurate NOFO content through a standardized format.
- B. FEMA will collaborate with stakeholders across the Agency.
- C. FEMA will ensure compliance with applicable regulations.

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<sup>1</sup> [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#), as amended



## REQUIREMENTS

### A. NOFO DEVELOPMENT

**Outcome:** All NOFOs follow a clear and consistent development process.

1. Grant Programs Directorate (GPD)
  - a. GPD is the Agency's authoritative source for grants management policies, procedures and internal controls.<sup>2</sup> GPD provides consistent procedures and processes to administer and manage FEMA's financial assistance programs.
  - a. The GPD Policy Division is responsible for coordination and oversight of the NOFO review and approval business process.
  - b. The GPD Policy Division is also responsible for ensuring all NOFOs conform with regulatory requirements and the Department of Homeland Security's (DHS's) NOFO standards as well as DHS-approved, FEMA-specific NOFO requirements.
2. Program Office (FEMA Component)
  - a. Develop NOFOs in accordance with the following timeframes:
    - i. Annual authority with mandated application timelines: No less than 30 days before the FEMA Component is required to open an application period for programs with annual appropriation authority that requires publication no later than a specific number of days from the date of the appropriation.
    - ii. Annual authority without mandated application timelines: 90 days before the FEMA Component plans to open an application period for those programs, but no later than the end of the third quarter of the given fiscal year.
    - iii. Multiyear authority: 90 days<sup>3</sup> before the FEMA Component plans to open an application period for programs with appropriation authority that expires at the end of a designated period of more than one year.
    - iv. No-year authority: 90 days before the FEMA Component plans to open an application period for those programs with appropriation authority that does not expire, but remains available until the funds are expended.
  - b. Ensure accuracy of key dates cited in the NOFO such as the anticipated award date, budget period, and period of performance.
  - c. Submit all supplemental documents referenced as an appendix to the NOFO document.
  - d. Provide the summary of changes document in the DHS-prescribed format detailing programmatic changes from the previous year's NOFO and all additional supplemental documents.
  - e. Submit a completed DHS Data Collection Form necessary to meet Digital Accountability and Transparency Act of 2014 reporting requirements.
  - f. Prepare all necessary information for the NOFO to be published on the OMB-designated application website.

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<sup>2</sup> FEMA Delegation of Authority (FDA) [112-002a-1, Delegations to Senior Leadership Officials and Related Authority](#) (Oct. 30, 2020) and [FDA 800-21-0001](#), the Deputy Administrator, Resilience (Jan. 12, 2021), delegated to the GPD Assistant Administrator authority over grants management policies, procedures, and internal controls. This includes oversight over 2 CFR Part 200 implementation, such as single audits.

<sup>3</sup> Based on a 3-year historical analysis, 90 days is the average amount of time it takes for multi-year and no-year NOFOs to go from the Policy Division to final approval.



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- g. Obtain programmatic legal review from the FEMA Component's embedded legal counsel for their NOFO, any amendments proposed to NOFO content during any stage of review of the NOFO, and/or any content amendment proposed after publication of the NOFO.
  - h. Prepare NOFO package for submission to FEMA Component Action Office. The package must include the updated NOFO, summary of changes document in the DHS-prescribed format, DHS Data Collection Form, and documentation of the FEMA Component's embedded OCC legal sufficiency review.
  - i. Ensure compliance with the ExecSec process for final document review and clearance prior to external release.
3. FEMA Component Office of the Chief Counsel attorneys are responsible for:
- a. Advising the FEMA Component on applicable programmatic legal requirements;
  - b. Reviewing NOFOs for legal sufficiency; and
  - c. Verifying authorizing statutes and appropriations.

## **B. NOFO APPROVAL**

**Outcome:** All NOFOs meet the requirements of applicable statutes and regulations in order to be published.

1. FEMA Component Action Office
  - a. Submit the NOFO package to the GPD Action Office including the NOFO, summary of changes document in the DHS-prescribed format, DHS Data Collection Form, and documentation of the FEMA Component's embedded OCC legal sufficiency review.
  - b. Facilitate review and approval of NOFO between the FEMA Component and GPD.
  - c. Send materials to the GPD Action Office and copy GPD Policy Division.
  
2. GPD Action Office
  - a. Receives NOFOs from FEMA Component Action Offices.
  - b. Routes and tracks NOFOs through each stage of review and approval, as outlined in section C Final Approval.
  - c. Coordinates review and approval with the GPD Policy Division.
  
3. GPD embedded Office of the Chief Counsel
  - a. Performs grants management legal review.
  - b. Coordinates with FEMA Component embedded legal counsel as needed.
  - c. Advises GPD Policy Division during NOFO approval.

## **C. FINAL APPROVAL**

**Outcome:** All NOFOs have all necessary approvals to be made available to the public.

1. GPD Policy Division



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- a. Prepares approved NOFOs, summary of changes document, and DHS Data Collection Form for submission to the DHS Office of Financial Assistance Policy and Oversight (FAPO).
  - b. Monitors NOFO approvals through FAPO and OMB.
  - c. Provides DHS FAPO and OMB edits to GPD Action Office for FEMA Component adjudication, if applicable.
  - d. Monitors Congressional Notification with FEMA Components and their respective Action Offices via communication from the GPD Action Office, if applicable.
2. DHS Office of Financial Assistance Policy and Oversight (FAPO)
- a. DHS FAPO confirms program authorizations and the availability of federal funds cited in NOFOs.
  - b. FAPO reviews NOFOs against DHS standards and approves and submits NOFOs to OMB for final review.
  - c. FAPO sends NOFOs to other Executive Branch Offices as applicable (e.g., National Security Council).
3. Office of Management and Budget (OMB)
- a. OMB reviews NOFOs and coordinates revisions with FAPO, if applicable.
  - b. OMB issues final approval for NOFO publication on the OMB-designated financial assistance application website.
4. Program Offices (FEMA Components) and Congressional Notification
- a. In some instances, congressional notification may be required before a NOFO is made public due to annual appropriations requirements.
  - b. FEMA Components must use the template set by DHS and used by the External Coordination Unit (ExCo) within the FEMA Office of the Chief Financial Officer (OCFO).
  - c. Congressional notifications often include a description of projects or activities to be funded and their location, including city, county, and state. See Chapter 4, Award Responsibilities and Procedures, of [FEMA Manual 205-0-1, Grants Management](#) for more detailed information on congressional notification.<sup>4</sup>
  - d. Circumstances that necessitate congressional notification include:
    - i. Notification in advance of NOFO publication when the NOFO announces a specific dollar amount for pre-determined recipients where that dollar amount exceeds \$1 million;
    - ii. Notification in advance of sole-source awards, defined as awards where FEMA has the discretion to compete but opted not to compete the award. This does not include non-discretionary programs where FEMA does not have legal discretion as to how grant awards are made or to whom; and
    - iii. FEMA execution or announcement of grant funding opportunities, grant allocations, or grant awards exceeding \$1 million per recipient.
  - e. If congressional notification is required, FEMA Components must:

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<sup>4</sup> See section 507 of the Department of Homeland Security Appropriations Act, 2021, Pub. L. No. 116-260, for more detailed information.



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- i. Secure approval for the congressional notification through their respective component senior leadership or designee.
- ii. Must submit to FEMA External Affairs-Congressional for review prior to submission to ExCo.
- iii. Provide materials to the FEMA Component Action Office for submission to ExCo.
- iv. The FEMA Component Action Office must copy the GPD Action Office on congressional notification materials to ensure enterprise-wide visibility and enable the GPD Policy Division to report the status of congressional notification to DHS FAPO.

## D. PUBLICATION

**Outcome:** All NOFOs meet the requirements to be published on the OMB-designated financial assistance application website and FEMA website.

- 1. GPD Policy Division
  - a. Performs final quality control review on NOFOs and coordinates external publication.
  - b. Monitors publication of NOFOs on the FEMA website and OMB-designated financial assistance application website.
- 2. Grants Technology Division (GTD)
  - a. Posts NOFOs to the OMB-designated financial assistance application website.

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Grant Programs Directorate

November 30, 2021

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Date



## ADDITIONAL INFORMATION

### REVIEW CYCLE

FEMA Directive 080-1: Preparation and Publication of a Notices of Funding Opportunity, Revision 1 will be reviewed, reissued, revised or rescinded within four years of the issue date.

### AUTHORITIES

- A. [Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended](#)
- B. [Digital Accountability and Transparency Act of 2014, Public Law 113-101](#)
- C. [Title 2, C.F.R. Part 200, Appendix I to Part 200 – Full Text of Notice of Funding Opportunity](#)

### REFERENCES

- A. [DHS Financial Management Policy Manual, Chapter 6](#)
- B. [FEMA Manual 205-0-1, Grants Management](#)
- C. FEMA Delegation of Authority (FDA), [FDA 112-002a-1, Delegations to Senior Leadership Officials and Related Authority](#) (Oct. 30, 2020)
- D. FEMA Delegation of Authority (FDA), [FDA 800-21-0001, Deputy Administrator, Resilience](#) (Jan. 12, 2021)

### MONITORING AND EVALUATION

GPD will maintain records of the annual NOFO process and approved NOFOs subject to the process outlined in this directive. GPD will also maintain a record of questions and concerns raised by FEMA components related to the implementation of this directive to inform future revisions.

### QUESTIONS

Direct questions to [FEMA-GPD-Policy@fema.dhs.gov](mailto:FEMA-GPD-Policy@fema.dhs.gov).