

# Federal Award Guidance and Authorizations

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Curious about how FEMA derives authority from the Federal government to award and oversee grants? The following laws, regulations, and policies provide direction and guidance regarding the definition, provision, and administration of Federal financial assistance awards by FEMA. Note that this list is not all-inclusive.

## The Federal Grant and Cooperative Agreement Act of 1977

- Establishes standards that Federal agencies are to use in selecting the most appropriate funding vehicle when transferring Federal funds to a non-Federal entity and, for a financial assistance relationship, to determine the proper legal instrument through which to provide the assistance (i.e., a grant or a cooperative agreement)
- Makes the following distinctions:
  - Grants
    - Financial assistance provided to a non-Federal entity to carry out public purpose authorized by law
    - No substantial federal involvement
  - Cooperative Agreements
    - Financial assistance provided to a non-Federal entity to carry out public purpose authorized by law
    - Substantial federal involvement
  - Contracts
    - Acquire property or services for the direct benefit of the Federal Government

## Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988

- Authorizes the President to issue major disaster and emergency assistance declarations and Federal assistance for disaster response, recovery, and hazard mitigation
- Allows Federally recognized tribal governments to request disaster and emergency declarations directly from the President

## Post-Katrina Emergency Management Reform Act (PKEMRA) of 2006

- Enacted following Hurricane Katrina to ensure effective and expedient Federal assistance to State, tribal, and local authorities during disasters.



# FEMA

- Prior to PKEMRA, FEMA could not start action until a disaster declaration was signed; PKEMRA allows FEMA to move resources in anticipation of a disaster.

## Implementing Recommendations of the 9/11 Commission Act of 2007

- Codified recommendations of the 9/11 Commission Report
- Sets requirements for programmatic and financial monitoring for each state and high-risk urban area (not less than once every two years) for several FEMA grant programs
  - The 9/11 Commission Act of 2007 added these provisions to the Homeland Security Act of 2002
- Primarily affects preparedness grants

## Presidential Policy Directive 8 (PPD-8)

- Aimed at strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters
- PPD-8 established the following, all of which are used to structure FEMA's Notices of Funding Opportunity (NOFOs):
  - The [National Preparedness Goal](#) states the ends we wish to achieve.
    - Defines a series of national preparedness elements (called [core capabilities](#)) that we need to achieve the goal.
  - The [National Preparedness System](#) describes the means to achieve the National Preparedness Goal.
  - [National Planning Frameworks](#) and [Federal Interagency Operational Plans](#) explain the delivery and how we use what we build.
  - An annual [National Preparedness Report](#) documents the progress made toward achieving the goal.

## Title 2, part 200 of the Code of Federal Regulations (2 C.F.R. pt. 200)

- Establishes uniform requirements by which all Federal award agencies administer grants and cooperative agreements
- Consolidated from eight separate circulates by the Office of Management and Budget (OMB) in 2014.
  - Aims to make compliance less burdensome for recipients of Federal financial assistance
  - Reduces administrative burden and the risk of waste, fraud and abuse
  - Eliminates duplicative or almost duplicative language
  - Codifies cost principles, administrative requirements, and audit requirements.
- The terms of 2 C.F.R. pt. 200 are incorporated into the terms of the following Federal awards for:
  - all non-disaster grant awards FEMA makes on or after December 26, 2014
  - all disaster grant awards FEMA makes for emergency or major disaster declarations issued on or after December 26, 2014