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## CISA-FEMA Tribal Cybersecurity Grant Program

### Framing Paper for Tribal Consultation

November 1, 2023, | 1:00-2:30 p.m. ET

#### Overarching Consultation Questions

*What feedback do tribal governments have for the Cybersecurity Infrastructure and Security Agency (CISA) and the Federal Emergency Management Agency (FEMA) on their experiences with the Fiscal Year (FY) 2023 Tribal Cybersecurity Grant Program (TCGP)? How can CISA and FEMA improve upon the FY 2023 TCGP for FY 2024 and beyond? What should CISA know about the cybersecurity needs of tribal governments and how can CISA better support tribal governments in mitigating cyber risk? What feedback do tribal governments have for the congressionally mandated study to assess whether the TCGP should move to a risk-based formula?*

#### Background

In November 2021, the State and Local Cybersecurity Improvement Act was signed into law as part of the Infrastructure Investment and Jobs Act of 2021 (Pub. L. No. 117-58), and incorporated into the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296, [6 U.S.C. § 665g](#)).[the Bipartisan Infrastructure Law \(Public Law 117-58\),6 U.S.C. § 665g](#). This law provides \$1 billion over four years for cybersecurity grants to state, local, tribal, and territorial governments to address cybersecurity risks and cybersecurity threats to information systems owned or operated by, or on behalf of, state, local, tribal, and territorial governments. The law designates 3 percent of the funding each year to tribal governments. Both CISA and FEMA are involved in administration of the TCGP. CISA will provide subject-matter expertise and determine allowable activities, program goals, and funding priorities, while FEMA will provide grant administration and oversight to include conducting eligibility reviews, issuing grant awards, and financial management and oversight consistent with all applicable laws, regulations, and policies.

FEMA and CISA remain committed to its responsibility under Executive Order 13175: Consultation [and Coordination with Indian Tribal Governments](#), reaffirmed by President Biden's [January 26, 2021, Memorandum](#) on *Tribal Consultation and Strengthening Nation-to-Nation Relationships*, and reflected in the 2022-2026 [FEMA's National Tribal Strategy](#), to engage in meaningful consultation and collaboration with tribal officials. In addition, [FEMA's Tribal Policy](#) outlines a framework for nation-to-nation relations between FEMA and Tribal Nations that recognizes tribal sovereignty, self-governance, and FEMA's responsibilities, consistent with applicable authorities.

The purpose of this November 1, 2023, tribal consultation is to gather feedback from tribal leaders on FEMA's and CISA's implementation of the FY 2023 TCGP, to offer valuable input on how CISA and FEMA can improve the TCGP for FY 2024, to share overarching cybersecurity needs with CISA, and to provide input on whether the grant program should consider a risk-based formula as requested by Congress. The virtual consultation will be hosted on the Zoom for Government platform. Please register [here](#) to attend.

#### Tribal Feedback

Tribal leaders shared several important points and suggestions during the [August 2022 tribal consultation](#) about their experiences and needs as applicants and recipients of DHS/FEMA preparedness grant programs, including a need for legislative changes to the authorizing statutes. This valuable feedback included that:

- TCGP should not be a competitive grant. It is unfair for smaller, less resourced Tribal Nations to compete with larger Tribal Nations.
- FEMA and CISA should consider tribal entities other than Tribal Nations. Some Tribal Nations work together to form a tribal consortium to apply for certain federal grants.
- The structure of the TCGP Planning Committee may not be feasible at all for tribes. Some tribes simply do not have the manpower capacity to have yet another committee steering or otherwise, and oftentimes, lack the required expertise.
- The TCGP cost share should be eliminated for all eligible tribal entities since Tribal Nations do not have a tax base, and therefore, a cost share requirement creates an additional financial burden for Tribal Nations.
- FEMA should capitalize on the statutory waiver flexibility provided to the Agency and the Department of the Interior regarding Tribal Nation cost share waivers, rather than following the schedule outlined in the legislation: FY 2022: 90%; FY 2023: 80%; FY 2024: 70%, FY 2025: 60%
- TCGP should incorporate flexibility for Tribal Nations to adhere to cultural practices in their work under the grant. For example, allowing Tribal Nations to use language to craft their cyber plans for their neighbors rather than themselves, so not to bring forward an attack.

### Discussion Questions

CISA and FEMA seek tribal input on how the TCGP can better serve tribal cybersecurity needs. Below are questions for your consideration. These questions are not in order of priority and are not meant to be an exhaustive list of discussion topics. FEMA and CISA welcome broader input on our activities in support of Tribal Nations:

1. **Feedback on the FY 2023 TCGP to improve the FY 2024 TCGP**
  - a. Were the FY 2023 TCGP Pre-Notice of Funding Opportunity (NOFO) Webinars helpful in preparing you to apply for the TCGP? If so, what aspects of the webinar, in particular, do you feel went well? What additional information would you have found helpful to know before the FY 2023 TCGP NOFO was released?
  - b. What aspects of the FY 2023 TCGP NOFO did you find helpful and what areas could be improved for the FY 2024 TCGP NOFO?
  - c. Have you participated in any of the FEMA and CISA Post-NOFO Release Technical Assistance (TA) such as the FEMA TCGP Application Webinars, FEMA Grants 101, and Procurement Webinars and CISA Cyber Planning and Project Development Webinars? If so, how have those been helpful?
  - d. What additional training and TA do you recommend for tribal applicants? Do you know who to contact at FEMA and CISA for questions and/or TA on the FY 2023 TCGP Application process?
  - e. Is there anything so far about the FY 2023 TCGP application process that you felt can be improved upon and for FY 2024 TCGP?

- f. For tribes who have already applied for FY 2023 TCGP funding, was the TCGP Cybersecurity Plan Template useful in helping your tribe develop a Cybersecurity Plan to submit with your application? Were the Investment Justification, Cybersecurity Plan Template and Project Worksheet User Guides helpful in preparing those application documents?
- g. Do you feel that [CISA's cybersecurity best practices](#) are relevant to the cybersecurity needs of tribes?
  - Are there any services that CISA offers which could be better tailored to accommodate the needs of tribal governments?
- h. What challenges have tribal governments faced in requesting, receiving, and managing Department of Homeland Security (DHS) grants?
  - What further support could FEMA provide to assist tribal governments in managing grant funding throughout the grant lifecycle (e.g., pre-award and application, award, monitoring, reporting, payments, audit, and closeout).
  - What technical assistance can CISA provide to tribal applicants with cybersecurity planning, project development, cyber resources)?
- i. Are there any tribal cultural needs that FEMA and CISA should be aware of during the lifespan of the TCGP?

2. **Questions regarding Tribal Cybersecurity Needs:**

- a. Do you feel that your tribal government has sufficient access to cybersecurity training?
- b. What are some major barriers that might prevent tribes from participating in CISA's cyber services?
- c. Would your tribe benefit from having a regional point of contact within CISA to discuss cybersecurity issues?
- d. If offered, would tribes benefit from a free risk assessment service provided by CISA?

3. **Questions regarding the feasibility of utilizing a risk-based formula for TCGP:**

- a. What types of information and operational technology systems and services is your tribe most concerned with protecting via cybersecurity efforts?
- b. How do Tribal Nations define cybersecurity risk? (e.g., what are cybersecurity threats? what systems are most vulnerable? what is the consequence of a loss of data, denial of service, or physical damage?)
- c. To what extent does your tribe collect data on these cybersecurity risks, threats, and consequences? (how effective are current data collection efforts?) and what are potential barriers to describing or quantifying cybersecurity risk?
- d. What are potential advantages, disadvantages, or barriers of using a risk-based formula as opposed to the tiered population-based approach used for FY 2023, to allocate funds apportioned to Tribal Nations?

All consultation materials may be found at [Tribal Consultations | FEMA.gov](#). The consultation record will remain open for 45 days after the virtual session for tribal leaders to submit feedback or comments to [gpd-comms@fema.dhs.gov](mailto:gpd-comms@fema.dhs.gov). Final feedback and comments are due by Friday, December 15, 2023.