



FEMA

Grant Programs Directorate

**Controlled Equipment Requirements
Overview**

April 2016



Purpose and Overview

Purpose:

To provide State Administrative Agencies, other direct recipients, and subrecipients with an overview of how the Federal Emergency Management Agency (FEMA) will implement the new Controlled Equipment Requirements.

Overview:

- Executive Order
- Law Enforcement Equipment Working Group
- Prohibited and Controlled Equipment Lists
- Information Collection Requirements
- Additional Requirements for SUAS
- Information Bulletin 407
- FEMA Form 087-0-0-1
- Monitoring
- Non-Compliance
- Questions



Executive Order 13688- Federal Support for Local Law Enforcement Equipment Acquisition

January 16, 2015 [Executive Order \(EO\) 13688: Federal Support for Local Law Enforcement Equipment Acquisition](#)

- Protests in Ferguson, Missouri, in August 2014. At times, the law enforcement response to those protests was characterized as a “military-style” operation
 - Law enforcement officers atop armored vehicles,
 - Officers wearing uniforms often associated with the military
 - Holding military-type weapons
- Civil rights organizations have advocated for change long before this

May 2015 [Recommendations Pursuant to Executive Order 13688](#)

Collectively established a *Prohibited Equipment List* and a *Controlled Equipment List* and identified actions necessary to improve Federal support for the appropriate acquisition, use, and transfer of controlled equipment by state, local, tribal, territorial, and private grant recipients.

July-Sept 2015 FEMA Implementation team held regular conference calls resulting in the creation of Information Bulletin 407, FEMA Form 087-0-0-1, and the review and approval processes.



Executive Order 13688- Federal Support for Local Law Enforcement Equipment Acquisition

The information has a multi-fold purpose:

1. Harmonization of federal acquisition processes,
2. Institution of required protocols and training for grant recipients that acquire Controlled Equipment,
3. Increase federal oversight and compliance.

Addressing Public Perception of Controlled Equipment:

- Appearance of military-style equipment may undermine community trust when used in support of civilian law enforcement activities.
- Military-style equipment can have an undesired intimidating effect on the general public if used inappropriately or indiscriminately.

Law Enforcement Equipment Working Group

- EO 13688 Established the Law Enforcement Equipment Working Group co-chaired by the Secretary of Defense, Attorney General, and Secretary of Homeland Security.
- The purpose of the Law Enforcement Equipment Working Group is to facilitate ongoing coordination among the various Federal Agencies to ensure that a uniform process is in place to assess the adequacy of the justification in each application.
- This coordination includes sharing of required information to prohibit duplication of grant funding for controlled equipment or potentially granting of funding for controlled equipment to an entity that has been sanctioned by another agency.
- Engages Stakeholders from the Law Enforcement Community





Prohibited Equipment List (PEL)- 7 Categories

Equipment	Description
Tracked Armored Vehicles	Vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
Weaponized Aircraft, Vessels, and Vehicles of Any Kind	These items will be prohibited from purchase or transfer with weapons installed.
Firearms of .50-Caliber or Higher	
Ammunition of .50-Caliber or Higher	
Grenade Launchers	Firearm or firearm accessory designed to launch small explosive projectiles
Bayonets	Large knives designed to be attached to the muzzle of a rifle/shotgun/long gun for the purposes of hand-to-hand combat
Camouflage Uniforms: Applies to digital/urban-style camouflage uniform	Camouflage uniforms for use in areas where they do not actually camouflage the wearer are prohibited. Example: Woodland patterned uniforms for use in urban terrain would be prohibited but woodland camouflage in forest areas for narcotic eradication programs would not be prohibited.



Controlled Equipment List (CEL) – 12 Categories

Equipment	Description
Manned Aircraft, Fixed Wing	Powered aircraft with a crew aboard, such as airplanes, that use a fixed wing for lift. AEL # 18AC-00-ACFT
Manned Aircraft, Rotary Wing	Powered aircraft with a crew aboard, such as helicopters, that use a rotary wing for lift. AEL # 18AC-00-ACFT
Unmanned Aerial Vehicles	A remotely piloted, powered aircraft without a crew aboard. (Includes Small Unmanned Aerial Systems (SUAS)). AEL # 03OE-07-SUAS
Armored Vehicles, Wheeled	Any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as a Mine-Resistant Ambush Protected (MRAP) vehicle or an Armored Personnel Carrier. AEL # 12VE-00-SPEC and AEL # 12VE-00-MISS
Tactical Vehicles, Wheeled	A vehicle purpose-built to operate on- and off-road in support of military [-style] operations, such as a HMMWV (“Humvee”), 2.5-ton truck, 5-ton truck, or a vehicle with a breaching or entry apparatus attached. AEL # 12VE-00-SPEC and AEL # 12VE-00-MISS
Command and Control Vehicles	Any wheeled vehicle either purpose-built or modified to facilitate the operational control and direction of public safety units responding to an incident. AEL # 12VE-00-CMDV



Controlled Equipment List (CEL) – 12 Categories

Equipment	Description
Specialized Firearms and Ammunition Under .50-Caliber	Weapons and corresponding ammunition for specialized operations or assignment. This excludes service-issued handguns, rifles, or shotguns that are issued or approved by the agency to be used during the course of regularly assigned duties. Excludes firearms and ammunition for service-issued weapons. Not allowable under any FEMA preparedness grant program.
Explosives and Pyrotechnics	Includes “flash bangs” as well as explosive breaching tools often used by special operations units. AEL # 02EX-00-EXTR
Breaching Apparatus	Tools designed to provide law enforcement rapid entry into a building or through a secured doorway. These tools may be mechanical in nature (a battering ram), ballistic (slugs), or explosive. AEL # 02EX-00-EXEN and 02EX-00-EXTR
Riot Batons	Non-expandable baton of greater length (generally in excess of 24 inches) than service-issued types and are intended to protect its wielder during melees by providing distance from assailants. Excludes service-issued telescopic or fixed-length straight Batons. Not allowable under any FEMA preparedness grant program.
Riot Helmets	Helmets designed to protect the wearer’s face and head from Injury during melees from projectiles including rocks, bricks, liquids, etc. Riot helmets include a visor which protects the face. Not allowable under any FEMA preparedness grant program. While Ballistic Helmets are allowable, they are restricted from use for riot suppression. See AEL # 01LE-01-HLMT
Riot Shields	Shields intended to protect wielders from their head to their knees in melees. Most are designed for the protection of the user from projectiles including rocks, bricks, and liquids. Some afford limited ballistic protection as well. Riot shields may also be used as an offensive weapon to push opponents. Not allowable under any FEMA preparedness grant program. While Ballistic Shields are allowable, they are restricted from use for riot suppression. See AEL # 01LE-01-SHLD



Information Collection Requirements

Categories of Required Information:

- General Information and Recipient and Sub-Recipient Contact Information
- Policy & Protocol Requirements
- Training Requirements
- After Action Report Requirements
- Record Keeping Requirements
- Additional Requirements for SUAS
- Regional Capability
- Disposition of Controlled Equipment
- Transfer of Controlled Equipment
- Violations

Definitions are available in Information Bulletin 407, FEMA Form 087-0-0-1, and the Recommendations Pursuant to EO 13688 report.



Additional Requirements for Small Unmanned Aircraft Systems

All requests to purchase SUAS with FEMA grant funding must also include the policies and procedures in place to safeguard individuals' privacy, civil rights, and civil liberties of the jurisdiction that will purchase, take title to, or otherwise use the SUAS equipment.

Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties, in Domestic Use of Unmanned Aircraft Systems, issued February 20, 2015.

The Presidential Memorandum is available at :

<https://www.whitehouse.gov/the-press-office/2015/02/15/presidential-memorandum-promoting-economic-competitiveness-while-safegua>



Information Bulletin 407

-Applies to all Preparedness Grant Programs awarded on or after October 1, 2015.

However, items on the Controlled Equipment List are not allowable under:

SAFER

FP&S

NSGP

-Incorporated by reference into applicable:

FY 2016 Notices of Funding

Opportunity (NOFO)

FY 2016 Key Changes Documents

-Revised Information Bulletin 407 issued on 3/9/2016.

U.S. Department of Homeland Security
Washington, DC 20472



FEMA

**Grant Programs Directorate Information Bulletin
No. 407
February 16, 2015**

MEMORANDUM FOR: All State Administrative Agency Heads
All State Administrative Agency Points of Contact
All Urban Area Security Initiative Points of Contact
All State Homeland Security Directors
All State Emergency Management Agency Directors
All Eligible Transit Agencies
All Private Sector Transportation Security Partners
All Public and Private Sector Port Security Partners
All Tribal Nation Points of Contact

FROM: Brian E. Kamoie
Assistant Administrator for Grant Programs
Federal Emergency Management Agency

SUBJECT: Use of Grant Funds for Controlled Equipment

The purpose of this Information Bulletin (IB) is to provide grant applicants, recipients, and subrecipients with guidance regarding the requirements when applying for, or expending grant funds for, controlled equipment expenditures and using grant-funded controlled equipment. This IB is applicable to all grant programs awarded by the Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) as of October, 1 2015.

This IB was developed as part of the implementation of [Executive Order \(EO\) 13688: Federal Support for Local Law Enforcement Equipment Acquisition](#), issued January 16, 2015, and the [Recommendations Pursuant to Executive Order 13688](#), which collectively established a *Prohibited Equipment List* and a *Controlled Equipment List*, and identified actions necessary to improve Federal support for the appropriate acquisition, use, and transfer of controlled equipment by state, local, tribal, territorial, and private grant recipients.

The *Prohibited Equipment List* identifies categories of equipment that recipients are prohibited from acquiring using federally-provided funds or via transfer from federal agencies, and includes:

- **Tracked Armored Vehicles:** Vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- **Weaponized Aircraft, Vessels, and Vehicles of Any Kind:** These items will be prohibited from purchase or transfer with weapons installed.
- **Firearms of .50-Caliber or Higher**



FEMA Form 087-0-0-1: Controlled Equipment Request

FORM BASICS

- FEMA Form 087-0-0-1 was approved for use by the Office of Management and Budget (OMB) on 3/1/2016.
- OMB Control Number: 1660-0141
- OMB Expiration Date: 09/30/2016
- Hour Burden: 45 minutes
- FEMA is working toward full Paperwork Reduction Act which would extend the Form's expiration date.
- FEMA Form 087-0-0-1: Controlled Equipment Request is available for download at <https://www.fema.gov/preparedness-non-disaster-grants>



FEMA Form 087-0-0-1: Controlled Equipment Request

COMPLETING AND MAINTAINING THE FORM

- FEMA Form 087-0-0-1: Controlled Equipment Request is to be completed and signed by the Authorizing Official for the State Administrative Agency (SAA) or other direct grant recipient.
- Acquisition of the controlled equipment may not occur prior to the State Administrative Agency or other direct grant recipient receiving the signed Form and letter from Grant Programs Directorate approving the acquisition.
- The SAA or other direct grant recipient is responsible for verifying that the subrecipient (as applicable) has or will implement all requirements prior to acquisition including verification that the governing body has provided approval and is also responsible for maintaining the approved Form



FEMA Form 087-0-0-1: Controlled Equipment Request

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
CONTROLLED EQUIPMENT REQUEST

OMB Control Number 1660-0141
Expiration: 09-30-2016

PAPERWORK BURDEN DISCLOSURE NOTICE

FEMA Form 087-0-0-1

Public reporting burden for this data collection is estimated to average 45 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472-3100, Paperwork Reduction Project (1660-NEV) NOTE: Do not send your completed form to this address.

A. General Information

Name of Applicant or Recipient:		State or Tribe:
Program:	Program Fiscal Year:	Award or Application Number (If known):
Project Title:		Investment Justification Number:
Project Number:	Is this a law enforcement agency?	Project Address:

B. Applicant or Recipient Point(s) of Contact

Authorizing Official	Point of Contact for the Management of the Project
Name:	Name:
Address:	Address:
Phone:	Phone:
E-mail:	E-mail:

C. Sub recipient - General Information (If applicable)

Name of Sub recipient (If applicable):	
Project Title:	Investment Justification Number:
Project Number:	Is this a law enforcement agency?
Point of Contact:	Address:
Phone:	E-mail:

D. Policies

Law Enforcement Agencies only - Does the Requesting Agency have policies on the following?	
Community Policing:	Community Input:
Constitutional Policing:	Impact Considerations:
ALL Requesting Organizations - Are the following policies in place for the requested controlled equipment?	
Appropriate Use:	Effectiveness Evaluation:
Supervision of Use:	Auditing and Accountability:
Transparency and Notice Consideration:	

FEMA Form 087-0-0-1 (03/16)

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Does the Requesting Organization have Record Keeping policies on the following?

Training on the use of the controlled equipment:	Significant Incidents:
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E. Controlled Equipment Information

Category of requested equipment:	Authorized Equipment List Number (If known):
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Provide a detailed description of the equipment and the justification for acquiring the requested controlled equipment

Number of units requested:		Number of units currently in inventory:
List all categories of controlled equipment acquired by the organization through federal programs in the last three (3) years that are currently in inventory.		
Fiscal year: 20	Fiscal year: 20	Fiscal year: 20
Any additional that is not listed above (Please include category type and fiscal year acquired):		
Can the requested controlled equipment be reasonably accessed by other means?		
Has the requesting organization provided training to users of the controlled equipment?		

F. Organization Information

Does the requesting organization have written approval from their governing body (for purposes of these criteria, a "governing body" is defined as the institution or organization that has direct budgetary oversight or fiscal/financial control over the requesting entity) for the proposed acquisition of the requested controlled equipment?
Has the requesting organization previously requested, have a pending request for, or been denied for this category of controlled equipment by another federal agency?

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F. Organization Information (Continued)		
If previously denied, provide an explanation of why the request was denied, including which Agency made the denial:		
Has the requesting organization ever been in violation of a federal civil rights statute or program during the past 3 years?		
If yes, provide any disposition that was reached or corrective action:		
Will the requested controlled equipment provide a regional or multi-jurisdictional capability?		
If yes, provide the following information regarding the controlled equipment:		
Regional Geographic size to be served:	Regional Population to be served:	
Provide the number of individuals with access:		
G. Regional Sharing Agreement		
Have all entities within the regional sharing agreement implemented all required protocols, training, records keeping, and information collection and retention requirements prior to acquisition of the controlled equipment?		
H. Certification Statement		
By signing below, the authorized official certifies that the requesting organization:		
<ul style="list-style-type: none"> Has adopted the required Policies and Protocols Requirements; Meets the Training Requirements; Will adhere to the Records Keeping Requirements; Will adhere to After-Action Report Requirements; If applicable, all entities within the regional sharing agreement have implemented or will implement all required protocols, training, records keeping, and information collection and retention requirements prior to acquisition of the controlled equipment. Will abide by all applicable federal, state, local, and tribal laws, regulations, programmatic terms and conditions, and all requirements outlined in the Grant Programs Directorate Information Bulletin 407. 		
Authorizing Official (Print Name):	Signature:	Date:
I. FEMA Grant Programs Director Staff only		
Reviewed By (Print Name):	Position Title and Organization:	Date:

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<p>Controlled Equipment Request -- Instructions</p> <p>A. General Information - The information in this section provides background and context for the investment(s) requested or awarded.</p> <ul style="list-style-type: none"> Program Fiscal Year: Fiscal year of the grant award or application. (Ex. If you have a 2014 grant award the Program FY is 2014 or if you are applying for a 2016 Grant Award your Program FY is 2016). Recipient: A non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients. See also 200.69 Non-Federal entity. (2 CFR § 200.86) <p>B. Applicant or Recipient Point of Contact - Identify the organization's Authorizing Official, and primary point of contact for management of the project(s), including contact information.</p> <ul style="list-style-type: none"> Authorizing Official: authorize to sign grant agreement on behalf of the organization. <p>C. Subrecipient - Identify subrecipient if applicable.</p> <ul style="list-style-type: none"> Subrecipient: A non-Federal entity that receives a subaward from a pass - through entity to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. (2 CFR § 200.93) <p>D. Policies - Law Enforcement Agencies and other requesting organizations identify the following policies.</p> <ul style="list-style-type: none"> Community Policing: The concept that trust and mutual respect between police and the communities they serve are critical to public safety. Community policing fosters relationships between law enforcement and the local community which promotes public confidence in LEAs and, in turn, enhances LEAs ability to investigate crimes and keep the peace. (Recommendations Pursuant to Executive Order 13688, pg.19) Constitutional Policing: Protocols emphasize that all police work should be carried out in a manner consistent with the requirements of the U.S. Constitution and federal law. Policies must include protocols on First Amendment, Fourth Amendment, and Fourteenth Amendment principles in law enforcement activity, as well as compliance with Federal and State civil rights laws. (Recommendations Pursuant to Executive Order 13688, pg. 19) Community Input and Impact: Protocols must identify mechanisms that LEAs will use to engage the communities they serve to inform them and seek their input about LEAs' actions, role in, and relationships with the community. Law enforcement exists to protect and serve the community, so it is axiomatic that the community should be aware of and have a say in how they are policed. LEAs should make particular efforts to seek the input of communities where controlled equipment is likely to be used so as to mitigate the effect that such use may have on public confidence in the police. This could be achieved through the LEA's regular interactions with the public through community forums, town halls, or meetings with the Chief or community outreach divisions. (Recommendations Pursuant to Executive Order 13688, pg. 19)
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FEMA Form 087-0-0-1: Controlled Equipment Request

- **Appropriate Use of Controlled Equipment:** Requesting organizations should examine scenarios in which controlled equipment will likely be deployed, the decision-making processes that will determine whether controlled equipment is used, and the potential that both use and misuse of controlled equipment could create fear and distrust in the community. Protocols should consider whether measures can be taken to mitigate that effect (e.g., keep armored vehicles at a staging area until needed) and any alternatives to the use of such equipment and tactics to minimize negative effects on the community, while preserving officer safety. (Recommendations Pursuant to Executive Order 13688, pg. 19 - 20)
 - **Supervision of Use:** The protocols must specify appropriate supervision of personnel operating or utilizing controlled equipment. Supervision must be tailored to the type of equipment being used and the nature of the engagement or operation during which the equipment will be used. Policies must describe when a supervisor of appropriate authority is required to be present and actively overseeing the equipment's use in the field. (Recommendations Pursuant to Executive Order 13688, pg. 20)
 - **Effectiveness Evaluation:** The protocols must articulate that the requesting organization will regularly monitor and evaluate the effectiveness and value of controlled equipment to determine whether continued deployment and use is warranted on operational, tactical, and technical grounds. Requesting organizations should routinely review after-action reports and analyze any data on, for example, how often controlled equipment is used or whether controlled equipment is used more frequently in certain law enforcement operations or in particular locations or neighborhoods. (Recommendations Pursuant to Executive Order 13688, pg. 20)
 - **Auditing and Accountability:** There must be strong auditing and accountability provisions in the protocols which state that the requesting organization's personnel will agree to and comply with and be held accountable if they do not adhere to agency, State, local, Tribal, and Federal policies associated with the use of controlled equipment. (Recommendations Pursuant to Executive Order 13688, pg. 20)
 - **Transparency and Notice:** The protocols must articulate that the requesting organization will engage the community regarding acquisition of controlled equipment, policies governing its use, and review of Significant Incidents (see Recommendation 2.3 below), with the understanding that there are reasonable limitations on disclosures of certain information and law enforcement sensitive operations and procedures. (Recommendations Pursuant to Executive Order 13688, pg. 20)
 - **Significant Incident:** Any law enforcement operation or action that involves (a) a violent encounter among civilians or between civilians and the police; (b) a use-of-force that causes death or serious bodily injury; (c) a demonstration or other public exercise of First Amendment rights; or (d) an event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is needed. (Recommendations Pursuant to Executive Order 13688, pg. 22 - 23)
- E. Controlled Equipment Information** - Applicant or recipient/subrecipient identify and describe the requested equipment.
- **Authorized Equipment List:** The Authorized Equipment List (AEL) is a list of approved equipment types allowed under FEMA's preparedness grant programs. <http://beta.fema.gov/authorized-equipment-list>

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F. Organization Information - Describe pending or applied control equipment request.

- **Corrective Action:** Action taken by the addressee that:
 - (a) Corrects identified deficiencies;
 - (b) Produces recommended improvements; or
 - (c) Demonstrates that audit findings are either invalid or do not warrant addressee action. (2 CFR § 200.26)

G. Regional Sharing - Identify regional sharing amongst entities.

- **Regional Sharing:** The requesting organization must indicate whether the requested controlled equipment is being acquired to provide a regional or multijurisdictional capability. (Recommendations Pursuant to Executive Order 13688, pg. 28 - 29)

H. Certification Statement - Authorizing Official certify information.

- **After-Action Review:** (1) Requesting organizations must collect and retain "Required Information" (described below) when law enforcement activity that involves a "Significant Incident" requires, or results in, the use of any Federally-acquired controlled equipment in the requesting organization's inventory (or any other controlled equipment in the same category as the Federally-acquired controlled equipment); (2) When unlawful or inappropriate police actions are alleged and trigger a Federal compliance review, and the Federal agency determines that controlled or prohibited equipment was used in the law enforcement activity under review, the requesting organization must produce or generate a report(s) containing Required Information. (Recommendations Pursuant to Executive Order 13688, pg. 22)
- **Record-Keeping Requirement:** Requesting Organizations must retain "Significant Incident" reports and Required Information for a period of at least three (3) years and must provide a copy of these records, upon request, to the Federal agency that supplied the equipment/funds. This information also should be made available to the community the requesting organization serves in accordance with applicable policies and protocols including considerations regarding the disclosure of sensitive information. (Recommendations Pursuant to Executive Order 13688, pg. 23)

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Form Intake Process

The SAA or other direct recipient is responsible verifying that the subrecipient (as applicable) has implemented or will implement all requirements identified in Information Bulletin 407 prior to acquisition including verification that the governing body has provided approval before submitting the form to FEMA.

Grant applicants will upload FEMA Form 087-0-0-1 to Non Disaster (ND) Grants along with their **completed application package in the [Non-Disaster \(ND\) Grants System](#)**. Applicants in need of technical support with the ND Grants System, please contact ndgrants@fema.gov or (800) 865-4076. Completed Emergency Management Performance Grant applications must be submitted no later than 11:59 p.m. EDT, March 18, 2016. All other preparedness grant programs must be completed and submitted no later than 11:59 p.m. EDT, April 25, 2016.



Review

Program Analysts (PA):

1. Review each FF 087-0-0-1 for completeness (completeness means there are responses to all questions, and responses are either “Yes”, or “Will Implement Prior to Acquisition” to all Yes/No/Will Implement Questions in Sections D, E, and F). FF 087-0-0-1 forms are not considered complete, if they have responses of “No” to any (Yes/No/Will Implement/Obtain) Questions in Sections D, E, and F.
2. For SUAS, ensure grantee has provided copies of policies and procedures in place to safeguard individuals’ privacy, civil rights, and civil liberties.
3. PA reviews narrative justification for sufficiency.
4. PAs conduct reasonable search (grant files, internet search) to determine if there are any of the same type of item within a reasonable response time, if appropriate i.e. applicable to aircraft or bearcat but not battering rams.
5. PA submits recommendation through Branch Chief for routing to the Director of Preparedness Grants Division.



Approval and Notification

Director of Preparedness Grants Division:

1. Final approval or denial. Signs form if approved.

Program Analyst:

1. Once Controlled Equipment Request Form has been approved or disapproved by Director, PA will notify grantee in writing of the outcome.
2. Provide a copy of the signed Form 087-0-0-1 to the SAA or other direct recipient.

Estimated Review and Approval time: **30 Calendar Days if complete**, longer if review by Department of Justice or DHS Civil Rights and Civil Liberties is required.



Monitoring

FEMA GPD will expand its programmatic monitoring protocols to validate recipient compliance with the new controlled equipment requirements.

This validation will take place in two phases:

Phase I:

Two additional questions will be asked with respect to each grant award in the “complexity” section of the First Line Review.

- Have any purchases of controlled equipment been approved using funds from this grant award?
- If yes, what percentage of total award funds are being used to purchase controlled equipment?



Monitoring

The first of these questions will be weighted such that it has only a small impact on prioritization scores. The second will receive greater weight, as large controlled equipment purchases present a greater risk to grant compliance and success. Precise weights will be determined in conjunction with leadership as part of PGD's annual analysis of the prioritization risk model.

Phase II:

If a grant award used to purchase controlled equipment is subject to advanced monitoring (desk review or site visit), the compliance review will require verification that recipient has implemented policies and procedures to safeguard the public. As they represent both an administrative challenge and a leadership priority, projects involving large controlled equipment purchases will be prioritized for increased scrutiny under project-level advanced monitoring.



Monitoring

In addition to validating compliance with controlled equipment purchase requirements, this subset of monitoring questions will allow GPD to collect and analyze the number of awards and the amount and percentage of total grant funds used to purchase controlled equipment.

The first First Line Review cycle to monitor grant funds awarded after October 1, 2015 will be the FY18 cycle, to be conducted in the second quarter of FY17. The monitoring changes listed above will therefore be implemented in the FY18 monitoring cycle.



Non-Compliance

FEMA may take appropriate action pursuant to 2 C.F.R. Part 200 for violations of any federal statutes, regulations of the terms and conditions of the award related to controlled equipment (e.g., failure to adopt required protocols, unauthorized transfers).

For alleged violations of law involving the grant-funded controlled equipment, including civil rights laws, the matter will be referred for investigation to FEMA's Office of Civil Rights (OCR), DHS's Office of Civil Rights and Civil Liberties, other appropriate compliance office, or the U.S. Department of Justice.

Examples of actions FEMA can take to ensure compliance:

- Disallowance of Costs
- Increased Monitoring
- Termination of Grant Award



Questions?

For additional questions regarding Information Bulletin 407, FEMA Form 087-0-0-1, or this presentation, please contact the appropriate FEMA GPD Program Analyst or the Centralized Scheduling and Information Desk at askcsid@fema.gov or 1-800-368-6498.

