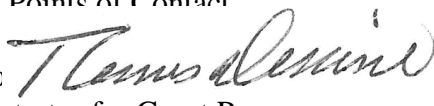




FEMA

Grant Programs Directorate Information Bulletin
No. 426
November 1, 2017

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 Advisors
All State Emergency Management Agency Directors
All Eligible Regional Transit Agencies
All Private Sector Transportation Security Partners
All Public and Private Sector Port Security Partners
All Tribal Nation Points of Contact

FROM: Thomas DiNanno 
Assistant Administrator for Grant Programs
Federal Emergency Management Agency

SUBJECT: **Guidance to Recipients and Subrecipients of FEMA
Preparedness Grants Regarding Implementation of Executive
Order 13809 Restoring State, Tribal, and Local Law
Enforcement's Access to Life-Saving Equipment and
Resources**

I. Purpose

This Information Bulletin (IB) provides guidance to recipients of FEMA preparedness grants regarding the implementation of [Executive Order \(EO\) 13809 Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources](#), signed on August 28, 2017.

II. Applicability

This IB is applicable to all grants awarded by the Federal Emergency Management Agency subject to IB 407a (January 19, 2017) or any previous versions of IB 407, which applied to awards made on or after October 1, 2015.

III. Guidance

A. Executive Order 13809 Implementation

1. On August 28, 2017, the President signed EO 13809, “Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources.”
2. EO 13809 revoked EO 13688 “Federal Support for Local Law Enforcement Equipment Acquisition,” dated January 16, 2015.
3. Since IB #407, “Use of Grant Funds for Controlled Equipment” and IB #407a, “Use of Grant Funds for Controlled Equipment: Update for Fiscal Year 2017” were issued in order to comply with Executive Order 13688, these IBs are rescinded, effective immediately.
4. Similarly, FEMA is no longer requiring the use of FEMA Form 087-0-0-1.
5. All references to IBs 407 and 407a and FEMA Form 087-0-0-1 will be removed from the FEMA Authorized Equipment List (AEL) as soon as practical. Until such time as this action is completed, recipients and subrecipients may disregard any requirements in the AEL referencing these IBs. Recipients should contact their GPD or Regional Program Analyst with any and all specific questions.

B. Policy on Use of FEMA Grant Awards to Purchase Certain Equipment Items

1. All items that were on the Prohibited Equipment List in IBs 407 and 407a except for tracked armored vehicles (AEL # [12VE-00-MISS - Vehicle, Specialized Mission](#)) and urban camouflage uniform items (AEL # [01LE-02-BDUS - Specialized Clothing, NFPA 1975 or NFPA 2112](#)) remain unallowable under any FEMA preparedness grant.
2. Unless noted below, all items that were on the Controlled Equipment List in IBs 407 and 407a are allowable under FEMA preparedness grants, provided that acquisition of the items are consistent with the terms of the award, including the applicable Notice of Funding Opportunity (NOFO).
3. Weapons of any kind (including firearms, grenade launchers, bayonets); ammunition; and weaponized aircraft, vessels, and vehicles of any kind remain unallowable expenses under any FEMA preparedness grant program.
4. Purchase of explosive materials remains subject to the requirements found in [IB 419 Purchase of Energetic Materials Using Homeland Security Grant Program \(HSGP\) Funding](#).
5. Purchase of fixed or rotary wing aircraft (AEL # [18AC-00-ACFT - Aircraft, CBRNE](#)) will continue to require a waiver from FEMA by consulting the appropriate FEMA Program Analyst, providing a detailed justification for obligating funds in this category, and receiving approval to obligate funds. A detailed justification must address the following:
 - a. The need for the aircraft and how the requested platform best meets that need as compared to other options;

- b. How the requested aircraft fits into the State/Urban Area's integrated operational plans;
- c. Types of terrorism incident response and prevention equipment with which the requested aircraft will be outfitted, if purchased using HSGP funds;
- d. How the aircraft will be used operationally and which response assets will be deployed using the requested aircraft; and
- e. How the aircraft will be utilized on a regular, non-emergency basis.

Licensing, registration fees, insurance, and all ongoing operational expenses will continue to be the responsibility of the grantee or the local units of government and are not allowable under the grant.

- 6. Small Unmanned Aircraft Systems (AEL #[03OE-07-SUAS - System, Small Unmanned Aircraft](#)) are considered aircraft and are required to meet the requirements in #3 above. In addition, all requests to purchase SUAS with FEMA grant funding must also include copies of 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, see Presidential Memorandum: [Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties, in Domestic Use of Unmanned Aircraft Systems](#), issued February 20, 2015.
- 7. Equipment intended to be used for riot suppression including riot batons, riot helmets, and riot shields continues to be an unallowable expense under any FEMA preparedness grant program.
- 8. Recipients and subrecipients must continue to comply with all other equipment acquisition requirements of their award's applicable NOFO, including requirements governing the acquisition of equipment not identified in the AEL.

IV. Questions

Questions regarding this IB may be directed to the applicable GPD or Regional Program Analyst.

V. Review Date

This IB will be reviewed within five years (5) from date of issuance.