



2120 L Street, NW, Suite 700
Washington, DC 20037

T 202.822.8282
F 202.296.8834

HOBBSSTRAUS.COM

January 8, 2010

GENERAL MEMORANDUM 10-003

Tribal Eligibility for DHS FY 2010 Grants

On December 8, 2009, the Department of Homeland Security (DHS) announced the release of grant application guidance kits for the more than \$2.7 billion available in the form of FY 2010 Homeland Security grants. In addition to this press release, DHS held a Grant Guidance Rollout Call specifically tailored to the concerns of tribal officials and related associations, followed by a lengthy question and answer session. DHS grants are administered through the Federal Emergency Management Agency (FEMA) Grant Programs Directorate.

We note an increase from previous years in both the number of tribes eligible to apply for certain grants and the amount of money available to the awardees. Tribes are eligible to apply for grant money under the following programs: Tribal Homeland Security Grant Program (THSGP), Operation Stone Garden (OPSG), the Interoperable Emergency Communications Grant Program (IECGP) and the Emergency Operations Center (EOC) Grant Program.

Of the four grant programs listed, THSGP is the only program for which tribes may directly apply to DHS-FEMA for funds. The other programs listed; OPSG, IECGP, and EOC are programs for which tribes must apply as subgrantees to a governor appointed, State Administrative Agency (SAA) for the state or territory in which their tribal lands are located. In each case, the designated SAA accepts subgrantee applications and then creates a comprehensive application that is sent to DHS-FEMA. The SAA then administers the funds it is awarded to approved subgrantees. In many cases, subgrantees are tribal and local governments as well as state agencies.

Tribal Homeland Security Grant Program (THSGP): \$10 million

THSGP funds are designed to provide assistance to tribes and tribal consortia to "help strengthen the nation against risks associated with potential terrorist attacks." Specifically, Western Hemisphere Travel Initiative (WHTI) implementation activities are eligible for grant awards, including the development and production of WHTI-compliant tribal identification cards. Please note that tribes may also apply to their designated SAA for WHTI compliant ID funds.

To be eligible for funds per the 9/11 Act (PL 110-53), applicants must operate a law enforcement or emergency response agency with the capacity to respond to calls for

these services and have designated a tribal liaison to communicate with DHS and other federal, state, and local government officials.

In addition, applicants must also be located either on or near an international border or coastline or be located within or contiguous to one of the 50 most populous metropolitan statistical areas in the United States. Eligibility is also available to those applicants that either maintain or are located within ten miles of a system or asset included on the prioritized critical infrastructure list or those applicants that maintain jurisdiction over an area of Indian Country not less than 1,000 square miles in size.

Funds will be allocated based on two factors: tribal eligibility per the 9/11 Act (pre-determined), and the effectiveness of the applicant's THSGP Investment Justification (as determined through a peer review process). Tribes are strongly encouraged to participate as reviewers in the FY 2010 peer review process. Participation in the process will provide reviewers the unique opportunity to gain insight into the evaluation process and to learn innovative ideas being utilized by their peers. Prior to writing an Investment Justification, tribes are encouraged to contact the Centralized Scheduling and Information Desk (CSID) to confirm or discuss questions relative to their eligibility. Grant applications are due to DHS-FEMA no later than April 19, 2010.

Operation Stone Garden (OPSG): \$60 million

OPSG funds are administered under the Homeland Security Grant Program (HSGP) and are designed to enhance coordination among local, state, tribal and federal law enforcement agencies in a joint mission to secure the United States international borders.

In order for tribal governments to be eligible for OPSG funds, they must be federally recognized and located in the states bordering Canada (including Alaska), located in the southern states bordering Mexico or located in states and territories with international water borders.

Funds will be allocated competitively to designated localities within U.S. Border States based on risk analysis and the anticipated feasibility and effectiveness of proposed investments by the applicants. FEMA will not announce allocations in advance for OPSG. Subgrantee applications are due no later than January 15, 2010, to the designated SAA. SAA applications are due to DHS-FEMA no later than April 19, 2010.

Interoperable Emergency Communications Grant Program (IECGP): \$48 million

IECGP funds are designated for use by states and territories as well as by tribal and local governments to carry out initiatives to improve interoperable emergency communications, including collective responses to natural disasters, acts of terrorism and other man-made disasters.

FY 2010 IECGP funds will be allocated based upon a terrorism and natural hazards risk methodology. Each state will also receive a minimum allocation under IECGP using the thresholds established in the 9/11 Act. States will distribute the funds through the designated SAA to the appropriate local units of government or other designated recipients. Subgrantees should contact their designated SAA to determine subgrantee application dates, as dates vary by SAA. SAA applications are due to DHS-FEMA no later than February 12, 2010.

Emergency Operations Center (EOC) Grant Program: \$57.6 million

The EOC Grant Program is designed to improve the emergency management and preparedness capabilities of state, local or tribal governments by funding the construction or renovation of the grantee's principal Emergency Operations Center with a focus on addressing identified deficiencies and needs.

Of the \$57.6 million allocated in FY 2010 for EOC grants, \$47.4 million in non-competitive funding has been appropriated for congressionally designated EOC projects nationwide. Only the remaining amount, \$10.1 million, is to be allocated on a competitive basis to eligible state, local or tribal government's principal EOCs. Awards will be determined based on how well each applicant addresses the following criteria: state-identified priorities, quality of justification, and pre-existing planning. Subgrantee applications are due to the designated SAA no later than January 15, 2010. SAA applications are due to DHS-FEMA no later than February 12, 2010.

Additional Information:

- Grant Guidance and Application Kits:
<http://www.fema.gov/grants> or www.grants.gov
- Questions Regarding the grant application process or financial questions:
FEMA Grant Programs Directorate Call Center:
866-927-5646 or ASK-GMD@dhs.gov
- To contact your designated SAA: <http://www.fema.gov/government/grant/saa/>
- Program Specific Information, particularly for THSGP grant eligibility:
Centralized Scheduling and Information Desk (CSID):
800-368-6498 or askcsid@dhs.gov

If we may be of further assistance regarding the FY 2010 DHS grants, please contact us at the information below.

###

Inquiries may be directed to:
Moriah O'Brien (mobrien@hobbsstrauss.com)