



# Port Security Grants

## Recovery Act Plan

*May 15, 2009*



Homeland  
Security

*Federal Emergency Management  
Agency Grant Programs Directorate*

## Message from the Component Accountable Official

The enclosed report was prepared by FEMA's Grant Programs Directorate, as the proponent and awarding authority for this grant program. This report is offered as the Program Plan for the Port Security Grant Program under the FY 2009 American Recovery and Reinvestment Act (ARRA).

On February 17, the President signed into law the American Recovery and Reinvestment Act of 2009 (AARA). The Act, which provides \$787 billion in stimulus funds to the Nation, lays out new requirements for Federal agencies in their grants processes to allow for more transparency and accountability across all programs. Under this funding, AARA provides \$150 million in stimulus funding for the Port Security Grant Program (PSGP). The ARRA PSGP is one of two grant programs that constitute the Department of Homeland Security (DHS) Fiscal Year (FY) 2009 ARRA focus on transportation infrastructure security activities. The ARRA PSGP is one tool in the comprehensive set of measures authorized by Congress and implemented by the Administration to strengthen the Nation's critical infrastructure against risks associated with potential terrorist attacks. The *Maritime Transportation Security Act of 2002*, as amended (46 U.S.C. §70107), established the ARRA PSGP to implement Area Maritime Transportation Security Plans and facility security plans among port authorities, facility operators, and State and local government agencies required to provide port security services. The ARRA PSGP is an amended program based on PSGP, designed to harden our Nation's ports and stimulate the economy

The vast bulk of U.S. critical infrastructure is owned and/or operated by State, local and private sector partners. ARRA PSGP funds support increased port-wide risk management; enhanced domain awareness; training and exercises; and further capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs) and other non-conventional weapons.

This funding will provide immediate relief to communities impacted by unemployment and poverty and will play a crucial role in helping to get our economy back on track and families back on their feet.

Sincerely,

Robert A. Farmer  
Acting Director, Office of Policy and Program Analysis  
Federal Emergency Management Agency

## **Executive Summary**

This report is offered as the Program Plan for the Port Security Grant Program under the FY 2009 American Recovery and Reinvestment Act (ARRA).

The Port Security Grant Program (PSGP) provides grant funding to port areas for the protection of critical port infrastructure from terrorism. PSGP funds are primarily intended to assist ports in enhancing maritime domain awareness, enhancing risk management capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs), weapons of mass destruction (WMDs) and other non-conventional weapons, as well as training and exercises and Transportation Worker Identification Credential (TWIC) implementation.

In keeping with the guidelines of the existing PSGP program, FEMA and USCG will again target the monies at the highest-risk ports across the nation. Also, each of the four tiers will have a specific allocation, and ports will compete for the funds within their assigned tier.

Due to the current state of the economy, Congress intends stimulus funding to be spent quickly with a principal objective of job creation. Additionally, in meeting its mission responsibilities, DHS must ensure that priority is given to cost-effective projects that can be executed expeditiously and have a significant and near-term impact on risk mitigation.

Since the PSGP is an existing FEMA grant program, the program office within the Grant Programs Directorate will ensure compliance with existing performance measures, as well as monitoring and evaluation protocols.



Port Security Grants Recovery Act Plan

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## **I. Legislative Requirement**

This document responds to the reporting requirements set forth in the American Recovery and Reinvestment Act of 2009 (P.L. 111-4), which states in part:

Federal Emergency Management Agency  
State and Local programs

For an additional amount for grants, \$300,000,000, to be allocated as follows: (1) \$150,000,000 for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135 and 1163). (2) \$150,000,000 for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

In addition, OMB Memorandum 09-15 provides guidance for the implementation of the American Recovery and Reinvestment Act funds.

## **II. Objectives**

### Program Purpose:

During 2009, DHS will continue its effort to encourage and help coordinate port security planning efforts, such as the Area Maritime Security Plans (AMSP), with complementary initiatives underway at the State and Urban Area levels. This is part of an important evolution in the focus of the ARRA PSGP – from a program that is primarily focused on the security of individual facilities within ports, to a port-wide risk management/mitigation and continuity-of-operations/resumption-of-trade program that is fully integrated into the broader regional planning construct that forms the core of the UASI, as well as applicable statewide initiatives.

This program will build on the successes of previous years by continuing to encourage port-wide partnerships, regional management of risk, and business continuity. Seven port areas have been selected as Group I (highest risk) and forty-eight port areas have been selected as Group II. Group I and Group II port areas are in the process of developing Port-Wide Risk Management/Mitigation and Business Continuity/Resumption of Trade plans that address the gaps in authorities, capabilities, capacities, competencies, and partnerships in these ports and identify their prioritized projects for the next five years.

### Public Benefits:

Due to the current state of the economy, Congress intends stimulus funding to be spent quickly with a principal objective of job creation. Additionally, in meeting its mission responsibilities, DHS must ensure that priority is given to cost-effective projects that can be executed expeditiously and have a significant and near-term impact on risk mitigation.

### **III. Activities**

In addition to FEMA and USCG's two overarching priorities of risk-based funding and robust regional collaboration, the Department has identified the following five points as its priority selection criteria for ports in the FY 2009 ARRA PSGP:

**1. Enhancing Maritime Domain Awareness (MDA)**

MDA is the critical enabler that allows leaders at all levels to make effective decisions and act early against threats to the security of the Nation's seaports. In support of the National Strategy for Maritime Security, port areas should seek to enhance their MDA through projects that address knowledge capabilities within the maritime domain. This could include access control/standardized credentialing, command and control, communications, and enhanced intelligence sharing and analysis.

**2. Enhancing Improvised Explosive Device (IED) and Weapons of Mass Destruction (WMD) prevention, protection, response and recovery capabilities**

Port areas should seek to enhance their capabilities to prevent, detect, respond to and recover from terrorist attacks employing IEDs, WMDs and other non-conventional weapons. Of particular concern in the port environment are attacks that employ IEDs delivered via small craft (similar to the attack on the USS Cole), by underwater swimmers (such as underwater mines) or on ferries (both passenger and vehicle).

**3. Efforts supporting implementation of the Transportation Worker Identification Credential (TWIC), including the completion of TWIC pilot projects**

The TWIC is a congressionally mandated security program through which DHS will conduct appropriate background investigations and issue biometrically enabled and secure identification cards for individuals requiring unescorted access to U.S. port facilities. Regulations outlining the initial phase of this program (card issuance) were issued by TSA in cooperation with the Coast Guard in 72 Federal Register 3492 (January 25, 2007).

**4. Construction or infrastructure improvement projects that are identified in the Port Wide Risk Management Plan (PWRMP) and/or Facility Security Plans (FSPs)**

**5. Projects that can be implemented quickly and create jobs**

Due to the current state of the economy, Congress intends stimulus funding to be spent quickly with a principal objective of job creation. Additionally, in meeting its mission responsibilities, DHS will make one of the determining factors the ability of a port to execute projects within a shortened timeframe, in order to put more of these grant funds into the economy mitigation.

For Ferry Systems, the following priorities will apply:

**1. Development and enhancement of capabilities to prevent, detect, respond to and recover from terrorist attacks employing improvised explosive devices (IEDs) and vehicle borne improvised explosive devices (VBIEDs)**

- 2. Mitigation of other high consequence risks identified through individual ferry system risk assessments**
- 3. Innovative utilization of mobile technology for prevention and detection of explosives or other threats and hazards**
- 4. Development and enhancement of physical and perimeter security capabilities to deny access around maintenance facilities, dry docks, and piers**
- 5. Development of emergency preparedness and response capabilities in the event of a ferry being used as a weapon to inflict damage on critical infrastructure**

#### **IV. Characteristics**

Characteristics of this grant include:

- These funds will be awarded in the form of grants and cooperative agreements.
  - Project Grants (Code B).
- There are targeted funding levels for each Port grouping.
- FEMA will employ the existing risk-based methodology for Port Security Grants
- All awards will be competitive in nature
- Beneficiaries include both public and private sector entities, in accordance with existing Port Security Grant Program (PSGP) guidance.
- Scope of activities to be performed under this grant include:
  - Construction;
  - Personnel cost;
  - Equipment purchase;
  - Planning
  - Training/Exercises

#### **V. Delivery Schedule**

Delivery Schedule for the PSGP grant under ARRA:

- February 17 – May 20, 2009: FEMA/GPD, in partnership with USCG reaches out to stakeholders to solicit input on how the programs should be structured. This outreach portion is a key component of Secretary Napolitano’s strategy for integrating our state and local partners into the DHS processes. In addition, FEMA must develop the guidance in collaboration with our partners and ensure that all relevant statutory requirements are met. FEMA/GPD will include the exploration of construction as a prioritized allowable cost, in accordance with conference language;
- May 21 - Release of guidance package with PSGP guidelines;
- July 2 – PSGP applications due;

- July 3, 2009 – August 31, 2009: Receipt of applications and expedited local and national review process;
- October 15, 2009 – December 31, 2009: Allocations announced and awards processed on a rolling basis. Please note that from mid-September to mid-October, all financial systems within DHS must be shut down to reconcile obligations. As well, OMB must reappportion grant monies back to FEMA after the first of the fiscal year, so this will cause delays in grant awards.

## **VI. Environmental Review Compliance and Federal Infrastructure Investments**

Each eligible application received under the Port Security Grant Program will be reviewed for compliance with the National Environmental Policy Act and the National Historic Preservation Act, among other requirements prior to the application approval and release of grant funds. Grant Program guidance to be released for the FY 2009 ARRA PSGP will notify potential applicants that FEMA will need detailed project information with regard to these requirements, particularly for construction projects. Where potential grantees may need to incur costs to provide detailed information regarding these requirements, planning funds may be released to fund the information gathering.

Consultation may be required with other Federal and State agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for protecting natural and cultural resources. For projects with the potential to have significant adverse effects on the environment and/or historic properties, the compliance process may result in an agreement between the involved parties outlining how the grantee will avoid, minimize, or, if necessary, mitigate the effects. Failure of a grant recipient to meet these requirements may jeopardize Federal funding.

Costs incurred to ensure EHP compliance for approved projects may be eligible for funding under ARRA PSGP. Grantees wishing to utilize ARRA PSGP funds for an EIS, EA, and other associated planning should indicate the amount within the submitted budget and Investment Justification (IJ). Planning funds may be released prior to project implementation to ensure EHP compliance.

ARRA also added additional reporting requirements for environmental compliance and sustainability. The two excel spreadsheets will be added to the applicable grant guidance, and grantees will be required to complete the information before funds can be expended.

**ARRA ENVIRONMENTAL COMPLIANCE**

	<i>Project Data</i>				
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>PROJECT NAME</b>					
<b>ARRA Unique ID Number</b>					
<b>Project Objective</b>					
<b>Project Description</b>					
<b>ELECTRONIC PRODUCT ENVIRONMENTAL ASSESSMENT TOOL (EPEAT)</b>					
Bronze					
Silver					
Gold					
Non EPEAT purchases where EPEAT products were available					
<b>ENERGY STAR PRODUCTS</b>					
Quantity					
Costs					
Non Energy Star purchases where Energy Star products were available (Quantity)					
Non Energy Star purchases where Energy Star products were available (Costs)					
<b>FEMP LABELED/APPROVED PRODUCTS</b>					
Quantity					
Costs					
Non FEMP purchases where FEMP products were available (Quantity)					
Non FEMP purchases where FEMP products were available (Costs)					
<b>GREEN PURCHASING</b>					
Recycled content products					
USDA designated biobased products					
Alternative fuels					
Environmentally Preferable					

Products					
Hybrid and alternative fuel vehicles					
Non-ozone depleting substances					
Renewable Energy					

Requirement Met (explain how)      Certified  
Requirement Met (explain how)      Silver  
Requirement Not Met (explain why)    Gold  
Requirement Not Met (explain why)    Platinum

**ARRA SUSTAINABLE**

	<i>Project Data</i>				
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>PROJECT NAME</b>					
<b>ARRA Unique ID Number</b>					
<b>Project Objective</b>					
<b>Project Description</b>					
<b>SUSTAINABILITY REQUIREMENTS- apply to all construction, renovations, and leases</b>					
Employ Integrated Design Principles	Requirement Not Met (explain why)				
Optimize Energy Performance	Requirement Met (explain how)				
Protect and Conserve Water	Requirement Met (explain how)				
Enhance Indoor Environmental Quality	Requirement Met (explain how)				
Reduce Environmental Impact of Materials	Requirement Met (explain how)				
<b>ENERGY REQUIREMENTS- apply to all construction and renovations</b>					

Energy Efficient Buildings	Requirement Met (explain how)				
Energy Efficient Capital Equipment					
Metering					
Solar Hot Water					
<b>LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED)</b>					
Registration goal					
Registration attained					
<b>LEED POINTS EARNED</b>					
LEED points goal					
LEED points attained					
Site credits					
Indoor Air Quality					
Materials					
Water					
Energy					
Innovation					

## VII. Measures

GPD will continue to use the same performance measures for the ARRA-Transit Security Grant Program and the ARRA-Port Security Grant Program funding as we have been using for the Transportation Security Grant Program and the Port Security Grant Program. The results of these measures are reported on a quarterly basis to the Department of Homeland Security (DHS) through DHS' Future Year Homeland Security Program (FHYSF). In addition, these programs were evaluated through the Office of Management and Budget's (OMB) Program Assessment Rating Tool (PART) based on GPRA in 2006. At that time, these programs scored *Results Not Demonstrated*; however, GPD had just begun to collect the data for these specific measures in late 2005. Results are demonstrated on the ExpectMore.gov website ([www.expectmore.gov](http://www.expectmore.gov)) for the public. In addition, the Annual Performance Report published by DHS demonstrates performance measure results and is available to the public on the DHS website ([www.dhs.gov](http://www.dhs.gov)).

ARRA – Transit Security Grant Program and Port Security Grant Program Performance Measures		
Measure #1	Measure	Facility/perimeter security enhancement projects completed
	Description	This data set consists of all available close-out report data submitted through the Grant Management System and the Grants Reporting Tool on completion of projects. Supporting data is derived from grant close-out reports that are submitted to the Grants Management System or the Grant

		Reporting Tool.
	Data Collection Methodology	GPD reviews and approves all close-out reports. Analysis of the timeliness of the close out report in relation to the grant period end date is then captured and reported.
Measure #2	Measure	Number of regional projects or investments received in applications.
	Description	This data set consists of all project information submitted during the application process. Analysis of the project as either an individual project or pertaining and supported by a regional efforts determined by the scope of the project.
	Data Collection Methodology	All proposed project application materials are reviewed by GPD. An analysis is performed that establishes a project as regional in nature and a tabulation of those projects is then recorded and reported.
Measure #3	Measure	Passenger security enhancement projects completed.
	Description	This data set consists of all available close-out report data submitted through the Grant Management System and the Grants Reporting Tool on completion of projects. Analysis of the risk mitigation provided is established by the approval of the individual projects by DHS prior to performance of project.
	Data Collection Methodology	GPD reviews all close-out reports and on-site monitoring reports. Analysis of the types of project completed and the sum of all completed projects is then captured and reported.
Measure #4	Measure	Percent of grants for which a closeout report was received within 3 months of the end of the grant period.
	Description	Supporting data is derived from grant close-out reports that are submitted to the Grants Management System or the Grant Reporting Tool.
	Data Collection Methodology	GPD reviews and approves all close-out reports. Analysis of the timeliness of the close-out report in relation to the grant period end date is then captured and reported.
Measure #5	Measure	Vehicle/vessel security enhancement projects completed.
	Description	This data set consists of all available close-out report data submitted through the Grant Management System and the Grants Reporting Tool on completion of projects. Analysis of the risk mitigation provided is established by the approval of the individual projects by DHS prior to performance of project.
	Data Collection Methodology	GPD reviews all close-out reports and on site monitoring reports. Analysis of the types of project completed and the sum of all completed projects is then captured and reported.

## **VIII. Monitoring/Evaluation**

As the Port Security Grant Program is an existing GPD grant program, FEMA will follow the monitoring protocols as currently prescribed for the program. This includes site visits to the Port areas to ensure compliance with programmatic goals. Each grantee is assigned a FEMA Program Analyst to work as the direct liaison and assist with any issues that might arise.

The application process provides for detailed budget reviews to ensure that projects and equipment are allowable, as well as the Environmental and Historic Preservation (EHP) review, if applicable.

Grantees submit quarterly financial status reports (SF269s), as well as the quarterly progress reports provided in the FEMA legacy system called PortWeb. This system captures progress against the projects that are funded.

Grant recipients of the FY 2009 ARRA PSGP must follow the standards identified in the Buy American Act, 41 U.S.C. §§10a-10d. The Buy American Act requires that all supplies and construction materials purchased be produced in the United States, unless such materials are not reasonably available, or such a purchase would not be in the public interest. Grant recipients must follow the Federal Acquisition Regulations implementing the Buy American Act, 48 CFR Part 25.

Furthermore, FY 2009 ARRA PSGP recipients using funds for construction projects must comply with the Davis-Bacon Act. Grant recipients must ensure that their contractors or subcontractors for construction projects pay workers employed directly at the work-site no less than the prevailing wages and fringe benefits paid on projects of a similar character.

## **IX. Transparency**

FEMA will continue to collect both programmatic and financial information via the standard financial status report and the quarterly progress report located in FEMA's PortWeb system. Grantees will submit this data.

## **X. Accountability**

FEMA Grant Programs Directorate will be directly responsible for the timely application and obligation of these funds.

Our specific plans to meet the following objectives are as follows:

- Funds Obligated Timely: FEMA plans to obligate 100% of the grant funds to recipients by the end of the first quarter of FY 10;
- Funds Expended Timely: FEMA will work with all port recipients to ensure a 100% expenditure rate within the 36-month performance period of the grant;

- Competitive Opportunities Maximized: FEMA will compete 100% of the PSGP grant dollars;
- Undelivered Orders Minimized: N/A

## **XI. Barriers to Effective Implementation**

There are no anticipated barriers to effective implementation. The Port Security Grant Program is an existing program within FEMA's Grant Programs Directorate, and the ARRA funding will utilize the existing framework to deliver grant guidance and make awards. The United States Coast Guard is a full partner in this effort, and will support FEMA as the subject matter expert. The Department will make the final allocation determinations.