




FEMA

September 2, 2011

MEMORANDUM FOR: W. Craig Fugate
Administrator

FROM: Elizabeth M. Harman 
Assistant Administrator

SUBJECT: FY 2010 Homeland Security Grant Program – Approval for Personnel
Cap Waiver under the Operation Stonegarden Grant Program

The PRICE Act amends the Homeland Security Act of 2002. (P.L. 107-296, 6 U.S.C. 609), Title 6, Chapter 1, Subchapter XV, Part A, Subsection 609. As such, 6 U.S.C 609(b)(2)(A) states: "Not more than 50 percent of the amount awarded to a grant recipient under section 604 (Urban Area Security Initiative) or 605 (State Homeland Security Grant Program of which Operation Stone Garden is a sub program) of this title in any fiscal year may be used to pay for personnel, including overtime and backfill costs, in support of the permitted uses under subsection (a)." As a result of the PRICE Act, all grantees are authorized to utilize up to 50 percent of their Homeland Security Grant Program (HSGP) funds for personnel related costs. All requests to exceed the 50 percent threshold will require approval by the FEMA Administrator. In an effort to comply with the PRICE Act, the following recipient has requested prior written approval from the FEMA Administrator to utilize its FY 2010 Operation Stonegarden (OPSG) funds to conduct critical infrastructure and border protection activities:

Texas

- Hidalgo County: Requested salary cap of 60%

The requestor has provided justification to FEMA for waiving the Personnel Cap within the Operations Order. The personnel activities proposed in the Operations Order have been approved by Customs and Border Protection/ Border Patrol (CBP/BP) at the Sector level and by CBP Headquarters. CBP has routed the Operations Order to FEMA for programmatic review and approval. Because the purpose of the Operation Stonegarden Grant Program is to focus on operational aspects of enhancing coordination between Federal, State, local, tribal, and territorial law enforcement agencies to increase the security of the U.S. Borders, waiver of the personnel costs cap will ensure completion of the respective law enforcement agency's CBP approved Operations Order.

I recommend your approval of the above listed request to waive the Personnel Cap to utilize FY 2010 OPSG funding for personnel activities to conduct critical infrastructure and border protection activities.

Approve/date  9/2/11 Disapprove/date _____

Modify/date _____ Needs discussion/date _____



FEMA


SEP 07 2011

Arturo Mendez
State Administrative Agency
Texas Department of Public Safety
PO Box 4087
Austin, TX 78773

Dear Mr. Mendez:

The Grant Programs Directorate has reviewed a request for a personnel cap waiver under the Fiscal Year 2010 Homeland Security Grant Program (HSGP) – Operation Stonegarden (OPSG) grant, Award No. 2010-SS-T0-0008, for Hidalgo County, Texas. The request to allow Hidalgo County to exceed the 50 percent personnel salary cap up to and not to exceed 60 percent, which represents \$577,925.40 of its FY 2010 OPSG allocation, in the amount of \$963,209.00, on operational overtime and related personnel costs is consistent with the goals and objectives of the overall State Homeland Security Strategy and necessary for the continued success of program implementation, and is hereby approved.

Grantees are reminded that future personnel waiver requests must also be submitted to the Grant Programs Directorate for prior approval. Please contact your Program Analyst, Aimee Clancy, at (202-786-9989) if you have any questions.

Sincerely,

W. Craig Fugate
Administrator

CC: Jim Marks, Acting Director, PGID
Aimee Clancy, Program Analyst
Official Grant File