

CURRENT LEGISLATIVE SECTION	PROPOSED CHANGES	JUSTIFICATION
Section 2001, Paragraph (4)	Define “directly eligible tribe” to be any Indian tribe or consortium of Indian tribes. Remove the eligibility requirements contained in this paragraph (e.g., that the tribe operates a law enforcement or emergency response agency, be located within 10 miles of critical infrastructure).	The purpose of this change is to broaden list of tribes that are eligible for the Tribal Homeland Security Grant Program (THSGP) and remove the requirement that tribes meet certain terrorism-related eligibility requirements. As currently defined, less than half (about 270) of the 574 federally recognized tribal governments are eligible to apply for THSGP funding.
Section 2001, Paragraph (7)	Define Indian tribe for purposes of THSGP as one of the 574 federally recognized Indian tribal governments.	The purpose of this change is to broaden the definition of “directly eligible tribe” so that all 574 federally recognized tribal governments may apply for THSGP.
Section 2005(a) and (b)	Remove references to Section 2004.	Currently, THSGP functions as a “carve-out” of the Homeland Security Grant Program (under Section 2004 of the Homeland Security Act). Removing the references to the Homeland Security Grant Program here and throughout the legislative proposal would establish THSGP as a standalone grant program with its own funding stream and separate application and administrative requirements.
Section 2005(a)	Add language that grants under this section may be awarded to prevent, prepare for, protect against, mitigate, respond to, or recover from all hazards .	Currently, all THSGP funds must be used to prevent, prepare for, protect against, or respond to acts of terrorism. FEMA proposes to remove this “terrorism nexus” requirement and make THSGP funds available for all hazards, including but not limited to terrorism. FEMA believes this would better align available funding to the actual risks that tribes face (particularly those from climate change and natural hazards).
Section 2005(b)	Add language describing the minimum requirements for THSGP applications. Proposed language requires tribes to include in their applications the following: a description of the purpose of the funds, an explanation as to why the funds are needed, and a budget showing how the tribe intends to spend the grant funds	The current language references back to Section 2004(d) for application information. Separating THSGP as a standalone program requires application requirements to be included in the new legislative text for this grant program.

CURRENT LEGISLATIVE SECTION	PROPOSED CHANGES	JUSTIFICATION
Section 2005 (c)	Remove this section. Under the existing program, tribes must provide a copy of their applications to each state in which any part of the tribe is located. The Governor of each State may review and provide comment on the tribal application to FEMA.	This removes the requirement that tribes send their applications to state governments for review and removes the requirement that applications be consistent with state homeland security plans. FEMA upholds the federal trust responsibility and nation-to-nation relationship with tribal governments, which does not include states.
Addition: Section 2005(i)	<p>Add language describing the permitted uses of funds under the THSGP. The language would track that in section 2008(a), with certain exceptions:</p> <ul style="list-style-type: none"> - Expenses would not need to relate to terrorism; - Expenses would not need to be consistent with a state homeland security plan; and - Recipients would be able to use up to 5% of funds for expenses directly related to the administration of a grant (the limit under section 2008(a) is 3%). <p>In addition, the proposal would:</p> <ul style="list-style-type: none"> - Make acquiring land, constructing buildings or other physical features, or altering or remodeling existing buildings allowable uses of funds; and - Allow directly eligible tribes to use grant funds for personnel costs in an amount that exceeds 50% of the grant amount, without first needing to seek a waiver from the Administrator. 	By making the program a standalone program, the allowable uses of funds described in Section 2008 (for the State Homeland Security Program) would no longer apply by default, and new requirements would need to be established. The requirements proposed in this legislative proposal help to align use of fund requirements with necessary activities to protect against all hazards under the THSGP. This proposal intends to remove several barriers to using funds that currently exist under THSGP.
Addition: Section 2005(k)	Exempt the Tribal Homeland Security Grant Program from the requirements established by the	These statutory requirements impact FEMA's flexibility in interacting with stakeholders (especially tribal governments) to

CURRENT LEGISLATIVE SECTION	PROPOSED CHANGES	JUSTIFICATION
	Paperwork Reduction Act (44 U.S.C. ch 35) and the Federal Advisory Committee Act (6 U.S.C. App.)	help shape program goals, objectives, and priorities. Removing these requirements would better aid FEMA in administering the THSGP.
Addition: Section 2005(m)	Authorize appropriations specifically for the Tribal Homeland Security Grant Program to exist as a standalone grant program. The new subsection proposes to authorize a significant increase in Tribal Homeland Security Grant Program funding for future years.	FEMA is proposing to increase the funding for the grant program to consistent with a letter from the National Congress of American Indians (NCAI) that requests \$360,000 annually per tribal government to support the program.