Office for Domestic Preparedness
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TO All State Administrative Agency Heads
All State Administrative Agency Points of Contact
All State Homeland Security Directors

FROM: Matt Mayer, Acting Executive Director

SUBJECT: Eligibility of ODP Grant Funds to Support Operational Costs During Code Orange Alert

Secretary Chertoff announced today that the Homeland Security Advisory System has been raised to Code Orange for the mass transit portion of the transportation sector. This alert only includes regional (commuter) and inter-city passenger rail, subways, and metropolitan bus systems. Therefore, effective today, July 7, 2005, jurisdictions may use available unspent grants funds from the following programs to support select operational costs associated with providing enhanced security at these facilities.

- FY 2005 Urban Areas Security Initiative (limited to 25% of the total allocation)
- FY 2005 Law Enforcement Terrorism Prevention Program (limited to 25% of the total allocation)
- FY 2004 Urban Areas Security Initiative (limited to 25% of the total allocation)
- FY 2004 Law Enforcement Terrorism Prevention Program (limited to 20% of the total allocation)
- FY 2004 Transit Security Grant Program (limited to 10% of the total allocation)
- FY 2003 Urban Areas Security Initiative II (limited to 25% of the total allocation)
- FY 2003 State Homeland Security Grant Program (SHSGP) II (limited to 50% of the total allocation)
- FY 2003 Transit Security Grant Program (limited to 10% of the total allocation)

Costs eligible for reimbursement under this policy are identical to those deemed allowable under previous Code Orange alerts. Allowable categories for reimbursement therefore include:

- Backfill and overtime expenses for staffing state, local or transit system emergency operations centers (EOCs)
- Hiring of contracted security to protect regional (commuter) and inter-city passenger rail, subways, and metropolitan bus systems
- Public safety overtime to protect regional (commuter) and inter-city passenger rail, subways, and metropolitan bus systems
- National Guard deployments to protect regional (commuter) and inter-city passenger rail, subways, and metropolitan bus systems, including all resources that are part of the standard National Guard deployment package

Consumable costs, such as fuel expenses, are not allowed except as part of the standard National Guard deployment package.

Additional guidance on the use of these funds can be found in the respective grant solicitation kits for these programs. Grant funds cannot be applied retroactively to costs incurred prior to the effective date of

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this Code Orange Alert, except for previously designated periods of heightened alert. Funding may not be used to supplant ongoing, routine public safety activities of state and local emergency responders, and may not be used to hire full or part time staff for these activities.

For more information on the authorized use of grant funds for increased security measures, please contact your ODP Preparedness Officer, or the ODP Helpline at (800) 368-6498 or askcsid@dhs.gov.