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Homeland Security Grant Formulas: A Comparison of Formula Provisions in S. 21 and H.R. 1544, 109th Congress

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Summary

In FY2005, Congress appropriated \$3.6 billion for state and local homeland security assistance programs. These homeland security assistance programs include the: State Homeland Security Grant Program (SHSGP); Urban Area Security Initiative (UASI); Law Enforcement Terrorism Prevention Program (LETPP); Citizen Corps Programs (CCP); Assistance to Firefighters (FIRE); and Emergency Management Performance Grants.

In the FY2005 DHS appropriations (P.L. 108-334), Congress directed DHS to allocate funding for SHSGP, LETPP, EMPG, and CCP in the same manner as the FY2004 allocations. The minimum allocations are based on the formula of 0.75% of total appropriations guaranteed to each state, 0.25% of total appropriations guaranteed to each U.S. territory, and the remainder of total appropriations are based on the states' population percentage of the total national population. The actual FY2005 minimum allocation, including SHSGP and LETPP, was \$11.25 million for each state and \$3.75 million for each territory. In the absence of statutes or congressional guidance, DHS, in FY2004, decided to allocate the remaining appropriations in direct proportion to the ratio of each states' population to the total national population.

UASI grants are the only DHS assistance that is distributed based on threat and risk factors. On May 3, 2003, former DHS Secretary Tom Ridge testified before the Senate Governmental Affairs Committee and stated that DHS uses risk and threat assessments, location of critical infrastructure, and population as factors in determining which metropolitan areas receive funding from UASI.

In August 2004, however, the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) questioned the way state and local homeland security assistance is allocated and argued that federal homeland security assistance should not "remain a program for general revenue sharing."

In the 109th Congress, a bill passed by the House (H.R. 1544, "Faster and Smarter Funding for First Responders Act of 2005") and a bill (S. 21, "Homeland Security Enhancement Act of 2005") passed as an amendment to the Senate reported H.R. 2360 (FY2006 Department of Homeland Security appropriations) propose to alter the formulas for allocating federal homeland security assistance to states and localities. Both bills propose that ODP use risk factors in determining state and locality homeland security assistance.

This CRS report summarizes and compares the two bills. Specifically, the report compares the sections in S. 21 and H.R. 1544 (**Table 2**), presents estimated guaranteed amounts each state would receive under the House and Senate formulas (**Table 3**), and a step-by-step process for distribution of federal homeland security assistance (**Appendix A and B**), as proposed by these two bills.

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Homeland Security Grant Formulas: A Comparison of Formula Provisions in S. 21 and H.R. 1544, 109th Congress

Introduction

In FY2005, Congress appropriated \$3.6 billion for state and local homeland security assistance programs.¹ These homeland security assistance programs include:

- the State Homeland Security Grant Program (SHSGP);
- the Urban Area Security Initiative (UASI);
- the Law Enforcement Terrorism Prevention Program (LETPP);
- the Citizen Corps Programs (CCP);
- Assistance to Firefighters (FIRE); and
- Emergency Management Performance Grants (EMPG).

In the FY2005 DHS appropriations (P.L. 108-334), Congress directed DHS to allocate funding for SHSGP, LETPP, EMPG, and CCP in the same manner as the FY2004 allocations. The minimum allocations are based on the formula of 0.75% of total appropriations guaranteed to each state, 0.25% of total appropriations guaranteed to each U.S. territory, and the remainder of total appropriations are based on the states' population percentage of the total national population.² The actual FY2005 minimum allocation, including SHSGP and LETPP, was \$11.25 million for each state and \$3.75 million for each territory. In the absence of statutory or other congressional guidance, DHS allocated the remaining appropriations for FY2004 in direct proportion to the ratio of each states' population to the total national population.³

FIRE grants are distributed based on individual fire department applications for funding. UASI grants are the only DHS assistance that is distributed based on threat and risk factors. On May 3, 2003, then- DHS Secretary Tom Ridge, testifying before the Senate Governmental Affairs Committee, said that DHS uses risk and threat assessments, location of critical infrastructure, and population as factors in determining which metropolitan areas receive funding from UASI.

¹ P.L. 108-334. FY2005 DHS appropriations by program area are shown in **Table 1**.

² P.L. 107-56, Sec. 1014, and P.L. 108-334 (FY2005 DHS appropriations).

³ U.S. Department of Homeland Security, Office for Domestic Preparedness, *Fiscal Year 2005 Homeland Security Grant Program: Program Guidelines and Application Kit*, (Washington: Nov. 2004), p. 1.

In August 2004, however, the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) criticized the way state and local homeland security assistance is allocated and argued that federal homeland security assistance should not “remain a program for general revenue sharing.”⁴ While acknowledging that “every state and city needs to have some minimum infrastructure for emergency response,” the 9/11 Commission recommended that state and local homeland security assistance should “supplement state and local resources based on the risks or vulnerabilities that merit additional support.” The Commission offered two high-risk, vulnerable cities as examples, saying, “Now, in 2004, Washington, D.C., and New York City are certainly at the top of any such list.”⁵

Table 1. FY2005 Appropriations for State and Local Homeland Security Assistance Programs
(All amounts in millions)

Assistance Program	FY2005 Appropriations
State Homeland Security Grant Program	\$1,100
Urban Area Security Initiative	\$1,200
<i>High-Threat, High-Risk Urban Areas</i>	<i>[\$860]</i>
<i>Port Security</i>	<i>[\$150]</i>
<i>Rail Security</i>	<i>[\$150]</i>
<i>Trucking Industry Security</i>	<i>[\$5]</i>
<i>Intra-City Bus Security</i>	<i>[\$10]</i>
<i>Non-Governmental Organization Security</i>	<i>[\$25]</i>
Law Enforcement Terrorism Prevention	\$400
Assistance to Firefighters	\$715
Emergency Management Performance Grants	\$180
Citizen Corps Programs	\$15

Source: P.L. 108-334 (FY2005 DHS appropriations).

⁴ National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, July 2004), p. 396.

⁵ Ibid.

Legislation in the 109th Congress

In the 109th Congress, one bill, passed by the House on May 13, 2005 (H.R. 1544, “Faster and Smarter Funding for First Responders Act of 2005”)⁶ and a bill (S. 21, “Homeland Security Enhancement Act of 2005”) passed as an amendment to the Senate reported H.R. 2360 (FY2006 Department of Homeland Security appropriations)⁷ propose to alter the formulas for allocating federal homeland security assistance to states and localities. Both bills propose that ODP use risk factors in determining state and locality homeland security assistance. Among the differences between the two bills are the following:

- S. 21 proposes a guaranteed funding base for each state;
- S. 21 proposes to establish a task force to assist the DHS Secretary establish essential terrorism preparedness capabilities;
- S. 21 proposes to authorize metropolitan communities to apply as a metropolitan region;
- S. 21 proposes an authorization of appropriations of \$2.9 billion in FY2006 and FY2007 for the covered grant programs;
- H.R. 1544 proposes to allocate funding to states based on threat and risk, however each state is guaranteed a minimum if it does not meet a specified threshold (0.25% or 0.45%) after funding is allocated by threat and risk factors;
- H.R. 1544 proposes to establish a task force to assist the DHS Secretary in updating, revising, or replacing essential first responder capabilities, and a First Responder Grant Board to evaluate and prioritize state homeland security assistance applications based on risk; and
- H.R. 1544 proposes a Government Accountability Office report on the inventory and status of homeland security first responder training.
- H.R. 1544 proposes a 25% state matching requirement.

This CRS report summarizes and compares the two bills. Specifically, the report compares the sections in S. 21 and H.R. 1544 (**Table 2**), presents estimated guaranteed amounts each state would receive under the House and Senate formulas

⁶ Reported by the House Homeland Security Committee on April 21, 2005 (H.Rept. 109-65).

⁷ Passed as an amendment to Senate reported H.R. 2360 on July 12, 2005.

(**Table 3**), and discusses a step-by-step process for distribution of federal homeland security assistance (**Appendix A and B**), as proposed by these two bills.

S. 21

S. 21, as reported, would combine SHSGP, LETTP, and UASI into a single grant program (Threat-Based Homeland Security Grant Program). Allocation of funding would be based on a sliding scale baseline or fixed minimum base, with remainder of funding distributed based on risk factors — up to 50% of the threat-based funding is to be distributed to high-threat, high-risk urban areas.⁸

Additionally, the bill proposes to establish an interagency committee to coordinate and streamline homeland security grant programs. The interagency committee would:

- consult with state and local governments and emergency responders regarding their homeland security needs and capabilities;
- advise the DHS Secretary on the development of homeland security performance measures;
- compile a list of homeland security assistance programs; and
- develop a proposal to coordinate the planning, reporting, application, and other guidance for federal homeland security assistance.⁹

The bill proposes to establish an information clearinghouse to assist states, localities, and first responders with homeland security grant information, technical assistance, best practices, and use of federal funds. The bill proposes to establish a task force to assist the DHS Secretary establish essential terrorism preparedness capabilities, and proposes to authorize metropolitan communities to apply as a metropolitan region.¹⁰ S. 21 proposes an authorization of appropriations of \$2.9 billion in FY2006 and FY2007 for the covered grant programs.¹¹

The bill would also authorize the DHS Secretary to deny entry into the United States to any commercial vehicle carrying solid waste, unless the DHS Secretary certified that the waste had been screened for chemical, nuclear, biological, and radiological weapons.¹² The DHS Secretary would also be required to support the development and update of national voluntary standards for emergency responder

⁸ S. 21, Sec. 4. See **Table 2** for specific information on the grant formula, and **Appendix A** for the step-by-step process for determining state minimum allocations.

⁹ S. 21, Sec. 2.

¹⁰ S. 21, Sec. 3.

¹¹ S. 21, Sec. 4.

¹² *Ibid.*

equipment¹³. Finally, the bill proposes the establishment of an International Border Community Interoperable Communications Demonstration Project.¹⁴

H.R. 1544

H.R. 1544, as passed by the House, would give the DHS Secretary discretionary authority to allocate total appropriations, based on the First Responder Grant Board's evaluation and prioritization (based on risk) of state homeland security assistance applications.¹⁵ Additionally, the bill would guarantee states at least 0.25% or 0.45% of total appropriations for the covered grants. States with a significant international border or adjoining a body of water through which an international boundary line extends would be deemed high-risk and receive at least 0.45% of total appropriations. The states without these high-risk criteria would receive at least 0.25% of total appropriations.¹⁶

H.R. 1544 proposes to establish a task force to assist the DHS Secretary in updating, revising, or replacing essential first responder capabilities, and a First Responder Grant Board to evaluate and prioritize state homeland security assistance applications based on risk.¹⁷

The bill would establish regional, state, and tribal homeland security assistance application standards. Additionally, the bill would establish accountability requirements and criteria for the use of homeland security assistance funds.¹⁸ States, two years after enactment of H.R. 1544, would be required to provide a 25% match of federal assistance funding. The DHS Secretary would also be required to support the development and update of national voluntary standards for emergency responder equipment.¹⁹ The bill would also require states to match 25% of federal funds.

Finally, the bill calls for a Government Accountability Office report on the inventory and status of homeland security first responder training.²⁰

¹³ Ibid.

¹⁴ S. 21, Sec. 5.

¹⁵ H.R. 1544, Sec. 3. See **Table 2** for specific information on the grant formula, and **Appendix B** for the step-by-step process for determining state allocations.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ H.R. 1544, Sec. 6.

Comparison of S. 21 and H.R. 1544 Grant Allocation Formulas

S. 21 proposes a guaranteed funding base to each state with remainder of funding allocated on risk criteria. H.R. 1544 proposes to allocate funding based on risk criteria, however, states are guaranteed at least 0.25% or 0.45% of total appropriations depending on location criteria.

The following tables compare the provisions of the bills that would alter the formula used in allocating funding to states and localities for homeland security assistance, and depict the estimated guaranteed amounts each state would be allocated under the bills. CRS is unable to determine individual states' threat and risk variables; thus **Table 3** depicts guaranteed amounts.

Table 2. Side-By-Side Comparison of S. 21 and H.R. 1544

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
Short Title	“Homeland Security Grant Enhancement Act of 2005” [Sec. 1]	N/A	“Faster and Smarter Funding for First Responder Act of 2005.” [Sec. 1]	N/A
Interagency Committee	Would require the DHS Secretary to establish an interagency committee to coordinate and streamline homeland security grants. The committee would be responsible for: providing findings to an information clearinghouse; consulting with state and local governments, and emergency responders regarding their needs and capabilities; advising the DHS Secretary on the development of performance measures; compiling a list of assistance programs; and developing a proposal to coordinate the planning, reporting, application, and other documents in homeland security assistance programs. [Sec. 2(a), §802]	Amends Title III of the Homeland Security Act (HSA) — 6 U.S.C. 361 et seq. — by inserting a new §802.	No provision.	N/A

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
Office for State and Local Government Coordination and Preparedness	<p>Would establish the Office for State and Local Government Coordination and Preparedness (OSLGCP,) which would be headed by an Executive Director (appointed by the President, by and with the advice and consent of the Senate). [Sec. 3(a), §801(a)]</p> <p>Would establish the Office for Domestic Preparedness (ODP) within OSLGCP. ODP would report to the OSLGCP Executive Director, and ODP would be responsible for managing the Homeland Security Information Clearinghouse. [Sec. 3(b)-(c), §803]</p>	<p>Amends Section 801(a) of the HSA.</p> <p>Amends Section 801(a) of the HSA by redesignating Section 430 of the HSA as Section 803.</p>	<p>No provision.</p> <p>No provision.</p>	N/A
Information Clearinghouse	<p>Would establish a Homeland Security Information Clearinghouse, which would assist states, local governments, and emergency responders in grant information, technical assistance, best practices, use of funds, and other information the DHS Secretary determines as necessary. [Sec. 3(d), §801(a)]</p>	<p>Amends Section 801(a) of the HSA.</p>	<p>No provision.</p>	N/A

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
Excluded Programs	Would exclude the following programs: Assistance to Firefighters Program(FIRE); Emergency Management Performance Grants (EMPG); Urban Search and Rescue Grants; Justice Assistance Grants (JAG); Community-Oriented Policing Service Grants (COPS); and Department of Health and Human Services (HHS) bioterrorism grants. [Sec. 4, §1802]	Amends the HSA by inserting a new Title XVIII, §1802.	Would exclude the following programs: FIRE; EMPG; Urban Search and Rescue Grants; and any other grant not administered by DHS. [Sec. 3, §1802(b)]	Amends the HSA by inserting a new Title XVIII, §1802.
Essential Capabilities	Would require the DHS Secretary to establish essential emergency responder capabilities, and establish a Task Force on Essential Capabilities to assist in the establishment of the capabilities. [Sec. 4, §1803]	Amends the HSA by inserting a new Title XVIII, §1803.	Would require the DHS Secretary to update, revise, or replace essential emergency responder capabilities, and establish a Task Force on Essential Capabilities to assist in the updating, revising, or replacing of the capabilities. [Sec. 3, §1805(a)]	Amends the HSA by inserting a new Title XVIII, §1805.
Covered Programs	Would establish a Threat-Based Homeland Security Grant Program (TBHSGP), which would include the State Homeland Security Grant Program (SHSGP), Law Enforcement Terrorism Prevention Program (LETTP), and Urban Area Security Initiative (UASI). [Sec. 4, §1804(a)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would include the following grant programs: SHSGP, LETPP, and UASI. [Sec. 3, §1802(a)]	Amends the HSA by inserting a new Title XVIII, §1802.

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
Section 1014, USA PATRIOT Act (P.L. 107-56)	Would propose the allocation of TBHSGP funding would satisfy the requirements of Sec. 1014, USA PATRIOT Act (P.L. 107-56). [Sec. 4, §1804(a)(3)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would propose the act would supercede Sec. 1014, USA PATRIOT Act (P.L. 107-56). [Sec. 4]	N/A
Authorized Use of Funds	Would authorize funds to be used for: developing state or regional plans; conducting risk assessments; mutual aid agreements; purchasing, upgrading, storing, and maintaining equipment; conducting exercises; paying for overtime related to training, and an increase in Homeland Security Advisory System (HSAS) alert level; conducting training; and conducting law enforcement terrorism prevention activities. [Sec. 4, §1804(b)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would authorize funds to be used for: purchasing and upgrading equipment; conducting exercises and training; developing and updating plans, risk assessments, and mutual aid agreements; establishing and enhancing terrorism threat information mechanisms; paying overtime related to training, an increase in HSAS alert level, travel to exercises, participation in exercises; purchasing classified information equipment; protecting critical infrastructure; purchasing interoperable communications equipment; developing first responder educational curricula; developing terrorism preparedness education for elementary and secondary schools; and funding law enforcement terrorism prevention activities. [Sec. 3, §1806(a)]	Amends the HSA by inserting a new Title XVIII, §1806.
Prohibited Use of Funds	Would not allow funds to be used for: construction and the acquisition of land. [Sec. 4, §1804(b)(3)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would not allow funds to be used for: construction, acquisition of land, and for state and local government cost share requirement. [Sec. 3, §1806(b)]	Amends the HSA by inserting a new Title XVIII, §1806.

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
Applicants	Would allow states, metropolitan regions to apply for funding. [Sec. 4, §1804(d)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would allow states, regions, and eligible tribes to apply for funding. [Sec. 3, §1803(a)]	Amends the HSA by inserting a new Title XVIII, §1803.
Homeland Security Plan	Would require states to submit a 3-year homeland security plan. [Sec. 4, §1804(e)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would require states to submit a 3-year homeland security plan. [Sec. 3, §1803(c)]	Amends the HSA by inserting a new Title XVIII, §1803.
Allocation of Guaranteed Funding	Would guarantee each state and DC 0.55% of the total appropriations; Puerto Rico is guaranteed 0.35%; and other specified U.S. possessions are guaranteed 0.055% of the total appropriations. Would also allow states to choose to accept an alternative guaranteed minimum amount based on a “sliding scale baseline allocation.” Additionally, would allocate the remainder of the funds not distributed by the sliding scale baseline allocation or the fixed minimum based on risk and threat, with up to 50% to be distributed to high-threat, high-risk urban areas, and the remainder by risk to states. [Sec. 4, §1804(f)(1)]	Amends the HSA by inserting a new Title XVIII, §1804.	<p>Would guarantee states at least 0.25% of total appropriated funding for the covered grant program. [Sec. 3, §1804(c)(5)(A)]</p> <p>Would guarantee at least 0.45% of total appropriated funding for the covered grant programs to states having a significant international border or adjoining a body of water through which an international boundary line extends. [Sec. 3, §1804(c)(5)(B)]</p> <p>Would guarantee U.S. possessions, territories, and eligible tribes (collectively) no less than 0.08% of total appropriated funding for the covered grant programs. [Sec. 3, §1804(c)(5)(C)-(D)]</p>	<p>Amends the HSA by inserting a new Title XVIII, §1804.</p> <p>Amends the HSA by inserting a new Title XVIII, §1804.</p> <p>Amends the HSA by inserting a new Title XVIII, §1804.</p>

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
<p>Allocation of Risk-Based Funding</p>	<p>Would allocate the risk-based portion of TBHSGP funds to major metropolitan regions with the following criteria: target of prior terrorist attack; had a higher Homeland Security Advisory System threat level than the nation as a whole; large population or high population density; high threat and risk related to critical infrastructure; international border or coastline; bordering at-risk sites or activities in a nearby jurisdiction; unmet essential first responder capabilities; and any other threat factors as determined by the DHS Secretary. [Sec.4, §1804(f)(2)]</p> <p>Would allocate the risk-based portion of TBHSGP funding to states according to the following criteria: target of prior terrorist attack within or in part of state; state has had a higher Homeland Security Advisory System Threat level than the nation as a whole; percent of state’s population residing in metropolitan statistical areas (as defined by the Office of Management and Budget); threat and risk related to critical infrastructure; international border or coastline; bordering at-risk sites or activities in a nearby jurisdiction; unmet essential first responder capabilities;</p>	<p>Amends the HSA by inserting a new Title XVIII, §1804.</p> <p>Amends the HSA by inserting a new Title XVIII, §1804.</p>	<p>Would allocate total appropriations based on DHS Secretary’s discretion (based on threat and risk) and the First Responder Grant Board’s evaluation and prioritization of homeland security assistance applications. [Sec. 3, §1803]</p>	<p>Amends the HSA by inserting a new Title XVIII, §1803.</p>

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
Pass Through Requirement	Would require states to pass through 80% of grant funds to local and tribal governments, and emergency responders within 60 days after receiving grant funding. [Sec. 4, §1804(f)(4)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would require states to pass through 80% of grant funds to localities within 45 days after receiving grant funding. [Sec. 3, §1806(g)(1)]	Amends the HSA by inserting a new Title XVIII, §1806.
Law Enforcement Terrorism Prevention Activities	Would authorize the DHS Secretary to designate no more than 25% of total funding for law enforcement terrorism prevention activities. [Sec. 4, §1804(f)(6)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would authorize covered grant funds to be used for law enforcement terrorism prevention activities. [Sec. 3, §1806(a)(14)]	Amends the HSA by inserting a new Title XVIII, §1806.
Report on Homeland Security Spending	Would require states and metropolitan regions to report homeland security spending annually to DHS. [Sec. 4, §1804(g)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would require grant recipients to submit an annual homeland security spending report to DHS not later than 60 days after the end of each fiscal year. [Sec. 3, §1806(g)(5)]	Amends the HSA by inserting a new Title XVIII, §1806.
Non-compliance	Would authorize the DHS Secretary to terminate funding, reduce funding, or limit use of funding to states and metropolitan regions if it is determined they failed to comply with any provision in the act. [Sec. 4, §1804(i)]	Amends the HSA by inserting a new Title XVIII, §1804.	Would authorize the DHS Secretary to terminate funding, reduce funding, or limit use of funding to grant recipients if it is determined they failed to comply with any provision in the act. [Sec. 3, §1806(h)]	Amends the HSA by inserting a new Title XVIII, §1806.
Authorization of Appropriations	Would authorize appropriations for TBHSGP at \$2.9 billion annually (FY2006 and FY2007) and such sums as necessary thereafter. [Sec. 4, §1804(k)]	Amends the HSA by inserting a new Title XVIII, §1804.	No provision.	N/A

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
Homeland Security Fraud, Waste, and Abuse	Would require the Comptroller General of the United States to conduct an annual audit of TBHSGP. [Sec. 4, §1805]	Amends the HSA by inserting a new Title XVIII, §1805.	No provision.	N/A
Unspent Homeland Security Funds	Would authorize the ODP Director to allow states to request approval to reallocate funds among the four categories of equipment, training, exercises, and planning. [Sec. 4, §1806]	Amends the HSA by inserting a new Title XVIII, §1806.	Would authorize the DHS Secretary to allow grantees to transfer all or part of funds from specified uses to other uses authorized by the act. [Sec. 3, §1806(f)]	Amends the HSA by inserting a new Title XVIII, §1806.
Equipment and Training Standards	Would require the DHS Secretary to support the development and update of voluntary consensus equipment and training standards. [Sec. 4, §1807]	Amends the HSA by inserting a new Title XVIII, §1807.	Would require the DHS Secretary to support the development and update of voluntary consensus equipment and training standards. [Sec. 3, §1807]	Amends the HSA by inserting a new Title XVIII, §1807.
Screening of Municipal Waste	Would require the Bureau of Customs and Border Protection to report to Congress on: whether the methodologies and technologies used by the bureau to screen for and detect chemical, nuclear, biological, and radiological weapons in municipal waste are effective; if the methodologies and technologies used to screen solid waste are less effective than those used to screen other commercial items; and what actions the bureau will take to achieve the same level of effectiveness in screening solid waste. [Sec. 4, §1808]	Amends the HSA by inserting a new Title XVIII, §1808.	No provision.	N/A

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
International Border Communications Demonstration Project	Would establish an International Border Community Interoperable Communications Demonstration Project. The project would address emergency responder communications needs and interoperable communications issues. Funds would be distributed at the discretion of the DHS Secretary, and such sums as necessary are authorized. [Sec. 5]	N/A	No provision.	N/A
Grants Board	No provision.	N/A	Proposes to establish a First Responder Grants Board to evaluate and prioritize state homeland security applications on the following risk criteria: “the variables of threat, vulnerability, and consequences with respect to the Nation’s population (including transient commuting and tourist populations) and critical infrastructure.” [Sec. 3, §1804(a)]	Amends the HSA by inserting a new Title XVIII, §1804.
Cost Sharing	No provision.	N/A	Would require states to provide 25% matching of funds allocated through the covered grant program. [Sec. 3, §1806(g)(2)]	Amends the HSA by inserting a new Title XVIII, §1806.
Office of Comptroller	No provision.	N/A	Would establish an Office of Comptroller to manage the grant distribution process. [Sec. 5]	N/A

Provision	S. 21	Changes to Current Statute	H.R. 1544	Changes to Current Statute
Homeland Security Training	No provision.	N/A	Would request a Government Accountability Office report on an inventory and status of homeland security first responder training. [Sec. 6]	

Table 3. S. 21 Guaranteed Base Allocations and H.R. 1544 Guaranteed Minimum Allocations^a
(All amounts in millions)

State	Census Bureau 2004 Population Estimate	S. 21 (Includes SHSGP, UASI, and LETP) ^b		H.R. 1544 (Includes SHSGP, UASI, and LETP) ^c	
		Fixed Minimum ^d	Choice Step ^e	0.25% ^f	0.45% ^g
Alabama	4,530,182	\$14.85	\$14.85	\$6.75	—
Alaska	655,435	\$14.85	\$14.85	—	\$12.15
Arizona	5,743,834	\$14.85	\$14.85	—	\$12.15
Arkansas	2,752,629	\$14.85	\$14.85	\$6.75	—
California	35,893,799	\$14.85	\$81.07	—	\$12.15
Colorado	4,601,403	\$14.85	\$14.85	\$6.75	—
Connecticut	3,503,604	\$14.85	\$19.46	\$6.75	—
Delaware	830,364	\$14.85	\$14.85	\$6.75	—
Florida	17,397,161	\$14.85	\$42.77	\$6.75	—
Georgia	8,829,383	\$14.85	\$21.52	\$6.75	—
Hawaii	1,262,840	\$14.85	\$14.85	\$6.75	—
Idaho	1,393,262	\$14.85	\$14.85	—	\$12.15
Illinois	12,713,634	\$14.85	\$31.14	\$6.75	—
Indiana	6,237,569	\$14.85	\$16.29	\$6.75	—
Iowa	2,954,451	\$14.85	\$14.85	\$6.75	—
Kansas	2,735,502	\$14.85	\$14.85	\$6.75	—
Kentucky	4,145,922	\$14.85	\$14.85	\$6.75	—
Louisiana	4,515,770	\$14.85	\$14.85	\$6.75	—
Maine	1,317,253	\$14.85	\$14.85	—	\$12.15
Maryland	5,558,058	\$14.85	\$21.33	\$6.75	—
Massachusetts	6,416,505	\$14.85	\$27.30	\$6.75	—
Michigan	10,112,620	\$14.85	\$24.70	—	\$12.15
Minnesota	5,100,958	\$14.85	\$14.85	—	\$12.15
Mississippi	2,902,966	\$14.85	\$14.85	\$6.75	—
Missouri	5,754,618	\$14.85	\$14.85	\$6.75	—
Montana	926,865	\$14.85	\$14.85	—	\$12.15
Nebraska	1,747,214	\$14.85	\$14.85	\$6.75	—
Nevada	2,334,771	\$14.85	\$14.85	\$6.75	—
New Hampshire	1,299,500	\$14.85	\$14.85	—	\$12.15

State	Census Bureau 2004 Population Estimate	S. 21 (Includes SHSGP, UASI, and LETPP) ^b		H.R. 1544 (Includes SHSGP, UASI, and LETTP) ^c	
		Fixed Minimum ^d	Choice Step ^e	0.25% ^f	0.45% ^g
New Jersey	8,698,879	\$14.85	\$38.05	\$6.75	—
New Mexico	1,903,289	\$14.85	\$14.85	—	\$12.15
New York	19,227,088	\$14.85	\$48.10	—	\$12.15
North Carolina	8,541,221	\$14.85	\$21.28	\$6.75	—
North Dakota	634,366	\$14.85	\$14.85	—	\$12.15
Ohio	11,459,011	\$14.85	\$29.28	—	\$12.15
Oklahoma	3,523,553	\$14.85	\$14.85	\$6.75	—
Oregon	3,594,586	\$14.85	\$14.85	\$6.75	—
Pennsylvania	12,406,292	\$14.85	\$31.27	—	\$12.15
Rhode Island	1,080,632	\$14.85	\$19.36	\$6.75	—
South Carolina	4,198,068	\$14.85	\$14.85	\$6.75	—
South Dakota	770,883	\$14.85	\$14.85	\$6.75	—
Tennessee	5,900,962	\$14.85	\$15.06	\$6.75	—
Texas	22,490,022	\$14.85	\$49.83	—	\$12.15
Utah	2,389,039	\$14.85	\$14.85	\$6.75	—
Vermont	621,394	\$14.85	\$14.85	—	\$12.15
Virginia	7,459,827	\$14.85	\$19.16	\$6.75	—
Washington	6,203,788	\$14.85	\$14.85	—	\$12.15
West Virginia	1,815,354	\$14.85	\$14.85	\$6.75	—
Wisconsin	5,509,026	\$14.85	\$14.85	—	\$12.15
Wyoming	506,529	\$14.85	\$14.85	\$6.75	—
DC+NCR	553,523	\$14.85	\$14.85	\$6.75	—
Puerto Rico	3,894,855	\$9.45	\$9.45	\$6.75	—
U.S. Virgin Islands	108,612	\$1.49	\$1.49	\$2.16	—
Guam	154,805	\$1.49	\$1.49	\$2.16	—
American Samoa	57,291	\$1.49	\$1.49	\$2.16	—
Northern Marianas	69,221	\$1.49	\$1.49	\$2.16	—
Total	297,940,188	\$772.74	\$1,062.44	\$238.14	\$206.55

- a. In the FY2005 DHS appropriations (P.L. 108-334), Congress appropriated \$1,100 million for SHSGP and \$400 million for LETPP. SHSGP and LETPP were distributed to states based on a guaranteed minimum base of 0.75% of total appropriations for the programs. Actual FY2005 minimum allocation, including SHSGP and LETPP, was \$11.25 million for States and \$3.75 million for territories.
- b. S. 21, Sec. 4 consolidates SHSGP, UASI, and LETPP into a single program — TBHSGP. In the FY2005 DHS appropriations, Congress appropriated \$1,100 for SHSGP, \$1,200 million for UASI, and \$400 million for LETPP.
- c. H.R. 1544, Sec. 3 does not consolidate SHSGP, UASI, and LETPP into a single covered grant.
- d. States and D.C. receive 0.55% of TBHSGP; Puerto Rico receives 0.35%; and other U.S. territories and possessions receive 0.055% of total appropriations.
- e. States choose to receive either the sliding scale baseline minimum (explained in Appendix A) or the 0.55% minimum.
- f. 0.25% is not a base, but an amount a state is guaranteed if it does not have a “significant international border” or does not border on a body of water through which an international boundary runs. H.R. 1544 authorizes DHS to determine what constitutes a “significant international border.”
- g. 0.45% is not a base, but an amount a state is guaranteed if it has a “significant international border” or borders on a body of water through which an international boundary runs. H.R. 1544 authorizes DHS to determine what constitutes a “significant international border.”

Appendix A: Grant Allocation Method in S. 21²¹

S. 21 establishes a “threat-based state homeland security grant program,” which includes the State Homeland Security Grant Program, and the Law Enforcement Terrorism Prevention Program. Additionally, it includes discretionary grants for state and local programs administered by the DHS Office of State and Local Government Coordination and Preparedness (including the Urban Area Security Initiative (UASI) program) provided in §1804(B).

Estimates of the minimum amounts that would be available to qualifying jurisdictions as provided by the S. 21, are based on the following assumptions. Although § 1804(k) authorizes a total of \$2.925 billion, our analysis uses \$2.700 billion (the FY2005 appropriation for these programs). S. 21 includes a guaranteed minimum, and a risk-based funding for covered jurisdictions.

Guaranteed Funding. Funds are divided among the states, the District of Columbia (DC), and specified U.S. possessions as follows: Each state and DC, is entitled to 0.55% of the total appropriation; Puerto Rico gets 0.35%, and other specified U.S. territories and possessions receive 0.055% of the total.

Risk-based Funding. States are entitled to choose to accept an alternative to the guaranteed minimum amount which is based on a “sliding scale baseline allocation” (§ 1801(7)), which is calculated by multiplying 0.001 times:

(A) the value of a state’s population relative to that of the most populous of the 50 states, where the population of the 50 states has been normalized to a maximum value of 100; and

(B) one-fourth of the value of a state’s population density relative to that of the most densely populated of the 50 states, where the population density of the 50 states has been normalized to a maximum value of 100.

These two indexes are added into a single number X 28.62% of the total appropriation (the sum of the fixed guaranteed minimums: 51 X 0.55% (the states plus DC), plus, 0.35% (Puerto Rico), and 4 X 0.055% (U.S. Virgin Islands, Guam, American Samoa, and Northern Marianas)). Jurisdictions can compare the funding provided by the different methods and choose the higher amount.

The remainder of the funds not distributed by the sliding scale baseline allocation or the fixed minimum are distributed in the threat-based portion, with up to 50% to be distributed to high-threat urban areas (the UASI program), and the remainder by risk to states.

S. 21 Minimum Allocations, Step-by-Step. The following narrative and table 1 represents CRS’s understanding of how an administrator in the Department of Homeland Security might create a “guaranteed minimum” funding allocation table

²¹ This information provided by David Huchabee, Specialist in American National Government, Government and Finance Division.

for jurisdictions entitled to funding according to §1804(A), (B) of S. 21. As noted above, jurisdictions are entitled to funding under the sliding scale baseline allocation formula, or the fixed minimum calculation.

Sliding Scale Minimum Steps

- **Step 1.** “Normalize” population figures and population density to 100 by setting the most populous, and most population-dense state to 100 and index other states to those values. This is done by dividing each jurisdiction’s population (or density) by the state with the largest population (or density), and then multiplying the resulting quotient by 100.
- **Step 2.** Using the two step 1 indexes, create a combined multiplier for each state by adding the normalized population index to one fourth of the population density index and multiply the resulting sum by 0.001.
- **Step 3.** To compute the sliding scale minimum allocation, multiply each state’s multiplier from step 3 times 28.62% of total authorization amount (\$2.700 billion in this example).

Fixed Minimum Step

- **Step 4.** States and DC receive 0.55% of Threat-Based Homeland Security Grant Program; Puerto Rico receives 0.35%; and other U.S. territories and possessions receive 0.055% of total appropriations.

Choice Step

- States choose to receive either the sliding scale baseline minimum from step 3, or the fixed minimum from step 4.

Table 4 shows minimum funding levels for each covered jurisdiction based on a total FY2005 appropriation of \$2,700 million for SHSGP, UASI, and LETPP.

Table 4. S. 21: Guaranteed Minimums Assuming a \$2,700 Million Appropriation for SHSGP, UASI, and LETPP
(All amounts in millions)

					Sliding scale baseline allocation calculation:				4. Fixed minimum: States and DC receive 0.55% of threat-based homeland security grant program; PR gets 0.35%; and others receive 0.055% of total appropriation	5. Choice step: States choose to receive either the sliding scale baseline minimum, or the 0.55% minimum. (\$1,062.44 million distributed by this step.) ^c
Census Bureau 2004 population estimate					1. “Normalize” pop. and pop. density to 100 by setting most populous, and most pop. dense state to 100 and index other states to those values	2. Using the two step 1 indexes, create a combined multiplier for each state by adding the normalized pop. index to 1/4th of the pop. density index and multiplying the resulting sum by 0.001.	3. Sliding scale min. allocation: multiply each state’s multiplier from step 3 times 28.62% of total appropriation amount			
Jurisdiction	Population	Pro-portion of total pop. ^a	Land area	Population density	Normalized population index	Normalized pop. density index				
Alabama	4,530,182	0.02	50,744.00	89.28	12.62	7.61	0.01452	11.22	14.85	14.85
Alaska	655,435	0.00	571,951.26	1.15	1.83	0.10	0.00185	1.43	14.85	14.85
Arizona	5,743,834	0.02	113,634.57	50.55	16.00	4.31	0.01708	13.20	14.85	14.85
Arkansas	2,752,629	0.01	52,068.17	52.87	7.67	4.51	0.00880	6.80	14.85	14.85
California	35,893,799	0.12	155,959.34	230.15	100.00	19.62	0.10491	81.07	14.85	81.07
Colorado	4,601,403	0.02	103,717.53	44.36	12.82	3.78	0.01377	10.64	14.85	14.85
Connecticut	3,503,604	0.01	4,844.80	723.17	9.76	61.66	0.02518	19.46	14.85	19.46
Delaware	830,364	0.00	1,953.56	425.05	2.31	36.24	0.01137	8.79	14.85	14.85
Florida	17,397,161	0.06	53,926.82	322.61	48.47	27.51	0.05535	42.77	14.85	42.77
Georgia	8,829,383	0.03	57,906.14	152.48	24.60	13.00	0.02785	21.52	14.85	21.52
Hawaii	1,262,840	0.00	6,422.62	196.62	3.52	16.77	0.00771	5.96	14.85	14.85
Idaho	1,393,262	0.00	82,747.21	16.84	3.88	1.44	0.00424	3.28	14.85	14.85
Illinois	12,713,634	0.04	55,583.58	228.73	35.42	19.50	0.04030	31.14	14.85	31.14
Indiana	6,237,569	0.02	35,866.90	173.91	17.38	14.83	0.02109	16.29	14.85	16.29
Iowa	2,954,451	0.01	55,869.36	52.88	8.23	4.51	0.00936	7.23	14.85	14.85
Kansas	2,735,502	0.01	81,814.88	33.44	7.62	2.85	0.00833	6.44	14.85	14.85
Kentucky	4,145,922	0.01	39,728.18	104.36	11.55	8.90	0.01378	10.64	14.85	14.85
Louisiana	4,515,770	0.02	43,561.85	103.66	12.58	8.84	0.01479	11.43	14.85	14.85

					Sliding scale baseline allocation calculation:				4. Fixed minimum: States and DC receive 0.55% of threat-based homeland security grant program; PR gets 0.35%; and others receive 0.055% of total appropriation	5. Choice step: States choose to receive either the sliding scale baseline minimum, or the 0.55% minimum. (\$1,062.44 million distributed by this step.) ^c
Census Bureau 2004 population estimate					1. "Normalize" pop. and pop. density to 100 by setting most populous, and most pop. dense state to 100 and index other states to those values	2. Using the two step 1 indexes, create a combined multiplier for each state by adding the normalized pop. index to 1/4th of the pop. density index and multiplying the resulting sum by 0.001.	3. Sliding scale min. allocation: multiply each state's multiplier from step 3 times 28.62% of total appropriation amount			
Jurisdiction	Population	Pro-portion of total pop. ^a	Land area	Population density	Normalized population index	Normalized pop. density index				
Maine	1,317,253	0.00	30,861.55	42.68	3.67	3.64	0.00458	3.54	14.85	14.85
Maryland	5,558,058	0.02	9,773.82	568.67	15.48	48.49	0.02761	21.33	14.85	21.33
Massachusetts	6,416,505	0.02	7,840.02	818.43	17.88	69.79	0.03532	27.30	14.85	27.30
Michigan	10,112,620	0.03	56,803.82	178.03	28.17	15.18	0.03197	24.70	14.85	24.70
Minnesota	5,100,958	0.02	79,610.08	64.07	14.21	5.46	0.01558	12.04	14.85	14.85
Mississippi	2,902,966	0.01	46,906.96	61.89	8.09	5.28	0.00941	7.27	14.85	14.85
Missouri	5,754,618	0.02	68,885.93	83.54	16.03	7.12	0.01781	13.76	14.85	14.85
Montana	926,865	0.00	145,552.43	6.37	2.58	0.54	0.00272	2.10	14.85	14.85
Nebraska	1,747,214	0.01	76,872.41	22.73	4.87	1.94	0.00535	4.14	14.85	14.85
Nevada	2,334,771	0.01	109,825.99	21.26	6.50	1.81	0.00696	5.38	14.85	14.85
New Hampshire	1,299,500	0.00	8,968.10	144.90	3.62	12.36	0.00671	5.18	14.85	14.85
New Jersey	8,698,879	0.03	7,417.34	1,172.78	24.24	100.00	0.04924	38.05	14.85	38.05
New Mexico	1,903,289	0.01	121,355.53	15.68	5.30	1.34	0.00564	4.36	14.85	14.85
New York	19,227,088	0.06	47,213.79	407.23	53.57	34.72	0.06225	48.10	14.85	48.10
North Carolina	8,541,221	0.03	48,710.88	175.35	23.80	14.95	0.02753	21.28	14.85	21.28
North Dakota	634,366	0.00	68,975.93	9.20	1.77	0.78	0.00196	1.52	14.85	14.85
Ohio	11,459,011	0.04	40,948.38	279.84	31.92	23.86	0.03789	29.28	14.85	29.28
Oklahoma	3,523,553	0.01	68,667.06	51.31	9.82	4.38	0.01091	8.43	14.85	14.85
Oregon	3,594,586	0.01	95,996.79	37.44	10.01	3.19	0.01081	8.36	14.85	14.85
Pennsylvania	12,406,292	0.04	44,816.61	276.82	34.56	23.60	0.04046	31.27	14.85	31.27
Rhode Island	1,080,632	0.00	1,044.93	1,034.17	3.01	88.18	0.02506	19.36	14.85	19.36
South Carolina	4,198,068	0.01	30,109.47	139.43	11.70	11.89	0.01467	11.33	14.85	14.85

					Sliding scale baseline allocation calculation:				4. Fixed minimum: States and DC receive 0.55% of threat-based homeland security grant program; PR gets 0.35%; and others receive 0.055% of total appropriation	5. Choice step: States choose to receive either the sliding scale baseline minimum, or the 0.55% minimum. (\$1,062.44 million distributed by this step.) ^c
Census Bureau 2004 population estimate					1. “Normalize” pop. and pop. density to 100 by setting most populous, and most pop. dense state to 100 and index other states to those values	2. Using the two step 1 indexes, create a combined multiplier for each state by adding the normalized pop. index to 1/4th of the pop. density index and multiplying the resulting sum by 0.001.	3. Sliding scale min. allocation: multiply each state’s multiplier from step 3 times 28.62% of total appropriation amount			
Jurisdiction	Population	Pro-portion of total pop. ^a	Land area	Population density	Normalized population index	Normalized pop. density index				
South Dakota	770,883	0.00	75,884.64	10.16	2.15	0.87	0.00236	1.83	14.85	14.85
Tennessee	5,900,962	0.02	41,217.12	143.17	16.44	12.21	0.01949	15.06	14.85	15.06
Texas	22,490,022	0.08	261,797.12	85.91	62.66	7.33	0.06449	49.83	14.85	49.83
Utah	2,389,039	0.01	82,143.65	29.08	6.66	2.48	0.00728	5.62	14.85	14.85
Vermont	621,394	0.00	9,249.56	67.18	1.73	5.73	0.00316	2.44	14.85	14.85
Virginia	7,459,827	0.03	39,594.07	188.41	20.78	16.07	0.02480	19.16	14.85	19.16
Washington	6,203,788	0.02	66,544.06	93.23	17.28	7.95	0.01927	14.89	14.85	14.89
West Virginia	1,815,354	0.01	24,077.73	75.40	5.06	6.43	0.00666	5.15	14.85	14.85
Wisconsin	5,509,026	0.02	54,310.10	101.44	15.35	8.65	0.01751	13.53	14.85	14.85
Wyoming	506,529	0.00	97,100.40	5.22	1.41	0.44	0.00152	1.18	14.85	14.85
DC+NCR ^b	553,523	0.00	N/A	N/A	N/A	N/A	N/A	0.00	14.85	14.85
Puerto Rico	3,894,855	0.01	N/A	N/A	N/A	N/A	N/A	0.00	9.45	9.45
U.S. Virgin Islands	108,612	0.00	N/A	N/A	N/A	N/A	N/A	N/A	1.49	1.49
Guam	154,805	0.00	N/A	N/A	N/A	N/A	N/A	N/A	1.49	1.49
American Samoa	57,291	0.00	N/A	N/A	N/A	N/A	N/A	N/A	1.49	1.49
Northern Marianas	69,221	0.00	N/A	N/A	N/A	N/A	N/A	N/A	1.49	1.49
Total	297,940,188	1.000						786.06	772.74	1,062.44

a. For display purposes, only two decimal places are shown in this column and the figures have been rounded. Calculations based on these proportions use unrounded figures, thus small jurisdictions that are displayed as “0.00” are larger than zero.

b. Urban Area Security Initiative (UASI) figures for the District of Columbia include funds for the National Capital Region (NCR) which comprises DC; the Maryland counties of Montgomery and Prince Georges; and the Virginia counties of Arlington, Fairfax, Prince William, and Loudon; and the Virginia cities of Alexandria, Falls Church, Manassas, and Manassas Park.

c. Remaining funds(\$1637.56 million in this example) are allocated by threat: up to half of the remaining funds are distributed through the UASI program; the rest by threat after considering specified threat criteria.

Appendix B: Grant Allocation Method in H.R. 1544

The following discussion demonstrates how the grant allocation method in H.R. 1544 would allocate federal homeland security assistance to states.

- **Step 1.** The DHS Secretary, with the assistance of a state and local responder task force, would update, revise, or replace essential capabilities for first responders' terrorism preparedness. The essential capabilities would be based on variables of threat, vulnerability, and consequences with respect to the nation's population (including transient, commuting, and tourist populations) and critical infrastructure.
- **Step 2.** The First Responder Grants Board would evaluate and prioritize state homeland security assistance applications based on the degree to which they would achieve, maintain, or enhance the essential capabilities of first responders. Additionally, the applications would be evaluated and prioritized on the extent to which an application lessened the threat to, vulnerability of, and consequences for, persons and critical infrastructure. Greater weight would be given to applications based on threats of terrorism that were specific and credible, including patterns of repetition.
- **Step 3.** Appropriations would be distributed based on the DHS Secretary's discretion and the First Responder Grants Board's evaluation and prioritization (based on risk) of homeland security assistance applications.
- **Step 4.** States without a significant international border²² and not adjoining a body of water through which an international boundary line extends would receive at least 0.25% of the total appropriations. Assuming a total of \$2,700 million, this amount would be \$6.75 million.
- **Step 5.** States with a significant international border or adjoining a body of water through which an international boundary line extends would receive at least 0.45% of the total appropriations. Assuming a total of \$2,700 million, this amount would be \$12.15 million.
- **Step 6.** The U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands would receive at least 0.08% of total appropriations. Assuming a total of \$2,700 million, the amount would be \$2.16 million.

State amounts are shown in **Table 3** of this report.

²² H.R. 1544 proposes to authorize DHS to determine what is a "significant international border."