

CRS Report for Congress

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FY2006 Appropriations for State and Local Homeland Security

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Summary

In the FY2006 budget request, the Administration proposes roughly \$3.36 billion for state and local homeland security assistance programs. This is \$250 million less than these programs were appropriated in FY2005 (\$3.61 billion). The Administration proposes to combine the Law Enforcement Terrorism Prevention Program (appropriated \$400 million) with the State Homeland Security Grant Program and the Urban Area Security Initiative. It also arguably proposes to transfer five Urban Area Security Initiative sub-grants (rail, port, intercity bus, trucking industry, and non-governmental security grants) to a new Targeted Infrastructure Protection Program. Additionally, the Administration proposes to change the current formula used to allocate State Homeland Security Grant Program funds to states and localities. House passed H.R. 2360 proposes \$3.19 billion for state and local homeland security assistance programs, \$425 million less than these programs were appropriated in FY2005. Senate passed H.R. 2360 proposes \$3.01 billion for state and local homeland security assistance programs, \$507 million less than these programs were appropriated in FY2005. This report discusses these changes.

The report will be updated as circumstances warrant.

This report is a preliminary overview of the Administration's FY2006 budget request and Congress' proposed appropriations for selected programs of homeland security assistance to state and local first responders: firefighters, emergency medical personnel, law enforcement officers, etc. The report also describes proposed changes in the administrative arrangements through which this homeland security assistance would be allocated to state and local governments.

The report does not cover public safety and preparedness assistance programs.¹ It covers only programs that are intended to help state and local recipients enhance their preparedness for terrorist attacks and that are administered by the Office for Domestic Preparedness (ODP), within the Office for State and Local Government Coordination and Preparedness (SLGCP):

- State Homeland Security Grant Program (SHSGP);
- Targeted Infrastructure Protection Program (TIPP) — a new proposal;
- Urban Area Security Initiative (UASI);
- Assistance to Firefighters (FIRE);
- Emergency Management Performance Grants (EMPG); and
- Citizen Corps Programs (CCP).

Although these programs are not the only federal homeland security assistance available to state and local governments, their aggregate FY2005 appropriation of roughly \$3.59 billion suggests the level of importance Congress has assigned to enhancing the preparedness of state and local first responders to deal with terrorist attacks.

Administrative Changes. The Administration's budget request proposes to make the following changes to the federal homeland security assistance administered by ODP:

(1) merging the Law Enforcement Terrorism Prevention Program (LETTP) activities into the State Homeland Security Grant Program and the Urban Area Security Initiative, however the House does not agree with the merge and proposes to appropriate \$400 million for LETTP;

(2) transferring five Urban Area Security Initiative (UASI) sub-grants to a new Targeted Infrastructure Protection Program (TIPP); the House does not propose a new TIPP, it proposes to appropriate funding for infrastructure protection through UASI; and

(3) changing the formula used to allocate State Homeland Security Grant Program funds to states and localities, and the House proposes changing the formula.

Law Enforcement Terrorism Prevention. In the FY2006 budget request, the Administration provides no line item funding for the Law Enforcement Terrorism Prevention Program (LETTP). It proposes, however, to direct states and localities to allocate no less than 20% of State Homeland Security Grant Program (SHSGP) and Urban Area Security Initiative (UASI) funding for LETTP activities.² Apparently, this is a reduction in funding for both of these grant programs.

In FY2005, Congress appropriated \$1.1 billion for SHSGP, and states and localities were authorized to use this funding for homeland security equipment, training, exercises,

¹ Programs not covered include general assistance grant programs that are authorized for a broad range of public safety activities, such as the Local Law Enforcement Block Grant, the Byrne Memorial Formula Grant, and Community-Oriented Policing Services. Nor does this report track appropriations for bioterrorism preparedness and National Guard funding.

² U.S. Office of Management and Budget, *Fiscal Year 2006 Budget for the United States Government* (Washington: GPO, Feb. 2005), Appendix, p. 478.

and planning.³ By requiring states and localities to allocate no less than 20% (\$204 million) of the FY2006 budget request amount of \$1.02 billion for SHSGP for LETPP activities, the Administration proposes that ODP allocate \$816 million to states and localities for homeland security equipment, training, exercises, and planning. This is \$284 million less than the FY2005 appropriated amount for SHSGP. In FY2005, Congress appropriated \$860 million for UASI high-threat, high-risk urban areas for homeland security equipment, training, exercises, and planning.⁴ By requiring high-threat, high-risk urban areas to allocate no less than 20% (\$204 million) of the FY2006 budget request amount of \$1.02 billion for UASI for LETPP activities, the Administration proposes that ODP allocate \$816 million to high-threat, high-risk urban areas for homeland security equipment, training, exercises, and planning. This is \$44 million less than the FY2005 appropriated amount for UASI.

H.R. 2360, passed by the House on May 17, 2005, does not propose to merge LETPP activities with SHSGP and UASI. It proposes to keep LETPP a separate program and proposes an appropriation of \$400 million for FY2006.⁵ Senate passed H.R. 2360 also proposes \$400 million for LETPP in FY2006.⁶

Targeted Infrastructure Protection. The Administration proposes the establishment of a new state and local homeland security assistance program, the Targeted Infrastructure Protection Program (TIPP), and requests \$600 million for the program. TIPP would provide funding to enhance the security of port, transit systems, and other infrastructure, as determined by the DHS Secretary. Part of the TIPP funds — \$50 million — would be used for implementing buffer zone protection plans.⁷

Because the Administration did not request funding for port, rail, intercity bus, trucking industry, and non-governmental organization security programs in the FY2006 budget request, one could argue that TIPP is intended to replace these UASI sub-grants. TIPP would allow the DHS Secretary to determine which states and localities would receive funding for targeted infrastructure protection.

House passed H.R. 2360 does not propose a new targeted infrastructure program, instead it proposes to fund infrastructure security in a similar manner as in FY2005; as part of UASI program activities. H.R. 2360 proposes to appropriate \$365 million for infrastructure protection to be allocated from the \$1.215 billion proposed for UASI.⁸ Senate passed H.R. 2360 proposes a new infrastructure and transportation security grant program, \$365 million, separate from UASI.⁹

³ P.L. 108-334 (FY2005 DHS appropriations).

⁴ Ibid.

⁵ House passed H.R. 2360, Title III.

⁶ Senate passed H.R. 2360, Title III.

⁷ *Fiscal Year 2006 Budget for the United States Government*, Appendix, p. 478.

⁸ House passed H.R. 2360, Title III.

⁹ Senate passed H.R. 2360, Title III.

Proposed Formula Changes.¹⁰ The Administration proposes to change the formula for ODP's State Homeland Security Grant Program (SHSGP). The FY2006 budget request proposes \$1.02 billion for SHSGP to be allocated based on risks, threats, vulnerabilities, and unmet first responder capabilities, provided each state and territory is allocated no less than 0.25% of total funds appropriated for this program. Additionally, the Administration does not request funding for the Law Enforcement Terrorism Prevention Program (LETPP), but it proposes that 20% of SHSGP and UASI funding be used for LETPP activities.¹¹

Citizen Corps Programs (CCP), and the Emergency Management Performance Grants (EMPG) would continue to be allocated based on Section 1014 of the USA PATRIOT Act (P.L. 107-56), which guarantees each state a minimum of 0.75% of total appropriated funds for these programs.¹² There is no proposed formula change for UASI, except that 20% of total appropriations would be used for law enforcement terrorism prevention activities. Additionally, there is no proposed formula change for the Assistance to Firefighters Program (FIRE); however, the Administration proposes that FIRE applications to enhance terrorism response capabilities be given priority.¹³

The report accompanying the House passed H.R. 2360 (H.Rept. 109-79) directs ODP to allocate funding to states based on Section 1014 of the USA PATRIOT Act (P.L. 107-56), however, the remainder of total appropriations is to be allocated on ODP assessed threats and risks to states. It also requires ODP to brief Congress on the state threat and risk assessments, and the process of determining unmet state preparedness needs.¹⁴

The Collins-Lieberman Amendment (S.A. 1142), passed by the Senate on July 12, 2005, to the Senate passed H.R. 2360 would allow states, and U.S. possessions and territories to select either of two options that yields the highest funding level. First, funds would be divided among the states, the District of Columbia (DC), and U.S. possessions and territories as follows: states and DC would receive 0.55%, and Puerto Rico and specified U.S. possessions and territories 0.055%, for a total of 28.62%. Second, states could alternatively choose to receive an amount based on a "sliding scale baseline allocation" calculated by multiplying 0.001 times (1) a state's population ratio and (2) a state's population density ratio.¹⁵ After the "base" funds are distributed, the remainder would be distributed through the risk assessment process, with a maximum of 50% to be distributed to high-threat urban areas, and the remainder to the states.

¹⁰ At this time, four bills have been introduced in the 109th Congress that propose to change the formula that allocates federal homeland security assistance to states and localities: H.R. 91; H.R. 228; S. 21; and S. 140.

¹¹ *Fiscal Year 2006 Budget for the United States Government*, Appendix, p. 478.

¹² *Ibid.*

¹³ *Ibid.*, p. 480.

¹⁴ H.Rept. 109-79, H.R. 2360.

¹⁵ Section 1801(7) of S.A. 1142 sets out the alternatives as follows: (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.

Table 1. FY2005 Appropriations and FY2006 Budget Request for State and Local Homeland Security Assistance

(All amounts in millions)

SLGCP Program	FY2005 App.	FY2006 Budget Request	FY2006 Passed by House	FY2006 Passed by Senate
State and Local Assistance Grants	—	—	—	\$1,518 ^A
State Homeland Security Grant Program	\$1,100	\$1,020 ^B	\$750	—
<i>Equipment, training, exercises, planning</i>	<i>[\$1,100]</i>	<i>[\$816]</i>	<i>[\$750]</i>	—
<i>Law enforcement terrorism prevention</i>	—	<i>[\$204]</i>	—	—
Targeted Infrastructure Protection	—	\$600 ^C	—	\$365 ^D
Urban Area Security Initiative	\$1,200	\$1,020	\$1,215	—
<i>High-threat, high-risk urban areas (equipment, training, exercises, planning)</i>	<i>[\$860]</i>	<i>[\$816]</i>	<i>[\$850]</i>	—
<i>High-threat, high-risk urban areas (law enforcement terrorism prevention)</i>	—	<i>[\$204]</i>	—	—
<i>Port Security</i>	<i>[\$150]</i>	—	<i>[\$150]</i>	—
<i>Rail Security</i>	<i>[\$150]</i>	—	<i>[\$150]</i>	—
<i>Trucking Industry Security</i>	<i>[\$5]</i>	—	<i>[\$5]</i>	—
<i>Intercity Bus Security</i>	<i>[\$10]</i>	—	<i>[\$10]</i>	—
<i>Non-governmental Organizations Security</i>	<i>[\$25]</i>	—	—	—
<i>Buffer Zone Protection</i>	—	—	<i>[\$50]</i>	—
Law Enforcement Terrorism Prevention	\$400	<i>[\$408]^F</i>	\$400	\$400
Assistance to Firefighters	\$715	\$500	\$600	\$615
Emergency Management Performance Grants	\$180	\$170 ^G	\$180	\$180
Citizen Corps	\$15	\$50 ^H	\$40	\$25
State and Local Homeland Security Total	\$3,610	\$3,360	\$3,185	\$3,103

Source: P.L. 108-334 (FY2005 DHS appropriations); U.S. Office of Management and Budget, *Fiscal Year 2006 Budget of the United States Government* (Washington: GPO, Feb. 2005), Appendix, pp. 478-480; and H.R. 2360 (FY2006 DHS appropriations).

A. Senate passed H.R. 2360 proposes \$1.518 billion for “state and local assistance grants,” however, it does not specify amounts for the State Homeland Security Grant Program or the Urban Area Security Initiative.

B. This amount to be allocated on risks, threats, vulnerabilities, and unmet first responder capabilities as determined by the DHS Secretary, provided that each state and territory receives no less than 0.25% of funds appropriated for this program. Additionally, 20% of this amount is to be used for law enforcement terrorism prevention activities.

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C. This amount to be allocated at the discretion of the DHS Secretary and is for assistance in securing ports, transit systems, and other infrastructure determined by the DHS Secretary. Additionally, \$50 million is to be used for buffer zone protection plans.

D. This amount includes \$200 million for port security grants; \$100 million for rail and transit security grants; \$50 million for buffer zone protection; \$10 million for intercity bus security; and \$5 million for trucking industry security.

E. This amount to be allocated to high-threat, high-risk urban areas at the discretion of the DHS Secretary based on risks, threats, vulnerabilities, and unmet first responder capabilities.

F. This amount is 20% of the \$1.02 billion requested for the State Homeland Security Grant Program and the \$1.02 billion for the Urban Area Security Initiative for law enforcement terrorism prevention activities.

G. This amount is to be allocated based on P.L. 107-56, Section 1014, which guarantees each state a minimum of 0.75% of total appropriated funds.

H. Ibid.