

CRS Report for Congress

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FY2006 Appropriations for State and Local Homeland Security

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Summary

P.L. 109-90 — FY2006 Department of Homeland Security (DHS) appropriations — appropriates a total of \$2.97 billion for state and local homeland security grant programs. This is \$645 million less than was appropriated for these programs in FY2005 (\$3.61 billion). The act does not propose to alter the funding formula for the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. It does require, however, that states update their State Homeland Security Strategies in accordance with the Interim National Preparedness Goal to be eligible for federal homeland security assistance. This CRS report will be updated as circumstances warrant.

This report is an overview of appropriations for selected programs of the Department of Homeland Security (DHS) for assistance to state and local first responders: firefighters, emergency medical personnel, emergency managers, and law enforcement officers (it does not cover public safety and preparedness assistance programs¹). 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).

¹ Programs not covered include general assistance grant programs that are authorized for a broad range of public safety activities, such as the Justice Assistance Grants and Community-Oriented Policing Services. Nor does this report track appropriations for bioterrorism preparedness and National Guard funding.

FY2006 Budget Request. In the FY2006 budget request, the Administration proposed roughly \$3.36 billion for state and local homeland security assistance programs. The Administration proposed to combine the Law Enforcement Terrorism Prevention Program (LETPP) with the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI). It also proposed to transfer five UASI sub-grants to a new Targeted Infrastructure Protection Program (TIPP). Additionally, the Administration proposed to change the current formula used to allocate SHSGP funds to states and localities. The FY2006 budget request proposed \$1.02 billion for SHSGP, to be allocated based on risks, threats, vulnerabilities, and unmet first responder capabilities, provided that each state and territory was allocated no less than 0.25% of total funds appropriated for this program. Additionally, the Administration did not request funding for LETPP, but it proposed that 20% of SHSGP and UASI funding be used for LETPP activities.²

House-Passed H.R. 2360. As passed by the House on May 17, 2005, H.R. 2360 (FY2006 DHS appropriations) approved \$3.19 billion for state and local homeland security assistance programs; this was \$425 million less than was appropriated for these programs in FY2005. The report accompanying H.R. 2360 (H.Rept. 109-79) directed the Office for Domestic Preparedness (ODP) to allocate funding to states based on Section 1014 of the USA PATRIOT Act (P.L. 107-56). The remainder of total appropriations, however, was to be allocated based on ODP-assessed threats and risks to states. The House bill also required ODP to brief Congress on state threat and risk assessments, and the process of determining unmet state preparedness needs.³

Senate-Passed H.R. 2360. The Senate passed H.R. 2360 on July 14, 2005, approving \$3.1 billion for state and local homeland security assistance programs. This was \$507 million less than was appropriated for these programs in FY2005. The Collins-Lieberman Amendment (S.Amdt. 1142), passed by the Senate on July 12, 2005, would allow states, DC, and U.S. insular areas to select either of two options that yields the highest funding level. First, funds would be divided as follows: states and DC would receive 0.55%, and Puerto Rico and specified U.S. possessions and territories would receive 0.055%, for an aggregate of 28.62% of total appropriations. Second, states could alternatively choose to receive an amount based on a “sliding scale baseline allocation,” calculated by multiplying 0.001 times (A) a state’s population ratio, or (B) a state’s population density ratio.⁴ After the “base” funds were distributed, the remainder would be distributed through the risk assessment process, with a maximum of 50% distributed to high-threat urban areas, and the remainder to the states.⁵

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

³ H.Rept. 109-79, H.R. 2360.

⁴ Section 1801(7) of S.Amdt. 1142 sets out the following alternatives: (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.

⁵ For an in-depth discussion on this risk-based funding formula and other congressional (continued...)

P.L. 109-90. P.L. 109-90 appropriates a total of \$2.97 billion for state and local homeland security grant programs. This is \$645 million less than was appropriated for these programs in FY2005 (\$3.61billion).

P.L. 109-90 does not alter the funding formula for SHSGP and LETPP. It maintains the current formula in which states, DC, and Puerto Rico are to receive 0.75% of total appropriations, and U.S. insular areas are to receive 0.08% of total appropriations.⁶ It does require, however, states to update their State Homeland Security Strategies in accordance with the Interim National Preparedness Goal to be eligible for federal homeland security assistance. Additionally, the act does not specify what risk factors ODP is to consider in determining the remainder of appropriations following the distribution of state base amounts.

P.L. 109-90 requires the Government Accountability Office (GAO) to review the threats and risk factors used by the DHS Secretary in determining discretionary grant allocations — the Urban Area Security Initiative (UASI) and sub-grants⁷ — and report to Congress on the review no later than November 17, 2005.

Comparison of Funding and Base Amounts. Table 1 compares the actual FY2005 appropriations with the House and Senate versions of H.R. 2360, and P.L. 109-90. Table 2 compares state, DC, and U.S. insular area SHSGP and LETPP base amounts received in FY2005, and estimated base amounts calculated from the recommended P.L. 109-90 allocations for these programs. Table 3 compares base and risk amounts and percentages for FY2005 and P.L. 109-90 allocations for SHSGP, LETPP, and discretionary grants.

⁵ (...continued)
proposals, see CRS Report RL33050, *Risk-Based Homeland Security Grant Legislation: Issues for the 109th Congress*, by Shawn Reese.

⁶ P.L. 107-56, Section 1014.

⁷ The sub-grants include port security, trucking industry security, intercity bus security, intercity passenger rail transportation security, and buffer zone protection grants.

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

(All amounts in millions)

Program	FY2005 Approp.	FY2006 Budget Request	FY2006 DHS Appropriations		
			Passed by House	Passed by Senate	P.L. 109-90
State and Local Assistance Grants	—	—	—	\$1,518 ^a	—
State Homeland Security Grant Program	\$1,100	\$1,020 ^b	\$750	—	\$550
<i>Equipment, training, exercises, planning</i>	<i>[\$1,100]</i>	<i>[\$816]</i>	<i>[\$750]</i>	—	<i>[\$550]</i>
<i>Law enforcement terrorism prevention</i>	—	<i>[\$204]</i>	—	—	—
Targeted Infrastructure Protection	—	\$600 ^c	—	\$365 ^d	—
Discretionary Grants	\$1,200	\$1,020	\$1,215	—	\$1,155
<i>Urban Area Security Initiative (equipment, training, exercises, planning)</i>	<i>[\$860]</i>	<i>[\$816]</i>	<i>[\$850]</i>	—	<i>[\$740]</i>
<i>Urban Area Security Initiative (law enforcement terrorism prevention)</i>	—	<i>[\$204]</i>	—	—	—
<i>Port Security</i>	<i>[\$150]</i>	—	<i>[\$150]</i>	—	<i>[\$175]</i>
<i>Rail Security</i>	<i>[\$150]</i>	—	<i>[\$150]</i>	—	<i>[\$150]</i>
<i>Trucking Industry Security</i>	<i>[\$5]</i>	—	<i>[\$5]</i>	—	<i>[\$5]</i>
<i>Intercity Bus Security</i>	<i>[\$10]</i>	—	<i>[\$10]</i>	—	<i>[\$10]</i>
<i>Non-governmental Organizations Security</i>	<i>[\$25]</i>	—	—	—	<i>[\$25]</i>
<i>Buffer Zone Protection</i>	—	—	<i>[\$50]</i>	—	<i>[\$50]</i>
Law Enforcement Terrorism Prevention	\$400	<i>[\$408]</i> ^e	\$400	\$400	\$400
Assistance to Firefighters	\$715	\$500	\$600	\$615	\$655
Emergency Management Performance Grants	\$180	\$170 ^f	\$180	\$180	\$185
Citizen Corps	\$15	\$50 ^g	\$40	\$25	\$20
State and Local Homeland Security Total	\$3,610	\$3,360	\$3,185	\$3,103	\$2,965

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 P.L. 109-90 (FY2006 DHS appropriations).

- a. Senate-passed H.R. 2360 approves \$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 is 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.
- c. This amount is 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 constitutes 20% of the \$1.02 billion requested for the State Homeland Security Grant Program and 20% of the \$1.02 billion for the Urban Area Security Initiative for law enforcement terrorism prevention activities.
- f. 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.
- g. Ibid.

Table 2. State Homeland Security Grant Program and Law Enforcement Terrorism Prevention Program Base Allocations: FY2005 and Estimated FY2006

(amounts in millions)

States and U.S. Insular Areas	FY2005 Base Allocations	P.L. 109-90 Allocations
All states, DC, and Puerto Rico	\$11.25	\$7.13
U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands	\$1.20	\$0.80
Total base amount	\$589.80	\$374.00

Source: Amounts based on CRS calculations of FY2005 SHSGP (\$1.1 billion) and LETPP (\$400 million) appropriation amounts, and, for FY2006, amounts in P.L. 109-90.

Table 3. State Homeland Security Grant Program, Law Enforcement Terrorism Prevention Program, and Discretionary Base and Risk Amounts: FY2005 and Estimated FY2006

(amounts in millions)

Program	FY2005 actual appropriation	FY2006 estimated appropriation ^a
SHSGP	\$1,100.0	\$550.0
LETPP	\$400.0	\$400.0
Discretionary Grants ^b	\$1,200.0	\$1,155.0
Total	\$2,700.0	\$2,105.0
Base amount (percentage)	\$589.8 (22%)	\$374.0 (18%)
Risk amount (percentage) ^c	\$2,700.0 (78%)	\$2,500.0 (82%)

a. Appropriation amounts in P. L. 109-90.

b. Includes grant funding for UASI, port security, rail security, trucking security, intercity bus security, and buffer zone protection programs.

c. In FY2005, DHS used a state's percentage of the nation's total population as the only risk factor. In the conference report accompanying H.R. 2360, the determination of risk factors is at the discretion of the DHS Secretary.