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First Responder Grant Formulas: A Comparison of Formula Provisions in S. 2845 and H.R. 10, 108th Congress

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Summary

On July 22, 2004, the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) issued *The 9/11 Commission Report*. On page 396 of the report, the 9/11 Commission recommends that federal homeland security assistance be distributed to state and local governments based on risk and vulnerability. According to the report, the risk and vulnerability assessments should consider population, population density, vulnerability, and the presence of critical infrastructure within each state.

Currently, the majority of state and local homeland security assistance programs distribute funds based on Section 1014 of the USA PATRIOT Act (P.L. 107-56) and guarantee each state a minimum of 0.75% of total appropriated amounts. The Urban Area Security Initiative is the only federal homeland security assistance program that distributes funding to states and localities based on risk and threat.

S. 2845, the National Intelligence Reform Act of 2004 (passed by the Senate on October 6, 2004), and H.R. 10, the 9/11 Recommendations Implementation Act (passed by the House on October 8, 2004), propose to change the current formula used in distributing first responder grant funding to states and localities. They would also include threat and risk criteria in the distribution of funds. Neither H.R. 10 nor S. 2845 proposes to fund state and local homeland security assistance strictly according to threat and risk; both bills propose a guaranteed amount to each state.

Title V, Subtitle A of H.R. 10, "Faster and Smarter Funding for First Responders," was originally a separate bill, H.R. 3266, introduced by Representative Christopher Cox and reported by four House committees. Title IV of S. 2845, "Homeland Security Grants," was also a separate bill, S. 1245, introduced by Senator Susan Collins and reported by the Senate Governmental Affairs Committee.

Table 1 compares first responder grant formula provisions of S. 2845 and H.R. 10. **Table 2** compares guaranteed state amounts and population shares of S. 2845 and H.R. 10 first responder grant formulas. The **Appendix** at the end of this report provides a detailed explanation (including a **Table A**) of the S. 2845 first responder grant formula.

This report will be updated as congressional actions warrant.

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Introduction

Since the terrorist attacks on September 11, 2001, Congress has recognized the importance of state and local homeland security assistance. In FY2003 and FY2004, Congress appropriated roughly $7.4 billion for first responder grant programs.[1] Conference report H.Rept. 108-774, accompanying H.R. 4567 (FY2005 Department of Homeland Security appropriations), appropriates roughly $3.6 billion for these homeland security assistance programs.

These assistance programs include:

- 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 (EMPG).

SHSGP, LETPP, CCP, and EMPG grants are distributed to states as authorized by Section 1014 of the USA PATRIOT Act (P.L. 107-56), which guarantees each state a minimum grant of 0.75% of funds appropriated for these programs. The Department of Homeland Security (DHS) has been allocating the remainder of the appropriations to states based on their percentage of the nation's population.[2]

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, 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.

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[1] The appropriations acts were P.L. 108-7, P.L. 108-11, and P.L. 108-90; these assistance programs include the State Homeland Security Grant Program, Urban Area Security Initiative, Law Enforcement Terrorism Prevention Program, Assistance to Firefighters, Citizen Corps Programs, and Emergency Management Performance Grant Program.

[2] The USA PATRIOT Act is silent on how the remaining appropriations are to be allocated, thus leaving the matter to the discretion of the Department of Homeland Security.

In August 2004, however, the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) expressed dissatisfaction with the way first responder grants are allocated and argued that federal homeland security assistance should not "remain a program for general revenue sharing."[3] While acknowledging that "every state and city needs to have some minimum infrastructure for emergency response," the 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 examples: "Now, in 2004, Washington, D.C., and New York City are certainly at the top of any such list."[4]

Two bills now under consideration in Congress would alter the formulas for allocating first responder grants to states and localities: S. 2845 (Title IV, "Homeland Security Grants") and H.R. 10 (Title V, Subtitle A, "Faster and Smarter Funding for First Responders). Both chambers have acted on the bills; and, at this writing, the matter awaits consideration by conference committee. Among the differences between the two bills are:

- formulas for distributing first responder grants;
- state guaranteed amounts and population shares of total appropriations; and
- threat and risk criteria.

Both the Bush Administration and the 9/11 Commission have expressed concerns regarding the two bills' homeland security assistance provisions. The Administration, in a letter to the conference committee, commended H.R. 10's flexibility in allowing the DHS Secretary to distribute homeland security assistance funds. The Administration, however, was concerned that H.R. 10's proposal of 0.25% and 0.45% guaranteed amounts to states would limit the DHS Secretary's ability to allocate funding to high-risk areas.[5] The 9/11 Commission reiterated its recommendation, in a letter to the conference committee, that state homeland security assistance should be distributed based on risk and threat. The commission, however, stated that H.R. 10's provision for distribution of assistance funding was preferable to S. 2845's provision. Additionally, the commission recommended the conference committee alter Section 5003 of H.R. 10 to reflect the 9/11 Commission's recommendation on threat and risk.[6]

This CRS report summarizes and compares the pertinent parts of the two bills. Specifically, this report compares the first responder distribution formulas in S. 2845

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[3] National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (Washington: GPO, July 22, 2004), p. 396.

[4] Ibid.

[5] Joshua B. Bolten, Director of the Office of Management and Budget, and Condoleeza Rice, Assistant to the President for National Security Affairs, letter to Rep. Peter Hoekstra and Senator Susan Collins, Oct. 18, 2004.

[6] Thomas H. Kean and Lee H. Hamilton, Chair and Vice Chair of the National Commission on Terrorist Attacks Upon the United States, letter to Rep. Peter Hoekstra, Oct. 20, 2004.

and H.R. 10 (**Table 1**) and presents the estimated guaranteed amounts each state would receive under the House and Senate formulas (**Table 2**).

S. 2845

S. 2845 would combine SHSGP, LETTP, and UASI into a single grant program (Threat-Based Homeland Security Grant Program) and would direct that 25% of funding be allocated to UASI, with the remainder of funding allocated to SHSGP and LETPP. Each state would be guaranteed a minimum or a population share for a homeland security baseline.[7]

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.[8]

The bill would also 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.[9]

Section 1048 of the bill would authorize the ODP Director to allow a state (with an approved request) to reallocate homeland security assistance funds within the four categories of equipment, training, exercises, and planning.[10] Finally, the bill would authorize the DHS Secretary to deny entry (into the United States) of any commercial vehicle carrying solid waste unless the DHS Secretary certified that the waste had been screened for chemical, nuclear, biological, and radiological weapons.[11]

H.R. 10

H.R. 10 would allocate total appropriations based on the DHS Secretary's discretion (based on threat and risk) and the First Responder Grants Board's evaluation and prioritization of homeland security assistance applications.[12]

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[7] S. 2845, sec. 1056. See **Table 1** for specific information on the grant formula.

[8] S. 2845, Sec. 1054.

[9] Ibid.

[10] Ibid., Sec. 1058.

[11] Ibid., Sec. 1059.

[12] H.R. 10, Title V, Subtitle A, Sec. 5003. See **Table 1** for specific information on the grant (continued...)

Additionally, H.R. 10 would guarantee states at least 0.25% or 0.45% of total appropriations for the covered grants. States with an 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.[13]

Additionally, the bill would require the DHS Secretary to establish first responder capabilities essential to terrorism preparedness. In determining essential capabilities, the DHS Secretary would be required to consider overall threat, vulnerability, consequences to the nation's population, and threats to critical infrastructure. The bill proposes to establish a state and local first responder task force that would assist the DHS Secretary in establishing these capabilities.[14]

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.[15] States, two years after enactment of H.R. 10, 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 first responder equipment.[16]

Additionally, the bill would require the DHS Secretary to coordinate industry efforts to identify private sector resources and capabilities that could assist federal, state, and local government terrorism preparedness efforts.[17] It would also require the DHS Secretary to conduct a study of the feasibility of a nationwide telephonic alert notification system.[18]

Comparison of S. 2845 and H.R. 10 Formulas

Neither H.R. 10 nor S. 2845 proposes to fund state and local homeland security assistance strictly according to threat and risk. Both bills propose a guaranteed amount to each state.

The following tables compare the provisions of these bills that would alter the formula used in allocating funding to states and localities for homeland security assistance, and depict the estimated guaranteed amount each state would be allocated under these bills. CRS is unable to determine individual states' risk and threat variables; thus **Table 2** depicts guaranteed amounts or per capita amounts.

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[12] (...continued)
formula.

[13] Ibid.

[14] Ibid.

[15] Ibid.

[16] Ibid.

[17] Ibid., Sec. 5005.

[18] Ibid., Sec. 5009.

Table 1. Side-by-Side Comparison of S. 2845 and H.R. 10 First Responder Grant Provisions

Topic	S. 2845	H.R. 10
Grant Programs *Not* Covered by New Formula	Would exclude the following grant programs from this title: Assistance to Firefighters Program; Emergency Management Performance Grants; Urban Search and Rescue; Byrne Memorial Formula Grants; Community-Oriented Policing Service Grants; and Department of Heath and Human Services' public health and bioterrorism grants. [Sec. 1053]	Would exclude the following grant programs from this title: any federal grant program not administered by DHS; Assistance to Firefighters; Emergency Management Performance Grants; and the Urban Search and Rescue Grant program. [Title V, Subtitle A, Sec. 5003]
Grant Programs Covered by New Formula	Would include the following grant programs in this title: SHSGP; UASI; and LETTP. [Sec. 1056] Would establish a single grant program — Threat-Based Homeland Security Grant Program (TBHSGP) — that would include the grant programs listed above. [Sec. 1056]	Would include the following grant programs in this title: SHSGP; UASI; LETPP; and CCP. [Title V, Subtitle A, Sec. 5003]
Funding Allocation Method [for more detailed discussion see Appendix]	Would allocate funding to states and localities in the following manner: Would authorize 25% of total appropriated funding for TBHSGP to be allocated for UASI grants, and 75% of total appropriated funding for TBHSGP to be allocated for SHSGP. [Sec. 1056] Would authorize the DHS Secretary to allocate up to 25% of SHSGP funding to LETPP program activities. [Sec. 1056(e)] Would allocate 38.6% of SHSGP funding (75% of total TBHSGP funding) to be distributed based on the greater of a state guaranteed minimum of 0.75% or a state's per capita share (as defined by the 2002 Census Bureau population estimate). [Sec. 1056(e)]	Would allocate funding to states and localities in the following manner: Would establish a state and local first responder task force to assist the DHS Secretary in determining first responder essential capabilities. [Title V, Subtitle A, Sec. 5003] Would establish a First Responder Grants Board that would evaluate and prioritize state and regional applications for grant funding based on: the degree to which the applications achieve, maintain, or enhance essential first responder capabilities; and threat to persons and critical infrastructure. [Title V, Subtitle A, Sec. 5003] Would allocate total appropriations based on the DHS Secretary's discretion (based on threat and risk) and the First Responder Grants Board's evaluation and

Topic	S. 2845	H.R. 10
	Would authorize the Large High-Threat State Fund (LHTSF), which could be appropriated 10.8% of the amount appropriated for TBHSGP to provide additional funding to states that were to choose the per capita funding, if 38.6% of SHSGP were not sufficient. [Sec. 1056(j)] If Congress chose not to fund the LHTSF, DHS would reduce (proportionally) all states' guaranteed minimums or population shares. [Sec. 1056(e)]	prioritization of homeland security assistance applications. [Title V, Subtitle A, Sec. 5003] Would guarantee states at least 0.25% of total appropriated funding for the covered grant program. [Title V, Subtitle A, Sec. 5003] Would guarantee states at least 0.45% of total appropriated funding for the covered grant programs to states that have an international border or adjoining a body of water which an international boundary line extends. [Title V, Subtitle A, Sec. 5003]
UASI Threat Criteria	Would allocate UASI funds to major metropolitan areas with the following criteria: large population or high population density; high threat and risk related to critical infrastructure; international border or coastline; and any other threat factors as determined by the DHS Secretary. [Sec. 1056(e)]	No threat criteria identified.
SHSGP Threat Criteria	Would allocate 61.4% of SHSGP funding to states according to the following criteria: substantial percentage of state's population residing in "Metropolitan Statistical Areas as defined by the Office of Management and Budget"; high threat and risk to critical infrastructure; international border or coastline; and any other threat factors as determined by the DHS Secretary. [Sec. 1056(e)]	Would direct DHS Secretary, in establishing essential capabilities of first responders, to consider "the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure." The Secretary would be required to base this consideration upon "the most current risk assessment available by the directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States." The Secretary would be required to consider threats of terrorism in critical infrastructure sectors and types of threat set forth in the bill. [Title V, Subtitle A, Sec. 5003]

Sources: H.R. 10 and S. 2845**.**

Table 2. S. 2845 and H.R. 10 Guaranteed State Minimums or Population Share Amounts Assuming an Appropriation of $3 Billion for First Responder Grant Programs

(Amounts in millions of dollars)

State	2002 Population Estimate	S. 2845[A] (States choose the greater of)				H.R. 10[B]			
		0.75%	Dollars per capita	Population Share	Dollars per capita	At least 0.25%	Dollars per capita	At least 0.45%	Dollars per capita
Alabama	4,486,508	**$16.9**	$4.12	$13.3	$2.96	$7.5	$1.67	—	—
Alaska	643,786	**$16.9**	$28.17	$1.9	$3.17	—	—	$13.5	$22.50
Arizona	5,456,453	**$16.9**	$3.07	$16.2	$2.95	—	—	$13.5	$2.45
Arkansas	2,710,079	**$16.9**	$6.26	$8.0	$2.96	$7.5	$2.78	—	—
California	35,116,033	$16.9	$0.48	**$104.3**	$2.97	**—**	**—**	$13.5	$0.38
Colorado	4,506,542	**$16.9**	$3.76	$13.4	$2.98	$7.5	$1.67	—	—
Connecticut	3,460,503	**$16.9**	$4.83	$10.3	$2.94	$7.5	$2.14	—	—
District of Columbia	570,898	**$16.9**	$28.17	$1.7	$2.83	$7.5	$12.50	—	—
Delaware	807,385	**$16.9**	$21.13	$2.4	$3.00	$7.5	$9.38	—	—
Florida	16,713,149	$16.9	$1.01	**$49.6**	$2.97	$7.5	$0.45	—	—
Georgia	8,560,310	$16.9	$1.97	**$25.4**	$2.95	$7.5	$0.87	—	—
Hawaii	1,244,898	**$16.9**	$14.08	$3.7	$3.08	$7.5	$6.25	—	—
Idaho	1,341,131	**$16.9**	$13.00	$4.0	$3.08	—	—	$13.5	$10.38
Illinois	12,600,620	$16.9	$1.34	**$37.4**	$2.97	$7.5	$0.60	—	—
Indiana	6,159,068	$16.9	$2.73	**$18.3**	$2.95	$7.5	$1.21	—	—
Iowa	2,936,760	**$16.9**	$5.83	$8.7	$3.00	$7.5	$2.59	—	—

State	2002 Population Estimate	S. 2845[A] (States choose the greater of)				H.R. 10[B]			
		0.75%	Dollars per capita	Population Share	Dollars per capita	At least 0.25%	Dollars per capita	At least 0.45%	Dollars per capita
Kansas	2,715,884	**$16.9**	$6.26	$8.1	$3.00	$7.5	$2.78	—	—
Kentucky	4,092,891	**$16.9**	$4.12	$12.2	$2.98	$7.5	$1.83	—	—
Louisiana	4,482,646	**$16.9**	$3.76	$13.3	$2.96	$7.5	$1.67	—	—
Maine	1,294,464	**$16.9**	$13.00	$3.8	$2.92	—	—	$13.5	$10.38
Maryland	5,458,137	**$16.9**	$3.07	$16.2	$2.95	$7.5	$1.36	—	—
Massachusetts	6,427,801	$16.9	$2.64	**$19.1**	$2.98	$7.5	$1.17	—	—
Michigan	10,050,446	$16.9	$1.67	**$29.8**	$2.95	—	—	$13.5	$1.34
Minnesota	5,019,720	**$16.9**	$3.38	$14.9	$2.98	—	—	$13.5	$2.70
Mississippi	2,871,782	**$16.9**	$5.83	$8.5	$2.93	$7.5	$2.59	—	—
Missouri	5,672,579	**$16.9**	$2.96	$16.8	$2.95	$7.5	$1.32	—	—
Montana	909,453	**$16.9**	$18.78	$2.7	$3.00	—	—	$13.5	$15.00
Nebraska	1,729,180	**$16.9**	$9.94	$5.1	$3.00	$7.5	$4.41	—	—
Nevada	2,173,491	**$16.9**	$7.68	$6.5	$2.95	$7.5	$3.41	—	—
New Hampshire	1,275,056	**$16.9**	$13.00	$3.8	$2.92	—	—	$13.5	$10.38
New Jersey	8,590,300	$16.9	$1.97	**$25.5**	$2.97	$7.5	$0.87	—	—
New Mexico	1,855,059	**$16.9**	$8.89	$5.5	$2.89	—	—	$13.5	$7.11
New York	19,157,532	$16.9	$0.88	**$56.9**	$2.96	—	—	$13.5	$0.70
North Carolina	8,320,146	$16.9	$2.04	**$24.7**	$2.98	$7.5	$0.90	—	—
North Dakota	634,110	**$16.9**	$28.17	$1.9	$3.17	—	—	$13.5	$22.50

State	2002 Population Estimate	S. 2845[A] (States choose the greater of)				H.R. 10[B]			
		0.75%	Dollars per capita	Population Share	Dollars per capita	At least 0.25%	Dollars per capita	At least 0.45%	Dollars per capita
Ohio	11,421,267	$16.9	$1.48	**$33.9**	$2.97	—	—	$13.5	$1.18
Oklahoma	3,493,714	**$16.9**	$4.83	$10.4	$2.97	$7.5	$2.14	—	—
Oregon	3,521,515	**$16.9**	$4.83	$10.5	$3.00	—	—	$13.5	$3.86
Pennsylvania	12,335,091	$16.9	$1.37	**$36.6**	$2.98	—	—	$13.5	$1.10
Rhode Island	1,069,725	**$16.9**	$15.36	$3.2	$2.91	$7.5	$6.82	—	—
South Carolina	4,107,183	**$16.9**	$4.12	$12.2	$2.98	$7.5	$1.83	—	—
South Dakota	761,063	**$16.9**	$21.13	$2.3	$2.88	$7.5	$9.38	—	—
Tennessee	5,797,289	$16.9	$2.91	**$17.2**	$2.97	$7.5	$1.29	—	—
Texas	21,779,893	$16.9	$0.78	**$64.7**	$2.97	—	—	$13.5	$0.62
Utah	2,316,256	**$16.9**	$7.34	$6.9	$3.00	$7.5	$3.26	—	—
Vermont	616,592	**$16.9**	$28.17	$1.8	$3.00	—	—	$13.5	$22.50
Virginia	7,293,542	$16.9	$2.32	**$21.7**	$2.97	$7.5	$1.03	—	—
Washington	6,068,996	$16.9	$2.77	**$18.0**	$2.95	—	—	$13.5	$2.21
West Virginia	1,801,873	**$16.9**	$9.39	$5.4	$3.00	$7.5	$4.17	—	—
Wisconsin	5,441,196	**$16.9**	$3.13	$16.2	$3.00	—	—	$13.5	$2.50
Wyoming	498,703	**$16.9**	$33.80	$1.5	$3.00	$7.5	$15.00	—	—

Sources: S. 2845 and H.R. 10, and CRS calculations based on 2002 census population estimates by the Bureau of the Census.

[A] See **Appendix** for a step-by-step explanation (including table) of S. 2845 and H.R. 10 first responder grant allocation methods.
[B] H.R. 10 would guarantee at least 0.25% or 0.45% of total appropriations for covered grants to states. States with international border or coastline adjoining a body of water through which an international boundary line extends would receive at least 0.45%.

Appendix: Grant Allocation Methods in S. 2845 and H.R. 10

S. 2845

The following discussion[19] demonstrates how the formula in S. 2845 would allocate first responder grants to states. The calculations are performed in stepwise fashion, and the results of each step are presented in **Table A** of this appendix. The final allocations resulting from the formula are presented in **Table 2** of this report.

The columns in **Table A** following these steps assume a "tentative allocation" of $3 billion, which would become $3.323 billion if the 10.8% of total Large High-Threat State Fund were fully funded.

First, DHS allocates funds under the Urban Area Security Initiative (UASI) Program (summing to $750 million). (See column A, which assumes that each state would get the same share of the total that it received in 2004.)

Second, column B calculates how much would be allocated to the jurisdictions if they received only their base percentage shares. States (and DC) would receive 0.75% of the total, and territories would get one-tenth of the state minimum (0.075%). This step allocates 38.625% of the total appropriation, summing to approximately $869 million.

Third, column C calculates how much the jurisdictions would receive based on population. In this example, the amount would be the jurisdictions' proportional share of the total population multiplied by the same 38.625% of the total allocated in the second step (summing to $869 million). (The salient point here is that the percentage calculations in the "choice" step are based on $869 million, not the entire $3 billion.)

Fourth, column D allocates to the states the greater amount in either the second step or the third step. This step allocates a total of $1.192 billion, $323 million more than in second or third steps. The $323 million is just under 10.8% of $3 billion the table assumes to be allocated by the Threat-Based Homeland Security Grant Program. The table assumes the 10.8% figure was chosen for the Large High-Threat State Fund because it is big enough to make up for the fact that without the fund, not enough money would be authorized to all states for the "choice step" encompassed by columns B, C, and D.

Fifth, column E allocates the "risk portion," using population as a surrogate for risk. The funding sources for the risk portion include the remainder of the $1.058 billion of the $2.25 billion to be allocated under the State Homeland Security Grant Program which is not allocated by the fourth step, *plus* $323 million from the Threat-Based Homeland Security Grant Program. (As noted in the fourth step, $323 million

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[19] Based on an analysis prepared by David Huckabee, Specialist in American National Government, Government and Finance Division, Congressional Research Service.

would be needed cover the shortfall generated by the "choice step." This separately authorized account actually authorizes $324 million, but the jurisdictions would need only $323 million of the funds authorized to make up for the shortfall. The extra $1 million in the authorization would serve as an "insurance policy" to make sure enough funds were authorized so all states would be fully funded. Thus, the fifth step allocates a total of $1.381 billion.

Sixth, column F adds the "choice step" figure (column D) to the "risk portion" (column E). This step allocates a total of $2.573 billion for the State Homeland Security Grant Program.

Seventh, the State Homeland Security Grant Program total (see column F) is added to the Urban Area Security Initiative funds from the first step (see column A). This step allocates a total of $3.323 billion (see Grand Total, fully funded column).

Eighth, if the Large High-Threat State Fund were not adequately funded so that all jurisdictions could be fully funded, each jurisdiction's total would be reduced proportionally until no more than the appropriated amount would be allocated.

A cautionary note about the funding figures in **Table A** is that the table consistently uses population as a surrogate for "risk." By so doing, it may be significantly overstating possible funding levels for states. For example, the risk-based UASI program provided no funding in FY2004 to 28 of the jurisdictions covered in section 1056 of S. 2845. The "risk" column in the table (column E) shows funds being allocated to all the jurisdictions because *population* is used as a surrogate for *risk*. The Department of Homeland Security, however, might not choose population as a surrogate for risk, so the only funds that would be "guaranteed" to jurisdictions in S. 2845 would be those distributed in the "choice step."

The purpose of the Large High-Threat Grant Program would be to supplement the funds allocated under the State Homeland Security Grant Program because the "choice" option for jurisdictions would reduce the total funds that could be distributed through the risk-based, secondary distribution portion of the latter program. Allowing the larger states to be guaranteed $323 million more than they would be entitled to, were they limited to 0.75% of the $2.25 billion in this example, would reduce funding to all jurisdictions having the risk factors described in section 1056. The Large High-Threat Grant Program would make available an additional $323 million over the $3 billion (assumed to be appropriated) to all jurisdictions qualifying for risk-based funding.

Table A. Funding for the Threat-Based Homeland Security Grant Program Provided for in S. 2845

State	2002 population estimate	A. UASI Allocation $750 million divided among the states based on their shares of the 2004 Urban Area Security Initiative funding	State Homeland Security Grant Program (includes funding for the Law Enforcement Terrorism Prevention Program)							Grand Total:			
			"Choice step" Jurisdictions receive the greater amount of the base amount (0.75% or 0.075% of the full appropriation, see column **A**) or their population-based proportional share of $869 million (the total amount that would be allocated in column **A** if there were no population option).			E. Risk portion: (remaining $1.381 billion, not accounted for in col.**D,** plus the funds from the Large High-Threat Grant Program *Population has been used as a surrogate for risk in this calculation.*)	F. Total: (sum of columns **D** and **E**, totaling $2.573 billion)		Law Enforcement: (Maximum amount that the Secretary of DHS may designate for the Law Enforcement Terrorism Prevention Program (25%))	Fully funded: (Sum of columns **A** and **F** with no proportional reduction)		With proportional reduction: (reducing funding to sum to $3 billion)	
			B. Base amount: (first $869 million)	C. Population option: States' population-based proportional share of $869 million	D. "Hold Harmless" base amount: States get the greater of 0.75% of $2.25 billion (col. **B**), or their population-based proportional share of $869 million (col.**C**). This step allocates $1.192 billion of the total.		Total	Per capita		Total	Per capita	Total	Per capita
Alabama	4,486,508	$0	$16,875,000	$13,324,756	$16,875,000	$21,172,994	$38,047,994	$8.48	$9,511,998	$38,047,994	$8.48	$34,349,181	$7.66
Alaska	643,786	$0	$16,875,000	$1,912,020	$16,875,000	$3,038,193	$19,913,193	$30.93	$4,978,298	$19,913,193	$30.93	$17,977,344	$27.92
Arizona	5,456,453	$13,561,181	$16,875,000	$16,205,455	$16,875,000	$25,750,416	$42,625,416	$7.81	$10,656,354	$56,186,597	$10.30	$50,724,450	$9.30
Arkansas	2,710,079	$0	$16,875,000	$8,048,830	$16,875,000	$12,789,565	$29,664,565	$10.95	$7,416,141	$29,664,565	$10.95	$26,780,742	$9.88
California	35,116,033	$150,818,117	$16,875,000	$104,293,265	$104,293,265	$165,721,660	$270,014,925	$7.69	$67,503,731	$420,833,042	$11.98	$379,922,009	$10.82
Colorado	4,506,542	$9,615,100	$16,875,000	$13,384,256	$16,875,000	$21,267,540	$38,142,540	$8.46	$9,535,635	$47,757,640	$10.60	$43,114,909	$9.57
Connecticut	3,460,503	$10,704,440	$16,875,000	$10,277,561	$16,875,000	$16,331,010	$33,206,010	$9.60	$8,301,503	$43,910,450	$12.69	$39,641,722	$11.46
DC	570,898	$32,569,066	$16,875,000	$1,695,545	$16,875,000	$2,694,216	$19,569,216	$34.28	$4,892,304	$52,138,282	$91.33	$47,069,690	$82.45
Delaware	807,385	$0	$16,875,000	$2,397,902	$16,875,000	$3,810,259	$20,685,259	$25.62	$5,171,315	$20,685,259	$25.62	$18,674,354	$23.13
Florida	16,713,149	$41,350,486	$16,875,000	$49,637,408	$49,637,408	$78,873,681	$128,511,090	$7.69	$32,127,772	$169,861,576	$10.16	$153,348,584	$9.18
Georgia	8,560,310	$11,938,286	$16,875,000	$25,423,791	$25,423,791	$40,398,321	$65,822,112	$7.69	$16,455,528	$77,760,398	$9.08	$70,200,967	$8.20
Hawaii	1,244,898	$0	$16,875,000	$3,697,299	$16,875,000	$5,874,996	$22,749,996	$18.27	$5,687,499	$22,749,996	$18.27	$20,538,369	$16.50
Idaho	1,341,131	$0	$16,875,000	$3,983,107	$16,875,000	$6,329,145	$23,204,145	$17.30	$5,801,036	$23,204,145	$17.30	$20,948,368	$15.62
Illinois	12,600,620	$37,949,075	$16,875,000	$37,423,356	$37,423,356	$59,465,591	$96,888,947	$7.69	$24,222,237	$134,838,022	$10.70	$121,729,824	$9.66
Indiana	6,159,068	$11,282,458	$16,875,000	$18,292,195	$18,292,195	$29,066,238	$47,358,433	$7.69	$11,839,608	$58,640,891	$9.52	$52,940,151	$8.60
Iowa	2,936,760	$0	$16,875,000	$8,722,064	$16,875,000	$13,859,332	$30,734,332	$10.47	$7,683,583	$30,734,332	$10.47	$27,746,512	$9.45
Kansas	2,715,884	$0	$16,875,000	$8,066,071	$16,875,000	$12,816,960	$29,691,960	$10.93	$7,422,990	$29,691,960	$10.93	$26,805,474	$9.87
Kentucky	4,092,891	$9,993,034	$16,875,000	$12,155,729	$16,875,000	$19,315,413	$36,190,413	$8.84	$9,047,603	$46,183,447	$11.28	$41,693,751	$10.19

State	2002 population estimate	A. UASI Allocation $750 million divided among the states based on their shares of the 2004 Urban Area Security Initiative funding	State Homeland Security Grant Program (includes funding for the Law Enforcement Terrorism Prevention Program)							Grand Total:			
			"Choice step" Jurisdictions receive the greater amount of the base amount (0.75% or 0.075% of the full appropriation, see column **A**) or their population-based proportional share of $869 million (the total amount that would be allocated in column **A** if there were no population option).			**E. Risk portion:** (remaining $1.381 billion, not accounted for in col.**D,** plus the funds from the Large High-Threat Grant Program *Population has been used as a surrogate for risk in this calculation*.)	**F. Total:** (sum of columns **D** and **E**, totaling $2.573 billion)		**Law Enforcement**: (Maximum amount that the Secretary of DHS may designate for the Law Enforcement Terrorism Prevention Program (25%))	**Fully funded:** (Sum of columns **A** and **F** with no proportional reduction)		**With proportional reduction:** (reducing funding to sum to $3 billion)	
			B. Base amount: (first $869 million)	**C. Population option:** States' population-based proportional share of $869 million	**D. "Hold Harmless" base amount:** States get the greater of 0.75% of $2.25 billion (col. **B**), or their population-based proportional share of $869 million (col.**C**). This step allocates $1.192 billion of the total.		Total	Per capita		Total	Per capita	Total	Per capita
Louisiana	4,482,646	$15,939,945	$16,875,000	$13,313,286	$16,875,000	$21,154,768	$38,029,768	$8.48	$9,507,442	$53,969,713	$12.04	$48,723,080	$10.87
Maine	1,294,464	$0	$16,875,000	$3,844,508	$16,875,000	$6,108,911	$22,983,911	$17.76	$5,745,978	$22,983,911	$17.76	$20,749,544	$16.03
Maryland	5,458,137	$17,696,230	$16,875,000	$16,210,457	$16,875,000	$25,758,363	$42,633,363	$7.81	$10,658,341	$60,329,593	$11.05	$54,464,688	$9.98
Massachusetts	6,427,801	$21,264,376	$16,875,000	$19,090,321	$19,090,321	$30,334,459	$49,424,780	$7.69	$12,356,195	$70,689,156	$11.00	$63,817,152	$9.93
Michigan	10,050,446	$15,284,118	$16,875,000	$29,849,437	$29,849,437	$47,430,659	$77,280,097	$7.69	$19,320,024	$92,564,215	$9.21	$83,565,640	$8.31
Minnesota	5,019,720	$22,353,717	$16,875,000	$14,908,375	$16,875,000	$23,689,360	$40,564,360	$8.08	$10,141,090	$62,918,077	$12.53	$56,801,533	$11.32
Mississippi	2,871,782	$0	$16,875,000	$8,529,082	$16,875,000	$13,552,683	$30,427,683	$10.60	$7,606,921	$30,427,683	$10.60	$27,469,674	$9.57
Missouri	5,672,579	$26,733,312	$16,875,000	$16,847,341	$16,875,000	$26,770,370	$43,645,370	$7.69	$10,911,343	$70,378,682	$12.41	$63,536,861	$11.20
Montana	909,453	$0	$16,875,000	$2,701,040	$16,875,000	$4,291,944	$21,166,944	$23.27	$5,291,736	$21,166,944	$23.27	$19,109,213	$21.01
Nebraska	1,729,180	$0	$16,875,000	$5,135,598	$16,875,000	$8,160,449	$25,035,449	$14.48	$6,258,862	$25,035,449	$14.48	$22,601,642	$13.07
Nevada	2,173,491	$11,704,855	$16,875,000	$6,455,185	$16,875,000	$10,257,267	$27,132,267	$12.48	$6,783,067	$38,837,122	$17.87	$35,061,595	$16.13
New Hampshire	1,275,056	$0	$16,875,000	$3,786,867	$16,875,000	$6,017,320	$22,892,320	$17.95	$5,723,080	$22,892,320	$17.95	$20,666,857	$16.21
New Jersey	8,590,300	$35,748,162	$16,875,000	$25,512,860	$25,512,860	$40,539,852	$66,052,712	$7.69	$16,513,178	$101,800,874	$11.85	$91,904,363	$10.70
New Mexico	1,855,059	$0	$16,875,000	$5,509,454	$16,875,000	$8,754,504	$25,629,504	$13.82	$6,407,376	$25,629,504	$13.82	$23,137,947	$12.47
New York	19,157,532	$70,996,117	$16,875,000	$56,897,132	$56,897,132	$90,409,358	$147,306,490	$7.69	$36,826,623	$218,302,607	$11.40	$197,080,449	$10.29
North Carolina	8,320,146	$8,225,634	$16,875,000	$24,710,513	$24,710,513	$39,264,925	$63,975,438	$7.69	$15,993,860	$72,201,072	$8.68	$65,182,088	$7.83
North Dakota	634,110	$0	$16,875,000	$1,883,282	$16,875,000	$2,992,529	$19,867,529	$31.33	$4,966,882	$19,867,529	$31.33	$17,936,119	$28.29
Ohio	11,421,267	$35,481,385	$16,875,000	$33,920,723	$33,920,723	$53,899,919	$87,820,642	$7.69	$21,955,160	$123,302,027	$10.80	$111,315,294	$9.75
Oklahoma	3,493,714	$0	$16,875,000	$10,376,196	$16,875,000	$16,487,742	$33,362,742	$9.55	$8,340,685	$33,362,742	$9.55	$30,119,403	$8.62
Oregon	3,521,515	$9,070,429	$16,875,000	$10,458,764	$16,875,000	$16,618,942	$33,493,942	$9.51	$8,373,485	$42,564,371	$12.09	$38,426,501	$10.91
Pennsylvania	12,335,091	$38,893,912	$16,875,000	$36,634,745	$36,634,745	$58,212,491	$94,847,236	$7.69	$23,711,809	$133,741,148	$10.84	$120,739,582	$9.79

State	2002 population estimate	A. UASI Allocation $750 million divided among the states based on their shares of the 2004 Urban Area Security Initiative funding	State Homeland Security Grant Program (includes funding for the Law Enforcement Terrorism Prevention Program)							Grand Total:			
			"Choice step" Jurisdictions receive the greater amount of the base amount (0.75% or 0.075% of the full appropriation, see column **A**) or their population-based proportional share of $869 million (the total amount that would be allocated in column **A** if there were no population option).			**E. Risk portion:** (remaining $1.381 billion, not accounted for in col.**D,** plus the funds from the Large High-Threat Grant Program *Population has been used as a surrogate for risk in this calculation.*)	**F. Total:** (sum of columns **D** and **E**, totaling $2.573 billion)		**Law Enforcement**: (Maximum amount that the Secretary of DHS may designate for the Law Enforcement Terrorism Prevention Program (25%))	**Fully funded:** (Sum of columns **A** and **F** with no proportional reduction)		**With proportional reduction:** (reducing funding to sum to $3 billion)	
			B. Base amount: (first $869 million)	**C. Population option:** States' population-based proportional share of $869 million	**D. "Hold Harmless" base amount:** States get the greater of 0.75% of $2.25 billion (col. **B**), or their population-based proportional share of $869 million (col.**C**). This step allocates $1.192 billion of the total.		Total	Per capita		Total	Per capita	Total	Per capita
Rhode Island	1,069,725	$0	$16,875,000	$3,177,042	$16,875,000	$5,048,310	$21,923,310	$20.49	$5,480,827	$21,923,310	$20.49	$19,792,048	$18.50
South Carolina	4,107,183	$0	$16,875,000	$12,198,175	$16,875,000	$19,382,861	$36,257,861	$8.83	$9,064,465	$36,257,861	$8.83	$32,733,075	$7.97
South Dakota	761,063	$0	$16,875,000	$2,260,328	$16,875,000	$3,591,654	$20,466,654	$26.89	$5,116,663	$20,466,654	$26.89	$18,477,000	$24.28
Tennessee	5,797,289	$11,126,838	$16,875,000	$17,217,725	$17,217,725	$27,358,909	$44,576,634	$7.69	$11,144,159	$55,703,472	$9.61	$50,288,292	$8.67
Texas	21,779,893	$42,751,067	$16,875,000	$64,685,443	$64,685,443	$102,784,959	$167,470,402	$7.69	$41,867,601	$210,221,469	$9.65	$189,784,915	$8.71
Utah	2,316,256	$0	$16,875,000	$6,879,191	$16,875,000	$10,931,012	$27,806,012	$12.00	$6,951,503	$27,806,012	$12.00	$25,102,867	$10.84
Vermont	616,592	$0	$16,875,000	$1,831,254	$16,875,000	$2,909,857	$19,784,857	$32.09	$4,946,214	$19,784,857	$32.09	$17,861,484	$28.97
Virginia	7,293,542	$7,269,682	$16,875,000	$21,661,539	$21,661,539	$34,420,115	$56,081,654	$7.69	$14,020,413	$63,351,336	$8.69	$57,192,673	$7.84
Washington	6,068,996	$18,363,173	$16,875,000	$18,024,684	$18,024,684	$28,641,165	$46,665,849	$7.69	$11,666,462	$65,029,022	$10.72	$58,707,265	$9.67
West Virginia	1,801,873	$0	$16,875,000	$5,351,493	$16,875,000	$8,503,506	$25,378,506	$14.08	$6,344,626	$25,378,506	$14.08	$22,911,349	$12.72
Wisconsin	5,441,196	$11,315,805	$16,875,000	$16,160,142	$16,875,000	$25,678,414	$42,553,414	$7.82	$10,638,354	$53,869,219	$9.90	$48,632,355	$8.94
Wyoming	498,703	$0	$16,875,000	$1,481,129	$16,875,000	$2,353,509	$19,228,509	$38.56	$4,807,127	$19,228,509	$38.56	$17,359,221	$34.81
Puerto Rico	3,858,806	$0	$1,687,500	$11,460,505	$11,460,505	$18,210,706	$29,671,211	$7.69	$7,417,803	$29,671,211	$7.69	$26,786,742	$6.94
Guam	154,805	$0	$1,687,500	$459,765	$1,687,500	$730,565	$2,418,065	$15.62	$604,516	$2,418,065	$15.62	$2,182,994	$14.10
U.S. Virgin Islands	108,612	$0	$1,687,500	$322,573	$1,687,500	$512,568	$2,200,068	$20.26	$550,017	$2,200,068	$20.26	$1,986,190	$18.29
Northern Marianas	69,221	$0	$1,687,500	$205,584	$1,687,500	$326,672	$2,014,172	$29.10	$503,543	$2,014,172	$29.10	$1,818,365	$26.27
American Samoa	57,291	$0	$1,687,500	$170,152	$1,687,500	$270,371	$1,957,871	$34.17	$489,468	$1,957,871	$34.17	$1,767,538	$30.85
Total	292,617,433	$750,000,000	$869,062,500	$869,062,500	$1,192,110,642	$1,380,937,500	$2,573,048,142	$8.79	$643,262,035	$3,323,048,142	$11.36	$3,000,000,000	$10.25

Sources: P.L. 108-90, and CRS calculations based on 2002 census population estimates by the Bureau of the Census.

H.R. 10

The following discussion demonstrates how the formula in H.R. 10 would allocate first responder grants to states.

First, with the assistance of a state and local first responder task force, the DHS Secretary would determine essential capabilities for first responders terrorism preparedness. These essential capabilities would be based upon variables of threat, vulnerability, and consequences with respect to the nation's population (including transient commuting and tourist populations) and critical infrastructure.

Second, 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.

Third, appropriations would be distributed based on the DHS Secretary's discretion (based on threat and risk) and the First Responder Grants Board's evaluation and prioritization of homeland security assistance applications.

Fourth, states without international borders 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 $3 billion, this amount would be $7.5 million.

Fifth, states with international borders 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 $3 billion, the amount would be $13.5 million.

Finally, the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands would receive at least 0.08% of the total appropriations. Assuming a total of $3 billion, the amount would be $2.4 million.

State amounts are shown in **Table 2** of this report.