Order Code RL34181

CRS Report for Congress

Distribution of Homeland Security Grants in FY2007 and P.L. 110-53, Implementing Recommendations of the 9/11 Commission Act

Updated January 28, 2008

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Prepared for Members and Committees of Congress

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Summary

On July 18, 2007, the Department of Homeland Security's Office of Grant Programs issued the document *FY2007 Homeland Security Grant Program: Final Awards Overview* to Congress, states, and localities. The *Overview* provides a summary of how the department determined FY2007 state and local Homeland Security Grant Program allocations and information on state and local grant awards. In FY2007, the Department of Homeland Security allocated 100% of total appropriations for the State Homeland Security Grant Program, the Law Enforcement Terrorism Prevention Program, and the Urban Area Security Initiative based on risk and anticipated effectiveness.

Weeks later, on August 3, 2007, Congress enacted P.L. 110-53, the *Implementing Recommendations of the 9/11 Commission Act of 2007*, which changes the distribution methods the Department of Homeland Security uses to allocate Homeland Security Grant Program funding. Title I (Homeland Security Grants) of P.L. 110-53 addresses the administration and allocation of homeland security funding to states and localities beginning in FY2008. P.L. 110-53 requires the department to allocate homeland security grants based on risk from FY2008 through FY2012. On December 26, 2007, the President signed the Consolidated Appropriations Act of 2008 (P.L. 110-161) and the act requires DHS to allocate the FY2008 state and local homeland security assistance programs as required by P.L. 110-53.

This report summarizes and compares the FY2007 and P.L. 110-53 Homeland Security Grant Program distribution methods: it also presents an estimate of State Homeland Security Grant Program guaranteed minimum allocations for FY2008 through FY2012.

This report will not be updated.

Contents

Homeland Security Grant Program Distribution Methods 2
The Homeland Security Grant Programs 3
State Homeland Security Grant Program (SHSGP) 3
Law Enforcement Terrorism Prevention Program (LETPP) 3
Urban Area Security Initiative (UASI) 3
Metropolitan Medical Response System (MMRS) 4
Citizen Corps Program (CCP) 4
FY2007 Homeland Security Grant Final Awards Overview 4
Risk 4
Effectiveness and Peer Review 5
SHSGP and LETPP 5
UASI 5
MMRS 6
CCP 6
Homeland Security Grant Allocations Under P.L. 110-53 6
SHSGP and LETPP 6
UASI 6
SHSGP and LETPP Guaranteed State Minimums: FY2007, and FY2008 to FY2012 9
9/11 Commission Recommendation 10

List of Tables

Table 1. FY2007 and P.L. 110-53 Distribution Methods 8
Table 2. FY2007-FY2012 SHSGP Guaranteed Minimums 10

Distribution of Homeland Security Grants in FY2007 and P.L. 110-53, Implementing Recommendations of the 9/11 Commission Act

On July 18, 2007, the Office of Grant Programs (OGP) — within the Federal Emergency Management Agency (FEMA) in the Department of Homeland Security (DHS) — issued the *FY2007 Homeland Security Grant Program: Final Awards Overview* to Congress, states, and localities. The *Overview* provides a summary of how DHS determined FY2007 state and local Homeland Security Grant Program (HSGP) allocations and includes information on state and local grant awards. HSGP includes the State Homeland Security Grant Program (SHSGP), the Law Enforcement Terrorism Prevention Program (LETPP), the Urban Area Security Initiative (UASI), the Metropolitan Medical Response System (MMRS), and the Citizen Corps Program (CCP).

On August 3, 2007, Congress enacted P.L. 110-53, the *Implementing Recommendations of the 9/11 Commission Act of 2007* which changes the distribution methods DHS uses to allocate SHSGP, LETPP, and UASI funding. Title I (Homeland Security Grants) of P.L. 110-53 addresses the administration and allocation of homeland security funding to states and localities beginning in FY2008. Congress appropriated funding for SHSGP and UASI in the FY2008 Consolidated Appropriations Act (P.L. 110-161) on December 26, 2007. The appropriations act states that SHSGP and UASI funding (including funding for law enforcement terrorism prevention activities) will be allocated by the methods enacted in P.L. 110-53.

Both the FY2007 *Overview* and P.L. 110-53 distribution methods[1] are similar in that SHSGP, LETPP, and UASI grants are 100% based on risk and anticipated effectiveness. The primary differences between the two distribution methods described in the FY2007 *Overview* and P.L. 110-53 are as follows:

- The FY2007 *Overview* states that DHS first allocated 100% of SHSGP, LETPP, and UASI funding based on risk and anticipated effectiveness. Then DHS ensured each applicant was allocated a guaranteed minimum of 0.75% — as required by Section 1014 of the USA PATRIOT Act (P.L. 107-56) — of total SHSGP and LETPP appropriations to each state, the District of Columbia (DC), and Puerto Rico. Also, each U.S. insular area is guaranteed a 0.25%

[1] The distribution method enacted in P.L. 110-53 is the method Congress requires DHS to use in FY2008.

minimum of total appropriations. If an applicant did not receive a guaranteed minimum allocation, DHS reallocated funding to ensure each applicant received the guaranteed amount.[2] By comparison, P.L. 110-53 changed the guaranteed minimum for SHSGP funding to 0.375% in FY2008 of total SHSGP and UASI (not LETPP) appropriations (reduced to 0.35% by FY2012) for states, DC, and Puerto Rico; each U.S. insular area is guaranteed 0.08% minimum. P.L. 110-53 specifically states that it does affect MMRS distributions, and the act is silent on CCP distribution methods.

- In FY2007, DHS risk analysis included the U.S. Intelligence Community's assessment of potential terrorist targets and affected populations, the economic impact of a terrorist attack, the presence of critical infrastructure, population, percent of national Gross Domestic Product for state analysis, total Gross Metropolitan Product for urban area analysis, presence of military facilities, and border crossing.[3] P.L. 110-53 requires the FEMA Administrator to consider the following risk factors in prioritizing homeland security grant allocations: terrorism threats; population; population density; history of terrorism threats; critical infrastructure; international borders; ocean or international waters coastline; likely need to respond to a terrorist attack in a nearby jurisdiction; unmet target preparedness capabilities; and anticipated effectiveness of the proposed use of the grant.[4]

This report summarizes and compares the FY2007 and P.L. 110-53 HSGP distribution methods. It also presents an estimate of SHSGP guaranteed minimum allocations for FY2008 through FY2012.

Homeland Security Grant Program Distribution Methods

As noted previously, the HSGP includes five separate programs, Congress appropriated funding in FY2007 for each program separately.[5] For purposes of satisfying the guaranteed minimum of 0.75%, DHS grouped SHSGP and LETPP funding together.[6] Following is a brief description of the five programs, the FY2007

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[2] DHS has not provided public information on how it reallocates funding to ensure all applicants receive the guaranteed minimum.

[3] U.S. Department of Homeland Security, Office of Grant Program, *FY2007 Homeland Security Grant Program: Final Awards Overview* (Washington: July 2007), p. 3.

[4] P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2007', 121 Stat. 282.

[5] P.L. 109-295, Title III, 120 Stat. 1368.

[6] Congress directed DHS to allocate funds appropriated for these programs at DHS's discretion, however, DHS was required to allocate at least 0.75% of total appropriations for

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appropriation, a summary of the FY2007 *Overview*, a summary of the P.L. 110-53 HSGP distribution method, and an explanation of the "risk and effectiveness" parameter in the new statute.

The Homeland Security Grant Programs

State Homeland Security Grant Program (SHSGP). This program provides assistance to states, DC, Puerto Rico, and the U.S. insular areas in implementing their Homeland Security Strategies. The program addresses state-identified planning, equipment, training, and exercise needs to improve response capabilities to acts of terrorism. Additionally, SHSGP supports the implementation of the National Preparedness Goal, the National Incident Management System, and the National Response Plan. The FY2008 appropriation was $950 million,[7] including $60 million for Operation Stonegarden. Operation Stonegarden assists state and local law enforcement border security operations in four Southwestern states.[8]

Law Enforcement Terrorism Prevention Program (LETPP). This program provides funding to law enforcement and public safety entities to support terrorism prevention activities. This includes establishing and enhancing information fusion centers and collaborating with non-law enforcement partners, other government agencies, and the private sector. In FY2008, there is no separate line item for LETTP, however, in accordance with P.L. 110-53 grant recipients are to obligate no less than 25% of their SHSGP and UASI allocations on law enforcement terrorism prevention activities.[9]

Urban Area Security Initiative (UASI). This program supports the efforts of eligible high-threat, high-density urban areas[10] seeking to improve their planning, equipment, training, and exercise needs for response to acts of terrorism. The FY2007 appropriation was $820 million.[11]

Metropolitan Medical Response System (MMRS). This program supports designated jurisdictions seeking to enhance and sustain a regionally

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[6] (...continued)
SHSGP and LETPP to each state, DC, and Puerto Rico; and 0.25% to U.S. insular areas. P.L. 109-295 (FY2007 DHS appropriations), Title III.

[7] P.L. 110-161, Div. E, Title III.

[8] U.S. Department of Homeland Security, Office of the Press Secretary, "DHS Expands Operation Stonegarden to Bolster Border Security Efforts," available at [http://test.rwb.gov.edgesuite.net/dhspublic/display?content=5332], visited January 24, 2008.

[9] P.L. 110-161, Div. E, Title III.

[10] DHS determines what urban areas are high-threat through a classified process based on threat, vulnerability, and consequence assessments. Congress authorized DHS to determine FY2007 UASI recipients in P.L. 109-295 (FY2007 DHS appropriations), Title III. 120 Stat. 1368.

[11] P.L. 110-161, Div. E, Title III. Of this $820 million, $15 million is for non-profit organizations' security.

integrated, systematic mass casualty incident preparedness program. It is also intended to prepare jurisdictions for responding to all-hazard mass casualty incidents, including those classified as: chemical, biological, radiological, nuclear, and explosive (CBRNE); terrorism; epidemic disease outbreaks; natural disasters; and large-scale hazardous materials incidents. The FY2008 appropriation was $41 million.[12]

Citizen Corps Program (CCP). This program supports community and local government efforts to coordinate community members in emergency preparedness, planning, mitigation, response, and recovery. The FY2008 appropriation was $15 million.[13]

For further information on FY2008 appropriations for DHS assistance programs for states and localities, see CRS Report RS22596, *FY2008 Appropriations for State and Local Homeland Security*, by Shawn Reese.

FY2007 Homeland Security Grant Final Awards Overview

DHS's HSGP guidance and final awards overview for FY2007 provides, among other things, information on eligible applicants, authorized expenditures, funding availability, program application requirements, award and reporting requirements, grant allocation methods, and final grant awards. The *Overview* also discusses the role of risk and effectiveness in the grant award allocations. Risk and effectiveness were the primary factors considered in the distribution of HSGP funds to states and U.S. insular areas in FY2007.

Risk. DHS determined state and urban area risk by using a risk and anticipated effectiveness formula developed by the Office of Grant Programs (OGP), in conjunction with other DHS and federal entities. Distribution of SHSGP, LETPP, and UASI funding was based on this risk and effectiveness formula. The specific formula, however, was not made publicly available and may not be available in the future due to security concerns. More generally, DHS indicated that the risk calculations were based upon consideration of the following factors:

- "threat": the likelihood of an attack occurring; and
- "vulnerability and consequence": the relative exposure and expected impact of an attack.[14]

The risk "score" generated by DHS for the HSGP in FY2007 was based on a 100 point scale where threat could contribute a maximum of 20 points and vulnerability/consequence could contribute up to 80 points. Thus, most of the variation across jurisdictions likely arose from variation in the vulnerability and consequence factor.

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[12] P.L. 110-161, Div. E, Title III.

[13] Ibid.

[14] U.S. Department of Homeland Security, Office of Grant Program, *FY2007 Homeland Security Grant Program: Final Awards Overview*, p. 3.

The risk evaluation incorporated the potential impact of terrorism on people, critical infrastructure, and the economy generally. More specifically, for each jurisdiction, DHS used total population at risk, population density, and location of specific characteristics that might contribute to risk. When quantifying threat, DHS used the U.S. Intelligence Community's threat assessments for identifying potential targets. Risk assessments of individual applicants were worth two-thirds of their application score.[15]

Effectiveness and Peer Review. Grant applicants were required to submit an *Investment Justification* that identified how their homeland security activities, programs, and initiatives supported the National Preparedness Goal, relevant applicant Homeland Security Strategies, and Targeted Capabilities Enhancement Plans. Individual applicant Investment Justifications were evaluated on the anticipated effectiveness of the applicant's homeland security priorities, priorities identified in DHS's *FY2007 Homeland Security Grant Program: Program Guidance and Application Kit*, and the National Preparedness Goal. DHS stated that the evaluation of *Investment Justifications* would identify which applicants had effective plans to reduce overall terrorism risks.[16]

The FY2007 grant allocation methods for all of the component programs are discussed in more detail below.

SHSGP and LETPP. DHS first allocated 100% of FY2007 funds based on an analysis of risk and anticipated effectiveness. Then DHS ensured each state, DC, and Puerto Rico received a minimum of 0.75% of total appropriations; each U.S. insular area, 0.25%.[17] If a jurisdiction did not receive the statutory minimum, DHS adjusted the distribution to ensure that all jurisdictions received at least the minimum.

UASI. Each eligible urban area received a grant in FY2007 based on DHS's determination of risk and effectiveness. Seven high-threat, high-density urban areas were categorized as Tier I urban areas and were eligible to apply for $410.8 million (approximately 54% of total FY2007 UASI funding). These Tier I urban areas included the San Francisco Bay Area (CA), Chicago (IL), Houston (TX), Los Angeles and Long Beach (CA), the National Capital Region (DC), New York City (NY), and Northern New Jersey (NJ). In FY2007, UASI funding ($336.1 million) that remained after Tier I distributions was allocated to 39 Tier II urban areas.[18]

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[15] Ibid.

[16] Ibid.

[17] Ibid., p. 2.

[18] U.S. Department of Homeland Security, Office of Grant Programs, *FY2007 Homeland Security Grant Program: Final Awards Overview*, p. 5.

MMRS. DHS divided total appropriations evenly among 124 jurisdictions. The risk assessment described above did not play an explicit role in the allocation of MMRS grants.[19]

CCP. Each state, DC, and Puerto Rico received a base amount of 0.75% of total appropriations; each U.S. insular area, 0.25%. The remainder of total appropriations were allocated on a state's, DC's, Puerto Rico's, and U.S. insular area's proportion of the total national and U.S. insular area population.[20]

Homeland Security Grant Allocations Under P.L. 110-53[21]

P.L. 110-53, the *Implementing Recommendations of the 9/11 Commission Act of 2007*, modifies the DHS allocation method for some HSGP component programs beginning in FY2008. The law changes the distribution method for SHSGP, LETPP, and UASI. Other HSGP component programs, MMRS and CCP, are not affected by P.L. 110-53.[22] The HSGP funding allocation factors for each program are described below. **Table 1** compares FY2007 distribution criteria to P.L. 110-53 minimum allocation formulae.

SHSGP and LETPP. First, DHS is to allocate 100% of appropriated grant funds based on an analysis of risk and effectiveness. SHSGP applicants are to be prioritized based on: (1) relative threat based on its most current threat assessment; (2) proximity to an international border; (3) presence of coastline bordering an ocean or international waters; (4) the anticipated need to respond to acts of terrorism occurring in nearby jurisdictions; (5) existence of unmet target capabilities; and (6) the anticipated effectiveness of the proposed use of the SHSGP grant.[23] The FEMA Administrator must ensure that 25% of authorized appropriations for SHSGP and UASI are devoted to LETPP activities. [24] Second, DHS is to ensure each applicant is allocated a guaranteed minimum for SHSGP funding to 0.375% in FY2008 of total SHSGP and UASI (not LETPP) appropriations (reduced to 0.35% by FY2012) for states, DC, and Puerto Rico; each U.S. insular area is guaranteed 0.08% minimum.[25] If a jurisdiction does not receive the statutory minimum, DHS would need to adjust the distribution to ensure that all jurisdictions received at least the minimum.

UASI. DHS is to allocate 100% of funds based on an analysis of risk and effectiveness. UASI applicants are to be prioritized similar to SHSGP applicants, and based on: (1) relative threat based on its most current threat assessment; (2)

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[19] Ibid., p. 6.

[20] Ibid.

[21] Congress requires DHS to use the P.L. 110-53 distribution method in FY2008.

[22] P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2002(b)'. 121 Stat. 273.

[23] P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2007'. 121 Stat. 282.

[24] P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2006(a)'. 121 Stat. 281. Some of these activities include information sharing and analysis, threat recognition, and terrorist interdiction.

[25] P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2004(e)'. 121 Stat. 278.

proximity to an international border; (3) presence of coastline bordering an ocean or international waters; (4) the anticipated need to respond to acts of terrorism occurring in nearby jurisdictions; (5) existence of unmet target capabilities, and (6) the anticipated effectiveness of the proposed use of the UASI grant.[26] The FEMA Administrator is to ensure that grant applicants allocate 25% of their UASI award be used for LETPP activities.[27]

[26] P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2007'. 121 Stat. 282.

[27] P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2006(a)'. 121 Stat. 281.

Table 1. FY2007 and P.L. 110-53 Distribution Methods

Program	FY2007	P.L. 110-53
SHSGP	DHS first allocated 100% of SHSGP appropriations based on risk and the anticipated effectiveness of the applicant's proposed solutions to identified homeland security needs. [*FY2007 HSGP Final Awards Overview*]	First, DHS is to allocate 100% of SHSGP appropriations based on risk and anticipated effectiveness of the applicant's proposed solutions to identified homeland security needs. [P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2007']
	Guaranteed Amount Second, each state, DC, and Puerto Rico was guaranteed 0.75% of total SHSGP appropriations. U.S. insular areas were guaranteed 0.25% of total appropriations. If a jurisdiction did not receive the statutory minimum, DHS adjusted the distribution to ensure that all jurisdictions received at least the minimum. [P.L. 107-56, Sec. 1014]	**Guaranteed Amount** Second, each state, DC, and Puerto Rico is guaranteed 0.375% (reduced to 0.35% by FY2012) of total SHSGP and UASI appropriations. U.S. insular areas are guaranteed 0.08% of total SHSGP and UASI appropriations. If a jurisdiction did not receive the statutory minimum, DHS would need to adjust the distribution to ensure that all jurisdictions received at least the minimum. [P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2004']
LETPP	DHS first allocated 100% of LETPP appropriations based on risk and the anticipated effectiveness of the applicant's proposed solutions to identified homeland security needs. [*FY2007 HSGP Final Awards Overview*]	The FEMA Administrator is to ensure 25% of total SHSGP and UASI allocations are used for LETPP activities. [P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2006']
	Guaranteed Amount Second, each state, DC, and Puerto Rico was guaranteed 0.75% of total LETPP appropriations. U.S. insular areas were guaranteed 0.25% of total appropriations. If a jurisdiction did not receive the statutory minimum, DHS adjusted the distribution to ensure that all jurisdictions received at least the minimum. [P.L. 107-56, Sec. 1014]	**Guaranteed Amount** Each state, DC, and Puerto Rico is guaranteed 0.375% (reduced to 0.35% by FY2012) of total SHSGP and UASI appropriations and LETPP allocations are 25% of these appropriations. U.S. insular areas are guaranteed 0.08% of total SHSGP and UASI appropriations, and LETPP allocations are 25% of these appropriations.. [P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2004']

Program	FY2007	P.L. 110-53
UASI	DHS allocated 100% of UASI appropriations based on risk and the anticipated effectiveness of the applicant's proposed solutions to identified homeland security needs. [*FY2007 HSGP Final Awards Overview*]	DHS is to allocate 100% of UASI appropriations based on risk and anticipated effectiveness of the applicant's proposed solutions to identified homeland security needs. [P.L. 110-53, Title I, Sec. 101, 'Title XX, Sec. 2003']

SHSGP and LETPP Guaranteed State Minimums: FY2007, and FY2008 to FY2012

Congress appropriated FY2007 SHSGP, LETPP, and UASI funds in Title III of P.L. 109-295 (FY2007 DHS appropriations). P.L. 110-53 authorizes appropriations for SHSGP and UASI and guarantees a state minimum amount for SHSGP recipients for FY2008 through FY2012. In contrast to FY2007, LETPP does not receive a separate authorized appropriation with a state minimum for FY2008 to FY2012. Instead, the FEMA Administrator must ensure that 25% of authorized appropriations for SHSGP and UASI are devoted to LETPP activities.

Table 2 provides the SHSGP, LETPP, and UASI appropriated amounts for FY2007, as well as the authorized SHSGP and UASI appropriation amounts for FY2008 through FY2012 with corresponding guaranteed SHSGP (and LETPP in FY2007) minimum amounts for each state, DC, and Puerto Rico. Calculation of the result of the authorized appropriations times the percent guaranteed state minimum, both specified in the statute, indicates that the minimum amount would increase over the FY2008 to FY2012 time frame even though the minimum percentage declines. This result occurs because the percentage is applied to the *total* authorized appropriations for both SHSGP *and* UASI, and the UASI authorized appropriation increases by 53% over the FY2008 to FY2012 time frame.[28] For example, in FY2008, the SHSGP guaranteed state minimum (0.375% of total SHSGP and UASI authorized appropriations of $1.8 billion) will be $6.75 million, and in FY2012, the SHSGP guaranteed state minimum (0.35% of total SHSGP and UASI authorized appropriations of $2.25 billion) will be $7.875 million, an increase of $1.125 million — if Congress appropriates the amount authorized.

In FY2007, the guaranteed minimum for each state, DC, and Puerto Rico for SHSGP and LETPP combined was $6.75 million.[29] According to DHS, 18 states received the minimum of $6.75 million.[30] DHS does not provide information on

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[28] DHS held back 3% of appropriations in FY2007 for administrative costs. It is likely the same percentage will be held back for FY2008 to FY2012. **Table 2** does not reflect the effect of the 3% "hold back" for FY2007 or FY2008 to FY2012.

[29] U.S. Department of Homeland Security, Office of Grant Programs, *FY2007 Homeland Security Grant Program: Final Awards Overview*, p. 11.

[30] The 18 states include Alaska, Delaware, Hawaii, Idaho, Maine, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Puerto Rico, Rhode Island, South

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what portion of this $6.75 million was allocated due to its risk and effectiveness analysis. Additionally, DHS does not provide information on how funding was redistributed to ensure that these 18 states received the guaranteed minimum.

Table 2. FY2007-FY2012 SHSGP Guaranteed Minimums

Fiscal Year	Authorized Appropriation (in millions)				Guaranteed State Minimum (in millions)		
	SHSGP	LETPP	UASI	Total	Percent	SHSGP[a]	LETPP
2007[b]	$525	$375	$770[c]	$1,670	0.750%	$3.938	$2.813
2008	$950	NA	$850	$1,800	0.375%	$6.750	NA
2009	$950	NA	$950	$1,900	0.365%	$6.935	NA
2010	$950	NA	$1,050	$2,000	0.360%	$7.200	NA
2011	$950	NA	$1,150	$2,100	0.355%	$7.455	NA
2012	$950	NA	$1,300	$2,250	0.350%	$7.875	NA

a. In FY2007, the minimum percentage is applied to the total appropriated for SHSGP and LETPP; in FY2008 through FY2012, the SHSGP minimum percentage will be applied to the combined total appropriations for SHSGP and UASI. For FY2008 through FY2012, 25% of total appropriated for UASI and SHSGP must be used for LETPP activities, there is no state minimum. The insular areas minimums, which are 0.08% of total, for FY2008 through FY2012 are: $1.44 million, $1.52 million, $1.6 million, $1.68 million, and $1.8 million.
b. In FY2007, the amounts for SHSGP, LETPP, and UASI are actual appropriated amounts, not authorized amounts.
c. The $770 million appropriated for UASI in FY2007 was not included in the determination of SHSGP or LETPP guaranteed minimum amounts, unlike the statutorily required inclusion of UASI amounts in the determination of guaranteed SHSGP minimums from FY2008 through FY2012.

9/11 Commission Recommendation. Since P.L. 110-53 requires DHS to guarantee a minimum amount of SHSGP funding to states, it could be argued that the law does not meet the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) recommendation to allocate homeland security funding based solely on risk. If Congress were to appropriate the authorized SHSGP and UASI amounts in P.L. 110-53, it could be argued that this issue might be further noticeable since guaranteed minimum dollar amounts increase (based on the statute's authorized appropriations), even though the guaranteed minimum percentage decreases from FY2008 through FY2012.

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[30] (...continued)
Dakota, Utah, Vermont, West Virginia, and Wyoming. U.S. Department of Homeland Security, Office of Grant Programs, *FY2007 Homeland Security Grant Program: Final Awards Overview*, pp. 11-13.

Others might contend that the statute is consistent with the 9/11 Commission's recommendation. While the 9/11 Commission criticized the allocation of federal homeland security assistance and recommended that the distribution not "remain a program for general revenue sharing,"[31] commissioners acknowledged that "every state and city needs to have some minimum infrastructure for emergency response."[32] The 9/11 Commission also recommended that state and local homeland security assistance should "supplement state and local resources based on the risks or vulnerabilities that merit additional support" and 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."[33]

It could be argued, however, that if DHS were to determine during its risk and effectiveness analysis that all grant recipients scored above the guaranteed minimum, then the increase in guaranteed minimum dollar amounts would not affect the overall allocation. This could result in DHS not having to reallocate funding to ensure applicants meet the guaranteed minimum amount.

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

[32] Ibid.

[33] Ibid.