

107TH CONGRESS
2D SESSION

S. 2038

To provide for homeland security block grants.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2002

Mrs. CLINTON (for herself, Mr. KERRY, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CORZINE, Ms. STABENOW, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for homeland security block grants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Homeland Security Block Grant Act of 2002”.

6 (b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Grants to States, units of general local government and Indian tribes; authorizations.
- Sec. 5. Statement of activities and review.
- Sec. 6. Activities eligible for assistance.
- Sec. 7. Allocation and distribution of funds.
- Sec. 8. State and regional planning communication systems.
- Sec. 9. Nondiscrimination in programs and activities.

Sec. 10. Remedies for noncompliance with requirements.

Sec. 11. Reporting requirements.

Sec. 12. Consultation by Director.

Sec. 13. Interstate agreements or compacts; purposes.

Sec. 14. Matching requirements; suspension of requirements for economically distressed areas.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) In the wake of the September 11, 2001, ter-
4 rorist attacks on our country, communities all across
5 American now find themselves on the front lines in
6 the war against terrorism on United States soil.

7 (2) We recognize that these communities will be
8 forced to shoulder a significant portion of the bur-
9 den that goes along with that responsibility. We be-
10 lieve that local governments should not have to bear
11 that responsibility alone.

12 (3) Our homeland defense will only be as strong
13 as the weakest link at the State and local level. By
14 providing our communities with the resources and
15 tools they need to bolster emergency response efforts
16 and provide for other emergency response initiatives,
17 we will have a better-prepared home front and a
18 stronger America.

19 **SEC. 3. DEFINITIONS.**

20 (a) DEFINITIONS.—In this Act:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of the Federal Emergency Management
3 Agency (FEMA).

4 (2) CITY.—The term “city” means—

5 (A) any unit of general local government
6 that is classified as a municipality by the
7 United States Bureau of the Census; or

8 (B) any other unit of general local govern-
9 ment that is a town or township and which, in
10 the determination of the Director—

11 (i) possesses powers and performs
12 functions comparable to those associated
13 with municipalities;

14 (ii) is closely settled; and

15 (iii) contains within its boundaries no
16 incorporated places as defined by the
17 United States Bureau of the Census that
18 have not entered into cooperation agree-
19 ments with such town or township to un-
20 dertake or to assist in the performance of
21 homeland security objectives.

22 (3) FEDERAL GRANT-IN-AID PROGRAM.—The
23 term “Federal grant-in-aid program” means a pro-
24 gram of Federal financial assistance other than

1 loans and other than the assistance provided by this
2 Act.

3 (4) INDIAN TRIBE.—The term “Indian tribe”
4 means any Indian tribe, band, group, and nation, in-
5 cluding Alaska Indians, Aleuts, and Eskimos, and
6 any Alaskan Native Village, of the United States,
7 which is considered an eligible recipient under the
8 Indian Self-Determination and Education Assistance
9 Act (Public Law 93–638) or was considered an eligi-
10 ble recipient under chapter 67 of title 31, United
11 States Code, prior to the repeal of such chapter.

12 (5) METROPOLITAN AREA.—The term “metro-
13 politan area” means a standard metropolitan statis-
14 tical area as established by the Office of Manage-
15 ment and Budget.

16 (6) METROPOLITAN CITY.—

17 (A) IN GENERAL.—The term “metropoli-
18 tan city” means—

19 (i) a city within a metropolitan area
20 that is the central city of such area, as de-
21 fined and used by the Office of Manage-
22 ment and Budget; or

23 (ii) any other city, within a metropoli-
24 tan area, which has a population of fifty
25 thousand or more.

1 (B) PERIOD OF CLASSIFICATION.—Any
2 city that was classified as a metropolitan city
3 for at least 2 years pursuant to subparagraph
4 (A) shall remain classified as a metropolitan
5 city. Any unit of general local government that
6 becomes eligible to be classified as a metropoli-
7 tan city, and was not classified as a metropoli-
8 tan city in the immediately preceding fiscal
9 year, may, upon submission of written notifica-
10 tion to the Director, defer its classification as
11 a metropolitan city for all purposes under this
12 Act, if it elects to have its population included
13 in an urban county under subsection (d).

14 (C) ELECTION BY A CITY.—Notwith-
15 standing subparagraph (B), a city may elect not
16 to retain its classification as a metropolitan
17 city. Any unit of general local government that
18 was classified as a metropolitan city in any
19 year, may, upon submission of written notifica-
20 tion to the Director, relinquish such classifica-
21 tion for all purposes under this Act if it elects
22 to have its population included with the popu-
23 lation of a county for purposes of qualifying for
24 assistance (for such following fiscal year) under
25 section 5(e) as an urban county.

1 (7) NONQUALIFYING COMMUNITY.—The term
2 “nonqualifying community” means an area that is
3 not a metropolitan city or part of an urban county
4 and does not include Indian tribes.

5 (8) POPULATION.—The term “population”
6 means total resident population based on data com-
7 piled by the United States Bureau of the Census
8 and referable to the same point or period of time.

9 (9) STATE.—The term “State” means any
10 State of the United States, or any instrumentality
11 thereof approved by the Governor; and the Common-
12 wealth of Puerto Rico, the United States Virgin Is-
13 lands, American Samoa, Guam, and the Northern
14 Mariana Islands.

15 (10) UNIT OF GENERAL LOCAL GOVERN-
16 MENT.—The term “unit of general local govern-
17 ment” means any city, county, town, township, par-
18 ish, village, or other general purpose political sub-
19 division of a State; a combination of such political
20 subdivisions is recognized by the Director; and the
21 District of Columbia.

22 (11) URBAN COUNTY.—The term “urban coun-
23 ty” means any county within a metropolitan area.

24 (b) BASIS AND MODIFICATION OF DEFINITIONS.—
25 Where appropriate, the definitions in subsection (a) shall

1 be based, with respect to any fiscal year, on the most re-
2 cent data compiled by the United States Bureau of the
3 Census and the latest published reports of the Office of
4 Management and Budget available ninety days prior to the
5 beginning of such fiscal year. The Director may by regula-
6 tion change or otherwise modify the meaning of the terms
7 defined in subsection (a) in order to reflect any technical
8 change or modification thereof made subsequent to such
9 date by the United States Bureau of the Census or the
10 Office of Management and Budget.

11 (c) DESIGNATION OF PUBLIC AGENCIES.—One or
12 more public agencies, including existing local public agen-
13 cies, may be designated by the chief executive officer of
14 a State or a unit of general local government to undertake
15 activities assisted under this Act.

16 (d) LOCAL GOVERNMENTS, INCLUSION IN URBAN
17 COUNTY POPULATION.—With respect to program years
18 beginning with the program year for which grants are
19 made available from amounts appropriated for fiscal year
20 2002 under section 4, the population of any unit of gen-
21 eral local government which is included in that of an urban
22 county as provided in subsection (a)(11) shall be included
23 in the population of such urban county for three program
24 years beginning with the program year in which its popu-
25 lation was first so included and shall not otherwise be eli-

1 gible for a grant as a separate entity, unless the urban
 2 county does not receive a grant for any year during such
 3 three-year period.

4 (e) URBAN COUNTY.—Any county seeking qualifica-
 5 tion as an urban county, including any urban county seek-
 6 ing to continue such qualification, shall notify, as provided
 7 in this subsection, each unit of general local government,
 8 which is included therein and is eligible to elect to have
 9 its population excluded from that of an urban county, of
 10 its opportunity to make such an election. Such notification
 11 shall, at a time and in a manner prescribed by the Direc-
 12 tor, be provided so as to provide a reasonable period for
 13 response prior to the period for which such qualification
 14 is sought. The population of any unit of general local gov-
 15 ernment which is provided such notification and which
 16 does not inform, at a time and in a manner prescribed
 17 by the Director, the county of its election to exclude its
 18 population from that of the county shall, if the county
 19 qualifies as an urban county, be included in the population
 20 of such urban county as provided in subsection (d).

21 **SEC. 4. GRANTS TO STATES, UNITS OF GENERAL LOCAL**
 22 **GOVERNMENT AND INDIAN TRIBES; AUTHOR-**
 23 **IZATIONS.**

24 The Director is authorized to make grants to States,
 25 units of general local government, and Indian tribes to

1 carry out activities in accordance with the provisions of
2 this Act. For purposes of assistance under section 7, there
3 is authorized to be appropriated \$3,000,000,000 in fiscal
4 year 2002, and such additional sums as are authorized
5 thereafter. For purposes of assistance under section 8,
6 there is authorized to be appropriated \$500,000,000 in
7 fiscal year 2002, and such sums as are authorized there-
8 after.

9 **SEC. 5. STATEMENT OF ACTIVITIES AND REVIEW.**

10 (a) APPLICATION.—Prior to the receipt in any fiscal
11 year of a grant under section 7(b) by any metropolitan
12 city or urban county, under section 7(d) by any State, or
13 under section 7(d)(2) by any unit of general local govern-
14 ment, the grantee shall have indicated its interest in re-
15 ceiving funds by preparing a statement of homeland secu-
16 rity objectives and projected use of funds and shall have
17 provided the Director with the certifications required in
18 subsection (b) and, where appropriate, subsection (c). In
19 the case of metropolitan cities and urban counties receiv-
20 ing grants pursuant to section 7(b) and in the case of
21 units of general local government receiving grants pursu-
22 ant to section 7(d)(2), the statement of projected use of
23 funds shall consist of proposed homeland security activi-
24 ties. In the case of States receiving grants pursuant to
25 section 7(d), the statement of projected use of funds shall

1 consist of the method by which the States will distribute
2 funds to units of general local government. In preparing
3 the statement, the grantee shall consider any view of ap-
4 propriate law enforcement, and emergency response au-
5 thorities and may, if deemed appropriate by the grantee,
6 modify the proposed statement. A copy of the final state-
7 ment shall be furnished to the Director, the Attorney Gen-
8 eral, and the Office of Homeland Security together with
9 the certifications required under subsection (b) and, where
10 appropriate, subsection (c). Any final statement of activi-
11 ties may be modified or amended from time to time by
12 the grantee in accordance with the same procedures re-
13 quired in this paragraph for the preparation and submis-
14 sion of such statement.

15 (b) CERTIFICATION OF ENUMERATED CRITERIA BY
16 GRANTEE TO SECRETARY.—Any grant under section 7
17 shall be made only if the grantee certifies to the satisfac-
18 tion of the Director that—

19 (1) it has developed a homeland security plan
20 pursuant to section 5 that identifies both short- and
21 long-term homeland security needs that have been
22 developed in accordance with the primary objective
23 and requirements of this Act; and

24 (2) the grantee will comply with the other pro-
25 visions of this Act and with other applicable laws.

1 (c) SUBMISSION OF ANNUAL PERFORMANCE RE-
2 PORTS, AUDITS AND ADJUSTMENTS.—

3 (1) IN GENERAL.—Each grantee shall submit to
4 the Director, at a time determined by the Director,
5 a performance and evaluation report concerning the
6 use of funds made available under section 7, to-
7 gether with an assessment by the grantee of the re-
8 lationship of such use to the objectives identified in
9 the grantee's statement under subsection (a). The
10 Director shall encourage and assist national associa-
11 tions of grantees eligible under section 7, national
12 associations of States, and national associations of
13 units of general local government in nonqualifying
14 areas to develop and recommend to the Director,
15 within 1 year after the effective date of this sen-
16 tence, uniform recordkeeping, performance report-
17 ing, evaluation reporting, and auditing requirements
18 for such grantees, States, and units of general local
19 government, respectively. Based on the Director's
20 approval of these recommendations, the Director
21 shall establish such requirements for use by such
22 grantees, States, and units of general local govern-
23 ment.

24 (2) REVIEWS AND AUDITS.—The Director shall,
25 at least on an annual basis, make such reviews and

1 audits as may be necessary or appropriate to
2 determine—

3 (A) in the case of grants made under sec-
4 tion 7(b), whether the grantee has carried out
5 its activities and, where applicable, whether the
6 grantee has carried out those activities and its
7 certifications in accordance with the require-
8 ments and the primary objectives of this Act
9 and with other applicable laws, and whether the
10 grantee has a continuing capacity to carry out
11 those activities in a timely manner; and

12 (B) in the case of grants to States made
13 under section 7(d), whether the State has dis-
14 tributed funds to units of general local govern-
15 ment in a timely manner and in conformance to
16 the method of distribution described in its
17 statement, whether the State has carried out its
18 certifications in compliance with the require-
19 ments of this Act and other applicable laws,
20 and whether the State has made such reviews
21 and audits of the units of general local govern-
22 ment as may be necessary or appropriate to de-
23 termine whether they have satisfied the applica-
24 ble performance criteria described in subpara-
25 graph (A).

1 (3) ADJUSTMENTS.—The Director may make
2 appropriate adjustments in the amount of the an-
3 nual grants in accordance with the Director’s find-
4 ings under this subsection. With respect to assist-
5 ance made available to units of general local govern-
6 ment under section 7(d), the Director may adjust,
7 reduce, or withdraw such assistance, or take other
8 action as appropriate in accordance with the Direc-
9 tor’s reviews and audits under this subsection, ex-
10 cept that funds already expended on eligible activi-
11 ties under this Act shall not be recaptured or de-
12 ducted from future assistance to such units of gen-
13 eral local government.

14 (d) AUDITS.—Insofar as they relate to funds provided
15 under this Act, the financial transactions of recipients of
16 such funds may be audited by the General Accounting Of-
17 fice under such rules and regulations as may be prescribed
18 by the Comptroller General of the United States. The rep-
19 resentatives of the General Accounting Office shall have
20 access to all books, accounts, records, reports, files, and
21 other papers, things, or property belonging to or in use
22 by such recipients pertaining to such financial trans-
23 actions and necessary to facilitate the audit.

24 (e) METROPOLITAN CITY AS PART OF URBAN COUN-
25 TY.—In any case in which a metropolitan city is located,

1 in whole or in part, within an urban county, the Director
2 may, upon the joint request of such city and county, ap-
3 prove the inclusion of the metropolitan city as part of the
4 urban county for purposes of submitting a statement
5 under section 5 and carrying out activities under this Act.

6 **SEC. 6. ACTIVITIES ELIGIBLE FOR ASSISTANCE.**

7 (a) IN GENERAL.—Activities assisted under this Act
8 may include only—

9 (1) funding additional law enforcement, fire,
10 and emergency resources, including covering over-
11 time expenses;

12 (2) purchasing and refurbishing personal pro-
13 tective equipment for fire, police, and emergency
14 personnel and acquire state-of-the-art technology to
15 improve communication and streamline efforts;

16 (3) improving cyber and infrastructure security
17 by improving—

18 (A) security for water treatment plants,
19 distribution systems, and other water infra-
20 structure; nuclear power plants and other power
21 infrastructure;

22 (B) security for tunnels and bridges;

23 (C) security for oil and gas pipelines and
24 storage facilities; and

1 (D) security for chemical plants and trans-
2 portation of hazardous substances;

3 (4) assisting Local Emergency Planning Com-
4 mittees so that local public agencies can design, re-
5 view, and improve disaster response systems;

6 (5) assisting communities in coordinating their
7 efforts and sharing information with all relevant
8 agencies involved in responding to terrorist attacks;

9 (6) establishing timely notification systems that
10 enable communities to communicate with each other
11 when a threat emerges;

12 (7) improving communication systems to pro-
13 vide information to the public in a timely manner
14 about the facts of any threat and the precautions
15 the public should take; and

16 (8) devising a homeland security plan, including
17 determining long-term goals and short-term objec-
18 tives, evaluating the progress of the plan, and car-
19 rying out the management, coordination, and moni-
20 toring of activities necessary for effective planning
21 implementation.

22 (b) COSTS COVERED.—Grants received under section
23 7 may be used to cover any costs related to the eligible
24 activities listed in this section that were incurred on or
25 after September 11, 2001.

1 **SEC. 7. ALLOCATION AND DISTRIBUTION OF FUNDS.**

2 (a) ALLOCATION AND DISTRIBUTION OF FUNDS;
3 SET-ASIDE FOR INDIAN TRIBES.—

4 (1) ALLOCATION.—For each fiscal year, of the
5 amount approved in an appropriation Act under sec-
6 tion 4 for grants in a year (excluding the amounts
7 provided for use in accordance with section 6), the
8 Director shall reserve for grants to Indian tribes 1
9 percent of the amount appropriated under such sec-
10 tion. The Director shall provide for distribution of
11 amounts under this paragraph to Indian tribes on
12 the basis of a competition conducted pursuant to
13 specific criteria for the selection of Indian tribes to
14 receive such amounts. The criteria shall be contained
15 in a regulation promulgated by the Director after
16 notice and public comment.

17 (2) REMAINING ALLOCATION.—Of the amount
18 remaining after allocations pursuant to paragraph
19 (1), 70 percent shall be allocated by the Director to
20 metropolitan cities and urban counties. Except as
21 otherwise specifically authorized, each metropolitan
22 city and urban county shall be entitled to an annual
23 grant, to the extent authorized beyond fiscal year
24 2002, from such allocation in an amount not exceed-
25 ing its basic amount computed pursuant to para-
26 graph (1) or (2) of subsection (b).

1 (b) COMPUTATION OF AMOUNT ALLOCATED TO MET-
2 ROPOLITAN CITIES AND URBAN COUNTIES.—

3 (1) IN GENERAL.—The Director shall determine
4 the amount to be allocated to each metropolitan city
5 based on the population of that metropolitan city.

6 (2) URBAN COUNTIES.—The Director shall de-
7 termine the amount to be allocated to each urban
8 county based on the population of that urban coun-
9 ty.

10 (3) EXCLUSIONS.—In computing amounts or
11 exclusions under this section with respect to any
12 urban county, there shall be excluded units of gen-
13 eral local government located in the county the pop-
14 ulations that are not counted in determining the eli-
15 gibility of the urban county to receive a grant under
16 this subsection, except that there shall be included
17 any independent city (as defined by the Bureau of
18 the Census) which—

19 (A) is not part of any county;

20 (B) is not eligible for a grant pursuant to
21 subsection (b)(1);

22 (C) is contiguous to the urban county;

23 (D) has entered into cooperation agree-
24 ments with the urban county which provide that
25 the urban county is to undertake or to assist in

1 the undertaking of essential community devel-
2 opment and housing assistance activities with
3 respect to such independent city; and

4 (E) is not included as a part of any other
5 unit of general local government for purposes of
6 this section.

7 Any independent city that is included in any fiscal year
8 for purposes of computing amounts pursuant to the pre-
9 ceding sentence shall not be eligible to receive assistance
10 under subsection (d) with respect to such fiscal year.

11 (4) INCLUSIONS.—In computing amounts under
12 this section with respect to any urban county, there
13 shall be included all of the area of any unit of local
14 government which is part of, but is not located en-
15 tirely within the boundaries of, such urban county if
16 the part of such unit of local government which is
17 within the boundaries of such urban county would
18 otherwise be included in computing the amount for
19 such urban county under this section, and if the
20 part of such unit of local government that is not
21 within the boundaries of such urban county is not
22 included as a part of any other unit of local govern-
23 ment for the purpose of this section. Any amount re-
24 ceived by such urban county under this section may
25 be used with respect to the part of such unit of local

1 government that is outside the boundaries of such
2 urban county.

3 (5) POPULATION.—(A) Where data are avail-
4 able, the amount determined under paragraph (1)
5 for a metropolitan city that has been formed by the
6 consolidation of one or more metropolitan cities with
7 an urban county shall be equal to the sum of the
8 amounts that would have been determined under
9 paragraph (1) for the metropolitan city or cities and
10 the balance of the consolidated government, if such
11 consolidation had not occurred. This paragraph shall
12 apply only to any consolidation that—

13 (i) included all metropolitan cities that re-
14 ceived grants under this section for the fiscal
15 year preceding such consolidation and that were
16 located within the urban county;

17 (ii) included the entire urban county that
18 received a grant under this section for the fiscal
19 year preceding such consolidation; and

20 (iii) took place on or after January 1,
21 2002.

22 (B) The population growth rate of all metro-
23 politan cities referred to in section 3 shall be based
24 on the population of—

1 (i) metropolitan cities other than consoli-
2 dated governments the grant for which is deter-
3 mined under this paragraph; and

4 (ii) cities that were metropolitan cities be-
5 fore their incorporation into consolidated gov-
6 ernments. For purposes of calculating the enti-
7 tlement share for the balance of the consoli-
8 dated government under this paragraph, the en-
9 tire balance shall be considered to have been an
10 urban county.

11 (c) REALLOCATION.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), any amounts allocated to a metropolitan
14 city or an urban county pursuant to the preceding
15 provisions of this section that are not received by the
16 city or county for a fiscal year because of failure to
17 meet the requirements of subsections (a) and (b) of
18 section 5, or that otherwise became available, shall
19 be reallocated in the succeeding fiscal year to the
20 other metropolitan cities and urban counties in the
21 same metropolitan area that certify to the satisfac-
22 tion of the Director that they would be adversely af-
23 fected by the loss of such amounts from the metro-
24 politan area. The amount of the share of funds re-
25 allocated under this paragraph for any metropolitan

1 city or urban county shall bear the same ratio to the
2 total of such reallocated funds in the metropolitan
3 area as the amount of funds awarded to the city or
4 county for the fiscal year in which the reallocated
5 funds become available bears to the total amount of
6 funds awarded to all metropolitan cities and urban
7 counties in the same metropolitan area for that fis-
8 cal year.

9 (2) TRANSFER.—Notwithstanding the provi-
10 sions of paragraph (1), the Director may upon re-
11 quest transfer responsibility to any metropolitan city
12 for the administration of any amounts received, but
13 not obligated, by the urban county in which such
14 city is located if—

15 (A) such city was an included unit of gen-
16 eral local government in such county prior to
17 the qualification of such city as a metropolitan
18 city;

19 (B) such amounts were designated and re-
20 ceived by such county for use in such city prior
21 to the qualification of such city as a metropoli-
22 tan city; and

23 (C) such city and county agree to such
24 transfer of responsibility for the administration
25 of such amounts.

1 (d) ALLOCATION TO STATES ON BEHALF OF NON-
2 QUALIFYING COMMUNITIES.—

3 (1) IN GENERAL.—Of the amount approved in
4 an appropriation Act under section 4 that remains
5 after allocations pursuant to paragraphs (1) and (2)
6 of subsection (a), 30 percent shall be allocated
7 among the States for use in nonqualifying areas.
8 The allocation for each State shall be based on the
9 population of that State, relative to the populations
10 of all States, excluding the population of qualifying
11 communities. The Director shall, in order to com-
12 pensate for the discrepancy between the total of the
13 amounts to be allocated under this paragraph and
14 the total of the amounts available under such para-
15 graph, make a pro rata reduction of each amount al-
16 located to the nonqualifying communities in each
17 State under such paragraph so that the nonquali-
18 fying communities in each State will receive an
19 amount that represents the same percentage of the
20 total amount available under such paragraph as the
21 percentage which the nonqualifying areas of the
22 same State would have received under such para-
23 graph if the total amount available under such para-
24 graph had equaled the total amount which was allo-
25 cated under such paragraph.

1 (2) DISTRIBUTION.—(A) Amounts allocated
2 under paragraph (1) shall be distributed to units of
3 general local government located in nonqualifying
4 areas of the State to carry out activities in accord-
5 ance with the provisions of this Act—

6 (i) by a State that has elected, in such
7 manner and at such time as the Director shall
8 prescribe, to distribute such amounts consistent
9 with the statement submitted under section
10 5(a); or

11 (ii) by the Director, in any case described
12 in subparagraph (B), for use by units of gen-
13 eral local government in accordance with para-
14 graph (3)(B).

15 (B) The Director shall distribute amounts allo-
16 cated under paragraph (1) if the State has not elect-
17 ed to distribute such amounts.

18 (C) To receive and distribute amounts allocated
19 under paragraph (1), the State must certify that it,
20 with respect to units of general local government in
21 nonqualifying areas—

22 (i) provides or will provide technical assist-
23 ance to units of general local government in
24 connection with homeland security initiatives;

1 (ii) will not refuse to distribute such
2 amounts to any unit of general local govern-
3 ment on the basis of the particular eligible ac-
4 tivity selected by such unit of general local gov-
5 ernment to meet its homeland security objec-
6 tives, except that this clause may not be consid-
7 ered to prevent a State from establishing prior-
8 ities in distributing such amounts on the basis
9 of the activities selected; and

10 (iii) has consulted with local elected offi-
11 cials from among units of general local govern-
12 ment located in nonqualifying areas of that
13 State in determining the method of distribution
14 of funds required by subparagraph (A).

15 (D) To receive and distribute amounts allocated
16 under paragraph (1), the State shall certify that
17 each unit of general local government to be distrib-
18 uted funds will be required to identify its homeland
19 security objectives, and the activities to be under-
20 taken to meet such objectives.

21 (3) MINIMUM AMOUNT.—Each State shall be
22 allocated in each fiscal year authorized under this
23 Act and under this section not less than .75 percent
24 of the total amount appropriated in one fiscal year
25 for grants made available to States under this sec-

1 tion, except that the American Samoa, Guam, and
2 the Northern Mariana Islands shall each be allo-
3 cated .25 percent.

4 (4) ADMINISTRATION.—(A) If the State re-
5 ceives and distributes such amounts, it shall be re-
6 sponsible for the administration of funds so distrib-
7 uted. The State shall pay from its own resources all
8 administrative expenses incurred by the State in car-
9 rying out its responsibilities under this Act, except
10 that from the amounts received for distribution in
11 nonqualifying areas, the State may deduct an
12 amount to cover such expenses and its administra-
13 tive expenses not to exceed the sum of \$150,000
14 plus 50 percent of any such expenses under this Act
15 in excess of \$150,000. Amounts deducted in excess
16 of \$150,000 shall not exceed 2 percent of the
17 amount so received.

18 (B) If the Director distributes such amounts,
19 the distribution shall be made in accordance with de-
20 terminations of the Director pursuant to statements
21 submitted and the other requirements of section 5
22 (other than subsection (c)) and in accordance with
23 regulations and procedures prescribed by the Direc-
24 tor.

1 (C) Any amounts allocated for use in a State
2 under paragraph (1) that are not received by the
3 State for any fiscal year because of failure to meet
4 the requirements of subsection (a) or (b) of section
5 5 shall be added to amounts allocated to all States
6 under paragraph (1) for the succeeding fiscal year.

7 (D) Any amounts allocated for use in a State
8 under paragraph (1) that become available as a re-
9 sult of the closeout of a grant made by the Director
10 under this section in nonqualifying areas of the
11 State shall be added to amounts allocated to the
12 State under paragraph (1) for the fiscal year in
13 which the amounts become so available.

14 (5) SINGLE UNIT.—Any combination of units of
15 general local governments may not be required to
16 obtain recognition by the Director pursuant to sec-
17 tion 3(2) to be treated as a single unit of general
18 local government for purposes of this subsection.

19 (6) DEDUCTION.—From the amounts received
20 under paragraph (1) for distribution in nonquali-
21 fying areas, the State may deduct an amount, not to
22 exceed 1 percent of the amount so received, to pro-
23 vide technical assistance to local governments.

24 (7) APPLICABILITY.—Any activities conducted
25 with amounts received by a unit of general local gov-

1 ernment under this subsection shall be subject to the
2 applicable provisions of this Act and other Federal
3 law in the same manner and to the same extent as
4 activities conducted with amounts received by a unit
5 of general local government under subsection (a).

6 (e) QUALIFICATIONS AND DETERMINATIONS.—The
7 Director may fix such qualification or submission dates
8 as he determines are necessary to permit the computations
9 and determinations required by this section to be made
10 in a timely manner, and all such computations and deter-
11 minations shall be final and conclusive.

12 (f) PRO RATA REDUCTION AND INCREASE.—If the
13 total amount available for distribution in any fiscal year
14 to metropolitan cities and urban counties under this sec-
15 tion is insufficient to provide the amounts to which metro-
16 politan cities and urban counties would be entitled under
17 subsection (b), and funds are not otherwise appropriated
18 to meet the deficiency, the Director shall meet the defi-
19 ciency through a pro rata reduction of all amounts deter-
20 mined under subsection (b). If the total amount available
21 for distribution in any fiscal year to metropolitan cities
22 and urban counties under this section exceeds the amounts
23 to which metropolitan cities and urban counties would be
24 entitled under subsection (b), the Director shall distribute

1 the excess through a pro rata increase of all amounts de-
2 termined under subsection (b).

3 **SEC. 8. STATE AND REGIONAL PLANNING; COMMUNICA-**
4 **TIONS SYSTEMS.**

5 (a) IN GENERAL.—Pursuant to section 4,
6 \$500,000,000 shall be used for homeland defense planning
7 within the States by the States, and within regions
8 through regional cooperations; the development and main-
9 tenance of Statewide training facilities and homeland best-
10 practices clearinghouses; and the development and mainte-
11 nance of communications systems that can be used be-
12 tween and among first responders, including law enforce-
13 ment, fire, and emergency medical personnel as follows:

14 (1) \$325,000,000 to the States for homeland
15 defense planning and coordination;

16 (2) \$50,000,000 to regional cooperations for
17 homeland defense planning and coordination;

18 (3) \$50,000,000 to the States for the develop-
19 ment and maintenance of Statewide training facili-
20 ties and best-practices clearinghouses; and

21 (4) \$75,000,000 to the States for the States
22 and for local communities for the development and
23 maintenance of communications systems that can be
24 used between and among first responders at the

1 State and local level, including law enforcement, fire,
2 and emergency personnel.

3 (b) ALLOCATIONS.—Funds under this section to be
4 awarded to States shall be allocated among the States
5 based upon the population for each State relative to the
6 populations of all States. The “minimum amount” provi-
7 sion set forth in section 7(a)(3) shall apply to funds
8 awarded under this section to States. With respect to sub-
9 section (a)(4), at least 30 percent of the funds awarded
10 must be used for the development and maintenance of
11 local communications systems.

12 (c) REGIONAL COOPERATIONS.—Funds under this
13 section to be awarded to regional cooperations shall be al-
14 located among the regional cooperations based upon the
15 population of the areas covered by the cooperations.

16 **SEC. 9. NONDISCRIMINATION IN PROGRAMS AND**
17 **ACTIVITIES.**

18 No person in the United States shall on the ground
19 of race, color, national origin, religion, or sex be excluded
20 from participation in, be denied the benefits of, or be sub-
21 jected to discrimination under any program or activity
22 funded in whole or in part with funds made available
23 under this Act. Any prohibition against discrimination on
24 the basis of age under the Age Discrimination Act of 1975
25 (42 U.S.C. 6101 et seq.) or with respect to an otherwise

1 qualified handicapped individual as provided in section
2 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)
3 shall also apply to any such program or activity.

4 **SEC. 10. REMEDIES FOR NONCOMPLIANCE WITH**
5 **REQUIREMENTS.**

6 If the Director finds after reasonable notice and op-
7 portunity for hearing that a recipient of assistance under
8 this Act has failed to comply substantially with any provi-
9 sion of this Act, the Director, until he is satisfied that
10 there is no longer any such failure to comply, shall—

11 (1) terminate payments to the recipient under
12 this Act;

13 (2) reduce payments to the recipient under this
14 Act by an amount equal to the amount of such pay-
15 ments which were not expended in accordance with
16 this Act; or

17 (3) limit the availability of payments under this
18 Act to programs, projects, or activities not affected
19 by such failure to comply.

20 **SEC. 11. REPORTING REQUIREMENTS.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 close of each fiscal year in which assistance under this Act
23 is furnished, the Director shall submit to Congress a re-
24 port which shall contain—

1 (1) a description of the progress made in ac-
2 complishing the objectives of this Act;

3 (2) a summary of the use of such funds during
4 the preceding fiscal year; and

5 (3) a description of the activities carried out
6 under section 7.

7 (b) REPORTS TO THE DIRECTOR.—The Director is
8 authorized to require recipients of assistance under this
9 Act to submit to him such reports and other information
10 as may be necessary in order for the Director to make
11 the report required by subsection (a).

12 **SEC. 12. CONSULTATION BY ATTORNEY GENERAL.**

13 In carrying out the provisions of this Act including
14 the issuance of regulations, the Director shall consult with
15 the Attorney General, the Office of Homeland Security,
16 and other Federal departments and agencies admin-
17 istering Federal grant-in-aid programs.

18 **SEC. 13. INTERSTATE AGREEMENTS OR COMPACTS;**

19 **PURPOSES.**

20 The consent of the Congress is hereby given to any
21 two or more States to enter into agreements or compacts,
22 not in conflict with any law of the United States, for coop-
23 erative effort and mutual assistance in support of home-
24 land security planning and programs carried out under
25 this Act as they pertain to interstate areas and to localities

1 within such States, and to establish such agencies, joint
2 or otherwise, as they may deem desirable for making such
3 agreements and compacts effective.

4 **SEC. 14. MATCHING REQUIREMENTS; SUSPENSION OF**
5 **REQUIREMENTS FOR ECONOMICALLY**
6 **DISTRESSED AREAS.**

7 (a) **REQUIREMENT.**—Grant recipients shall con-
8 tribute from funds, other than those received under this
9 Act, 10 percent of the total funds received under this Act.
10 Such funds shall be used in accordance with the grantee’s
11 statement of homeland security objectives.

12 (b) **ECONOMIC DISTRESS.**—Grant recipients that are
13 deemed economically distressed shall be waived from the
14 matching requirement set forth in this section.

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