

110TH CONGRESS
1ST SESSION

S. 74

To ensure adequate funding for high-threat areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure adequate funding for high-threat areas, and for other purposes.

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.**

4 This Act may be cited as the “High Risk Protection
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “critical infrastructure” has the
9 meaning given the term in section 2 of the Home-
10 land Security Act of 2002 (6 U.S.C. 101);

1 (2) the term “Department” means the Depart-
2 ment of Homeland Security;

3 (3) the term “high-threat area” means an area
4 determined to be a high-threat area under section
5 3(a)(1);

6 (4) the term “Secretary” means the Secretary
7 of Homeland Security; and

8 (5) the term “Urban Area Security Initiative
9 Grant Program” means the Urban Area Security
10 Initiative Grant Program administered by the De-
11 partment from funds appropriated for discretionary
12 grants to high-threat, high-density urban areas.

13 **SEC. 3. FUNDING FOR THE URBAN AREA SECURITY INITIA-**
14 **TIVE GRANT PROGRAM.**

15 (a) IN GENERAL.—

16 (1) ALLOCATION BASED ON RISK ONLY.—Not-
17 withstanding any other provision of law, amounts
18 appropriated to the Department for the Urban Area
19 Security Initiative Grant Program shall be allocated
20 based solely on risk (which shall include an evalua-
21 tion of threats, vulnerabilities, and consequences and
22 consideration of any previous terrorist attacks), as
23 determined by the Secretary based on the consider-
24 ations listed in subparagraphs (A) and (B) of para-
25 graph (2).

1 (2) DETERMINATION OF HIGH-THREAT
2 AREAS.—In determining which areas qualify as high-
3 threat areas for the Urban Area Security Initiative
4 Grant Program, the Secretary shall consider—

5 (A) whether the area—

6 (i) contains critical infrastructure, in-
7 cluding—

8 (I) skyscrapers and large com-
9 mercial buildings;

10 (II) transportation assets, includ-
11 ing rail and mass transit, bridges and
12 tunnels, and airports;

13 (III) commuting populations;

14 (IV) a national monument or
15 icon;

16 (V) a nuclear power plant or
17 nonpower reactor;

18 (VI) a seaport;

19 (VII) a chemical facility;

20 (VIII) a military facility;

21 (IX) a Federal facility;

22 (X) a dam;

23 (XI) a nonnuclear electric power
24 plant;

1 (XII) a food or agriculture cen-
2 ter;

3 (XIII) an oil or natural gas refin-
4 ery or pipeline;

5 (XIV) a financial center; and

6 (XV) a stadium or arena; and

7 (ii) is located on an international bor-
8 der or coastline, including the number of
9 border crossings; and

10 (B) the population, population density, law
11 enforcement investigative and enforcement ac-
12 tivity, and tourism in the area.

13 (3) DETERMINATION OF ALLOCATION.—In allo-
14 cating amounts among high-threat areas for the
15 Urban Area Security Initiative Grant Program, the
16 Secretary shall evaluate all threats (including
17 threats to national monuments and icons) and crit-
18 ical infrastructure vulnerabilities located in high-
19 threat areas using the considerations listed in sub-
20 paragraphs (A) and (B) of paragraph (2).

21 (b) PEER REVIEW.—The Urban Area Security Initia-
22 tive Grant Program shall not be subject to the peer review
23 process of the Department.

24 (c) USE OF FUNDS.—Notwithstanding any other pro-
25 vision of law, funds made available under the Urban Area

1 Security Initiative Grant Program may be used for over-
2 time and other employment costs directly relating to the
3 prevention of terrorist activities and any other activity de-
4 termined to be necessary by the Secretary.

5 (d) REPORTING REGARDING GRANTS.—Not later
6 than 30 days before making a final allocation of grants
7 to high-threat areas under the Urban Area Security Initia-
8 tive Program, the Secretary shall submit to each Member
9 of the Senate and the House of Representatives who rep-
10 resents a high-threat area a report regarding the proposed
11 allocation of funds, including a description of the analysis
12 of critical infrastructure used in making the proposed allo-
13 cation.

14 **SEC. 4. REPORTING REGARDING DETERMINATION AND**
15 **EVALUATION.**

16 The Secretary shall submit a report to the Committee
17 on Homeland Security and Government Affairs and the
18 Committee on Appropriations of the Senate and the Com-
19 mittee on Homeland Security and the Committee on Ap-
20 propriations of the House of Representatives regarding
21 the determination of high-threat areas, evaluation of
22 threats, vulnerabilities, and consequences, and consider-
23 ation of any previous terrorist attacks under section 3(a).

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