

under this section, the Administrator shall distribute the grant funds to the State or States in which that high-risk urban area is located.

(2) State distribution of funds

(A) In general

Not later than 45 days after the date that a State receives grant funds under paragraph (1), that State shall provide the high-risk urban area awarded that grant not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items, services, or activities that benefit the high-risk urban area.

(B) Funds retained

A State shall provide each relevant high-risk urban area with an accounting of the items, services, or activities on which any funds retained by the State under subparagraph (A) were expended.

(3) Interstate urban areas

If parts of a high-risk urban area awarded a grant under this section are located in 2 or more States, the Administrator shall distribute to each such State—

(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

(B) if no agreement on distribution has been reached, a portion of the grant funds determined by the Administrator to be appropriate.

(4) Certifications regarding distribution of grant funds to high-risk urban areas

A State that receives grant funds under paragraph (1) shall certify to the Administrator that the State has made available to the applicable high-risk urban area the required funds under paragraph (2).

(e) Authorization of appropriations

There are authorized to be appropriated for grants under this section—

- (1) \$850,000,000 for fiscal year 2008;
- (2) \$950,000,000 for fiscal year 2009;
- (3) \$1,050,000,000 for fiscal year 2010;
- (4) \$1,150,000,000 for fiscal year 2011;
- (5) \$1,300,000,000 for fiscal year 2012; and
- (6) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

(Pub. L. 107-296, title XX, §2003, as added Pub. L. 110-53, title I, §101, Aug. 3, 2007, 121 Stat. 274.)

§ 605. State Homeland Security Grant Program

(a) Establishment

There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, and responding to acts of terrorism.

(b) Application

(1) In general

Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

(2) Minimum contents of application

The Administrator shall require that each State include in its application, at a minimum—

(A) the purpose for which the State seeks grant funds and the reasons why the State needs the grant to meet the target capabilities of that State;

(B) a description of how the State plans to allocate the grant funds to local governments and Indian tribes; and

(C) a budget showing how the State intends to expend the grant funds.

(3) Annual applications

Applicants for grants under this section shall apply or reapply on an annual basis.

(c) Distribution to local and tribal governments

(1) In general

Not later than 45 days after receiving grant funds, any State receiving a grant under this section shall make available to local and tribal governments, consistent with the applicable State homeland security plan—

(A) not less than 80 percent of the grant funds;

(B) with the consent of local and tribal governments, items, services, or activities having a value of not less than 80 percent of the amount of the grant; or

(C) with the consent of local and tribal governments, grant funds combined with other items, services, or activities having a total value of not less than 80 percent of the amount of the grant.

(2) Certifications regarding distribution of grant funds to local governments

A State shall certify to the Administrator that the State has made the distribution to local and tribal governments required under paragraph (1).

(3) Extension of period

The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments is necessary to promote effective investments to prevent, prepare for, protect against, or respond to acts of terrorism.

(4) Exception

Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

(5) Direct funding

If a State fails to make the distribution to local or tribal governments required under paragraph (1) in a timely fashion, a local or tribal government entitled to receive such distribution may petition the Administrator to request that grant funds be provided directly to the local or tribal government.

(d) Multistate applications**(1) In general**

Instead of, or in addition to, any application for a grant under subsection (b), 2 or more States may submit an application for a grant under this section in support of multistate efforts to prevent, prepare for, protect against, and respond to acts of terrorism.

(2) Administration of grant

If a group of States applies for a grant under this section, such States shall submit to the Administrator at the time of application a plan describing—

- (A) the division of responsibilities for administering the grant; and
- (B) the distribution of funding among the States that are parties to the application.

(e) Minimum allocation**(1) In general**

In allocating funds under this section, the Administrator shall ensure that—

(A) except as provided in subparagraph (B), each State receives, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to—

- (i) 0.375 percent of the total funds appropriated for grants under this section and section 604 of this title in fiscal year 2008;
- (ii) 0.365 percent of the total funds appropriated for grants under this section and section 604 of this title in fiscal year 2009;
- (iii) 0.36 percent of the total funds appropriated for grants under this section and section 604 of this title in fiscal year 2010;
- (iv) 0.355 percent of the total funds appropriated for grants under this section and section 604 of this title in fiscal year 2011; and
- (v) 0.35 percent of the total funds appropriated for grants under this section and section 604 of this title in fiscal year 2012 and in each fiscal year thereafter; and

(B) for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to 0.08 percent of the total funds appropriated for grants under this section and section 604 of this title.

(2) Effect of multistate award on State minimum

Any portion of a multistate award provided to a State under subsection (d) shall be considered in calculating the minimum State allocation under this subsection.

(f) Authorization of appropriations

There are authorized to be appropriated for grants under this section—

- (1) \$950,000,000 for each of fiscal years 2008 through 2012; and
- (2) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

(Pub. L. 107–296, title XX, §2004, as added Pub. L. 110–53, title I, §101, Aug. 3, 2007, 121 Stat. 277.)

§ 606. Grants to directly eligible tribes**(a) In general**

Notwithstanding section 605(b) of this title, the Administrator may award grants to directly eligible tribes under section 605 of this title.

(b) Tribal applications

A directly eligible tribe may apply for a grant under section 605 of this title by submitting an application to the Administrator that includes, as appropriate, the information required for an application by a State under section 605(b) of this title.

(c) Consistency with State plans**(1) In general**

To ensure consistency with any applicable State homeland security plan, a directly eligible tribe applying for a grant under section 605 of this title shall provide a copy of its application to each State within which any part of the tribe is located for review before the tribe submits such application to the Department.

(2) Opportunity for comment

If the Governor of a State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, not later than 30 days after the date of receipt of that application the Governor shall—

- (A) notify the Administrator, in writing, of that fact; and
- (B) provide an explanation of the reason for not supporting the application.

(d) Final authority

The Administrator shall have final authority to approve any application of a directly eligible tribe. The Administrator shall notify each State within the boundaries of which any part of a directly eligible tribe is located of the approval of an application by the tribe.

(e) Prioritization

The Administrator shall allocate funds to directly eligible tribes in accordance with the factors applicable to allocating funds among States under section 608 of this title.

(f) Distribution of awards to directly eligible tribes

If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the tribe and not through any State.

(g) Minimum allocation**(1) In general**

In allocating funds under this section, the Administrator shall ensure that, for each fiscal year, directly eligible tribes collectively receive, from the funds appropriated for the State Homeland Security Grant Program established under section 605 of this title, not less than an amount equal to 0.1 percent of the total funds appropriated for grants under sections 604 and 605 of this title.

(2) Exception

This subsection shall not apply in any fiscal year in which the Administrator—