

(3) Penalties

If a State violates the requirements of this subsection, in addition to other remedies available to the Secretary, the Secretary may terminate or reduce the amount of the grant awarded to that State or transfer grant funds previously awarded to the State directly to the appropriate local or tribal government.

(m) Reports**(1) Annual reports by State grant recipients**

A State that receives a grant under this section shall annually submit to the Assistant Director for Emergency Communications a report on the progress of the State in implementing that State's Statewide Interoperable Communications Plans required under section 194(f) of this title and achieving interoperability at the city, county, regional, State, and interstate levels. The Assistant Director shall make the reports publicly available, including by making them available on the Internet website of the Cybersecurity and Infrastructure Security Agency, subject to any redactions that the Assistant Director determines are necessary to protect classified or other sensitive information.

(2) Annual reports to Congress

At least once each year, the Assistant Director for Emergency Communications shall submit to Congress a report on the use of grants awarded under this section and any progress in implementing Statewide Interoperable Communications Plans and improving interoperability at the city, county, regional, State, and interstate level, as a result of the award of such grants.

(n) Rule of construction

Nothing in this section shall be construed or interpreted to preclude a State from using a grant awarded under this section for interim or long-term Internet Protocol-based interoperable solutions.

(o) Authorization of appropriations

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

- (1) for fiscal year 2008, such sums as may be necessary;
- (2) for each of fiscal years 2009 through 2012, \$400,000,000; and
- (3) for each subsequent fiscal year, such sums as may be necessary.

(Pub. L. 107–296, title XVIII, § 1809, as added Pub. L. 110–53, title III, § 301(a), Aug. 3, 2007, 121 Stat. 296; amended Pub. L. 115–278, § 2(g)(6)(C), Nov. 16, 2018, 132 Stat. 4179.)

Editorial Notes**AMENDMENTS**

2018—Pub. L. 115–278, § 2(g)(6)(C)(i), substituted “Assistant Director for Emergency Communications” for “Director of Emergency Communications” wherever appearing.

Subsec. (b). Pub. L. 115–278, § 2(g)(6)(C)(ii), substituted “Assistant Director for Emergency Communications” for “Director for Emergency Communications” and “Emergency Communications Division” for “Office of Emergency Communications” in introductory provisions.

Subsec. (e)(3). Pub. L. 115–278, § 2(g)(6)(C)(iii), substituted “the Assistant Director” for “the Director”.

Subsec. (m)(1). Pub. L. 115–278, § 2(g)(6)(C)(iv), substituted “The Assistant Director” for “the Director”, “Cybersecurity and Infrastructure Security Agency” for “Office of Emergency Communications”, and “the Assistant Director determines” for “the Director determines”.

Statutory Notes and Related Subsidiaries**CHANGE OF NAME**

Reference to the Assistant Director for Emergency Communications deemed to be a reference to the Executive Assistant Director for Emergency Communications, see section 571(g) of this title, enacted Jan. 1, 2021.

§ 580. Border interoperability demonstration project**(a) In general****(1) Establishment**

The Secretary, acting through the Assistant Director for Emergency Communications (referred to in this section as the “Assistant Director”), and in coordination with the Federal Communications Commission and the Secretary of Commerce, shall establish an International Border Community Interoperable Communications Demonstration Project (referred to in this section as the “demonstration project”).

(2) Minimum number of communities

The Assistant Director shall select no fewer than 6 communities to participate in a demonstration project.

(3) Location of communities

No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) Conditions

The Assistant Director, in coordination with the Federal Communications Commission and the Secretary of Commerce, shall ensure that the project is carried out as soon as adequate spectrum is available as a result of the 800 megahertz rebanding process in border areas, and shall ensure that the border projects do not impair or impede the rebanding process, but under no circumstances shall funds be distributed under this section unless the Federal Communications Commission and the Secretary of Commerce agree that these conditions have been met.

(c) Program requirements

Consistent with the responsibilities of the Emergency Communications Division under section 571 of this title, the Assistant Director shall foster local, tribal, State, and Federal interoperable emergency communications, as well as interoperable emergency communications with appropriate Canadian and Mexican authorities in the communities selected for the demonstration project. The Assistant Director shall—

- (1) identify solutions to facilitate interoperable communications across national borders expeditiously;

(2) help ensure that emergency response providers can communicate with each other in the event of natural disasters, acts of terrorism, and other man-made disasters;

(3) provide technical assistance to enable emergency response providers to deal with threats and contingencies in a variety of environments;

(4) identify appropriate joint-use equipment to ensure communications access;

(5) identify solutions to facilitate communications between emergency response providers in communities of differing population densities; and

(6) take other actions or provide equipment as the Assistant Director deems appropriate to foster interoperable emergency communications.

(d) Distribution of funds

(1) In general

The Secretary shall distribute funds under this section to each community participating in the demonstration project through the State, or States, in which each community is located.

(2) Other participants

A State shall make the funds available promptly to the local and tribal governments and emergency response providers selected by the Secretary to participate in the demonstration project.

(3) Report

Not later than 90 days after a State receives funds under this subsection the State shall report to the Assistant Director on the status of the distribution of such funds to local and tribal governments.

(e) Maximum period of grants

The Assistant Director may not fund any participant under the demonstration project for more than 3 years.

(f) Transfer of information and knowledge

The Assistant Director shall establish mechanisms to ensure that the information and knowledge gained by participants in the demonstration project are transferred among the participants and to other interested parties, including other communities that submitted applications to the participant in the project.

(g) Authorization of appropriations

There is authorized to be appropriated for grants under this section such sums as may be necessary.

(Pub. L. 107-296, title XVIII, §1810, as added Pub. L. 110-53, title III, §302(a), Aug. 3, 2007, 121 Stat. 300; amended Pub. L. 115-278, §2(g)(6)(D), Nov. 16, 2018, 132 Stat. 4180.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-278, §2(g)(6)(D)(iii), substituted “Assistant Director” for “Director” wherever appearing.

Subsec. (a)(1). Pub. L. 115-278, §2(g)(6)(D)(i), substituted “Assistant Director for Emergency Communications (referred to in this section as the ‘Assistant Director’)” for “Director of the Office of Emergency

Communications (referred to in this section as the ‘Director’)”.

Subsec. (c). Pub. L. 115-278, §2(g)(6)(D)(ii), substituted “Emergency Communications Division” for “Office of Emergency Communications” in introductory provisions.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Assistant Director for Emergency Communications deemed to be a reference to the Executive Assistant Director for Emergency Communications, see section 571(g) of this title, enacted Jan. 1, 2021.

SUBCHAPTER XIV—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

Editorial Notes

CODIFICATION

Pub. L. 115-387, §2(a)(1), Dec. 21, 2018, 132 Stat. 5162, substituted “COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE” for “DOMESTIC NUCLEAR DESTRUCTION OFFICE” in subchapter heading.

This subchapter is comprised of title XIX, formerly title XVIII, of Pub. L. 107-296, as added by Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1932, and renumbered title XIX by Pub. L. 110-53, title I, §104(a)(1), Aug. 3, 2007, 121 Stat. 294.

§ 590. Definitions

In this subchapter:

(1) Assistant Secretary

The term “Assistant Secretary” means the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

(2) Intelligence community

The term “intelligence community” has the meaning given such term in section 3003(4) of title 50.

(3) Office

The term “Office” means the Countering Weapons of Mass Destruction Office established under section 591(a) of this title.

(4) Weapon of mass destruction

The term “weapon of mass destruction” has the meaning given the term in section 1801 of title 50.

(Pub. L. 107-296, title XIX, §1900, as added Pub. L. 115-387, §2(a)(2), Dec. 21, 2018, 132 Stat. 5162.)

PART A—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

§ 591. Countering Weapons of Mass Destruction Office

(a) Establishment

There is established in the Department a Countering Weapons of Mass Destruction Office.

(b) Assistant Secretary

The Office shall be headed by an Assistant Secretary for the Countering Weapons of Mass Destruction Office, who shall be appointed by the President.

(c) Responsibilities

The Assistant Secretary shall serve as the Secretary’s principal advisor on—