

(5) performing such other duties relating to such responsibilities as the Secretary may require.

(Pub. L. 107-296, title XIX, §1931, as added Pub. L. 115-387, §2(c)(2), Dec. 21, 2018, 132 Stat. 5166.)

#### Statutory Notes and Related Subsidiaries

##### SIMILAR PROVISIONS

Provisions similar to those in this section were contained in section 321e of this title prior to repeal by Pub. L. 115-387, §2(c)(1).

### § 597a. Medical countermeasures

#### (a) In general

Subject to the availability of appropriations, the Secretary shall, as appropriate, establish a medical countermeasures program within the components of the Department to—

(1) facilitate personnel readiness and protection for the employees and working animals of the Department in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic; and

(2) support the mission continuity of the Department.

#### (b) Oversight

The Secretary, acting through the Chief Medical Officer of the Department, shall—

(1) provide programmatic oversight of the medical countermeasures program established under subsection (a); and

(2) develop standards for—

(A) medical countermeasure storage, security, dispensing, and documentation;

(B) maintaining a stockpile of medical countermeasures, including antibiotics, antivirals, antidotes, therapeutics, and radiological countermeasures, as appropriate;

(C) ensuring adequate partnerships with manufacturers and executive agencies that enable advance prepositioning by vendors of inventories of appropriate medical countermeasures in strategic locations nationwide, based on risk and employee density, in accordance with applicable Federal statutes and regulations;

(D) providing oversight and guidance regarding the dispensing of stockpiled medical countermeasures;

(E) ensuring rapid deployment and dispensing of medical countermeasures in a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic;

(F) providing training to employees of the Department on medical countermeasures; and

(G) supporting dispensing exercises.

#### (c) Medical countermeasures working group

The Secretary, acting through the Chief Medical Officer of the Department, shall establish a medical countermeasures working group comprised of representatives from appropriate components and offices of the Department to ensure that medical countermeasures standards are maintained and guidance is consistent.

#### (d) Medical countermeasures management

Not later than 120 days after the date on which appropriations are made available to carry out subsection (a), the Chief Medical Officer shall develop and submit to the Secretary an integrated logistics support plan for medical countermeasures, including—

(1) a methodology for determining the ideal types and quantities of medical countermeasures to stockpile and how frequently such methodology shall be reevaluated;

(2) a replenishment plan; and

(3) inventory tracking, reporting, and reconciliation procedures for existing stockpiles and new medical countermeasure purchases.

#### (e) Transfer

Not later than 120 days after December 27, 2021, the Secretary shall transfer all medical countermeasures-related programmatic and personnel resources from the Under Secretary for Management to the Chief Medical Officer.

#### (f) Stockpile elements

In determining the types and quantities of medical countermeasures to stockpile under subsection (d), the Secretary, acting through the Chief Medical Officer of the Department—

(1) shall use a risk-based methodology for evaluating types and quantities of medical countermeasures required; and

(2) may use, if available—

(A) chemical, biological, radiological, and nuclear risk assessments of the Department; and

(B) guidance on medical countermeasures of the Office of the Assistant Secretary for Preparedness and Response and the Centers for Disease Control and Prevention.

#### (g) Briefing

Not later than 180 days after December 27, 2021, the Secretary shall provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding—

(1) the plan developed under subsection (d); and

(2) implementation of the requirements of this section.

#### (h) Definition

In this section, the term “medical countermeasures” means antibiotics, antivirals, antidotes, therapeutics, radiological countermeasures, and other countermeasures that may be deployed to protect the employees and working animals of the Department in the event of a chemical, biological, radiological, nuclear, or explosives attack, naturally occurring disease outbreak, other event impacting health, or pandemic.

(Pub. L. 107-296, title XIX, §1932, as added Pub. L. 117-81, div. F, title LXIV, §6408(a), Dec. 27, 2021, 135 Stat. 2404.)

## SUBCHAPTER XV—HOMELAND SECURITY GRANTS

### § 601. Definitions

In this subchapter, the following definitions shall apply:

**(1) Administrator**

The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

**(2) Appropriate committees of Congress**

The term “appropriate committees of Congress” means—

- (A) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (B) those committees of the House of Representatives that the Speaker of the House of Representatives determines appropriate.

**(3) Critical infrastructure sectors**

The term “critical infrastructure sectors” means the following sectors, in both urban and rural areas:

- (A) Agriculture and food.
- (B) Banking and finance.
- (C) Chemical industries.
- (D) Commercial facilities.
- (E) Commercial nuclear reactors, materials, and waste.
- (F) Dams.
- (G) The defense industrial base.
- (H) Emergency services.
- (I) Energy.
- (J) Government facilities.
- (K) Information technology.
- (L) National monuments and icons.
- (M) Postal and shipping.
- (N) Public health and health care.
- (O) Telecommunications.
- (P) Transportation systems.
- (Q) Water.

**(4) Directly eligible tribe**

The term “directly eligible tribe” means—

- (A) any Indian tribe—
  - (i) that is located in the continental United States;
  - (ii) that operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;
  - (iii)(I) that is located on or near an international border or a coastline bordering an ocean (including the Gulf of Mexico) or international waters;
  - (II) that is located within 10 miles of a system or asset included on the prioritized critical infrastructure list established under section 664(a)(2) of this title or has such a system or asset within its territory;
  - (III) that is located within or contiguous to 1 of the 50 most populous metropolitan statistical areas in the United States; or
  - (IV) the jurisdiction of which includes not less than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18; and
  - (iv) that certifies to the Secretary that a State has not provided funds under section 604 or 605 of this title to the Indian tribe or consortium of Indian tribes for the purpose for which direct funding is sought; and
- (B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

**(5) Eligible metropolitan area**

The term “eligible metropolitan area” means any of the 100 most populous metropolitan statistical areas in the United States.

**(6) High-risk urban area**

The term “high-risk urban area” means a high-risk urban area designated under section 604(b)(3)(A) of this title.

**(7) Indian tribe**

The term “Indian tribe” has the meaning given that term in section 5304(e) of title 25.

**(8) Metropolitan statistical area**

The term “metropolitan statistical area” means a metropolitan statistical area, as defined by the Office of Management and Budget.

**(9) National Special Security Event**

The term “National Special Security Event” means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

**(10) Population**

The term “population” means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

**(11) Population density**

The term “population density” means population divided by land area in square miles.

**(12) Qualified intelligence analyst**

The term “qualified intelligence analyst” means an intelligence analyst (as that term is defined in section 124h(j) of this title), including law enforcement personnel—

(A) who has successfully completed training to ensure baseline proficiency in intelligence analysis and production, as determined by the Secretary, which may include training using a curriculum developed under section 124f of this title; or

(B) whose experience ensures baseline proficiency in intelligence analysis and production equivalent to the training required under subparagraph (A), as determined by the Secretary.

**(13) Target capabilities**

The term “target capabilities” means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 746(a) of this title.

**(14) Tribal government**

The term “tribal government” means the government of an Indian tribe.

(Pub. L. 107–296, title XX, §2001, as added Pub. L. 110–53, title I, §101, Aug. 3, 2007, 121 Stat. 271; amended Pub. L. 115–278, §2(g)(7)(A), Nov. 16, 2018, 132 Stat. 4180.)

**Editorial Notes****AMENDMENTS**

2018—Par. (4)(A)(iii)(II). Pub. L. 115–278 substituted “section 664(a)(2) of this title” for “section 124(a)(2) of this title”.

PART A—GRANTS TO STATES AND HIGH-RISK  
URBAN AREAS

**§ 603. Homeland security grant programs**

**(a) Grants authorized**

The Secretary, through the Administrator, may award grants under sections 604, 605, and 609a of this title to State, local, and tribal governments.

**(b) Programs not affected**

This part shall not be construed to affect any of the following Federal programs:

(1) Firefighter and other assistance programs authorized under the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

(2) Grants authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(3) Emergency Management Performance Grants under the amendments made by title II of the Implementing Recommendations of the 9/11 Commission Act of 2007.

(4) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46 and the grants authorized under title<sup>1</sup> XIV and XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 [6 U.S.C. 1131 et seq., 1151 et seq.] and the amendments made by such titles.

(5) The Metropolitan Medical Response System authorized under section 723 of this title.

(6) The Interoperable Emergency Communications Grant Program authorized under subchapter XIII.

(7) Grant programs other than those administered by the Department.

**(c) Relationship to other laws**

**(1) In general**

The grant programs authorized under sections 604 and 605 of this title shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).<sup>2</sup>

**(2) Allocation**

The allocation of grants authorized under section 604 or 605 of this title shall be governed by the terms of this part and not by any other provision of law.

(Pub. L. 107-296, title XX, § 2002, as added Pub. L. 110-53, title I, § 101, Aug. 3, 2007, 121 Stat. 273; amended Pub. L. 116-108, § 2(b), Jan. 24, 2020, 133 Stat. 3295.)

**Editorial Notes**

REFERENCES IN TEXT

The Federal Fire Prevention and Control Act of 1974, referred to in subsec. (b)(1), is Pub. L. 93-498, Oct. 29, 1974, 88 Stat. 1535, which is classified principally to chapter 49 (§ 2201 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of Title 15 and Tables.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b)(2), is

Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

The Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (b)(3), (4), is Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 266. Title II of the Act amended section 762 of this title and section 5196c of Title 42, The Public Health and Welfare. Title XIV of the Act is classified generally to subchapter III (§ 1131 et seq.) of chapter 4 of this title. Title XV of the Act is classified principally to subchapter IV (§ 1151 et seq.) of chapter 4 of this title. For complete classification of this Act to the Code, see Short Title of 2007 Amendment note set out under section 101 of this title and Tables.

Section 1014 of the USA PATRIOT Act, referred to in subsec. (c)(1), is section 1014 of Pub. L. 107-56, which is set out as a note under this section.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116-108 substituted “sections 604, 605, and 609a” for “sections 604 and 605”.

**Statutory Notes and Related Subsidiaries**

GRANT PROGRAM FOR STATE AND LOCAL DOMESTIC  
PREPAREDNESS SUPPORT

Pub. L. 107-56, title X, § 1014, Oct. 26, 2001, 115 Stat. 399, as amended by Pub. L. 107-273, div. C, title I, § 11003, Nov. 2, 2002, 116 Stat. 1816, provided that:

“(a) IN GENERAL.—The Office for Domestic Preparedness of the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, to enhance the capability of State and local jurisdictions to prepare for and respond to terrorist acts including events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices.

“(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to purchase needed equipment and to provide training and technical assistance to State and local first responders. In addition, grants under this section may be used to construct, develop, expand, modify, operate, or improve facilities to provide training or assistance to State and local first responders.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section such sums as necessary for each of fiscal years 2002 through 2007.

“(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

“(3) MINIMUM AMOUNT.—Each State shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated not less than 0.25 percent.”

[For transfer of functions, personnel, assets, and liabilities of the Office for Domestic Preparedness of the Office of Justice Programs, including the functions of the Attorney General relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(5), 551(d), 552(d), and 557 of this title and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of this title.]

**§ 604. Urban Area Security Initiative**

**(a) Establishment**

There is established an Urban Area Security Initiative to provide grants to assist high-risk urban areas in preventing, preparing for, pro-

<sup>1</sup> So in original. Probably should be “titles”.

<sup>2</sup> See References in Text note below.