

108TH CONGRESS  
1ST SESSION

# S. 87

To provide for homeland security block grants.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2003

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

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# 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 2003”.

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 Secretary.  
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, terrorist attacks on our country, communities all across  
4 American now find themselves on the front lines in  
5 the war against terrorism on United States soil.

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

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

18 **SEC. 3. DEFINITIONS.**

19 (a) DEFINITIONS.—In this Act:

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

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.

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 not  
25      less than 50,000.

(B) PERIOD OF CLASSIFICATION.—Any city that was classified as a metropolitan city for at least 2 years pursuant to subparagraph (A) shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Secretary, defer its classification as a metropolitan city for all purposes under this Act, if it elects to have its population included 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 Secretary, 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.

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 Secretary may by regu-  
6 lation change or otherwise modify the meaning of the  
7 terms defined in subsection (a) in order to reflect any  
8 technical change or modification thereof made subsequent  
9 to such date by the United States Bureau of the Census  
10 or the 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 Sec-  
12 retary, be provided so as to provide a reasonable period  
13 for response prior to the period for which such qualifica-  
14 tion is sought. The population of any unit of general local  
15 government which is provided such notification and which  
16 does not inform, at a time and in a manner prescribed  
17 by the Secretary, 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 (a) AUTHORIZATION.—The Secretary is authorized to  
25 make grants to States, units of general local government,

1 and Indian tribes to carry out activities in accordance with  
2 the provisions of this Act.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be  
5 appropriated \$3,000,000,000 for each of fiscal years  
6 2003 through 2006, and such sums as may be nec-  
7 essary thereafter, for the purpose of carrying out the  
8 provisions under section 7.

9 (2) STATE, REGIONAL, AND LOCAL PLANNING,  
10 TRAINING, AND COMMUNICATION SYSTEMS.—There  
11 are authorized to be appropriated \$500,000,000 for  
12 each of fiscal years 2003 through 2006, and such  
13 sums as may be necessary thereafter, for the pur-  
14 pose of carrying out the provisions under section 8.

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

16 (a) APPLICATION.—

17 (1) IN GENERAL.—Prior to the receipt in any  
18 fiscal year of a grant under section 7(b) by any met-  
19 ropolitan city or urban county, section 7(i) by any  
20 State, or section 7(i)(3) by any unit of general local  
21 government, the grantee shall—

22 (i) indicate its interest in receiving  
23 funds by preparing a statement of home-  
24 land security objectives and projected use  
25 of funds; and

(ii) provide the Secretary with the certifications required under paragraph (2) and, where appropriate, subsection (b).

4 (2) GRANTEE STATEMENT.—

## 5 (A) CONTENTS.—

6 (i) LOCAL GOVERNMENT.—In the case  
7 of metropolitan cities or urban counties re-  
8 ceiving grants under section 7(b) and units  
9 of general local government receiving  
10 grants under section 7(i)(3), the statement  
11 of projected use of funds shall consist of  
12 proposed homeland security activities.

19 (B) CONSULTATION.—In preparing the  
20 statement, the grantee shall consult with appro-  
21 priate law enforcement agencies and emergency  
22 response authorities.

23 (C) FINAL STATEMENT.—A copy of the  
24 final statement and the certifications required  
25 under paragraph (3) and, where appropriate,

1 subsection (b) shall be furnished to the Sec-  
2 retary and the Attorney General.

3 (D) MODIFICATIONS.—Any final statement  
4 of activities may be modified or amended from  
5 time to time by the grantee in accordance with  
6 the same procedures required in this paragraph  
7 for the preparation and submission of such  
8 statement.

9 (3) CERTIFICATION OF ENUMERATED CRITERIA  
10 BY GRANTEE TO SECRETARY.—Any grant under sec-  
11 tion 7 shall be made only if the grantee certifies to  
12 the satisfaction of the Secretary that—

13 (A) it has developed a homeland security  
14 plan pursuant to section 6(a)(8) that identifies  
15 both short- and long-term homeland security  
16 needs that have been developed in accordance  
17 with the primary objective and requirements of  
18 this Act; and

19 (B) the grantee will comply with the other  
20 provisions of this Act and with other applicable  
21 laws.

22 (b) SUBMISSION OF ANNUAL PERFORMANCE RE-  
23 PORTS, AUDITS AND ADJUSTMENTS.—

24 (1) IN GENERAL.—Each grantee shall submit to  
25 the Secretary, at a time determined by the Sec-

1       retary, a performance and evaluation report con-  
2       cerning the use of funds made available under sec-  
3       tion 7, together with an assessment by the grantee  
4       of the relationship of such use to the objectives iden-  
5       tified in the grantee's statement under subsection  
6       (a)(2).

7 (2) UNIFORM REPORTING REQUIREMENTS.—

8 (A) RECOMMENDATIONS BY NATIONAL AS-  
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SOCIATIONS.—The Secretary shall encourage  
and assist national associations of grantees eli-  
gible under section 7, national associations of  
States, and national associations of units of  
general local government in nonqualifying areas  
to develop and recommend to the Secretary,  
within 1 year after the effective date of this  
Act, uniform recordkeeping, performance re-  
porting, evaluation reporting, and auditing re-  
quirements for such grantees, States, and units  
of general local government, respectively.

20 (B) ESTABLISHMENT OF UNIFORM RE-  
21 PORTING REQUIREMENTS.—Based on the Sec-  
22 retary's approval of the recommendations sub-  
23 mitted pursuant to subparagraph (A), the Sec-  
24 retary shall establish uniform reporting require-

ments for grantees, States, and units of general local government.

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

16 (B) in the case of grants to States made  
17 under section 7(i), whether the State has dis-  
18 tributed funds to units of general local govern-  
19 ment in a timely manner and in conformance to  
20 the method of distribution described in its  
21 statement, whether the State has carried out its  
22 certifications in compliance with the require-  
23 ments of this Act and other applicable laws,  
24 and whether the State has made such reviews  
25 and audits of the units of general local govern-

1           ment as may be necessary or appropriate to de-  
2           termine whether they have satisfied the applica-  
3           ble performance criteria described in subpara-  
4           graph (A).

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

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

1 by such recipients pertaining to such financial trans-  
2 actions and necessary to facilitate the audit.

3 (d) METROPOLITAN CITY AS PART OF URBAN COUN-  
4 TY.—In any case in which a metropolitan city is located,  
5 in whole or in part, within an urban county, the Secretary  
6 may, upon the joint request of such city and county, ap-  
7 prove the inclusion of the metropolitan city as part of the  
8 urban county for purposes of submitting a statement  
9 under section 5 and carrying out activities under this Act.

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

11 (a) IN GENERAL.—Activities assisted under this Act  
12 may include—

13 (1) funding additional law enforcement, fire,  
14 and emergency resources, including covering over-  
15 time expenses;

16 (2) purchasing and refurbishing personal pro-  
17 tective equipment for fire, police, and emergency  
18 personnel and acquire state-of-the-art technology to  
19 improve communication and streamline efforts;

20 (3) improving cyber and infrastructure security  
21 by improving—

22 (A) security for water treatment plants,  
23 distribution systems, other water infrastructure,  
24 nuclear power plants, and other power infra-  
25 structure;



1       (b) COSTS COVERED.—Grants received under section  
2 7 may be used to cover any costs related to the eligible  
3 activities listed in this section that were incurred on or  
4 after September 11, 2001.

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

6       (a) SET-ASIDE FOR INDIAN TRIBES.—

7           (1) IN GENERAL.—For each fiscal year, of the  
8 amount appropriated for grants pursuant to section  
9 4(b)(1) (excluding the amounts provided for use in  
10 accordance with section 6), the Secretary shall re-  
11 serve 1 percent of the amount so appropriated for  
12 grants to Indian tribes.

13           (2) SELECTION OF INDIAN TRIBES.—

14           (A) IN GENERAL.—The Secretary shall  
15 provide for distribution of amounts under this  
16 paragraph to Indian tribes on the basis of a  
17 competition conducted pursuant to specific cri-  
18 teria for the selection of Indian tribes to receive  
19 such amounts.

20           (B) RULEMAKING.—The criteria shall be  
21 contained in a regulation promulgated by the  
22 Secretary after notice and public comment.

23       (b) ALLOCATION TO METROPOLITAN CITIES AND  
24 URBAN COUNTIES.—

13 (c) COMPUTATION OF AMOUNT ALLOCATED TO MET-  
14 BOPOLITAN CITIES.—

20 (A) the population of the metropolitan city  
21 divided by the population of all metropolitan  
22 cities;

23 (B) the potential risk, as it pertains to  
24 chemical security, of the metropolitan city di-

1 vided by the potential risk, as it pertains to  
2 chemical security, of all metropolitan cities;

13 (E) the proximity of the metropolitan city  
14 to the nearest international border and the  
15 proximity of all metropolitan cities to the near-  
16 est international border to each such city; and

17 (F) the proximity of the metropolitan city  
18 to the nearest Disaster Medical Assistance  
19 Team (referred to in this subsection as  
20 “DMAT”) and the proximity of all metropolitan  
21 cities to the nearest DMAT to each such city.

22 (2) CLARIFICATION OF COMPUTATION RA-  
23 TIOS.—

24 (A) RELATIVE WEIGHT OF FACTORS.—In  
25 determining the average of the ratios under

1           paragraph (1), the ratio involving population  
2           shall constitute 50 percent of the formula in  
3           calculating the allocation and the remaining  
4           factors shall be equally weighted.

5           (B) POTENTIAL RISK AS IT PERTAINS TO  
6           CHEMICAL SECURITY.—If a metropolitan city is  
7           within the vulnerable zone of a worst-case  
8           chemical release, as specified in the most recent  
9           risk management plans filed with the Environ-  
10          mental Protection Agency or another instru-  
11          ment developed by the Environmental Protec-  
12          tion Agency or the Homeland Security Depart-  
13          ment that captures the same information for  
14          the same facilities, the ratio under paragraph  
15          (1)(B) shall be 1 divided by the total number  
16          of metropolitan cities that are within such a  
17          zone.

18           (C) PROXIMITY AS IT PERTAINS TO NU-  
19           CLEAR SECURITY.—If a metropolitan city is lo-  
20          cated within 50 miles of an operating nuclear  
21          power plant, as identified by the Nuclear Regu-  
22          latory Commission, the ratio under paragraph  
23          (1)(C) shall be 1 divided by the total number of  
24          metropolitan cities, not to exceed 100, which

1 are located within 50 miles of an operating nu-  
2 clear power plant.

3 (D) PROXIMITY AS IT PERTAINS TO PORT  
4 SECURITY.—If a metropolitan city is located  
5 within 50 miles of 1 of the 100 largest United  
6 States ports, as stated by the Department of  
7 Transportation, Bureau of Transportation Sta-  
8 tistics, United States Port Report by All Land  
9 Modes, or within 50 miles of one of the 30 larg-  
10 est United States water ports by metric tons  
11 and value, as stated by the Department of  
12 Transportation, Maritime Administration,  
13 United States Foreign Waterborne Transpor-  
14 tation Statistics, the ratio under paragraph  
15 (1)(D) shall be 1 divided by the total number  
16 of metropolitan cities that are located within 50  
17 miles of a United States land or water port.

18 (E) PROXIMITY TO INTERNATIONAL BOR-  
19 DERS.—If a metropolitan city is located within  
20 50 miles of an international border, the ratio  
21 under paragraph (1)(E) shall be 1 divided by  
22 the total number of metropolitan cities that are  
23 located within 50 miles of an international bor-  
24 der.

1 (F) PROXIMITY TO DISASTER MEDICAL AS-  
2 SISTANCE TEAMS.—If a metropolitan city is lo-  
3 cated within 50 miles of a DMAT, as organized  
4 by the National Disaster Medical System  
5 through the Department of Public Health, the  
6 ratio under paragraph (1)(F) shall be 1 divided  
7 by the total number of metropolitan cities that  
8 are located within 50 miles of a DMAT.

9 (d) COMPUTATION OF AMOUNT ALLOCATED TO  
10 URBAN COUNTIES.—

16 (A) the population of the urban county di-  
17 vided by the population of all urban counties;

18 (B) the potential risk, as it pertains to  
19 chemical security, of the urban county divided  
20 by the potential risk, as it pertains to chemical  
21 security, of all urban counties;

(C) the proximity of the urban county to the nearest operating nuclear power plant and the proximity of all urban counties to the near-

3 (D) the proximity of the urban county to  
4 the nearest United States land or water port  
5 and the proximity of all urban counties to the  
6 nearest United States land or water port to  
7 each such city;

8 (E) the proximity of the urban county to  
9 the nearest international border and the prox-  
10 imity of all urban counties to the nearest inter-  
11 national border to each such city; and

12 (F) the proximity of the urban county to  
13 the nearest Disaster Medical Assistance Team  
14 (referred to in this subsection as “DMAT”) and  
15 the proximity of all urban counties to the near-  
16 est DMAT to each such city.

17 (3) CLARIFICATION OF COMPUTATION RA-  
18 TIOS.—

19 (A) RELATIVE WEIGHT OF FACTORS.—In  
20 determining the average of the ratios under  
21 paragraph (1), the ratio involving population  
22 shall constitute 50 percent of the formula in  
23 calculating the allocation and the remaining  
24 factors shall be equally weighted.

1 (B) POTENTIAL RISK AS IT PERTAINS TO  
2 CHEMICAL SECURITY.—If a urban county is  
3 within the vulnerable zone of a worst-case  
4 chemical release, as specified in the most recent  
5 risk management plans filed with the Environ-  
6 mental Protection Agency or another instru-  
7 ment developed by the Environmental Protec-  
8 tion Agency or the Homeland Security Depart-  
9 ment that captures the same information for  
10 the same facilities, the ratio under paragraph  
11 (1)(B) shall be 1 divided by the total number  
12 of urban counties that are within such a zone.

13 (C) PROXIMITY AS IT PERTAINS TO NU-  
14 CLEAR SECURITY.—If a urban county is located  
15 within 50 miles of an operating nuclear power  
16 plant, as identified by the Nuclear Regulatory  
17 Commission, the ratio under paragraph (1)(C)  
18 shall be 1 divided by the total number of urban  
19 counties, not to exceed 100, which are located  
20 within 50 miles of an operating nuclear power  
21 plant.

22 (D) PROXIMITY AS IT PERTAINS TO PORT  
23 SECURITY.—If a urban county is located within  
24 50 miles of 1 of the 100 largest United States  
25 ports, as stated by the Department of Trans-

1 portation, Bureau of Transportation Statistics,  
2 United States Port Report by All Land Modes,  
3 or within 50 miles of one of the 30 largest  
4 United States water ports by metric tons and  
5 value, as stated by the Department of Trans-  
6 portation, Maritime Administration, United  
7 States Foreign Waterborne Transportation Sta-  
8 tistics, the ratio under paragraph (1)(D) shall  
9 be 1 divided by the total number of urban coun-  
10 ties that are located within 50 miles of a United  
11 States land or water port.

12 (E) PROXIMITY TO INTERNATIONAL BOR-  
13 DERS.—If a urban county is located within 50  
14 miles of an international border, the ratio under  
15 paragraph (1)(E) shall be 1 divided by the total  
16 number of urban counties that are located with-  
17 in 50 miles of an international border.

18 (F) PROXIMITY TO DISASTER MEDICAL AS-  
19 SISTANCE TEAMS.—If a urban county is located  
20 within 50 miles of a DMAT, as organized by  
21 the National Disaster Medical System through  
22 the Department of Public Health, the ratio  
23 under paragraph (1)(F) shall be 1 divided by  
24 the total number of urban counties that are lo-  
25 cated within 50 miles of a DMAT.

## 1       (e) EXCLUSIONS.—

2               (1) IN GENERAL.—In computing amounts or  
3               exclusions under subsection (d) with respect to any  
4               urban county, there shall be excluded units of gen-  
5               eral local government located in the county the pop-  
6               ulations that are not counted in determining the eli-  
7               gibility of the urban county to receive a grant under  
8               this subsection, except that there shall be included  
9               any independent city (as defined by the Bureau of  
10               the Census) which—

11               (A) is not part of any county;  
12               (B) is not eligible for a grant;  
13               (C) is contiguous to the urban county;  
14               (D) has entered into cooperation agree-  
15               ments with the urban county which provide that  
16               the urban county is to undertake or to assist in  
17               the undertaking of essential community devel-  
18               opment and housing assistance activities with  
19               respect to such independent city; and  
20               (E) is not included as a part of any other  
21               unit of general local government for purposes of  
22               this section.

23               (2) INDEPENDENT CITIES.—Any independent  
24               city that is included in any fiscal year for purposes  
25               of computing amounts pursuant to the preceding

1 sentence shall not be eligible to receive assistance  
2 under subsection (i) with respect to such fiscal year.

3 (f) INCLUSIONS.—

4 (1) LOCAL GOVERNMENT STRADDLING COUNTY  
5 LINE.—In computing amounts under subsection (d)  
6 with respect to any urban county, there shall be in-  
7 cluded all of the area of any unit of local govern-  
8 ment which is part of, but is not located entirely  
9 within the boundaries of, such urban county if—

10 (A) the part of such unit of local govern-  
11 ment that is within the boundaries of such  
12 urban county would otherwise be included in  
13 computing the amount for such urban county  
14 under this section; and

15 (B) the part of such unit of local govern-  
16 ment that is not within the boundaries of such  
17 urban county is not included as a part of any  
18 other unit of local government for the purpose  
19 of this section.

20 (2) USE OF GRANT FUNDS OUTSIDE URBAN  
21 COUNTY.—Any amount received under this section  
22 by an urban county described under paragraph (1)  
23 may be used with respect to the part of such unit  
24 of local government that is outside the boundaries of  
25 such urban county.

## 1       (g) POPULATION.—

2               (1) EFFECT OF CONSOLIDATION.—Where data  
3       are available, the amount to be allocated to a metro-  
4       politan city that has been formed by the consolida-  
5       tion of 1 or more metropolitan cities within an  
6       urban county shall be equal to the sum of the  
7       amounts that would have been allocated to the urban  
8       county or cities and the balance of the consolidated  
9       government, if such consolidation had not occurred.

10               (2) LIMITATION.—Paragraph (1) shall apply  
11       only to a consolidation that—

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

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

19                       (C) took place on or after January 1,  
20       2003.

21               (3) GROWTH RATE.—The population growth  
22       rate of all metropolitan cities defined in section  
23       3(a)(6) shall be based on the population of—

(B) cities that were metropolitan cities before their incorporation into consolidated governments.

## 12 (h) REALLOCATION.—



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

4 (i) ALLOCATION TO STATES ON BEHALF OF NON-  
5 QUALIFYING COMMUNITIES.—

## 11 (2) ALLOCATION RATIO.—

17 (B) PRO-RATA REDUCTION.—The Sec-  
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retary shall make a pro rata reduction of each  
amount allocated to the nonqualifying commu-  
nities in each State under subparagraph (A) so  
that the nonqualifying communities in each  
State will receive the same percentage of the  
total amount available under this subsection as  
the percentage that such communities would  
have received if the total amount available had

1                   equaled the total amount allocated under sub-  
2                   paragraph (A).

### 3 (3) DISTRIBUTION.—

10 (i) by a State that has elected, in such  
11 manner and at such time as the Secretary  
12 shall prescribe, to distribute such amounts  
13 consistent with the statement submitted  
14 under section 5(a); or

15 (ii) by the Secretary, if the State has  
16 not elected to distribute such amounts.

17 (B) CERTIFICATION.—Before a State may  
18 receive or distribute amounts allocated under  
19 this subsection, the State must certify that—

23 (I) provides, or will provide, tech-  
24 nical assistance to units of general

1 local government in connection with  
2 homeland security initiatives;

3 (II) will not refuse to distribute  
4 such amounts to any unit of general  
5 local government on the basis of the  
6 particular eligible activity selected by  
7 such unit of general local government  
8 to meet its homeland security objec-  
9 tives, except that this clause may not  
10 be considered to prevent a State from  
11 establishing priorities in distributing  
12 such amounts on the basis of the ac-  
13 tivities selected; and

14 (III) has consulted with local  
15 elected officials from among units of  
16 general local government located in  
17 nonqualifying areas of that State in  
18 determining the method of distribu-  
19 tion of funds required by subpara-  
20 graph (A); and

21 (ii) each unit of general local govern-  
22 ment to be distributed funds will be re-  
23 quired to identify its homeland security ob-  
24 jectives, and the activities to be undertaken  
25 to meet such objectives.

9 (5) ADMINISTRATION.—

(A) IN GENERAL.—If a State receives and distributes amounts under paragraph (1), the State shall be responsible for the administration of funds so distributed. The State shall pay for all administrative expenses incurred by the State in carrying out its responsibilities under this Act, except that from the amounts received for distribution in nonqualifying areas, the State may deduct an amount to cover such expenses and its administrative expenses not to exceed the sum of \$150,000 plus 50 percent of any such expenses under this Act in excess of \$150,000. Amounts deducted in excess of \$150,000 shall not exceed 2 percent of the amount received under paragraph (1).

1 (B) DISTRIBUTION.—If the Secretary dis-  
2 tributes amounts under paragraph (1), the dis-  
3 tribution shall be made in accordance with de-  
4 terminations of the Secretary pursuant to state-  
5 ments submitted and the other requirements of  
6 section 5 (other than subsection (c)) and in ac-  
7 cordance with regulations and procedures pre-  
8 scribed by the Secretary.

## 9 (C) REALLOCATION.—

10 (i) FAILURE TO COMPLY.—Any  
11 amounts allocated for use in a State under  
12 paragraph (1) that are not received by the  
13 State for any fiscal year because of failure  
14 to meet the requirements of subsection (a)  
15 or (b) of section 5 shall be added to  
16 amounts allocated to all States under para-  
17 graph (1) for the succeeding fiscal year.

20 (j) QUALIFICATIONS AND DETERMINATIONS.—The  
21 Secretary may fix such qualification or submission dates  
22 as he determines are necessary to permit the computations  
23 and determinations required by this section to be made  
24 in a timely manner, and all such computations and deter-  
25 minations shall be final and conclusive.

1 (k) PRO RATA REDUCTION AND INCREASE.—

19 SEC. 8. STATE AND REGIONAL PLANNING; COMMUNICA-  
20 TIONS SYSTEMS.

21 (a) ALLOCATIONS.—Subject to appropriations au-  
22 thorized under section 4(b)(2), \$500,000,000 shall be allo-  
23 cated to States, regional cooperations, and local commu-  
24 nities, in accordance with subsection (b) for—

5 (3) the development and maintenance of State-  
6 wide training facilities and homeland security best-  
7 practices clearinghouses; and

12 (b) USE OF FUNDS.—Of the amount allocated under  
13 subsection (a)—

24 (4) \$75,000,000 shall be used by the States  
25 and local communities to develop and maintain com-

1       munications systems that can be used between and  
2       among first responders at the State and local level,  
3       including law enforcement, fire, and emergency per-  
4       sonnel.

5       (c) ALLOCATIONS TO STATES.—

6           (1) IN GENERAL.—Funds under this section to  
7       be awarded to States shall be allocated among the  
8       States based upon the population for each State rel-  
9       ative to the populations of all States.

10          (2) MINIMUM AMOUNT PROVISION.—The provi-  
11       sion in section 7(i)(4) relating to a minimum  
12       amount shall apply to funds awarded under this sec-  
13       tion to States.

14          (3) LOCAL COMMUNICATIONS SYSTEMS.—Not  
15       less than 30 percent of the funds awarded under  
16       subsection (b)(4) shall be used for the development  
17       and maintenance of local communications systems.

18       (d) ALLOCATIONS TO REGIONAL COOPERATIONS.—  
19       Funds under this section to be awarded to regional cooper-  
20       ations and regional, multistate, or intrastate authorities,  
21       shall be allocated among the regional cooperations based  
22       upon the population of the areas covered by the cooper-  
23       ations.

1 **SEC. 9. NONDISCRIMINATION IN PROGRAMS AND ACTIVI-**2 **TIES.**

3 No person in the United States shall on the ground  
4 of race, color, national origin, religion, or sex be excluded  
5 from participation in, be denied the benefits of, or be sub-  
6 jected to discrimination under any program or activity  
7 funded in whole or in part with funds made available  
8 under this Act. Any prohibition against discrimination on  
9 the basis of age under the Age Discrimination Act of 1975  
10 (42 U.S.C. 6101 et seq.) or with respect to an otherwise  
11 qualified handicapped individual as provided in section  
12 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)  
13 shall also apply to any such program or activity.

14 **SEC. 10. REMEDIES FOR NONCOMPLIANCE WITH REQUIRE-**15 **MENTS.**

16 If the Secretary finds after reasonable notice and op-  
17 portunity for hearing that a recipient of assistance under  
18 this Act has failed to comply substantially with any provi-  
19 sion of this Act, the Secretary shall—

20 (1) terminate payments to the recipient under  
21 this Act;

22 (2) reduce payments to the recipient under this  
23 Act by an amount equal to the amount of such pay-  
24 ments which were not expended in accordance with  
25 this Act; or

#### 4 SEC. 11. REPORTING REQUIREMENTS.

5 (a) IN GENERAL.—Not later than 180 days after the  
6 end of each fiscal year in which assistance is awarded  
7 under this Act, the Secretary shall submit to Congress a  
8 report which shall contain—

13 (3) a description of the activities carried out  
14 under section 7.

15 (b) REPORTS TO SECRETARY.—The Secretary is au-  
16 thorized to require recipients of assistance under this Act  
17 to submit to such reports and other information as may  
18 be necessary in order for the Secretary to comply with sub-  
19 section (a).

20 SEC. 12. CONSULTATION BY ATTORNEY GENERAL.

21 In carrying out the provisions of this Act including  
22 the issuance of regulations, the Secretary shall consult  
23 with the Attorney General and other Federal departments  
24 and agencies administering Federal grant-in-aid pro-  
25 grams.

1 **SEC. 13. INTERSTATE AGREEMENTS OR COMPACTS; PUR-**2 **POSES.**

3       The consent of the Congress is hereby given to any  
4 2 or more States to enter into agreements or compacts,  
5 not in conflict with any law of the United States, for coop-  
6 erative effort and mutual assistance in support of home-  
7 land security planning and programs carried out under  
8 this Act as they pertain to interstate areas and to localities  
9 within such States, and to establish such agencies, joint  
10 or otherwise, as they may deem desirable for making such  
11 agreements and compacts effective.

12 **SEC. 14. MATCHING REQUIREMENTS; SUSPENSION OF RE-**13           **QUIREMENTS FOR ECONOMICALLY DIS-**  
14           **TRESSED AREAS.**

15       (a) REQUIREMENT.—Grant recipients shall con-  
16 tribute from funds, other than those received under this  
17 Act, 10 percent of the total funds received under this Act.  
18 Such funds shall be used in accordance with the grantee's  
19 statement of homeland security objectives.

20       (b) ECONOMIC DISTRESS.—Grant recipients that are  
21 deemed economically distressed shall be waived from the  
22 matching requirement set forth in this section.

