

(C) For fiscal year 2010, 0.45 percent.

(D) For fiscal year 2011, 0.40 percent.

(E) For fiscal year 2012 and each subsequent fiscal year, 0.35 percent.

(2) Territories and possessions

In awarding grants under this section, the Secretary shall ensure that for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive grants in amounts that are not less than 0.08 percent of the total amount appropriated for grants under this section for that fiscal year.

(k) Certification

Each State that receives a grant under this section shall certify that the grant is used for the purpose for which the funds were intended and in compliance with the State's approved Statewide Interoperable Communications Plan.

(l) State responsibilities

(1) Availability of funds to local and tribal governments

Not later than 45 days after receiving grant funds, any State that receives a grant under this section shall obligate or otherwise make available to local and tribal governments—

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

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

(C) grant funds combined with other eligible expenditures having a total value of not less than 80 percent of the amount of the grant.

(2) Allocation of funds

A State that receives a grant under this section shall allocate grant funds to tribal governments in the State to assist tribal communities in improving interoperable communications, in a manner consistent with the Statewide Interoperable Communications Plan. A State may not impose unreasonable or unduly burdensome requirements on a tribal government as a condition of providing grant funds or resources to the tribal government.

(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 Director of 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 Director shall make the reports

publicly available, including by making them available on the Internet website of the Office of Emergency Communications, subject to any redactions that the Director determines are necessary to protect classified or other sensitive information.

(2) Annual reports to Congress

At least once each year, the Director of 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.)

§ 580. Border interoperability demonstration project

(a) In general

(1) Establishment

The Secretary, acting through the Director of the Office of Emergency Communications (referred to in this section as the "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 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 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 en-

sure 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 Office of Emergency Communications under section 571 of this title, the 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 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 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 Director on the status of the distribution of such funds to local and tribal governments.

(e) Maximum period of grants

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

(f) Transfer of information and knowledge

The 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.)

SUBCHAPTER XIV—DOMESTIC NUCLEAR
DETECTION OFFICE

CODIFICATION

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.

§ 591. Domestic Nuclear Detection Office

(a) Establishment

There shall be established in the Department a Domestic Nuclear Detection Office (referred to in this subchapter as the “Office”). The Secretary may request that the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

(b) Director

The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.

(Pub. L. 107-296, title XIX, §1901, formerly title XVIII, §1801, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1932; renumbered title XIX, §1901, Pub. L. 110-53, title I, §104(a)(1), (2), Aug. 3, 2007, 121 Stat. 294.)

§ 592. Mission of Office

(a) Mission

The Office shall be responsible for coordinating Federal efforts to detect and protect against the unauthorized importation, possession, storage, transportation, development, or use of a nuclear explosive device, fissile material, or radiological material in the United States, and to protect against attack using such devices or materials against the people, territory, or interests of the United States and, to this end, shall—

- (1) serve as the primary entity of the United States Government to further develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, develop, or use an unauthorized nuclear explosive device, fissile material, or radiological material in the United States, and improve that system over time;

- (2) enhance and coordinate the nuclear detection efforts of Federal, State, local, and tribal governments and the private sector to ensure a managed, coordinated response;

- (3) establish, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of Defense, and the