

- (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 124l(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 450b(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.)

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 and 605 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 title¹ XIV and XV of the Im-

¹ So in original. Probably should be “titles”.

plementing 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 3714 of title 42.

(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.)

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.

§ 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, protecting against, and responding to acts of terrorism.

(b) Assessment and designation of high-risk urban areas

(1) In general

The Administrator shall designate high-risk urban areas to receive grants under this section based on procedures under this subsection.

(2) Initial assessment

(A) In general

For each fiscal year, the Administrator shall conduct an initial assessment of the

relative threat, vulnerability, and consequences from acts of terrorism faced by each eligible metropolitan area, including consideration of—

(i) the factors set forth in subparagraphs (A) through (H) and (K) of section 608(a)(1) of this title; and

(ii) information and materials submitted under subparagraph (B).

(B) Submission of information by eligible metropolitan areas

Prior to conducting each initial assessment under subparagraph (A), the Administrator shall provide each eligible metropolitan area with, and shall notify each eligible metropolitan area of, the opportunity to—

(i) submit information that the eligible metropolitan area believes to be relevant to the determination of the threat, vulnerability, and consequences it faces from acts of terrorism; and

(ii) review the risk assessment conducted by the Department of that eligible metropolitan area, including the bases for the assessment by the Department of the threat, vulnerability, and consequences from acts of terrorism faced by that eligible metropolitan area, and remedy erroneous or incomplete information.

(3) Designation of high-risk urban areas

(A) Designation

(i) In general

For each fiscal year, after conducting the initial assessment under paragraph (2), and based on that assessment, the Administrator shall designate high-risk urban areas that may submit applications for grants under this section.

(ii) Additional areas

Notwithstanding paragraph (2), the Administrator may—

(I) in any case where an eligible metropolitan area consists of more than 1 metropolitan division (as that term is defined by the Office of Management and Budget) designate more than 1 high-risk urban area within a single eligible metropolitan area; and

(II) designate an area that is not an eligible metropolitan area as a high-risk urban area based on the assessment by the Administrator of the relative threat, vulnerability, and consequences from acts of terrorism faced by the area.

(iii) Rule of construction

Nothing in this subsection may be construed to require the Administrator to—

(I) designate all eligible metropolitan areas that submit information to the Administrator under paragraph (2)(B)(i) as high-risk urban areas; or

(II) designate all areas within an eligible metropolitan area as part of the high-risk urban area.

(B) Jurisdictions included in high-risk urban areas

(i) In general

In designating high-risk urban areas under subparagraph (A), the Administrator