

**(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)<sup>1</sup> 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 Secretary of Energy, additional protocols and procedures for use within the United States to ensure that the detection of unauthorized nuclear explosive devices, fissile material, or radiological material is promptly reported to the Attorney General, the Secretary, the Secretary of Defense, the Secretary of Energy, and other appropriate officials or their respective designees for appropriate action by law enforcement, military, emergency response, or other authorities;

(4) develop, with the approval of the Secretary and in coordination with the Attorney General, the Secretary of State, the Secretary of Defense, and the Secretary of Energy, an enhanced global nuclear detection architecture with implementation under which—

(A) the Office will be responsible for the implementation of the domestic portion of the global architecture;

(B) the Secretary of Defense will retain responsibility for implementation of Department of Defense requirements within and outside the United States; and

(C) the Secretary of State, the Secretary of Defense, and the Secretary of Energy will maintain their respective responsibilities for policy guidance and implementation of the portion of the global architecture outside the United States, which will be implemented consistent with applicable law and relevant international arrangements;

(5) ensure that the expertise necessary to accurately interpret detection data is made available in a timely manner for all technology deployed by the Office to implement the global nuclear detection architecture;

(6) conduct, support, coordinate, and encourage an aggressive, expedited, evolutionary, and transformational program of research and development to generate and improve technologies to detect and prevent the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material, and coordinate with the Under Secretary for Science and Technology on basic and advanced or transformational research and development efforts relevant to the mission of both organizations;

(7) carry out a program to test and evaluate technology for detecting a nuclear explosive device and fissile or radiological material, in coordination with the Secretary of Defense and the Secretary of Energy, as appropriate,

<sup>1</sup> So in original. No subsec. (b) has been enacted.

and establish performance metrics for evaluating the effectiveness of individual detectors and detection systems in detecting such devices or material—

(A) under realistic operational and environmental conditions; and

(B) against realistic adversary tactics and countermeasures;

(8) support and enhance the effective sharing and use of appropriate information generated by the intelligence community, law enforcement agencies, counterterrorism community, other government agencies, and foreign governments, as well as provide appropriate information to such entities;

(9) further enhance and maintain continuous awareness by analyzing information from all Office mission-related detection systems; and

(10) perform other duties as assigned by the Secretary.

(Pub. L. 107-296, title XIX, §1902, formerly title XVIII, §1802, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1932; renumbered title XIX, §1902, Pub. L. 110-53, title I, §104(a)(1), (2), Aug. 3, 2007, 121 Stat. 294.)

**§ 592a. Technology research and development investment strategy for nuclear and radiological detection**

**(a) In general**

Not later than 1 year after October 13, 2006, the Secretary, the Secretary of Energy, the Secretary of Defense, and the Director of National Intelligence shall submit to Congress a research and development investment strategy for nuclear and radiological detection.

**(b) Contents**

The strategy under subsection (a) shall include—

(1) a long term technology roadmap for nuclear and radiological detection applicable to the mission needs of the Department, the Department of Energy, the Department of Defense, and the Office of the Director of National Intelligence;

(2) budget requirements necessary to meet the roadmap; and

(3) documentation of how the Department, the Department of Energy, the Department of Defense, and the Office of the Director of National Intelligence will execute this strategy.

**(c) Initial report**

Not later than 1 year after October 13, 2006, the Secretary shall submit a report to the appropriate congressional committees on—

(1) the impact of this title,<sup>1</sup> and the amendments made by this title, on the responsibilities under section 182 of this title; and

(2) the efforts of the Department to coordinate, integrate, and establish priorities for conducting all basic and applied research, development, testing, and evaluation of technology and systems to detect, prevent, protect, and respond to chemical, biological, radiological, and nuclear terrorist attacks.

**(d) Annual report**

The Director for Domestic Nuclear Detection and the Under Secretary for Science and Tech-

nology shall jointly and annually notify Congress that the strategy and technology road map for nuclear and radiological detection developed under subsections (a) and (b) is consistent with the national policy and strategic plan for identifying priorities, goals, objectives, and policies for coordinating the Federal Government's civilian efforts to identify and develop countermeasures to terrorist threats from weapons of mass destruction that are required under section 182(2) of this title.

(Pub. L. 109-347, title V, §502, Oct. 13, 2006, 120 Stat. 1935.)

REFERENCES IN TEXT

This title, referred to in subsec. (c)(1), is title V of Pub. L. 109-347, Oct. 13, 2006, 120 Stat. 1932, which enacted this subchapter and this section and amended sections 113 and 182 of this title. For complete classification of title V to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Security and Accountability For Every Port Act of 2006, also known as the SAFE Port Act, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

DEFINITIONS

For definitions of terms used in this section, see section 901 of this title.

**§ 593. Hiring authority**

In hiring personnel for the Office, the Secretary shall have the hiring and management authorities provided in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note). The term of appointments for employees under subsection (c)(1) of such section may not exceed 5 years before granting any extension under subsection (c)(2) of such section.

(Pub. L. 107-296, title XIX, §1903, formerly title XVIII, §1803, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1934; renumbered title XIX, §1903, Pub. L. 110-53, title I, §104(a)(1), (2), Aug. 3, 2007, 121 Stat. 294.)

REFERENCES IN TEXT

Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, referred to in text, is section 1101 of Pub. L. 105-261, which is set out as a note under section 3104 of Title 5, Government Organization and Employees.

**§ 594. Testing authority**

**(a) In general**

The Director shall coordinate with the responsible Federal agency or other entity to facilitate the use by the Office, by its contractors, or by other persons or entities, of existing Government laboratories, centers, ranges, or other testing facilities for the testing of materials, equipment, models, computer software, and other items as may be related to the missions identified in section 592 of this title. Any such use of Government facilities shall be carried out in accordance with all applicable laws, regulations, and contractual provisions, including those governing security, safety, and environmental protection, including, when applicable, the provisions of section 189 of this title. The Of-

<sup>1</sup> See References in Text note below.

office may direct that private sector entities utilizing Government facilities in accordance with this section pay an appropriate fee to the agency that owns or operates those facilities to defray additional costs to the Government resulting from such use.

**(b) Confidentiality of test results**

The results of tests performed with services made available shall be confidential and shall not be disclosed outside the Federal Government without the consent of the persons for whom the tests are performed.

**(c) Fees**

Fees for services made available under this section shall not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

**(d) Use of fees**

Fees received for services made available under this section may be credited to the appropriation from which funds were expended to provide such services.

(Pub. L. 107-296, title XIX, §1904, formerly title XVIII, §1804, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1934; renumbered title XIX, §1904, and amended Pub. L. 110-53, title I, §104(a)(1)–(3), Aug. 3, 2007, 121 Stat. 294.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 110-53, §104(a)(3), made technical amendment to reference in original act which appears in text as reference to section 592 of this title.

**§ 595. Relationship to other Department entities and Federal agencies**

The authority of the Director under this subchapter shall not affect the authorities or responsibilities of any officer of the Department or of any officer of any other department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department or any Federal department or agency.

(Pub. L. 107-296, title XIX, §1905, formerly title XVIII, §1805, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1934; renumbered title XIX, §1905, Pub. L. 110-53, title I, §104(a)(1), (2), Aug. 3, 2007, 121 Stat. 294.)

**§ 596. Contracting and grant making authorities**

The Secretary, acting through the Director for Domestic Nuclear Detection, in carrying out the responsibilities under paragraphs (6) and (7) of section 592(a) of this title, shall—

(1) operate extramural and intramural programs and distribute funds through grants, cooperative agreements, and other transactions and contracts;

(2) ensure that activities under paragraphs (6) and (7) of section 592(a) of this title include investigations of radiation detection equipment in configurations suitable for deployment at seaports, which may include underwater or water surface detection equipment and detection equipment that can be mounted

on cranes and straddle cars used to move shipping containers; and

(3) have the authority to establish or contract with 1 or more federally funded research and development centers to provide independent analysis of homeland security issues and carry out other responsibilities under this subchapter.

(Pub. L. 107-296, title XIX, §1906, formerly title XVIII, §1806, as added Pub. L. 109-347, title V, §501(a), Oct. 13, 2006, 120 Stat. 1935; renumbered title XIX, §1906, and amended Pub. L. 110-53, title I, §104(a)(1), (2), (4), Aug. 3, 2007, 121 Stat. 294.)

AMENDMENTS

2007—Pub. L. 110-53, §104(a)(4), made technical amendment to reference in original act which appears in two places in text as reference to section 592(a) of this title.

**§ 596a. Joint annual interagency review of global nuclear detection architecture**

**(a) Annual review**

**(1) In general**

The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—

(A) each relevant agency, office, or entity—

(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture; and

(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) relating to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats relating to nuclear or radiological weapons of mass destruction; and

(B) each agency, office, or entity deploying or operating any nuclear or radiological detection technology under the global nuclear detection architecture—

(i) evaluates the deployment and operation of nuclear or radiological detection technologies under the global nuclear detection architecture by that agency, office, or entity;

(ii) identifies performance deficiencies and operational or technical deficiencies in nuclear or radiological detection technologies deployed under the global nuclear detection architecture; and

(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.

**(2) Technology**

Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of radiation detection technologies deployed or implemented in support of the domestic portion of the global nuclear detection architecture.

**(b) Annual report on joint interagency review****(1) In general**

Not later than March 31 of each year, the Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall jointly submit a report regarding the implementation of this section and the results of the reviews required under subsection (a) to—

- (A) the President;
- (B) the Committee on Appropriations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (C) the Committee on Appropriations, the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Science and Technology of the House of Representatives.

**(2) Form**

The annual report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

**(c) Definition**

In this section, the term “global nuclear detection architecture” means the global nuclear detection architecture developed under section 592 of this title.

(Pub. L. 107–296, title XIX, §1907, as added Pub. L. 110–53, title XI, §1103(a), Aug. 3, 2007, 121 Stat. 379.)

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 1241(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