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S. 466

To provide financial assistance to State and local governments to assist them in preventing and responding to acts of terrorism in order to better protect homeland security.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2003

Mr. DASCHLE (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To provide financial assistance to State and local governments to assist them in preventing and responding to acts of terrorism in order to better protect homeland security.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''First Responders Partnership Grant Act of 2003''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of a State, unit of local government, public or private college or university, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(3) PUBLIC SAFETY OFFICER.—The term ''public safety officer'' means any person serving a public or private agency with or without compensation as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means a county, munici-

pality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 3. FIRST RESPONDERS PARTNERSHIP GRANT PROGRAM FOR PUBLIC SAFETY OFFICERS.

(a) IN GENERAL.—The Secretary is authorized to make grants to States, units of local government, and Indian tribes to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

(b) USE OF FUNDS.—Grants awarded under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used to fund overtime expenses, equipment, training, and facilities to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

(c) ALLOCATION AND DISTRIBUTION OF FUNDS.—

(1) SET-ASIDE FOR INDIAN TRIBES.—

(A) IN GENERAL.—The Secretary shall reserve 1 percent of the amount appropriated for grants pursuant to this Act to be used for grants to Indian tribes.

(B) SELECTION OF INDIAN TRIBES.—

(i) IN GENERAL.—The Secretary shall award grants under this subparagraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria.

(ii) RULEMAKING.—The criteria under clause (i) shall be contained in a regulation promulgated by the Secretary after notice and public comment.

(2) SET-ASIDE FOR RURAL STATES.—

(A) IN GENERAL.—The Secretary shall reserve 5 percent of the amount appropriated for grants pursuant to this Act to be used for grants to rural States.

(B) SELECTION OF RURAL STATES.—The Secretary shall award grants under this paragraph to rural States (as defined in section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b))).

(3) MINIMUM AMOUNT.—The Secretary shall allocate, from the total amount appropriated for grants to States under this section—

(A) not less than 0.75 percent for each State; and

(B) not less than 0.25 percent for American Samoa, Guam, the Northern Mariana Islands, and the United States Virgin Islands, respectively.

(4) ALLOCATION TO METROPOLITAN CITIES AND URBAN COUNTIES.—The balance of the total amount appropriated for grants to States under this section after allocations have been made to Indian tribes, rural States, and the minimum amount to each State pursuant to paragraphs (1) through (3), shall be allocated by the Secretary to metropolitan cities and urban counties pursuant to paragraphs (5) and (6).

(5) COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES.—

(A) COMPUTATION RATIOS.—The Secretary shall determine the amount to be allocated to each metropolitan city, which shall bear the same ratio to the allocation for all metropolitan cities as the weighted average of—

(i) the population of the metropolitan city divided by the population of all metropolitan cities;

(ii) the potential chemical security risk of the metropolitan city divided by the

potential chemical security risk of all metropolitan cities;

(iii) the proximity of the metropolitan city to the nearest operating nuclear power plant compared to the proximity of all metropolitan cities to the nearest operating nuclear power plant to each such city;

(iv) the proximity of the metropolitan cities to the nearest United States land or water port compared with the proximity of all metropolitan cities to the nearest United States land or water port to each such city;

(v) the proximity of the metropolitan city to the nearest international border compared with the proximity of all metropolitan cities to the nearest international border to each such city; and

(vi) the proximity of the metropolitan city to the nearest Disaster Medical Assistance Team (referred to in this subsection as ''DMAT'') compared with the proximity of all metropolitan cities to the nearest DMAT to each such city.

(B) CLARIFICATION OF COMPUTATION RATIOS.—

(i) RELATIVE WEIGHT OF FACTOR.—In determining the average of the ratios under subparagraph (A)—

(I) the ratio involving population shall constitute 50 percent of the formula in calculating the allocation; and

(II) the remaining factors shall be equally weighted.

(ii) POTENTIAL CHEMICAL SECURITY RISK.—If a metropolitan city is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency, or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities), the ratio under subparagraph (A)(ii) shall be 1 divided by the total number of metropolitan cities that are within such a zone.

(iii) PROXIMITY AS IT PERTAINS TO NUCLEAR SECURITY.—If a metropolitan

city is located within 50 miles of an operating nuclear power plant (as identified by the Nuclear Regulatory Commission), the ratio under subparagraph (A)(iii) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(iv) PROXIMITY AS IT PERTAINS TO PORT SECURITY.—If a metropolitan city is located within 50 miles of 1 of the 100 largest United States ports (as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes), or within 50 miles of 1 of the 30 largest United States water ports by metric tons and value (as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics), the ratio under subparagraph (A)(iv) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a United States land or water port.

(v) PROXIMITY TO INTERNATIONAL BORDER.—If a metropolitan city is located within 50 miles of an international border, the ratio under subparagraph (A)(v) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of an international border.

(vi) PROXIMITY TO DISASTER MEDICAL ASSISTANCE TEAM.—If a metropolitan city is located within 50 miles of a DMAT, as organized by the National Disaster Medical System, the ratio under subparagraph (A)(vi) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a DMAT.

(6) COMPUTATION OF AMOUNT ALLOCATED TO URBAN COUNTIES.—

(A) COMPUTATION RATIOS.—The Secretary shall determine the amount to be allocated to each urban county, which shall bear the same ratio to the allocation for all urban counties as the weighted average of—

(i) the population of the urban county divided by the population of all urban counties;

(ii) the potential chemical security risk of the urban county divided by the potential chemical security risk of all urban counties;

(iii) the proximity of the urban county to the nearest operating nuclear power plant compared to the proximity of all urban counties to the nearest operating nuclear power plant to each such county;

(iv) the proximity of the urban counties to the nearest United States land or water port compared with the proximity of all urban counties to the nearest United States land or water port to each such county;

(v) the proximity of the urban county to the nearest international border compared with the proximity of all urban counties to the nearest international border to each such county; and

(vi) the proximity of the urban county to the nearest Disaster Medical Assistance Team (referred to in this subsection as ''DMAT'') compared with the proximity of

all urban counties to the nearest DMAT to each such county.

(B) CLARIFICATION OF COMPUTATION RATIOS.—

(i) RELATIVE WEIGHT OF FACTOR.—In determining the average of the ratios under subparagraph (A)—

(I) the ratio involving population shall constitute 50 percent of the formula in calculating the allocation; and

(II) the remaining factors shall be equally weighted.

(ii) POTENTIAL CHEMICAL SECURITY RISK.—If an urban county is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency, or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities), the ratio under subparagraph (A)(ii) shall be 1 divided by the total number of urban counties that are within such a zone.

(iii) PROXIMITY AS IT PERTAINS TO NUCLEAR SECURITY.—If an urban county is located within 50 miles of an operating nuclear power plant (as identified by the Nuclear Regulatory Commission), the ratio under subparagraph (A)(iii) shall be 1 divided by the total number of urban counties, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(iv) PROXIMITY AS IT PERTAINS TO PORT SECURITY.—If an urban county is located within 50 miles of 1 of the 100 largest United States ports (as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes), or within 50 miles of 1 of the 30 largest United States water ports by metric tons and value (as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics), the ratio under subparagraph (A)(iv) shall be 1 divided by the total number of urban counties that are lo-

cated within 50 miles of a United States land or water port.

(v) PROXIMITY TO INTERNATIONAL BORDER.—If an urban county is located within 50 miles of an international border, the ratio under subparagraph (A)(v) shall be 1 divided by the total number of urban counties that are located within 50 miles of an international border.

(vi) PROXIMITY TO DISASTER MEDICAL ASSISTANCE TEAM.—If an urban county is located within 50 miles of a DMAT, as organized by the National Disaster Medical System, the ratio under subparagraph (A)(vi) shall be 1 divided by the total number of urban counties that are located within 50 miles of a DMAT.

(7) EXCLUSIONS.—

(A) IN GENERAL.—In computing amounts or exclusions under paragraph (6) with respect to any urban county, units of general local government located in the county shall be excluded if the populations of such units are not counted to determine the eligibility of the urban county to receive a grant under this subsection.

(B) INDEPENDENT CITIES.—

(i) IN GENERAL.—In computing amounts under subparagraph (A), there shall be included any independent city (as defined by the Bureau of the Census) which—

(I) is not part of any county;

(II) is not eligible for a grant;

(III) is contiguous to the urban county;

(IV) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(V) is not included as a part of any other unit of general local government for purposes of this section.

(ii) LIMITATION.—Any independent city that is included in the computation under this clause (i) shall not be eligible to receive assistance under this subsection for

the fiscal year for which such computation is used to allocate such assistance.

(8) INCLUSION.—

(A) LOCAL GOVERNMENT STRADDLING COUNTY LINE.—In computing amounts or exclusions under paragraph (6) with respect to any urban county, all of the area of any unit of local government shall be included, which is part of, but is not located entirely within the boundaries of, such urban county if—

(i) the part of such unit of local government that is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this subsection; and

(ii) the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this subsection.

(B) USE OF GRANT FUNDS OUTSIDE URBAN COUNTY.—Any amount received under this section by an urban county described under subparagraph (A) may be used with respect to

the part of such unit of local government that is outside the boundaries of such urban county.

(9) POPULATION.—

(A) EFFECT OF CONSOLIDATION.—Where data are available, the amount to be allocated to a metropolitan city that has been formed by the consolidation of 1 or more metropolitan cities within an urban county shall be equal to the sum of the amounts that would have been allocated to the urban county or cities and the balance of the consolidated government if such consolidation had not occurred.

(B) LIMITATION.—Subparagraph (A) shall apply only to a consolidation that—

(i) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

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

(iii) took place on or after January 1, 2003.

(C) GROWTH RATE.—The population growth rate of all metropolitan cities defined in this section shall be based on the population of—

(i) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

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

(d) MAXIMUM AMOUNT PER GRANTEE.—

(1) IN GENERAL.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated for grants under this Act.

(2) AGGREGATE AMOUNT PER STATE.—A State, together with the grantees within the State, may not receive more than 20 percent of the total amount appropriated for grants under this Act.

(e) MATCHING FUNDS.—

(1) IN GENERAL.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 90 percent.

(2) WAIVER.—If the Secretary determines that a grantee is experiencing fiscal hardship, the Sec-

retary may waive, in whole or in part, the matching requirement under paragraph (1).

(3) EXCEPTION.—Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement under paragraph (1).

SEC. 4. APPLICATIONS.

(a) IN GENERAL.—To request a grant under this Act, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require.

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

SEC. 5. AUTHORIZATION AND APPROPRIATION.

There are authorized to be appropriated, and are appropriated, $5,000,000,000 for fiscal year 2003 to carry out this Act.

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