

108TH CONGRESS
1ST SESSION

H. R. 1803

To authorize the Secretary of Homeland Security to make grants to reimburse State and local governments and Indian tribes for certain costs relating to the mobilization of Reserves who are first responder personnel of such governments or tribes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mr. MENENDEZ (for himself, Mr. McNULTY, Mr. FROST, Mr. CASE, Ms. LEE, Mr. REYES, Mr. MCINTYRE, Mr. BOYD, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. FARR, Mr. MCGOVERN, Mr. DAVIS of Tennessee, Mr. EMANUEL, Mr. FILNER, Mr. ACEVEDO-VILÁ, Mr. DAVIS of Florida, Mr. RUPPERSBERGER, Mr. ABERCROMBIE, Mrs. MALONEY, Mr. BERMAN, Mr. UDALL of New Mexico, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. PETERSON of Minnesota, Mr. BISHOP of New York, Mr. RANGEL, Mr. PASCRELL, Mr. OWENS, Mr. KIND, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. TOWNS, Ms. LINDA T. SÁNCHEZ of California, Mr. ROSS, Mr. LANGEVIN, Mr. ANDREWS, Ms. KILPATRICK, Mr. MEEHAN, Mr. ORTIZ, Mr. BOSWELL, Ms. LORETTA SANCHEZ of California, Ms. SLAUGHTER, Mr. BACA, and Mr. MARSHALL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of Homeland Security to make grants to reimburse State and local governments and Indian tribes for certain costs relating to the mobilization of Reserves who are first responder personnel of such governments or tribes.

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.**

4 This Act may be cited as the “State and Local Re-
5 servist First Responders Assistance Act of 2003”.

6 **SEC. 2. GRANTS TO STATE AND LOCAL GOVERNMENTS AND**
7 **INDIAN TRIBES FOR CERTAIN COSTS RELAT-**
8 **ING TO MOBILIZATION OF RESERVES WHO**
9 **ARE FIRST RESPONDER PERSONNEL.**

10 (a) GRANTS AUTHORIZED.—The Secretary of Home-
11 land Security may make a grant of financial assistance
12 to any State or local government or Indian tribe in order
13 to reimburse the State or local government or tribe for
14 costs incurred by the State or local government or tribe
15 as a result of a call or order to active duty of one or more
16 Reserves who are first responder personnel of the State
17 or local government or tribe if the call or order to duty
18 is issued under the authority of a provision of law referred
19 to in section 101(a)(13)(B) of title 10, United States
20 Code.

21 (b) FIRST RESPONDER PERSONNEL.—For purposes
22 of this section, the term “first responder personnel”—

23 (1) means police, fire, rescue, emergency med-
24 ical service, and emergency hazardous material dis-
25 posal personnel; and

1 (2) includes such other personnel as the Sec-
2 retary may specify in regulations prescribed under
3 this section.

4 (c) COVERED COSTS.—(1) The costs that may be re-
5 imbursed by a grant under subsection (a) to a State or
6 local government or Indian tribe in connection with a call
7 or order of first responder personnel of the State or local
8 government or tribe to active duty are any costs incurred
9 by the State or local government or tribe as follows:

10 (A) Costs (including salary and benefits) of hir-
11 ing first responder personnel to replace the first re-
12 sponder personnel called or ordered to active duty.

13 (B) Costs of overtime pay for other first re-
14 sponder personnel of the State or local government
15 or tribe.

16 (C) Any other costs that the Secretary specifies
17 in regulations prescribed under this section.

18 (2) Costs of a State or local government or tribe may
19 be reimbursed by a grant under subsection (a) only if the
20 State or local government or tribe would not have incurred
21 such costs but for the absence of first responder personnel
22 pursuant to a call or order to active duty described in that
23 subsection.

24 (3) In seeking reimbursement for costs under sub-
25 section (a), a State or local government or tribe shall de-

1 duct from the costs for which reimbursement is sought
2 the amounts, if any, saved by the State or local govern-
3 ment or tribe by reason of the absence of first responder
4 personnel for active duty pursuant to a call or order to
5 active duty described in that subsection.

6 (d) PERIOD COVERED BY GRANT.—(1) Except as
7 provided in paragraph (2), a grant under subsection (a)
8 shall reimburse a State or local government or Indian tribe
9 for costs incurred by the State or local government or tribe
10 during the year preceding the year of the application for
11 the grant under subsection (f).

12 (2) If the active duty of a particular Reserve during
13 a year is insufficient to meet the duty requirement in sub-
14 section (e) for such year, but when combined with active
15 duty in the succeeding year is sufficient to meet the duty
16 requirement for such succeeding year, a grant under sub-
17 section (a) for such succeeding year shall also reimburse
18 the State or local government or tribe for costs incurred
19 in connection with the active duty of the Reserve during
20 such year.

21 (e) MINIMUM PERIOD OF DUTY FOR REIMBURSE-
22 MENT.—(1) Costs may be reimbursed by a grant under
23 subsection (a) with respect to a particular Reserve only
24 if the Reserve serves six or more consecutive months on
25 active duty pursuant to a call or order to active duty

1 issued under the authority of a provision of law referred
2 to in subsection (a) at any time during the two calendar
3 years preceding the application for the grant under sub-
4 section (f).

5 (2) If a particular Reserve meets the duty require-
6 ment in paragraph (1) for a grant under subsection (a)
7 for a year, costs reimbursable by the grant shall include
8 any costs in connection with the active duty of the Reserve
9 described in that paragraph during such year.

10 (f) MINIMUM GRANT ALLOCATION.—If in any fiscal
11 year the total amount authorized to be appropriated by
12 subsection (j) for grants under subsection (a) is less than
13 the amount of grants that could otherwise be made under
14 subsection (a) in such fiscal year, the aggregate amount
15 available for grants under subsection (a) in such fiscal
16 year for each State (including grants to such State and
17 local governments and Indian tribes in such State) shall
18 be not less than the amount equal to 0.75 percent of the
19 amount authorized to be appropriated by subsection (j)
20 for grants under subsection (a) in such fiscal year, except
21 that the aggregate amount available for grants under sub-
22 section (a) in such fiscal year for each of the Virgin Is-
23 lands, Guam, American Samoa, and the Commonwealth
24 of the Northern Mariana Islands shall be not less than
25 the amount equal to 0.25 percent of the amount author-

1 ized to be appropriated by subsection (j) for grants under
2 subsection (a) in such fiscal year.

3 (g) APPLICATION.—(1) A State or local government
4 or Indian tribe seeking a grant under subsection (a) shall
5 submit to the Secretary an application therefor in such
6 form, and containing such information, as the Secretary
7 shall prescribe in the regulations under this section.

8 (2) An application for a grant under subsection (a)
9 for a year shall be submitted not later than February 15
10 of the following year.

11 (h) REGULATIONS.—The Secretary shall prescribe
12 regulations for purposes of the administration of this sec-
13 tion.

14 (i) STATE DEFINED.—In this section, the term
15 “State” means each of the several States, the District of
16 Columbia, the Commonwealth of Puerto Rico, the Virgin
17 Islands, Guam, American Samoa, and the Commonwealth
18 of the Northern Mariana Islands.

19 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated for the Department of
21 Homeland Security such sums as may be necessary to
22 carry out this section.

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