

108TH CONGRESS  
2D SESSION

# H. R. 5392

To authorize the use of a covered grant to provide a reasonable stipend to paid-on-call or volunteer first responders for travel to or participation in training to prevent, prepare for, respond to, or mitigate terrorist attacks, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2004

Mr. STUPAK 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

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## A BILL

To authorize the use of a covered grant to provide a reasonable stipend to paid-on-call or volunteer first responders for travel to or participation in training to prevent, prepare for, respond to, or mitigate terrorist attacks, and for other purposes.

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 “Volunteer First Re-  
5       sponder Fairness Act of 2004”.

1 **SEC. 2. STIPEND FOR PAID-ON-CALL OR VOLUNTEER FIRST**  
2 **RESPONDERS.**

3 (a) IN GENERAL.—A covered grant may be used to  
4 provide a reasonable stipend to paid-on-call or volunteer  
5 first responders for travel to or participation in training  
6 to prevent, prepare for, respond to, or mitigate threatened  
7 or actual terrorist attacks, if such first responders are not  
8 otherwise compensated for such travel or participation.

9 (b) RELATION TO FAIR LABOR STANDARDS ACT OF  
10 1938.—Any stipend received under subsection (a) shall  
11 not be considered compensation for purposes of rendering  
12 a first responder an employee under the Fair Labor  
13 Standards Act of 1938 (29 U.S.C. 201 et seq.).

14 (c) DEFINITIONS.—In this Act:

15 (1) The term “covered grant”—

16 (A) means a grant that—

17 (i) is provided by the Department to  
18 a State, region, or directly eligible tribe for  
19 the primary purpose of improving the abil-  
20 ity of first responders to prevent, prepare  
21 for, respond to, or mitigate threatened or  
22 actual terrorist attacks, especially those in-  
23 volving weapons of mass destruction; and

24 (ii) is administered under—

25 (I) the State Homeland Security  
26 Grant Program of the Department of

1 Homeland Security, or any successor  
2 to such grant program;

3 (II) the Urban Area Security Ini-  
4 tiative of the Department, or any suc-  
5 cessor to such grant program;

6 (III) the Law Enforcement Ter-  
7 rorism Prevention Program of the De-  
8 partment, or any successor to such  
9 grant program; or

10 (IV) the Citizen Corps Program  
11 of the Department, or any successor  
12 to such grant program; and

13 (B) excludes any grant that is adminis-  
14 tered under—

15 (i) a Federal grant program that is  
16 not administered by the Department;

17 (ii) the fire grant programs authorized  
18 by sections 33 and 34 of the Federal Fire  
19 Prevention and Control Act of 1974 (15  
20 U.S.C. 2229, 2229a); or

21 (iii) the Emergency Management Per-  
22 formance Grant program and the Urban  
23 Search and Rescue Grants program au-  
24 thorized by title VI of the Robert T. Staf-  
25 ford Disaster Relief and Emergency Assist-

1           ance Act (42 U.S.C. 5195 et seq.); the De-  
2           partments of Veterans Affairs and Hous-  
3           ing and Urban Development, and Inde-  
4           pendent Agencies Appropriations Act,  
5           2000 (113 Stat. 1047 et seq.); and the  
6           Earthquake Hazards Reduction Act of  
7           1977 (42 U.S.C. 7701 et seq.).

8           (2) The term “Department” means the Depart-  
9           ment of Homeland Security.

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