109TH CONGRESS 1ST SESSION H.R. 154

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

JANUARY 4, 2005

Mr. MENENDEZ 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 2005".

1SEC. 2. GRANTS TO STATE AND LOCAL GOVERNMENTS AND2INDIAN TRIBES FOR CERTAIN COSTS RELAT-3ING TO MOBILIZATION OF RESERVES WHO4ARE FIRST RESPONDER PERSONNEL.

5 (a) GRANTS AUTHORIZED.—The Secretary of Homeland Security may make a grant of financial assistance 6 7 to any State or local government or Indian tribe in order 8 to reimburse the State or local government or tribe for 9 costs incurred by the State or local government or tribe 10 as a result of a call or order to active duty of one or more 11 Reserves who are first responder personnel of the State or local government or tribe if the call or order to duty 12 13 is issued under the authority of a provision of law referred to in section 101(a)(13)(B) of title 10, United States 14 Code. 15

(b) FIRST RESPONDER PERSONNEL.—For purposes
of this section, the term "first responder personnel"—

18 (1) means police, fire, rescue, emergency med19 ical service, and emergency hazardous material dis20 posal personnel; and

(2) includes such other personnel as the Secretary may specify in regulations prescribed under
this section.

24 (c) COVERED COSTS.—(1) The costs that may be re25 imbursed by a grant under subsection (a) to a State or
26 local government or Indian tribe in connection with a call
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or order of first responder personnel of the State or local
 government or tribe to active duty are any costs incurred
 by the State or local government or tribe as follows:

- 4 (A) Costs (including salary and benefits) of hir5 ing first responder personnel to replace the first re6 sponder personnel called or ordered to active duty.
- 7 (B) Costs of overtime pay for other first re8 sponder personnel of the State or local government
 9 or tribe.
- 10 (C) Any other costs that the Secretary specifies11 in regulations prescribed under this section.
- (2) Costs of a State or local government or tribe may
 be reimbursed by a grant under subsection (a) only if the
 State or local government or tribe would not have incurred
 such costs but for the absence of first responder personnel
 pursuant to a call or order to active duty described in that
 subsection.

(3) In seeking reimbursement for costs under subsection (a), a State or local government or tribe shall deduct from the costs for which reimbursement is sought
the amounts, if any, saved by the State or local government or tribe by reason of the absence of first responder
personnel for active duty pursuant to a call or order to
active duty described in that subsection.

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

7 (2) If the active duty of a particular Reserve during 8 a year is insufficient to meet the duty requirement in sub-9 section (e) for such year, but when combined with active 10 duty in the succeeding year is sufficient to meet the duty requirement for such succeeding year, a grant under sub-11 section (a) for such succeeding year shall also reimburse 12 13 the State or local government or tribe for costs incurred in connection with the active duty of the Reserve during 14 15 such year.

16 (e) MINIMUM PERIOD OF DUTY FOR REIMBURSE-MENT.—(1) Costs may be reimbursed by a grant under 17 subsection (a) with respect to a particular Reserve only 18 if the Reserve serves six or more consecutive months on 19 20 active duty pursuant to a call or order to active duty 21 issued under the authority of a provision of law referred 22 to in subsection (a) at any time during the two calendar 23 years preceding the application for the grant under subsection (f). 24

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

6 (f) MINIMUM GRANT ALLOCATION.—If in any fiscal 7 year the total amount authorized to be appropriated by 8 subsection (j) for grants under subsection (a) is less than 9 the amount of grants that could otherwise be made under 10 subsection (a) in such fiscal year, the aggregate amount available for grants under subsection (a) in such fiscal 11 year for each State (including grants to such State and 12 local governments and Indian tribes in such State) shall 13 14 be not less than the amount equal to 0.75 percent of the 15 amount authorized to be appropriated by subsection (j) for grants under subsection (a) in such fiscal year, except 16 17 that the aggregate amount available for grants under subsection (a) in such fiscal year for each of the Virgin Is-18 lands, Guam, American Samoa, and the Commonwealth 19 of the Northern Mariana Islands shall be not less than 20 21 the amount equal to 0.25 percent of the amount author-22 ized to be appropriated by subsection (j) for grants under 23 subsection (a) in such fiscal year.

(g) APPLICATION.—(1) A State or local government
or Indian tribe seeking a grant under subsection (a) shall

submit to the Secretary an application therefor in such
 form, and containing such information, as the Secretary
 shall prescribe in the regulations under this section.

4 (2) An application for a grant under subsection (a)
5 for a year shall be submitted not later than February 15
6 of the following year.

7 (h) REGULATIONS.—The Secretary shall prescribe
8 regulations for purposes of the administration of this sec9 tion.

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

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

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