

110TH CONGRESS
2D SESSION

H. R. 6425

To amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to maintain a Response and Recovery Corps to perform functions related to the collective response to acts of terrorism, natural disasters, and other emergencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2008

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, 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 amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to maintain a Response and Recovery Corps to perform functions related to the collective response to acts of terrorism, natural disasters, and other emergencies, 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 “Homeland Security
5 Relief Corps Act of 2008”.

1 **SEC. 2. RESPONSE AND RECOVERY CORPS.**

2 (a) IN GENERAL.—Title V of the Homeland Security
3 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding
4 at the end the following:

5 **“SEC. 525. RESPONSE AND RECOVERY CORPS.**

6 “(a) ESTABLISHMENT.—The Secretary shall main-
7 tain within the Department a Response and Recovery
8 Corps (in this section referred to as the ‘Corps’).

9 “(b) PURPOSE.—The purpose of the Corps shall be
10 to perform functions related to the collective response to
11 acts of terrorism, natural disasters, and other emer-
12 gencies.

13 “(c) PARTICIPANTS.—The Corps shall consist of indi-
14 viduals appointed to the Corps by the Secretary (in this
15 section referred to as ‘Corps members’), each of whom—

16 “(1) does not ordinarily have the duties of a
17 full-time officer or employee of the Department; but

18 “(2) is able to assume duties when the Sec-
19 retary so requires.

20 “(d) TRAINING.—The Secretary shall ensure that
21 each Corps member receives core training in functions re-
22 lating to emergency response or post-incident recovery and
23 rebuilding efforts, or both.

24 “(e) PROJECTS.—The Corps shall be responsible for
25 working on projects, as determined by the Secretary, that
26 support the function of responding collectively to acts of

1 terrorism, natural disasters, and other emergencies and
2 rebuilding impacted areas.

3 “(f) GEOGRAPHIC DISTRIBUTION.—In any case in
4 which the Secretary directs the Corps to carry out a
5 project, the Secretary shall ensure that at least 30 percent
6 of the Corps members assigned to carry out the project
7 reside, or resided prior to an act of terrorism, natural dis-
8 aster, or other emergency, in the region in which the
9 project is conducted.

10 “(g) DUTIES.—The Secretary shall—

11 “(1) identify response and recovery projects
12 that warrant support from the Corps;

13 “(2) direct and oversee the activities of the
14 Corps;

15 “(3) govern the selection of Corps members
16 using the criteria contained in subsection (c); and

17 “(4) formulate and administer a system of uni-
18 form periodic reports on the number of individuals
19 employed by the Corps and the number of individ-
20 uals and households receiving relief from the Corps.

21 “(h) APPOINTMENT INTO FEDERAL SERVICE.—

22 “(1) IN GENERAL.—In addition to the exercise
23 of any other authorities under this section, the Sec-
24 retary may appoint a Corps member into Federal
25 service for the purpose of participation in the activi-

1 ties of the Corps without regard to the provisions of
2 title 5, United States Code, governing appointments
3 in the competitive service.

4 “(2) EMPLOYMENT STATUS.—Regardless of any
5 other employment status, a Corps member who is
6 appointed into Federal service pursuant to this sub-
7 section is deemed an employee of a Federal agency
8 for all purposes except—

9 “(A) subchapter III of chapter 83 of title
10 5, United States Code, pertaining to labor
11 grievances, appeal and review, or any applicable
12 retirement system;

13 “(B) chapter 87 of title 5, United States
14 Code, pertaining to life insurance; and

15 “(C) chapter 89 of title 5, United States
16 Code, pertaining to health insurance, or other
17 applicable health benefits system, unless the
18 Corps member’s appointment results in the loss
19 of coverage in a group health benefits plan the
20 premium of which has been paid in whole or in
21 part by a State or local government contribu-
22 tion.

23 “(3) PAY.—During a period of appointment
24 into Federal service pursuant to this subsection,
25 Corps members shall receive pay at rates to be es-

1 established by the Secretary without regard to the pro-
2 visions of chapter 51 and subchapter III of chapter
3 53 of title 5, United States Code, relating to classi-
4 fication and General Schedule pay rates.

5 “(4) PERSONAL INJURY, ILLNESS, DISABILITY,
6 OR DEATH.—

7 “(A) IN GENERAL.—A Corps member who
8 is appointed into Federal service pursuant to
9 this subsection and who suffers personal injury,
10 illness, disability, or death as a result of per-
11 sonal injury sustained while in the performance
12 of the member’s duty during the appointment
13 into Federal service shall, for the purposes of
14 subchapter I of chapter 81 of title 5, United
15 States Code, be treated as though the member
16 were an employee (as defined by section 8101
17 of such title) who had sustained the injury in
18 the performance of duty.

19 “(B) ELECTION OF BENEFITS.—When a
20 Corps member (or, in the case of the death of
21 the Corps member, the Corps member’s depend-
22 ent) is entitled by reason of injury, illness, dis-
23 ability, or death to benefits under subchapter I
24 of chapter 81 of title 5, United States Code,
25 and is also entitled to benefits from a State or

1 local government for the same injury, illness,
2 disability, or death, the Corps member (or such
3 dependent) shall elect which benefits the Corps
4 member will receive. The election shall be made
5 not later than 1 year after the injury, illness,
6 disability or death, or such further time as the
7 Secretary of Labor may allow for reasonable
8 cause shown. When made, the election is irrev-
9 ovable unless otherwise provided by law.

10 “(C) REIMBURSEMENT FOR STATE OR
11 LOCAL BENEFITS.—In the event that a Corps
12 member elects benefits from a State or local
13 government under subparagraph (B), the Sec-
14 retary may reimburse that State or local gov-
15 ernment for the value of those benefits.

16 “(5) LIABILITY.—A Corps member appointed
17 into Federal service pursuant to this subsection is
18 deemed an employee of the Department for the pur-
19 poses of the Federal Tort Claims Act and any other
20 Federal third party liability statute.

21 “(6) EMPLOYMENT AND REEMPLOYMENT
22 RIGHTS.—The following apply with respect to a
23 Corps member during periods of appointment to
24 Federal service pursuant to this subsection:

1 “(A) Service as a Corps member shall be
2 deemed ‘service in the uniformed services’ for
3 purposes of chapter 43 of title 38, United
4 States Code, pertaining to employment and re-
5 employment rights of individuals who have per-
6 formed service in the uniformed services (re-
7 gardless of whether the individual receives com-
8 pensation for such participation). All rights and
9 obligations of such persons and procedures for
10 assistance, enforcement, and investigation shall
11 be as provided for in chapter 43 of title 38,
12 United States Code.

13 “(B) Preclusion of giving notice of service
14 by necessity of appointment under this section
15 shall be deemed preclusion by ‘military neces-
16 sity’ for purposes of section 4312(b) of title 38,
17 United States Code, pertaining to giving notice
18 of absence from a position of employment. A
19 determination of such necessity shall be made
20 by the Secretary.

21 “(C) Subject to the availability of appro-
22 priations, the Secretary may recognize employer
23 support of the deployment of Corps members
24 and their cooperation to allow Corps members
25 to receive authorized training.

1 “(i) GULF COAST RECOVERY AND REBUILDING EF-
2 FORTS.—

3 “(1) PLAN.—The Secretary shall develop a plan
4 for directing the Corps to assist in recovery and re-
5 building efforts for the Gulf Coast region in the
6 wake of Hurricane Katrina.

7 “(2) REPORT.—Not later than 120 days after
8 the date of enactment of this Act, the Secretary
9 shall submit to the Committee on Homeland Secu-
10 rity of the House of Representatives and the Com-
11 mittee on Homeland Security and Governmental Af-
12 fairs of the Senate a report containing the plan de-
13 veloped under paragraph (1).

14 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 such sums as may be necessary for fiscal years 2009 and
17 2010.”.

18 (b) CONFORMING AMENDMENT.—The table of con-
19 tents contained in section (1)(b) of such Act (6 U.S.C.
20 101 et seq.) is amended by adding at the end of the items
21 relating to title V the following:

“Sec. 525. Response and Recovery Corps.”.

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