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.

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 “State and Local Reservist First Responders Assistance Act of 2005”.
SEC. 2. GRANTS TO STATE AND LOCAL GOVERNMENTS AND
INDIAN TRIBES FOR CERTAIN COSTS RELATING TO MOBILIZATION OF RESERVES WHO ARE FIRST RESPONDER PERSONNEL.

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

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

(1) means police, fire, rescue, emergency medical service, and emergency hazardous material disposition personnel; and

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

(c) COVERED COSTS.—(1) The costs that may be reimbursed by a grant under subsection (a) to a State or local government or Indian tribe in connection with a call
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:

(A) Costs (including salary and benefits) of hiring
first responder personnel to replace the first responder personnel called or ordered to active duty.

(B) Costs of overtime pay for other first responder personnel of the State or local government
or tribe.

(C) Any other costs that the Secretary specifies
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 sub-
section (a), a State or local government or tribe shall de-
duct from the costs for which reimbursement is sought
the amounts, if any, saved by the State or local govern-
ment 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).

(2) If the active duty of a particular Reserve during a year is insufficient to meet the duty requirement in subsection (e) for such year, but when combined with active duty in the succeeding year is sufficient to meet the duty requirement for such succeeding year, a grant under subsection (a) for such succeeding year shall also reimburse the State or local government or tribe for costs incurred in connection with the active duty of the Reserve during such year.

(e) Minimum Period of Duty for Reimbursement.—(1) Costs may be reimbursed by a grant under subsection (a) with respect to a particular Reserve only if the Reserve serves six or more consecutive months on active duty pursuant to a call or order to active duty issued under the authority of a provision of law referred to in subsection (a) at any time during the two calendar years preceding the application for the grant under subsection (f).
(2) If a particular Reserve meets the duty requirement 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.

(f) MINIMUM GRANT ALLOCATION.—If in any fiscal year the total amount authorized to be appropriated by subsection (j) for grants under subsection (a) is less than the amount of grants that could otherwise be made under subsection (a) in such fiscal year, the aggregate amount available for grants under subsection (a) in such fiscal year for each State (including grants to such State and local governments and Indian tribes in such State) shall be not less than the amount equal to 0.75 percent of the amount authorized to be appropriated by subsection (j) for grants under subsection (a) in such fiscal year, except that the aggregate amount available for grants under subsection (a) in such fiscal year for each of the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than the amount equal to 0.25 percent of the amount authorized to be appropriated by subsection (j) for grants under 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.

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

(h) REGULATIONS.—The Secretary shall prescribe regulations for purposes of the administration of this section.

(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.