

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”.

1 **SEC. 2. GRANTS TO STATE AND LOCAL GOVERNMENTS AND**
2 **INDIAN TRIBES FOR CERTAIN COSTS RELAT-**
3 **ING TO MOBILIZATION OF RESERVES WHO**
4 **ARE FIRST RESPONDER PERSONNEL.**

5 (a) GRANTS AUTHORIZED.—The Secretary of Home-
6 land Security may make a grant of financial assistance
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
12 or local government or tribe if the call or order to duty
13 is issued under the authority of a provision of law referred
14 to in section 101(a)(13)(B) of title 10, United States
15 Code.

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

18 (1) means police, fire, rescue, emergency med-
19 ical service, and emergency hazardous material dis-
20 posal personnel; and

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

24 (c) COVERED COSTS.—(1) The costs that may be re-
25 imbursed by a grant under subsection (a) to a State or
26 local government or Indian tribe in connection with a call

1 or order of first responder personnel of the State or local
2 government or tribe to active duty are any costs incurred
3 by the State or local government or tribe as follows:

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

7 (B) Costs of overtime pay for other first re-
8 sponder personnel of the State or local government
9 or tribe.

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

12 (2) Costs of a State or local government or tribe may
13 be reimbursed by a grant under subsection (a) only if the
14 State or local government or tribe would not have incurred
15 such costs but for the absence of first responder personnel
16 pursuant to a call or order to active duty described in that
17 subsection.

18 (3) In seeking reimbursement for costs under sub-
19 section (a), a State or local government or tribe shall de-
20 duct from the costs for which reimbursement is sought
21 the amounts, if any, saved by the State or local govern-
22 ment or tribe by reason of the absence of first responder
23 personnel for active duty pursuant to a call or order to
24 active duty described in that subsection.

1 (d) PERIOD COVERED BY GRANT.—(1) Except as
2 provided in paragraph (2), a grant under subsection (a)
3 shall reimburse a State or local government or Indian tribe
4 for costs incurred by the State or local government or tribe
5 during the year preceding the year of the application for
6 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
11 requirement for such succeeding year, a grant under sub-
12 section (a) for such succeeding year shall also reimburse
13 the State or local government or tribe for costs incurred
14 in connection with the active duty of the Reserve during
15 such year.

16 (e) MINIMUM PERIOD OF DUTY FOR REIMBURSE-
17 MENT.—(1) Costs may be reimbursed by a grant under
18 subsection (a) with respect to a particular Reserve only
19 if the Reserve serves six or more consecutive months on
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 sub-
24 section (f).

1 (2) If a particular Reserve meets the duty require-
2 ment in paragraph (1) for a grant under subsection (a)
3 for a year, costs reimbursable by the grant shall include
4 any costs in connection with the active duty of the Reserve
5 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
11 available for grants under subsection (a) in such fiscal
12 year for each State (including grants to such State and
13 local governments and Indian tribes in such State) shall
14 be not less than the amount equal to 0.75 percent of the
15 amount authorized to be appropriated by subsection (j)
16 for grants under subsection (a) in such fiscal year, except
17 that the aggregate amount available for grants under sub-
18 section (a) in such fiscal year for each of the Virgin Is-
19 lands, Guam, American Samoa, and the Commonwealth
20 of the Northern Mariana Islands shall be not less than
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.

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

1 submit to the Secretary an application therefor in such
2 form, and containing such information, as the Secretary
3 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 sec-
9 tion.

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

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

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