

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To establish a law enforcement grant program to help law enforcement agencies respond to rapid increases in the arrival or presence of aliens who have recently entered the United States, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. GALLEGO introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish a law enforcement grant program to help law enforcement agencies respond to rapid increases in the arrival or presence of aliens who have recently entered the United States, 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 “First Responders  
5       Emergency Assistance Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Federal  
3           Emergency Management Agency.

4           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
5           TEES.—The term “appropriate congressional com-  
6           mittees” means—

7                   (A) the Committee on Appropriations of  
8                   the Senate;

9                   (B) the Committee on Homeland Security  
10                  and Governmental Affairs of the Senate;

11                  (C) the Committee on Appropriations of  
12                  the House of Representatives; and

13                  (D) the Committee on Homeland Security  
14                  of the House of Representatives.

15           (3) ELIGIBLE ENTITY.—The term “eligible enti-  
16           ty” means—

17                   (A) a State, tribal, territorial, or local law  
18                   enforcement agency;

19                   (B) an emergency operations center; or

20                   (C) another State, tribal, territorial, or  
21                  local first responder agency.

22           (4) EMERGENCY OPERATION CENTER.—The  
23           term “emergency operation center” means a physical  
24           or virtual location from which leaders of a jurisdic-

1       tion or organization coordinate and provide policy di-  
2       rection related to an emergency, including—

3               (A) coordinating information and resources  
4               to support resource needs and requests, includ-  
5               ing allocation and tracking;

6               (B) collecting, analyzing, and sharing in-  
7               formation; and

8               (C) coordinating plans and determining  
9               current and future needs.

10       (5) FIREFIGHTER.—The term “firefighter” has  
11       the meaning given the term “employee in fire protec-  
12       tion activities” under section 3(y) of the Fair Labor  
13       Standards Act of 1938 (29 U.S.C. 203(y)).

14       (6) FIRST RESPONDER.—The term “first re-  
15       sponder” includes a firefighter, law enforcement offi-  
16       cer, paramedic, emergency medical technician, or  
17       other individual (including an employee of a legally  
18       organized and recognized volunteer organization,  
19       whether or not compensated), who—

20               (A) in the course of his or her professional  
21               duties, responds to fire, medical, hazardous ma-  
22               terial, or similar emergencies; and

23               (B) is an employee of a State, Indian  
24       Tribe, or unit of local government.

1           (7) INDIAN TRIBE.—The term “Indian Tribe”  
2           has the meaning given such term in section 4(e) of  
3           the Indian Self-Determination and Education Assist-  
4           ance Act (25 U.S.C. 5304(e)).

5           (8) LAW ENFORCEMENT OFFICER.—The term  
6           “law enforcement officer” means an employee of a  
7           governmental or public agency who is authorized by  
8           law—

9                   (A) to engage in or supervise the preven-  
10                  tion, detection, or investigation of any criminal  
11                  violation of law; or

12                   (B) to engage in or supervise the detention  
13                  or incarceration of any person for any criminal  
14                  violation of law.

15           (9) RECENTLY.—The term “recently” means  
16           during the 4-year period immediately preceding the  
17           public release of a Notice of Funding Opportunity.

18           (10) STATE.—The term “State” means any  
19           State of the United States, the District of Columbia,  
20           the Commonwealth of Puerto Rico, the Virgin Is-  
21           lands, American Samoa, Guam, and the Northern  
22           Mariana Islands.

23           (11) UNIT OF LOCAL GOVERNMENT.—The term  
24           “unit of local government” means any city, county,  
25           township, town, borough, parish village, special dis-

1        trict, fire authority, county improvement district, or  
2        other general purpose political subdivision of a  
3        State, and any entity jointly created by 2 or more  
4        public employers.

5    **SEC. 3. FIRST RESPONDERS GRANT PROGRAM.**

6        (a) AUTHORIZATION.—The Administrator may award  
7        grants to eligible entities for the purpose of funding direct  
8        costs associated with responding to a substantial and  
9        rapid increase in the arrival or presence of aliens who have  
10       recently entered the United States.

11       (b) PERMITTED USES.—Funds received under the  
12       grant program authorized by this section may be used by  
13       an eligible entity for—

14            (1) equipment, including maintenance and  
15            sustainment costs;

16            (2) allowable and approved personnel costs, in-  
17            cluding salaries, overtime pay, fringe benefits, and  
18            backfill positions for law enforcement and first re-  
19            sponder personnel; and

20            (3) any other appropriate activity or cost that  
21            was incurred in the eligible entity's jurisdiction, as  
22            determined by the Secretary of Homeland Security,  
23            to respond directly to a substantial and rapid in-  
24            crease in the arrival or presence of aliens who have  
25            recently entered the United States.

1 (c) GEOGRAPHIC DISTRIBUTION.—The Adminis-  
2 trator shall award not less than 25 percent of the funds  
3 appropriated for grants under this section to eligible enti-  
4 ties located in States that share a border with Canada or  
5 with Mexico.

6 (d) COLLECTION OF INFORMATION.—For each fiscal  
7 year during which grants are awarded pursuant to this  
8 section that begins on or after the date that is 30 days  
9 after the date of the enactment of this Act, the Adminis-  
10 trator shall separately collect and maintain financial infor-  
11 mation with respect to grants awarded under this section,  
12 including—

13 (1) the amount of such awards;

14 (2) the amount obligated for such awards;

15 (3) the amount of outlays expended for such  
16 awards;

17 (4) financial plans with respect to the use of  
18 such awards;

19 (5) any funding transfers or reallocations re-  
20 lated to such awards; and

21 (6) any adjustments to spending plans or re-  
22 programming related to such awards.

23 (e) ADMINISTRATOR OVERSIGHT.—

24 (1) GUIDELINES.—The Administrator shall es-  
25 tablish and implement guidelines that—

1 (A) ensure amounts made available for  
2 grants under this section are used in accord-  
3 ance with grant guidance and applicable laws;

4 (B) increase the proportion of each grant  
5 made under this section that is used for oper-  
6 ational expenses by the ultimate grantee;

7 (C) improve program performance report-  
8 ing and program performance measurements to  
9 facilitate designing, implementing, and enforc-  
10 ing procedures under this section; and

11 (D) require the recording of standardized  
12 performance data regarding program output.

13 (2) SUBMISSION.—Not later than 90 days after  
14 the date of the enactment of this Act, the Adminis-  
15 trator shall submit the guidelines established pursu-  
16 ant to paragraph (1) to the appropriate congres-  
17 sional committees.

18 (f) REPORTS AND BRIEFINGS.—During the 5-year  
19 period beginning on the date of the enactment of this Act,  
20 the Administrator, in coordination with the Commissioner  
21 of U.S. Customs and Border Protection and the Director  
22 of U.S. Customs and Immigration Enforcement, shall sub-  
23 mit an annual report and provide an annual briefing to  
24 the appropriate congressional committees that includes,  
25 for the period covered by each such report—

1           (1) information regarding how each recipient of  
2           grant funds under this section expended amounts re-  
3           ceived under such grant;

4           (2) information regarding the nature of oper-  
5           ations carried out using such grant funds; and

6           (3) with respect to the first report submitted  
7           pursuant to this subsection—

8                   (A) an examination of the effects that  
9                   changing the grant program established under  
10                  this section to award multi-year grants would  
11                  have on its mission; and

12                   (B) any findings and recommendations re-  
13                  garding changes that could improve the grant  
14                  program, which may include feedback from  
15                  grant recipients.

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

17           (a) IN GENERAL.—There are authorized to be appro-  
18           priated such amounts as may be necessary to carry out  
19           this Act.

20           (b) LIMITATION.—Amounts appropriated pursuant to  
21           subsection (a) may not be expended to reimburse eligible  
22           entities for costs relating to the enforcement of Federal  
23           immigration laws.