

In the House of Representatives, U. S.,

December 7, 2016.

Resolved, That the bill from the Senate (S. 2971) entitled “An Act to authorize the National Urban Search and Rescue Response System.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “National Urban Search*
3 *and Rescue Response System Act of 2016”.*

4 ***SEC. 2. NATIONAL URBAN SEARCH AND RESCUE RESPONSE***
5 ***SYSTEM.***

6 *(a) IN GENERAL.—Title III of the Robert T. Stafford*
7 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
8 *5141 et seq.) is amended by adding at the end the following:*

9 ***“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RE-***
10 ***SPONSE SYSTEM.***

11 *“(a) DEFINITIONS.—In this section, the following defi-*
12 *nitions shall apply:*

13 *“(1) ADMINISTRATOR.—The term ‘Adminis-*
14 *trator’ means the Administrator of the Federal Emer-*
15 *gency Management Agency.*

1 “(2) *AGENCY.*—*The term ‘Agency’ means the*
 2 *Federal Emergency Management Agency.*

3 “(3) *HAZARD.*—*The term ‘hazard’ has the mean-*
 4 *ing given the term in section 602.*

5 “(4) *NONEMPLOYEE SYSTEM MEMBER.*—*The*
 6 *term ‘nonemployee System member’ means a System*
 7 *member not employed by a sponsoring agency or par-*
 8 *ticipating agency.*

9 “(5) *PARTICIPATING AGENCY.*—*The term ‘par-*
 10 *ticipating agency’ means a State or local government,*
 11 *nonprofit organization, or private organization that*
 12 *has executed an agreement with a sponsoring agency*
 13 *to participate in the System.*

14 “(6) *SPONSORING AGENCY.*—*The term ‘spon-*
 15 *soring agency’ means a State or local government*
 16 *that is the sponsor of a task force designated by the*
 17 *Administrator to participate in the System.*

18 “(7) *SYSTEM.*—*The term ‘System’ means the Na-*
 19 *tional Urban Search and Rescue Response System to*
 20 *be administered under this section.*

21 “(8) *SYSTEM MEMBER.*—*The term ‘System mem-*
 22 *ber’ means an individual who is not a full-time em-*
 23 *ployee of the Federal Government and who serves on*
 24 *a task force or on a System management or other*
 25 *technical team.*

1 “(9) *TASK FORCE*.—The term ‘task force’ means
 2 an urban search and rescue team designated by the
 3 Administrator to participate in the System.

4 “(b) *GENERAL AUTHORITY*.—Subject to the require-
 5 ments of this section, the Administrator shall continue to
 6 administer the emergency response system known as the Na-
 7 tional Urban Search and Rescue Response System.

8 “(c) *FUNCTIONS*.—In administering the System, the
 9 Administrator shall provide for a national network of
 10 standardized search and rescue resources to assist States
 11 and local governments in responding to hazards.

12 “(d) *TASK FORCES*.—

13 “(1) *DESIGNATION*.—The Administrator shall
 14 designate task forces to participate in the System. The
 15 Administration shall determine the criteria for such
 16 participation.

17 “(2) *SPONSORING AGENCIES*.—Each task force
 18 shall have a sponsoring agency. The Administrator
 19 shall enter into an agreement with the sponsoring
 20 agency with respect to the participation of each task
 21 force in the System.

22 “(3) *COMPOSITION*.—

23 “(A) *PARTICIPATING AGENCIES*.—A task
 24 force may include, at the discretion of the spon-
 25 soring agency, one or more participating agen-

1 *cies. The sponsoring agency shall enter into an*
 2 *agreement with each participating agency with*
 3 *respect to the participation of the participating*
 4 *agency on the task force.*

5 *“(B) OTHER INDIVIDUALS.—A task force*
 6 *may also include, at the discretion of the spon-*
 7 *soring agency, other individuals not otherwise*
 8 *associated with the sponsoring agency or a par-*
 9 *ticipating agency. The sponsoring agency of a*
 10 *task force may enter into a separate agreement*
 11 *with each such individual with respect to the*
 12 *participation of the individual on the task force.*

13 *“(e) MANAGEMENT AND TECHNICAL TEAMS.—The Ad-*
 14 *ministrator shall maintain such management teams and*
 15 *other technical teams as the Administrator determines are*
 16 *necessary to administer the System.*

17 *“(f) APPOINTMENT OF SYSTEM MEMBERS INTO FED-*
 18 *ERAL SERVICE.—*

19 *“(1) IN GENERAL.—The Administrator may ap-*
 20 *point a System member into Federal service for a pe-*
 21 *riod of service to provide for the participation of the*
 22 *System member in exercises, preincident staging,*
 23 *major disaster and emergency response activities, and*
 24 *training events sponsored or sanctioned by the Ad-*
 25 *ministrator.*

1 “(2) *NONAPPLICABILITY OF CERTAIN CIVIL SERV-*
 2 *ICE LAWS.*—*The Administrator may make appoint-*
 3 *ments under paragraph (1) without regard to the pro-*
 4 *visions of title 5, United States Code, governing ap-*
 5 *pointments in the competitive service.*

6 “(3) *RELATIONSHIP TO OTHER AUTHORITIES.*—
 7 *The authority of the Administrator to make appoint-*
 8 *ments under this subsection shall not affect any other*
 9 *authority of the Administrator under this Act.*

10 “(4) *LIMITATION.*—*A System member who is ap-*
 11 *pointed into Federal service under paragraph (1)*
 12 *shall not be considered an employee of the United*
 13 *States for purposes other than those specifically set*
 14 *forth in this section.*

15 “(g) *COMPENSATION.*—

16 “(1) *PAY OF SYSTEM MEMBERS.*—*Subject to such*
 17 *terms and conditions as the Administrator may im-*
 18 *pose by regulation, the Administrator shall make pay-*
 19 *ments to the sponsoring agency of a task force—*

20 “(A) *to reimburse each employer of a Sys-*
 21 *tem member on the task force for compensation*
 22 *paid by the employer to the System member for*
 23 *any period during which the System member is*
 24 *appointed into Federal service under subsection*
 25 *(f)(1); and*

1 “(B) to make payments directly to a non-
 2 employee System member on the task force for
 3 any period during which the nonemployee Sys-
 4 tem member is appointed into Federal service
 5 under subsection (f)(1).

6 “(2) REIMBURSEMENT FOR EMPLOYEES FILLING
 7 POSITIONS OF SYSTEM MEMBERS.—

8 “(A) IN GENERAL.—Subject to such terms
 9 and conditions as the Administrator may impose
 10 by regulation, the Administrator shall make pay-
 11 ments to the sponsoring agency of a task force to
 12 be used to reimburse each employer of a System
 13 member on the task force for compensation paid
 14 by the employer to an employee filling a position
 15 normally filled by the System member for any
 16 period during which the System member is ap-
 17 pointed into Federal service under subsection
 18 (f)(1).

19 “(B) LIMITATION.—Costs incurred by an
 20 employer shall be eligible for reimbursement
 21 under subparagraph (A) only to the extent that
 22 the costs are in excess of the costs that would
 23 have been incurred by the employer had the Sys-
 24 tem member not been appointed into Federal
 25 service under subsection (f)(1).

1 “(3) *METHOD OF PAYMENT.*—A System member
 2 shall not be entitled to pay directly from the Agency
 3 for a period during which the System member is ap-
 4 pointed into Federal Service under subsection (f)(1).

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

7 “(1) *IN GENERAL.*—A System member who is
 8 appointed into Federal service under subsection (f)(1)
 9 and who suffers personal injury, illness, disability, or
 10 death as a result of a personal injury sustained while
 11 acting in the scope of such appointment, shall, for the
 12 purposes of subchapter I of chapter 81 of title 5,
 13 United States Code, be treated as though the member
 14 were an employee (as defined by section 8101 of that
 15 title) who had sustained the injury in the perform-
 16 ance of duty.

17 “(2) *ELECTION OF BENEFITS.*—

18 “(A) *IN GENERAL.*—A System member (or,
 19 in the case of the death of the System member,
 20 the System member’s dependent) who is entitled
 21 under paragraph (1) to receive benefits under
 22 subchapter I of chapter 81 of title 5, United
 23 States Code, by reason of personal injury, illness,
 24 disability, or death, and to receive benefits from
 25 a State or local government by reason of the

1 *same personal injury, illness, disability or death*
 2 *shall elect to—*

3 “(i) *receive benefits under such sub-*
 4 *chapter; or*

5 “(ii) *receive benefits from the State or*
 6 *local government.*

7 “(B) *DEADLINE.—A System member or de-*
 8 *pendent shall make an election of benefits under*
 9 *subparagraph (A) not later than 1 year after the*
 10 *date of the personal injury, illness, disability, or*
 11 *death that is the reason for the benefits, or until*
 12 *such later date as the Secretary of Labor may*
 13 *allow for reasonable cause shown.*

14 “(C) *EFFECT OF ELECTION.—An election of*
 15 *benefits made under this paragraph is irrev-*
 16 *ocable unless otherwise provided by law.*

17 “(3) *REIMBURSEMENT FOR STATE OR LOCAL*
 18 *BENEFITS.—Subject to such terms and conditions as*
 19 *the Administrator may impose by regulation, if a*
 20 *System member or dependent elects to receive benefits*
 21 *from a State or local government under paragraph*
 22 *(2)(A), the Administrator shall reimburse the State or*
 23 *local government for the value of the benefits.*

24 “(4) *PUBLIC SAFETY OFFICER CLAIMS.—Nothing*
 25 *in this subsection shall be construed to bar any claim*

1 *by, or with respect to, any System member who is a*
 2 *public safety officer, as defined in section 1204 of title*
 3 *I of the Omnibus Crime Control and Safe Streets Act*
 4 *of 1968 (42 U.S.C. 3796b), for any benefits authorized*
 5 *under part L of title I of that Act (42 U.S.C. 3796*
 6 *et seq.).*

7 “(i) *LIABILITY.*—A System member appointed into
 8 *Federal service under subsection (f)(1), while acting within*
 9 *the scope of the appointment, shall be considered to be an*
 10 *employee of the Federal Government under section 1346(b)*
 11 *of title 28, United States Code, and chapter 171 of that*
 12 *title, relating to tort claims procedure.*

13 “(j) *EMPLOYMENT AND REEMPLOYMENT RIGHTS.*—
 14 *With respect to a System member who is not a regular full-*
 15 *time employee of a sponsoring agency or participating*
 16 *agency, the following terms and conditions apply:*

17 “(1) *SERVICE.*—Service as a System member
 18 *shall be considered to be ‘service in the uniformed*
 19 *services’ for purposes of chapter 43 of title 38, United*
 20 *States Code, relating to employment and reemploy-*
 21 *ment rights of individuals who have performed service*
 22 *in the uniformed services (regardless of whether the*
 23 *individual receives compensation for such participa-*
 24 *tion). All rights and obligations of such persons and*

1 *procedures for assistance, enforcement, and investiga-*
2 *tion shall be as provided for in such chapter.*

3 “(2) *PRECLUSION.—Preclusion of giving notice*
4 *of service by necessity of appointment under this sec-*
5 *tion shall be considered to be preclusion by ‘military*
6 *necessity’ for purposes of section 4312(b) of title 38,*
7 *United States Code, pertaining to giving notice of ab-*
8 *sence from a position of employment. A determination*
9 *of such necessity shall be made by the Administrator*
10 *and shall not be subject to judicial review.*

11 “(k) *LICENSES AND PERMITS.—If a System member*
12 *holds a valid license, certificate, or other permit issued by*
13 *any State or other governmental jurisdiction evidencing the*
14 *member’s qualifications in any professional, mechanical, or*
15 *other skill or type of assistance required by the System, the*
16 *System member is deemed to be performing a Federal activ-*
17 *ity when rendering aid involving such skill or assistance*
18 *during a period of appointment into Federal service under*
19 *subsection (f)(1).*

20 “(l) *PREPAREDNESS COOPERATIVE AGREEMENTS.—*
21 *Subject to the availability of appropriations for such pur-*
22 *pose, the Administrator shall enter into an annual pre-*
23 *paredness cooperative agreement with each sponsoring*
24 *agency. Amounts made available to a sponsoring agency*

1 *under such a preparedness cooperative agreement shall be*
2 *for the following purposes:*

3 “(1) *Training and exercises, including training*
4 *and exercises with other Federal, State, and local gov-*
5 *ernment response entities.*

6 “(2) *Acquisition and maintenance of equipment,*
7 *including interoperable communications and personal*
8 *protective equipment.*

9 “(3) *Medical monitoring required for responder*
10 *safety and health in anticipation of and following a*
11 *major disaster, emergency, or other hazard, as deter-*
12 *mined by the Administrator.*

13 “(m) *RESPONSE COOPERATIVE AGREEMENTS.—The*
14 *Administrator shall enter into a response cooperative agree-*
15 *ment with each sponsoring agency, as appropriate, under*
16 *which the Administrator agrees to reimburse the sponsoring*
17 *agency for costs incurred by the sponsoring agency in re-*
18 *sponding to a major disaster or emergency.*

19 “(n) *OBLIGATIONS.—The Administrator may incur all*
20 *necessary obligations consistent with this section in order*
21 *to ensure the effectiveness of the System.*

22 “(o) *EQUIPMENT MAINTENANCE AND REPLACE-*
23 *MENT.—Not later than 180 days after the date of enactment*
24 *of this section, the Administrator shall submit to the appro-*
25 *priate congressional committees (as defined in section 2 of*

1 *the Homeland Security Act of 2002 (6 U.S.C. 101)) a report*
 2 *on the development of a plan, including implementation*
 3 *steps and timeframes, to finance, maintain, and replace*
 4 *System equipment.”.*

5 (b) *CONFORMING AMENDMENTS.—*

6 (1) *APPLICABILITY OF TITLE 5, UNITED STATES*
 7 *CODE.—Section 8101(1) of title 5, United States*
 8 *Code, is amended—*

9 (A) *in subparagraph (D), by striking “and”*
 10 *at the end;*

11 (B) *by transferring subparagraph (F) to be-*
 12 *tween subparagraph (E) and the matter fol-*
 13 *lowing subparagraph (E);*

14 (C) *in subparagraph (F)—*

15 (i) *by striking “United States Code,”;*

16 *and*

17 (ii) *by adding “and” at the end; and*

18 (D) *by inserting after subparagraph (F) the*
 19 *following:*

20 “(G) *an individual who is a System mem-*
 21 *ber of the National Urban Search and Rescue*
 22 *Response System during a period of appoint-*
 23 *ment into Federal service pursuant to section*
 24 *327 of the Robert T. Stafford Disaster Relief and*
 25 *Emergency Assistance Act;”.*

(2) *INCLUSION AS PART OF UNIFORMED SERVICES FOR PURPOSES OF USERRA.*—Section 4303 of title 38, United States Code, is amended—

(A) in paragraph (13), by inserting “, a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act” before “, and a period”; and

(B) in paragraph (16), by inserting “System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act,” after “Public Health Service,”.

(c) *TECHNICAL AMENDMENT.*—Section 1086(d) of the National Defense Authorization Act for Fiscal Year 2013 is amended as follows (which amendments shall take effect as if enacted on January 2, 2013)—

(1) in paragraph (1)—

(A) by striking “paragraph (1)” and inserting “paragraph (2)”; and

1 *(B) in subparagraph (B) by striking “filed*
2 *or” and inserting “filed (consistent with pre-ex-*
3 *isting effective dates) or”; and*
4 *(2) in paragraph (2)(A), by striking “amend-*
5 *ments made by this Act” and inserting “amendments*
6 *made to section 1204 of the Omnibus Crime Control*
7 *and Safe Streets Act of 1968 (42 U.S.C. 3796b) by*
8 *this Act”.*

Attest:

Clerk.

114TH CONGRESS
2ND SESSION

S. 2971

AMENDMENT