

114TH CONGRESS
2D SESSION

S. 2971

AN ACT

To authorize the National Urban Search and Rescue
Response System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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 fol-
9 lowing:

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

12 “(a) DEFINITIONS.—In this section, the following
13 definitions shall apply:

14 “(1) ADMINISTRATOR.—The term ‘Adminis-
15 trator’ means the Administrator of the Federal
16 Emergency Management Agency.

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

19 “(3) HAZARD.—The term ‘hazard’ has the
20 meaning given the term in section 602.

21 “(4) NONEMPLOYEE SYSTEM MEMBER.—The
22 term ‘nonemployee System member’ means a System
23 member not employed by a sponsoring agency or
24 participating agency.

25 “(5) PARTICIPATING AGENCY.—The term ‘par-
26 ticipating agency’ means a State or local govern-

1 ment, nonprofit organization, or private organization
2 that has executed an agreement with a sponsoring
3 agency to participate in the System.

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

8 “(7) SYSTEM.—The term ‘System’ means the
9 National Urban Search and Rescue Response Sys-
10 tem to be administered under this section.

11 “(8) SYSTEM MEMBER.—The term ‘System
12 member’ means an individual who is not a full-time
13 employee of the Federal Government and who serves
14 on a task force or on a System management or other
15 technical team.

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

19 “(b) GENERAL AUTHORITY.—Subject to the require-
20 ments of this section, the Administrator shall continue to
21 administer the emergency response system known as the
22 National Urban Search and Rescue Response System.

23 “(c) FUNCTIONS.—In administering the System, the
24 Administrator shall provide for a national network of

1 standardized search and rescue resources to assist States
2 and local governments in responding to hazards.

3 “(d) TASK FORCES.—

4 “(1) DESIGNATION.—The Administrator shall
5 designate task forces to participate in the System.
6 The Administration shall determine the criteria for
7 such participation.

8 “(2) SPONSORING AGENCIES.—Each task force
9 shall have a sponsoring agency. The Administrator
10 shall enter into an agreement with the sponsoring
11 agency with respect to the participation of each task
12 force in the System.

13 “(3) COMPOSITION.—

14 “(A) PARTICIPATING AGENCIES.—A task
15 force may include, at the discretion of the spon-
16 soring agency, 1 or more participating agencies.
17 The sponsoring agency shall enter into an
18 agreement with each participating agency with
19 respect to the participation of the participating
20 agency on the task force.

21 “(B) OTHER INDIVIDUALS.—A task force
22 may also include, at the discretion of the spon-
23 soring agency, other individuals not otherwise
24 associated with the sponsoring agency or a par-
25 ticipating agency. The sponsoring agency of a

1 task force may enter into a separate agreement
2 with each such individual with respect to the
3 participation of the individual on the task force.

4 “(e) MANAGEMENT AND TECHNICAL TEAMS.—The
5 Administrator shall maintain such management teams and
6 other technical teams as the Administrator determines are
7 necessary to administer the System.

8 “(f) APPOINTMENT OF SYSTEM MEMBERS INTO
9 FEDERAL SERVICE.—

10 “(1) IN GENERAL.—The Administrator may ap-
11 point a System member into Federal service for a
12 period of service to provide for the participation of
13 the System member in exercises, preincident staging,
14 major disaster and emergency response activities,
15 and training events sponsored or sanctioned by the
16 Administrator.

17 “(2) NONAPPLICABILITY OF CERTAIN CIVIL
18 SERVICE LAWS.—The Administrator may make ap-
19 pointments under paragraph (1) without regard to
20 the provisions of title 5, United States Code, gov-
21 erning appointments in the competitive service.

22 “(3) RELATIONSHIP TO OTHER AUTHORI-
23 TIES.—The authority of the Administrator to make
24 appointments under this subsection shall not affect

1 any other authority of the Administrator under this
2 Act.

3 “(4) LIMITATION.—A System member who is
4 appointed into Federal service under paragraph (1)
5 shall not be considered an employee of the United
6 States for purposes other than those specifically set
7 forth in this section.

8 “(g) COMPENSATION.—

9 “(1) PAY OF SYSTEM MEMBERS.—Subject to
10 such terms and conditions as the Administrator may
11 impose by regulation, the Administrator shall make
12 payments to the sponsoring agency of a task force—

13 “(A) to reimburse each employer of a Sys-
14 tem member on the task force for compensation
15 paid by the employer to the System member for
16 any period during which the System member is
17 appointed into Federal service under subsection
18 (f)(1); and

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

24 “(2) REIMBURSEMENT FOR EMPLOYEES FILL-
25 ING POSITIONS OF SYSTEM MEMBERS.—

1 “(A) IN GENERAL.—Subject to such terms
2 and conditions as the Administrator may im-
3 pose by regulation, the Administrator shall
4 make payments to the sponsoring agency of a
5 task force to be used to reimburse each em-
6 ployer of a System member on the task force
7 for compensation paid by the employer to an
8 employee filling a position normally filled by the
9 System member for any period during which
10 the System member is appointed into Federal
11 service under subsection (f)(1).

12 “(B) LIMITATION.—Costs incurred by an
13 employer shall be eligible for reimbursement
14 under subparagraph (A) only to the extent that
15 the costs are in excess of the costs that would
16 have been incurred by the employer had the
17 System member not been appointed into Fed-
18 eral service under subsection (f)(1).

19 “(3) METHOD OF PAYMENT.—A System mem-
20 ber shall not be entitled to pay directly from the
21 Agency for a period during which the System mem-
22 ber is appointed into Federal Service under sub-
23 section (f)(1).

24 “(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR
25 DEATH.—

1 “(1) IN GENERAL.—A System member who is
 2 appointed into Federal service under subsection
 3 (f)(1) and who suffers personal injury, illness, dis-
 4 ability, or death as a result of a personal injury sus-
 5 tained while acting in the scope of such appoint-
 6 ment, shall, for the purposes of subchapter I of
 7 chapter 81 of title 5, United States Code, be treated
 8 as though the member were an employee (as defined
 9 by section 8101 of that title) who had sustained the
 10 injury in the performance of duty.

11 “(2) ELECTION OF BENEFITS.—

12 “(A) IN GENERAL.—A System member
 13 (or, in the case of the death of the System
 14 member, the System member’s dependent) who
 15 is entitled under paragraph (1) to receive bene-
 16 fits under subchapter I of chapter 81 of title 5,
 17 United States Code, by reason of personal in-
 18 jury, illness, disability, or death, and to receive
 19 benefits from a State or local government by
 20 reason of the same personal injury, illness, dis-
 21 ability or death shall elect to—

22 “(i) receive benefits under such sub-
 23 chapter; or

24 “(ii) receive benefits from the State or
 25 local government.

1 “(B) DEADLINE.—A System member or
2 dependent shall make an election of benefits
3 under subparagraph (A) not later than 1 year
4 after the date of the personal injury, illness,
5 disability, or death that is the reason for the
6 benefits, or until such later date as the Sec-
7 retary of Labor may allow for reasonable cause
8 shown.

9 “(C) EFFECT OF ELECTION.—An election
10 of benefits made under this paragraph is irrev-
11 ocable unless otherwise provided by law.

12 “(3) REIMBURSEMENT FOR STATE OR LOCAL
13 BENEFITS.—Subject to such terms and conditions as
14 the Administrator may impose by regulation, if a
15 System member or dependent elects to receive bene-
16 fits from a State or local government under para-
17 graph (2)(A), the Administrator shall reimburse the
18 State or local government for the value of the bene-
19 fits.

20 “(4) PUBLIC SAFETY OFFICER CLAIMS.—Noth-
21 ing in this subsection shall be construed to bar any
22 claim by, or with respect to, any System member
23 who is a public safety officer, as defined in section
24 1204 of title I of the Omnibus Crime Control and
25 Safe Streets Act of 1968 (42 U.S.C. 3796b), for any

1 benefits authorized under part L of title I of that
2 Act (42 U.S.C. 3796 et seq.).

3 “(i) LIABILITY.—A System member appointed into
4 Federal service under subsection (f)(1), while acting with-
5 in the scope of the appointment, shall be considered to
6 be an employee of the Federal Government under section
7 1346(b) of title 28, United States Code, and chapter 171
8 of that title, relating to tort claims procedure.

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

13 “(1) SERVICE.—Service as a System member
14 shall be considered to be ‘service in the uniformed
15 services’ for purposes of chapter 43 of title 38,
16 United States Code, relating to employment and re-
17 employment rights of individuals who have per-
18 formed service in the uniformed services (regardless
19 of whether the individual receives compensation for
20 such participation). All rights and obligations of
21 such persons and procedures for assistance, enforce-
22 ment, and investigation shall be as provided for in
23 such chapter.

24 “(2) PRECLUSION.—Preclusion of giving notice
25 of service by necessity of appointment under this

1 section shall be considered to be preclusion by ‘mili-
2 tary necessity’ for purposes of section 4312(b) of
3 title 38, United States Code, pertaining to giving no-
4 tice of absence from a position of employment. A de-
5 termination of such necessity shall be made by the
6 Administrator and shall not be subject to judicial re-
7 view.

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

17 “(l) PREPAREDNESS COOPERATIVE AGREEMENTS.—
18 Subject to the availability of appropriations for such pur-
19 pose, the Administrator shall enter into an annual pre-
20 paredness cooperative agreement with each sponsoring
21 agency. Amounts made available to a sponsoring agency
22 under such a preparedness cooperative agreement shall be
23 for the following purposes:

1 “(1) Training and exercises, including training
2 and exercises with other Federal, State, and local
3 government response entities.

4 “(2) Acquisition and maintenance of equipment,
5 including interoperable communications and personal
6 protective equipment.

7 “(3) Medical monitoring required for responder
8 safety and health in anticipation of and following a
9 major disaster, emergency, or other hazard, as de-
10 termined by the Administrator.

11 “(m) RESPONSE COOPERATIVE AGREEMENTS.—The
12 Administrator shall enter into a response cooperative
13 agreement with each sponsoring agency, as appropriate,
14 under which the Administrator agrees to reimburse the
15 sponsoring agency for costs incurred by the sponsoring
16 agency in responding to a major disaster or emergency.

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

20 “(o) EQUIPMENT MAINTENANCE AND REPLACE-
21 MENT.—Not later than 180 days after the date of enact-
22 ment of this section, the Administrator shall submit to the
23 appropriate congressional committees (as defined in sec-
24 tion 2 of the Homeland Security Act of 2002 (6 U.S.C.
25 101)) a report on the development of a plan, including

1 implementation steps and timeframes, to finance, main-
 2 tain, and replace System equipment.

3 “(p) AUTHORIZATION OF APPROPRIATIONS.—There
 4 is authorized to be appropriated to carry out the System
 5 and the provisions of this section such sums as are nec-
 6 essary for each of fiscal years 2017, 2018, and 2019.”.

7 (b) CONFORMING AMENDMENTS.—

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

11 (A) in subparagraph (D), by striking
 12 “and” at the end;

13 (B) by transferring subparagraph (F) to
 14 between subparagraph (E) and the matter fol-
 15 lowing subparagraph (E);

16 (C) in subparagraph (F)—

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

18 and

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

20 (D) by inserting after subparagraph (F)

21 the following:

22 “(G) an individual who is a System mem-
 23 ber of the National Urban Search and Rescue
 24 Response System during a period of appoint-
 25 ment into Federal service pursuant to section

1 327 of the Robert T. Stafford Disaster Relief
2 and Emergency Assistance Act;”.

3 (2) INCLUSION AS PART OF UNIFORMED SERV-
4 ICES FOR PURPOSES OF USERRA.—Section 4303 of
5 title 38, United States Code, is amended—

6 (A) in paragraph (13), by inserting “, a
7 period for which a System member of the Na-
8 tional Urban Search and Rescue Response Sys-
9 tem is absent from a position of employment
10 due to an appointment into Federal service
11 under section 327 of the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act”
13 before “, and a period”; and

14 (B) in paragraph (16), by inserting “Sys-
15 tem members of the National Urban Search
16 and Rescue Response System during a period of
17 appointment into Federal service under section
18 327 of the Robert T. Stafford Disaster Relief
19 and Emergency Assistance Act,” after “Public
20 Health Service,”.

Passed the Senate November 30, 2016.

Attest:

Secretary.

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