

by the president of the American Association of Space Explorers, astronaut Michael Lopez-Alegria.

ASSOCIATION OF SPACE
EXPLORERS—USA,

Webster, TX, 7 December 2016.

Hon. BRIAN BABIN,
Chair, Subcommittee on Space, House Committee
on Science, Space and Technology, Wash-
ington, DC.

DEAR CHAIRMAN BABIN: I am writing on behalf of the U.S. chapter of the international Association of Space Explorers (ASE-USA) to strongly endorse H.R. 6076, the "To Research, Evaluate, Assess, and Treat Astronauts" (TREAT) Act, that is under consideration by the House of Representatives.

Our organization counts over 210 American current and former flown astronauts as its members. Our mission is to provide a forum for professional dialogue among individuals who have flown in space, to promote education in science and mathematics and inspire in students a lifelong commitment to learning, to foster environmental awareness and encourage planetary stewardship, to promote the benefits of space science and exploration and to advocate for international cooperation and operational compatibility in current and future space exploration endeavors.

We in the astronaut community applaud your Committee for recognizing the risks inherent in traveling to and exploring space, and for ensuring that the men and women who do so on behalf of our nation receive support for medical issues associated with their service.

I urge the House to pass the TREAT Act so that my colleagues and future generations of Americans can continue to explore and expand the frontiers of space and human knowledge, and can return home to Earth suitably protected from the potential medical consequences of those endeavors on behalf of the United States.

Sincerely,

MICHAEL LOPEZ-ALEGRIA,
President.

Mr. BABIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The question is on the motion offered by the gentleman from Texas (Mr. BABIN) that the House suspend the rules and pass the bill, H.R. 6076, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BABIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM ACT OF 2016

Mr. BARLETTA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2971) to authorize the National Urban Search and Rescue Response System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2971

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 "National Urban Search and Rescue Response System Act of 2016".

SEC. 2. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

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

"SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM.

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

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.

"(2) AGENCY.—The term 'Agency' means the Federal Emergency Management Agency.

"(3) HAZARD.—The term 'hazard' has the meaning given the term in section 602.

"(4) NONEMPLOYEE SYSTEM MEMBER.—The term 'nonemployee System member' means a System member not employed by a sponsoring agency or participating agency.

"(5) PARTICIPATING AGENCY.—The term 'participating agency' means a State or local government, nonprofit organization, or private organization that has executed an agreement with a sponsoring agency to participate in the System.

"(6) SPONSORING AGENCY.—The term 'sponsoring agency' means a State or local government that is the sponsor of a task force designated by the Administrator to participate in the System.

"(7) SYSTEM.—The term 'System' means the National Urban Search and Rescue Response System to be administered under this section.

"(8) SYSTEM MEMBER.—The term 'System member' means an individual who is not a full-time employee of the Federal Government and who serves on a task force or on a System management or other technical team.

"(9) TASK FORCE.—The term 'task force' means an urban search and rescue team designated by the Administrator to participate in the System.

"(b) GENERAL AUTHORITY.—Subject to the requirements of this section, the Administrator shall continue to administer the emergency response system known as the National Urban Search and Rescue Response System.

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

"(d) TASK FORCES.—

"(1) DESIGNATION.—The Administrator shall designate task forces to participate in the System. The Administration shall determine the criteria for such participation.

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

"(3) COMPOSITION.—

"(A) PARTICIPATING AGENCIES.—A task force may include, at the discretion of the sponsoring agency, 1 or more participating agencies. The sponsoring agency shall enter into an agreement with each participating agency with respect to the participation of the participating agency on the task force.

"(B) OTHER INDIVIDUALS.—A task force may also include, at the discretion of the sponsoring agency, other individuals not otherwise associated with the sponsoring agency or a participating agency. The sponsoring agency of a task force may enter into a sepa-

rate agreement with each such individual with respect to the participation of the individual on the task force.

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

"(f) APPOINTMENT OF SYSTEM MEMBERS INTO FEDERAL SERVICE.—

"(1) IN GENERAL.—The Administrator may appoint a System member into Federal service for a period of service to provide for the participation of the System member in exercises, preincident staging, major disaster and emergency response activities, and training events sponsored or sanctioned by the Administrator.

"(2) NONAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Administrator may make appointments under paragraph (1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(3) RELATIONSHIP TO OTHER AUTHORITIES.—The authority of the Administrator to make appointments under this subsection shall not affect any other authority of the Administrator under this Act.

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

"(g) COMPENSATION.—

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

"(A) to reimburse each employer of a System member on the task force for compensation paid by the employer to the System member for any period during which the System member is appointed into Federal service under subsection (f)(1); and

"(B) to make payments directly to a nonemployee System member on the task force for any period during which the nonemployee System member is appointed into Federal service under subsection (f)(1).

"(2) REIMBURSEMENT FOR EMPLOYEES FILLING POSITIONS OF SYSTEM MEMBERS.—

"(A) IN GENERAL.—Subject to such terms and conditions as the Administrator may impose by regulation, the Administrator shall make payments to the sponsoring agency of a task force to be used to reimburse each employer of a System member on the task force for compensation paid by the employer to an employee filling a position normally filled by the System member for any period during which the System member is appointed into Federal service under subsection (f)(1).

"(B) LIMITATION.—Costs incurred by an employer shall be eligible for reimbursement under subparagraph (A) only to the extent that the costs are in excess of the costs that would have been incurred by the employer had the System member not been appointed into Federal service under subsection (f)(1).

"(3) METHOD OF PAYMENT.—A System member shall not be entitled to pay directly from the Agency for a period during which the System member is appointed into Federal Service under subsection (f)(1).

"(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR DEATH.—

"(1) IN GENERAL.—A System member who is appointed into Federal service under subsection (f)(1) and who suffers personal injury, illness, disability, or death as a result of a personal injury sustained while acting in the scope of such appointment, shall, for the purposes of subchapter I of chapter 81 of title 5, United States Code, be treated as though the

member were an employee (as defined by section 8101 of that title) who had sustained the injury in the performance of duty.

“(2) ELECTION OF BENEFITS.—

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

“(i) receive benefits under such subchapter; or

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

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

“(C) EFFECT OF ELECTION.—An election of benefits made under this paragraph is irrevocable unless otherwise provided by law.

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

“(4) PUBLIC SAFETY OFFICER CLAIMS.—Nothing in this subsection shall be construed to bar any claim by, or with respect to, any System member who is a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), for any benefits authorized under part L of title I of that Act (42 U.S.C. 3796 et seq.).

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

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

“(1) SERVICE.—Service as a System member shall be considered to be ‘service in the uniformed services’ for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.

“(2) PRECLUSION.—Preclusion of giving notice of service by necessity of appointment under this section shall be considered to be preclusion by ‘military necessity’ for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to judicial review.

“(k) LICENSES AND PERMITS.—If a System member holds a valid license, certificate, or other permit issued by any State or other governmental jurisdiction evidencing the member’s qualifications in any professional, mechanical, or other skill or type of assist-

ance required by the System, the System member is deemed to be performing a Federal activity when rendering aid involving such skill or assistance during a period of appointment into Federal service under subsection (f)(1).

“(1) PREPAREDNESS COOPERATIVE AGREEMENTS.—Subject to the availability of appropriations for such purpose, the Administrator shall enter into an annual preparedness cooperative agreement with each sponsoring agency. Amounts made available to a sponsoring agency under such a preparedness cooperative agreement shall be for the following purposes:

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

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

“(3) Medical monitoring required for responder safety and health in anticipation of and following a major disaster, emergency, or other hazard, as determined by the Administrator.

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

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

“(o) EQUIPMENT MAINTENANCE AND REPLACEMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the development of a plan, including implementation steps and timeframes, to finance, maintain, and replace System equipment.”.

(b) CONFORMING AMENDMENTS.—

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

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

(B) by transferring subparagraph (F) to between subparagraph (E) and the matter following subparagraph (E);

(C) in subparagraph (F)—

(i) by striking “United States Code.”; and

(ii) by adding “and” at the end; and

(D) by inserting after subparagraph (F) the following:

“(G) an individual who is a System member of the National Urban Search and Rescue Response System during a period of appointment into Federal service pursuant to section 327 of the Robert T. Stafford Disaster Relief and 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)”;

(B) in subparagraph (B) by striking “filed or” and inserting “filed (consistent with pre-existing effective dates) or”;

(2) in paragraph (2)(A), by striking “amendments made by this Act” and inserting “amendments made to section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) by this Act”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BARLETTA) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BARLETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2971, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BARLETTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking Chairman SHUSTER for his tremendous support and leadership on this issue. For over 8 years, the bipartisan leadership of the Transportation and Infrastructure Committee has been the driving force behind trying to get these reforms through Congress, and, today, we are closer than ever.

I also want to thank Ranking Member DEFAZIO and Ranking Member CARSON for their bipartisan support.

The House unanimously passed a nearly identical measure earlier this year as part of the FEMA Disaster Assistance Reform Act, H.R. 1471.

Today, when members of the search and rescue teams are federalized and sent across State lines, they don’t know who, if anyone, will pay for their injuries, disabilities, or death. So S. 2971 addresses that issue and clarifies that longstanding concern which has hindered the deployment of critical search and rescue teams between States.

Currently, there are 28 USAR teams across the Nation. Members of these teams are cross-trained in areas such as search, rescue, medical, hazardous materials, and logistics. The teams include firefighters, physicians, structural engineers, and first responders, and they are trained and equipped with help from FEMA. While the members of these teams are not Federal, they do not hesitate to respond to disasters in other States.

These teams have been deployed over the years to numerous disasters, including the Pentagon and World Trade Center on 9/11, Hurricane Sandy, and, most recently, Hurricane Matthew. The challenge has been that when these team members are federalized,

they do not have clarity on who would be responsible if they were injured or even killed while performing their jobs.

It is amazing that we ask these men and women to go into collapsed structures to search for trapped survivors, risking life and limb, without providing them with clarity when it comes to liability and injuries.

The stories of the selfless heroism of these men and women are numerous and humbling. Their work is tireless, physically and emotionally demanding, and nerve-racking.

In Hurricane Matthew, one team helped make more than 100 rescues in North Carolina alone, including the rescue of a 98-year-old hospice patient, when they had to go into areas where the water was 5 to 7 feet above street level, and they could only see the tops of the street signs.

In the aftermath of Hurricane Sandy, a single task force rescued more than 850 individuals in 17 hours from a flooded area overwhelmed by a tidal surge. And there are hundreds more such as these accounts.

These heroes play an essential role in the Federal response to national disasters and catastrophes. In addition, the National USAR system benefits our State, local, and regional emergency managers and first responders through training, equipment, and preparedness.

The local government and other entities that sponsor the members of the teams should not have to worry about being left vulnerable or exposed by allowing their employees to participate in such a critical national asset.

After 8 years, it is time to give men and women who put their lives at risk the liability protections they and their families need and deserve. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

First, I would like to compliment the Senate on passing the bill we passed last week, the 21st Century Cures Act, which will help research and save the lives of many Americans, something we did in a bipartisan fashion. I am pleased that that happened.

I rise in support of S. 2971, the National Urban Search and Rescue Response System Act of 2016, as amended, which codifies the Urban Search and Rescue Response System.

Authorizing the urban search and rescue teams, better known as USAR teams, and codifying protections for team members, such as workers' comp and liability protections, have been a top priority of mine since I first introduced a bill to do so in 2007, my first year in Congress.

I was pleased that the late former Democratic Transportation and Infrastructure Chairman, an outstanding Member, Mr. Oberstar, now deceased, included my USAR language in a bill that was reported from the committee in 2010. Since then, legislation authorizing USAR teams has passed the House several times, and now the Senate has passed one as well.

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The 28 urban search and rescue teams that are strategically located across the United States provide timely response when needed in the aftermath of a disaster. In fact, USAR teams can be ready for deployment within 6 hours of being called up.

These specialized teams of first responders provide search and rescue services, extraction from structural collapses, and swift, rapid rescue, among other activities, after disaster strikes. Their dedication is truly commendable, as they drop everything in their busy daily lives to come to the prompt assistance of others when needed.

It should be noted that USAR teams even respond internationally when assistance is requested. In fact, two USAR teams deployed in the aftermath of Nepal's earthquakes in 2015 and were responsible for many rescues from structural collapses.

It is only appropriate that we ensure that they have the protection they need to perform their jobs as well as the peace of mind that will come from clarity in compensation and liability issues.

USAR teams may be composed of firefighters, law enforcement officers, paramedics, engineers, medical professionals, and canine handlers. Often, these team members are civil servants. By extending job protection benefits when activated for Federal service, team members know that their jobs will be waiting at home for them. In addition, it helps USAR teams recruit and retain new members.

Tennessee's USAR, known as Tennessee Task Force One, has a strong commitment to their jobs, and they do an extraordinarily good job. Tennessee Task Force One is based in Memphis, Tennessee, and consists of firefighters, police officers, and civilians; and they responded when called to assist in the aftermath of disasters, such as Hurricane Matthew in South Carolina and, most recently, for the tragic wildfires in our Smoky Mountains. They did so despite the uncertainty of whether they would be covered for any injuries.

Their actions are truly heroic, and I applaud them and their dedication. The protections in today's bill are long overdue, and team members can now rest assured that they will be taken care of if they are injured when performing Federal duties.

I am sadly disappointed, though, that the Republican leadership is once again selectively choosing when and when not to enforce its budget rules. The underlying Senate bill we are considering authorized "such sums as necessary" to carry out the USAR system. Despite the House having passed a bill authorizing "such sums as necessary" for the Integrated Public Alert and Warning System earlier this year, we are now told that this authorization violates budget rules and an amendment and further consideration by the Senate is required.

As a result, USAR team members must wait another day before we afford them the protections that they deserve. They deserve better, and they deserve laws that will ensure that Congress will appropriate adequate funds to support them and their activities.

I thank all the USAR teams for their service, and I thank Mr. BARLETTA for working on this bill as well. I urge my colleagues to support our USAR teams by supporting the legislation.

Mr. Speaker, I have no further speakers.

I yield back the balance of my time. Mr. BARLETTA. Mr. Speaker, I again urge my colleagues to vote "yes" on S. 2971.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BARLETTA) that the House suspend the rules and pass the bill, S. 2971, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARLETTA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in the House amendment to the Senate amendment to the bill (H.R. 34) "An Act to authorize and strengthen the tsunami detection, forecast, warning, research, and mitigation program of the National Oceanic and Atmospheric Administration, and for other purposes."

FEDERAL BUREAU OF INVESTIGATION WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2016

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5790) to provide adequate protections for whistleblowers at the Federal Bureau of Investigation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5790

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 "Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016".

SEC. 2. PROHIBITED PERSONNEL PRACTICES IN THE FEDERAL BUREAU OF INVESTIGATION.

Section 2303(a) of title 5, United States Code, is amended by striking "any employee of the Bureau" and all that follows through "health or safety" and inserting the following: "an employee in, or applicant for, a position in the Bureau as a reprisal for a disclosure of information—