

114TH CONGRESS
2D SESSION

S. _____

To authorize the National Urban Search and Rescue Response System.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Urban Search
5 and Rescue Response System Act of 2016”.

6 **SEC. 2. NATIONAL URBAN SEARCH AND RESCUE RESPONSE**
7 **SYSTEM.**

8 (a) IN GENERAL.—Title III of the Robert T. Stafford
9 Disaster Relief and Emergency Assistance Act (42 U.S.C.
10 5141 et seq.) is amended by adding at the end the fol-
11 lowing:

1 **“SEC. 327. NATIONAL URBAN SEARCH AND RESCUE RE-**
2 **SPONSE SYSTEM.**

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

5 “(1) ADMINISTRATOR.—The term ‘Adminis-
6 trator’ means the Administrator of the Federal
7 Emergency Management Agency.

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

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

12 “(4) NONEMPLOYEE SYSTEM MEMBER.—The
13 term ‘nonemployee System member’ means a System
14 member not employed by a sponsoring agency or
15 participating agency.

16 “(5) PARTICIPATING AGENCY.—The term ‘par-
17 ticipating agency’ means a State or local govern-
18 ment, nonprofit organization, or private organization
19 that has executed an agreement with a sponsoring
20 agency to participate in the System.

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

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

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

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

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

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

20 “(d) TASK FORCES.—

21 “(1) DESIGNATION.—The Administrator shall
22 designate task forces to participate in the System.
23 The Administration shall determine the criteria for
24 such participation.

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

6 “(3) COMPOSITION.—

7 “(A) PARTICIPATING AGENCIES.—A task
8 force may include, at the discretion of the spon-
9 soring agency, 1 or more participating agencies.
10 The sponsoring agency shall enter into an
11 agreement with each participating agency with
12 respect to the participation of the participating
13 agency on the task force.

14 “(B) OTHER INDIVIDUALS.—A task force
15 may also include, at the discretion of the spon-
16 soring agency, other individuals not otherwise
17 associated with the sponsoring agency or a par-
18 ticipating agency. The sponsoring agency of a
19 task force may enter into a separate agreement
20 with each such individual with respect to the
21 participation of the individual on the task force.

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

1 “(f) APPOINTMENT OF SYSTEM MEMBERS INTO
2 FEDERAL SERVICE.—

3 “(1) IN GENERAL.—The Administrator may ap-
4 point a System member into Federal service for a
5 period of service to provide for the participation of
6 the System member in exercises, preincident staging,
7 major disaster and emergency response activities,
8 and training events sponsored or sanctioned by the
9 Administrator.

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

15 “(3) RELATIONSHIP TO OTHER AUTHORI-
16 TIES.—The authority of the Administrator to make
17 appointments under this subsection shall not affect
18 any other authority of the Administrator under this
19 Act.

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

25 “(g) COMPENSATION.—

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

5 “(A) to reimburse each employer of a Sys-
6 tem member on the task force for compensation
7 paid by the employer to the System member for
8 any period during which the System member is
9 appointed into Federal service under subsection
10 (f)(1); and

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

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

18 “(A) IN GENERAL.—Subject to such terms
19 and conditions as the Administrator may im-
20 pose by regulation, the Administrator shall
21 make payments to the sponsoring agency of a
22 task force to be used to reimburse each em-
23 ployer of a System member on the task force
24 for compensation paid by the employer to an
25 employee filling a position normally filled by the

1 System member for any period during which
2 the System member is appointed into Federal
3 service under subsection (f)(1).

4 “(B) LIMITATION.—Costs incurred by an
5 employer shall be eligible for reimbursement
6 under subparagraph (A) only to the extent that
7 the costs are in excess of the costs that would
8 have been incurred by the employer had the
9 System member not been appointed into Fed-
10 eral service under subsection (f)(1).

11 “(3) METHOD OF PAYMENT.—A System mem-
12 ber shall not be entitled to pay directly from the
13 Agency for a period during which the System mem-
14 ber is appointed into Federal Service under sub-
15 section (f)(1).

16 “(h) PERSONAL INJURY, ILLNESS, DISABILITY, OR
17 DEATH.—

18 “(1) IN GENERAL.—A System member who is
19 appointed into Federal service under subsection
20 (f)(1) and who suffers personal injury, illness, dis-
21 ability, or death as a result of a personal injury sus-
22 tained while acting in the scope of such appoint-
23 ment, shall, for the purposes of subchapter I of
24 chapter 81 of title 5, United States Code, be treated
25 as though the member were an employee (as defined

1 by section 8101 of that title) who had sustained the
2 injury in the performance of duty.

3 “(2) ELECTION OF BENEFITS.—

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

14 “(i) receive benefits under such sub-
15 chapter; or

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

18 “(B) DEADLINE.—A System member or
19 dependent shall make an election of benefits
20 under subparagraph (A) not later than 1 year
21 after the date of the personal injury, illness,
22 disability, or death that is the reason for the
23 benefits, or until such later date as the Sec-
24 retary of Labor may allow for reasonable cause
25 shown.

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

4 “(3) REIMBURSEMENT FOR STATE OR LOCAL
5 BENEFITS.—Subject to such terms and conditions as
6 the Administrator may impose by regulation, if a
7 System member or dependent elects to receive bene-
8 fits from a State or local government under para-
9 graph (2)(A), the Administrator shall reimburse the
10 State or local government for the value of the bene-
11 fits.

12 “(4) PUBLIC SAFETY OFFICER CLAIMS.—Noth-
13 ing in this subsection shall be construed to bar any
14 claim by, or with respect to, any System member
15 who is a public safety officer, as defined in section
16 1204 of title I of the Omnibus Crime Control and
17 Safe Streets Act of 1968 (42 U.S.C. 3769b), for any
18 benefits authorized part L of title I of that Act (42
19 U.S.C. 3796 et seq.).

20 “(i) LIABILITY.—A System member appointed into
21 Federal service under subsection (f)(1), while acting with-
22 in the scope of the appointment, shall be considered to
23 be an employee of the Federal Government under section
24 1346(b) of title 28, United States Code, and chapter 171
25 of that title, relating to tort claims procedure.

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

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

16 “(2) PRECLUSION.—Preclusion of giving notice
17 of service by necessity of appointment under this
18 section shall be considered to be preclusion by ‘mili-
19 tary necessity’ for purposes of section 4312(b) of
20 title 38, United States Code, pertaining to giving no-
21 tice of absence from a position of employment. A de-
22 termination of such necessity shall be made by the
23 Administrator and shall not be subject to judicial re-
24 view.

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

10 “(l) PREPAREDNESS COOPERATIVE AGREEMENTS.—
11 Subject to the availability of appropriations for such pur-
12 pose, the Administrator shall enter into an annual pre-
13 paredness cooperative agreement with each sponsoring
14 agency. Amounts made available to a sponsoring agency
15 under such a preparedness cooperative agreement shall be
16 for the following purposes:

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

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

23 “(3) Medical monitoring required for responder
24 safety and health in anticipation of and following a

1 major disaster, emergency, or other hazard, as de-
2 termined by the Administrator.

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

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

12 “(o) EQUIPMENT MAINTENANCE AND REPLACE-
13 MENT.—Not later than 180 days after the date of enact-
14 ment of this section, the Administrator shall submit to the
15 appropriate congressional committees (as defined in sec-
16 tion 2 of the Homeland Security Act of 2002 (6 U.S.C.
17 101)) a report on the development of a plan, including
18 implementation steps and timeframes, to finance, main-
19 tain, and replace System equipment.

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

24 (b) CONFORMING AMENDMENTS.—

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

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

6 (B) by transferring subparagraph (F) to
7 between subparagraph (E) and the matter fol-
8 lowing subparagraph (E);

9 (C) in subparagraph (F)—

10 (i) by striking “United States Code;”;

11 and

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

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

15 “(G) an individual who is a System mem-
16 ber of the National Urban Search and Rescue
17 Response System during a period of appoint-
18 ment into Federal service pursuant to section
19 327 of the Robert T. Stafford Disaster Relief
20 and Emergency Assistance Act;”.

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

24 (A) in paragraph (13) by inserting “, a pe-
25 riod for which a System member of the Na-

1 tional Urban Search and Rescue Response Sys-
2 tem is absent from a position of employment
3 due to an appointment into Federal service
4 under section 327 of the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act”
6 before “, and a period”; and

7 (B) in paragraph (16) by inserting “Sys-
8 tem members of the National Urban Search
9 and Rescue Response System during a period of
10 appointment into Federal service under section
11 327 of the Robert T. Stafford Disaster Relief
12 and Emergency Assistance Act,” after “Public
13 Health Service,”.