

Calendar No. 159

116TH CONGRESS }
1st Session }

SENATE

{ REPORT
116-60

TO AMEND SECTION 327 OF THE
ROBERT T. STAFFORD DISASTER RELIEF
AND EMERGENCY ASSISTANCE ACT TO
CLARIFY THAT NATIONAL URBAN SEARCH
AND RESCUE RESPONSE SYSTEM TASK
FORCES MAY INCLUDE FEDERAL
EMPLOYEES

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 1521



JULY 22, 2019.—Ordered to be printed

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JULY 22, 2019.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 1521]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1521) to amend section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that National Urban Search and Rescue Response System task forces may include Federal employees, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 1521 is to clarify that National Urban Search and Rescue Response System task forces may include Federal employees.

II. BACKGROUND AND THE NEED FOR LEGISLATION

S. 1521 is a technical correction that amends section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act).¹ In 1989 the Federal Emergency Management Agency (FEMA) established the National Urban Search & Rescue Response System, which is a framework for organizing and integrating Federal disaster response task forces.² The task force system consists of 28 multi-disciplined teams, known as Urban Search & Rescue (US&R) task forces made up of Federal, state and local partners.³ These task forces can be deployed or pre-positioned by FEMA in response to a variety of man-made and natural disasters.⁴ The US&R task forces offer an organized system of personnel and resources to locate, extricate, and provide immediate medical treatment to victims trapped in collapsed structures along with conducting other life-saving operations.⁵

Following the enactment of the National Urban Search and Rescue Response System Act in 2016, which amended the Stafford Act by codifying the operational requirements of the system, FEMA interpreted provisions within the legislation as expressly prohibiting Federal employees from participating on the task forces.⁶ In section 327(a)(8) of the Act, the definition of “System Member” was changed to “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.”⁷ This change affected approximately 50 full-time Federal employees who were previously active members, and as a result, some task forces could potentially be determined to be non-mission capable because they would be unable to fill key positions.⁸

Participation by Federal employees on US&R task forces will better position FEMA to mobilize and deploy necessary resources to disaster relief efforts. To clarify congressional intent, this bill explicitly states that the National Urban Search and Rescue Response System task forces may include Federal employees.

III. LEGISLATIVE HISTORY

Senator Josh Hawley (R–MO) introduced S. 1521 on May 16, 2019, with Senators Roy Blunt (R–MO), Rick Scott (R–FL), and Margaret Wood Hassan (D–NH). The bill was referred to the Committee on Homeland Security and Governmental Affairs on May 16, 2019.

The Committee considered S. 1521 at a business meeting on June 19, 2019. S. 1521 was reported favorably *en bloc* by voice vote.

¹ Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288, § 327, 88 Stat. 143 (1974).

² Fed. Emergency Mgmt. Agency, Fact Sheet (2015), https://www.fema.gov/media-library-data/1440617086863-f6489d2de59dddeba8bebc9b4d419009/USAR_July_2015.pdf.

³ Fed. Emergency Mgmt. Agency, Fact Sheet (2015), https://www.fema.gov/media-library-data/1440617086863-f6489d2de59dddeba8bebc9b4d419009/USAR_July_2015.pdf.

⁴ *Id.*

⁵ *Id.*

⁶ National Urban Search and Rescue Response System Act, 2016, Pub. L. 114–326; Kevin Durby, *Rick Scott, Josh Hawley Team Up on FEMA Policy Reform*, Sunshine State News (May 18, 2019, 8:45 AM), <http://www.sunshinestatenews.com/story/rick-scott-josh-hawley-team-fema-policy-reform>.

⁷ National Urban Search and Rescue Response System Act, 2016, Pub. L. 114–326.

⁸ Email from Office of External Affairs, Congressional Affairs Division, Federal Emergency Management Agency, to S. Comm. on Homeland Sec. and Governmental Affairs (May 9, 2019).

Senators Johnson, Portman, Paul, Lankford, Romney, Scott, Enzi, Hawley, Peters, Carper, Hassan, Sinema, and Rosen were present for the vote.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Federal employees and National Urban Search and Rescue Response System task forces

This section clarifies that Federal employees are not to be excluded from National Urban Search and Rescue Response System task forces. It further clarifies that if a Federal employee is detailed to a task force, the Federal employee's sponsoring agency is required to enter into an agreement with the employing Federal agency.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 8, 2019.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1521, a bill to amend section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that National Urban Search and Rescue Response System task forces may include Federal employees.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jon Sperl.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 1521, a bill to amend section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that National Urban Search and Rescue Response System task forces may include Federal employees			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on June 19, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	n.e.
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
n.e. = not estimated; * = between \$500,000			

S. 1521 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that federal employees may serve on task forces under the National Urban Search and Rescue Response System. That system consists of about 5,700 personnel—mostly state and local government employees—who serve on 28 task forces across the country and which are coordinated by the Federal Emergency Management Agency (FEMA). There are currently 60 federal employees serving on task forces.

Using information from FEMA, CBO estimates that implementing the bill would increase the number of federal employees serving on task forces and also would enhance the retention of those employees. Under current law, FEMA reimburses state and local governments, as well as federal employees serving on task forces, for the costs of activating members for federal service. Because the bill would not increase the total number of personnel serving on task forces who are compensated by the federal government—only the mix of federal and nonfederal employees—CBO estimates that implementing the legislation would not increase federal spending on task forces. Federal agencies could incur costs to cover the regular activities of their employees while they are deployed on task forces, but CBO estimates that those costs would not be significant.

On March 12, 2019, CBO transmitted a cost estimate for H.R. 639, a bill to amend section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that National Urban Search and Rescue Response System task forces may include Federal employees, as ordered reported by the House Committee on Transportation and Infrastructure on February 27, 2019. The two bills are similar and CBO's estimates of their costs are the same.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 1521 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

* * * * *

TITLE 42—THE PUBLIC HEALTH AND WELFARE

* * * * *

CHAPTER 68—DISASTER RELIEF

* * * * *

Subchapter III—Major Disaster and Emergency Assistance Administration

* * * * *

SEC. 5165f. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM

* * * * *

(a)

* * * * *

(p) *FEDERAL EMPLOYEES.*—*Nothing in this section shall be construed to mean that a task force may not include Federal employees. In the case of a Federal employee detailed to task force, the sponsoring agency shall enter into an agreement with the relevant employing Federal agency.*

* * * * *