

110TH CONGRESS  
1ST SESSION

# H. R. 4183

To amend the Homeland Security Act of 2002 to establish the National Urban Search and Rescue Response System.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2007

Ms. LORETTA SANCHEZ of California (for herself, Mr. DENT, Mr. CUELLAR, Mr. McCAUL of Texas, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Homeland Security Act of 2002 to establish 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 2007”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to clarify and codify the  
8       preparedness and response authority of the National

1 Urban Search and Rescue Response System for Federal  
2 response to structural collapses resulting from acts of ter-  
3 rorism and other incidents as determined by the Secretary.

4 **SEC. 3. NATIONAL URBAN SEARCH AND RESCUE RESPONSE**  
5 **SYSTEM.**

6 (a) IN GENERAL.—Title V of the Homeland Security  
7 Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding  
8 at the end the following:

9 **“SEC. 522. NATIONAL URBAN SEARCH AND RESCUE RE-**  
10 **SPONSE SYSTEM.**

11 “(a) IN GENERAL.—There is in the Department an  
12 emergency response system to be known as the ‘National  
13 Urban Search and Rescue Response System’ (referred to  
14 in this section as the ‘System’). Through the System, the  
15 Secretary shall provide for a national network of standard-  
16 ized search and rescue resources to assist States and local  
17 governments in responding to structural collapses result-  
18 ing from acts of terrorism and other incidents that the  
19 Secretary determines are appropriate.

20 “(b) ADMINISTRATION OF SYSTEM.—The Secretary  
21 shall administer the System as follows:

22 “(1) The Secretary shall select and designate  
23 task forces to participate in the System. The Sec-  
24 retary shall determine the criteria for such participa-  
25 tion.

1           “(2) The Secretary shall enter into an agree-  
2           ment with the sponsoring agency of each task force  
3           with respect to the participation of the task force in  
4           the System.

5           “(3) A task force may include States, local gov-  
6           ernments, private non-profit organizations, and for-  
7           profit entities as participating agencies, at the dis-  
8           cretion of the sponsoring agency of the task force.  
9           The sponsoring agency may also, in its discretion,  
10          allow the task force to include individuals not other-  
11          wise associated with the sponsoring agency or a par-  
12          ticipating agency in the task force.

13          “(4) The Secretary shall maintain such man-  
14          agement and other technical teams as the Secretary  
15          determines are necessary to administer the System.

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

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

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

4           “(3) Medical monitoring required for responder  
5           safety, security, and health.

6           “(d) RESPONSE COOPERATIVE AGREEMENTS.—The  
7           Secretary shall enter into a response cooperative agree-  
8           ment with each sponsoring agency, as appropriate, under  
9           which the Secretary agrees to reimburse the sponsoring  
10          agency for costs incurred in responding to an incident de-  
11          scribed in subsection (a).

12          “(e) APPOINTMENT INTO FEDERAL SERVICE.—

13               “(1) IN GENERAL.—In addition to the exercise  
14               of any other authorities under this section, the Sec-  
15               retary may appoint a System member for exercises,  
16               pre-incident staging, or major disaster, emergency  
17               response, or training events sponsored or sanctioned  
18               by the Agency without regard to the provisions of  
19               title 5, United States Code, governing appointments  
20               in the competitive service.

21               “(2) EMPLOYMENT STATUS.—Regardless of any  
22               other employment status, a System member who is  
23               appointed into Federal service pursuant to this sub-  
24               section is deemed an employee of a Federal agency  
25               for all purposes except—

1           “(A) subchapter III of chapter 83 of title  
2           5, United States Code, pertaining to labor  
3           grievances, appeal and review, or any applicable  
4           retirement system;

5           “(B) chapter 87 of title 5, United States  
6           Code, pertaining to life insurance; and

7           “(C) chapter 89 of title 5, United States  
8           Code, pertaining to health insurance, or other  
9           applicable health benefits system unless the  
10          System member’s appointment results in the  
11          loss of coverage in a group health benefits plan  
12          the premium of which has been paid in whole  
13          or in part by a State or local government con-  
14          tribution.

15          “(3) COMPENSATION.—During a period of ap-  
16          pointment into Federal service pursuant to this sub-  
17          section—

18               “(A) the Secretary shall reimburse,  
19               through the sponsoring agency, the System  
20               member’s pay and the employer contribution to  
21               any State or local government retirement, life  
22               insurance, or health benefit plans on behalf of  
23               the System member. A System member shall  
24               not be entitled to pay directly from the Agency;  
25               and

1           “(B) the Secretary shall reimburse,  
2           through the sponsoring agency, the pay and  
3           employer contribution to any State or local gov-  
4           ernment retirement, life insurance, or health  
5           benefit plans of an employee who fills the posi-  
6           tion normally filled by a System member ap-  
7           pointed into Federal service pursuant to this  
8           subsection to the extent that those costs are in  
9           excess of the costs that would have been in-  
10          curred had the System member not been ap-  
11          pointed into Federal service.

12          “(4) PERSONAL INJURY, ILLNESS, DISABILITY,  
13          OR DEATH.—

14               “(A) IN GENERAL.—A System member  
15               who is appointed into Federal service pursuant  
16               to this subsection and who suffers personal in-  
17               jury, illness, disability, or death as a result of  
18               personal injury sustained while in the perform-  
19               ance of the member’s duty during the appoint-  
20               ment into Federal service shall, for the pur-  
21               poses of subchapter I of chapter 81 of title 5,  
22               United States Code, be treated as though the  
23               member were an employee (as defined by sec-  
24               tion 8101 of such title) who had sustained the  
25               injury in the performance of duty.

1           “(B) ELECTION OF BENEFITS.—When a  
2           System member (or, in the case of the death of  
3           the System member, the System member’s de-  
4           pendent) is entitled by reason of injury, illness,  
5           disability, or death to benefits under subchapter  
6           I of chapter 81 of title 5, United States Code,  
7           and is also entitled to benefits from a State or  
8           local government for the same injury, illness,  
9           disability, or death, the System member (or  
10          such dependent) shall elect which benefits the  
11          System member will receive. The election shall  
12          be made not later than 1 year after the injury,  
13          illness, disability or death, or such further time  
14          as the Secretary of Labor may allow for reason-  
15          able cause shown. When made, the election is  
16          irrevocable unless otherwise provided by law.

17          “(C) REIMBURSEMENT FOR STATE OR  
18          LOCAL BENEFITS.—In the event that a System  
19          member elects benefits from a State or local  
20          government under subparagraph (B), the Sec-  
21          retary may reimburse that State or local gov-  
22          ernment for the value of those benefits.

23          “(5) LIABILITY.—A System member appointed  
24          into Federal service pursuant to this subsection is  
25          deemed an employee of the Agency for the purposes

1 of the Federal Tort Claims Act and any other Fed-  
2 eral third party liability statute.

3 “(6) EMPLOYMENT AND REEMPLOYMENT  
4 RIGHTS.—The following apply with respect to a Sys-  
5 tem member who is not a regular full-time employee  
6 of a sponsoring agency or participating agency dur-  
7 ing periods of appointment to Federal service pursu-  
8 ant to this subsection:

9 “(A) Service as a System member shall be  
10 deemed ‘service in the uniformed services’ for  
11 purposes of chapter 43 of title 38, United  
12 States Code, pertaining to employment and re-  
13 employment rights of individuals who have per-  
14 formed service in the uniformed services (re-  
15 gardless of whether the individual receives com-  
16 pensation for such participation). All rights and  
17 obligations of such persons and procedures for  
18 assistance, enforcement, and investigation shall  
19 be as provided for in chapter 43 of title 38,  
20 United States Code.

21 “(B) Preclusion of giving notice of service  
22 by necessity of appointment under this section  
23 shall be deemed preclusion by ‘military neces-  
24 sity’ for purposes of section 4312(b) of title 38,  
25 United States Code, pertaining to giving notice



1 of absence from a position of employment. A  
2 determination of such necessity shall be made  
3 by the Secretary.

4 “(C) Subject to the availability of appro-  
5 priations, the Secretary may recognize employer  
6 support of the deployment of National Urban  
7 Search and Rescue Response System members,  
8 and their cooperation to allow System members  
9 to receive authorized training.

10 “(f) LICENSES AND PERMITS.—If a System member  
11 who is appointed into Federal service under this sub-  
12 section holds a valid license, certificate, or other permit  
13 issued by any State or other governmental jurisdiction evi-  
14 dencing the member’s qualifications in any professional,  
15 mechanical, or other skill or type of assistance required  
16 by the System, that System member shall be deemed to  
17 be performing a Federal activity when rendering aid in-  
18 volving such skill or assistance.

19 “(g) ADVISORY SUBCOMMITTEE.—

20 “(1) IN GENERAL.—The Secretary shall estab-  
21 lish and maintain an advisory subcommittee of the  
22 National Advisory Council established under section  
23 508 to provide expert recommendations to the Sec-  
24 retary in order to assist the Secretary in admin-  
25 istering the System.

1           “(2) COMPOSITION.—The advisory sub-  
2       committee shall be composed of members from geo-  
3       graphically diverse areas, and shall include—

4           “(A) the chief officer or senior executive  
5       from at least three sponsoring agencies;

6           “(B) the senior emergency manager from  
7       at least two States that have sponsoring agen-  
8       cies; and

9           “(C) at least one representative rec-  
10      ommended by the leaders of the task forces.

11       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
12   is authorized to be appropriated for each of fiscal years  
13   2008 through 2012, \$52,000,000 for the National Urban  
14   Search and Rescue Response System. Of any amount  
15   made available pursuant to this subsection, not less than  
16   80 percent of such amount shall be provided equally to  
17   each of the task forces to be used for preparedness activi-  
18   ties.

19       “(i) DEFINITIONS.—In this section:

20           “(1) The term ‘participating agency’ means a  
21   State or local government, non-profit organization,  
22   or private organization that has executed an agree-  
23   ment with a sponsoring agency to participate in the  
24   System.

1           “(2) The term ‘sponsoring agency’ means a  
2           State or local government that is the sponsor of a  
3           task force designated by the Secretary to participate  
4           in the System.

5           “(3) The term ‘System member’ means an indi-  
6           vidual who is not a regular full-time employee of the  
7           Federal Government, who serves on a task force or  
8           on a System management or other technical team.

9           “(4) The term ‘task force’ means an urban  
10          search and rescue team designated by the Secretary  
11          to participate in the System.”.

12          (b) CONFORMING AMENDMENTS.—

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

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

18                     (B) in subparagraph (E), by inserting “;  
19                     and” after the semicolon; and

20                     (C) by adding at the end the following new  
21                     subparagraph:

22                             “(F) an individual who is a System mem-  
23                     ber of the National Urban Search and Rescue  
24                     Response System, when appointed into Federal

1 service pursuant to section 522(f) of the Home-  
2 land Security Act of 2002.”.

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 adding at the  
7 end the following: “Such service also includes  
8 any authorized exercises, pre-incident staging,  
9 or major disaster, emergency response, or train-  
10 ing events sponsored or sanctioned by the De-  
11 partment of Homeland Security and carried out  
12 by the National Urban Search and Rescue Re-  
13 sponse System under section 522 of the Home-  
14 land Security Act of 2002.”.

15 (B) in paragraph (16), by inserting after  
16 “Public Health Service,” the following: “, Sys-  
17 tem members of the National Urban Search  
18 and Rescue Response System when engaged in  
19 any authorized exercise, pre-incident staging,  
20 activation, or major disaster, emergency re-  
21 sponse, or training event sponsored or sanc-  
22 tioned by the Federal Emergency Management  
23 Agency,”.

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