

Union Calendar No. 563

113TH CONGRESS
2^D SESSION

H. R. 3300

[Report No. 113–732, Part I]

To reauthorize the programs and activities of the Federal Emergency
Management Agency.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2013

Mr. SHUSTER (for himself, Mr. RAHALL, Mr. BARLETTA, and Mr. CARSON of Indiana) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JANUARY 2, 2015

Reported with an amendment and referred to the Committee on Homeland Security for a period ending not later than January 2, 2015, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j) of rule X

[Strike out all after the enacting clause and insert the part printed in *italie*]

JANUARY 2, 2015

The Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 22, 2013]

A BILL

To reauthorize the programs and activities of the Federal
Emergency Management Agency.

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 “FEMA Reauthorization*
5 *Act of 2013”.*

6 **TITLE I—REAUTHORIZATION OF**
7 **FEMA AND MODERNIZATION**
8 **OF INTEGRATED PUBLIC**
9 **ALERT AND WARNING SYSTEM**

10 **SEC. 101. REAUTHORIZATION OF FEDERAL EMERGENCY**
11 **MANAGEMENT AGENCY.**

12 *Section 699 of Public Law 109–295 (6 U.S.C. 811)*
13 *is amended—*

14 *(1) by striking “administration and operations”*
15 *each place it appears and inserting “management*
16 *and administration”;*

17 *(2) in paragraph (2) by striking “and”;*

18 *(3) in paragraph (3) by striking the period at*
19 *the end and inserting “; and”; and*

20 *(4) by adding at the end the following:*

21 *“(4) for fiscal year 2014, \$972,145,000;*

22 *“(5) for fiscal year 2015, \$972,145,000; and*

23 *“(6) for fiscal year 2016, \$972,145,000.”.*

1 **SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYS-**
2 **TEM MODERNIZATION.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*
4 *“Integrated Public Alert and Warning System Moderniza-*
5 *tion Act of 2013”.*

6 (b) *INTEGRATED PUBLIC ALERT AND WARNING SYS-*
7 *TEM MODERNIZATION.*—

8 (1) *IN GENERAL.*—*To provide timely and effec-*
9 *tive disaster warnings under this section, the Presi-*
10 *dent, acting through the Administrator of the Federal*
11 *Emergency Management Agency, shall—*

12 (A) *modernize the integrated public alert*
13 *and warning system of the United States (in this*
14 *section referred to as the “public alert and warn-*
15 *ing system”) to ensure that the President under*
16 *all conditions is able to alert and warn govern-*
17 *mental authorities and the civilian population*
18 *in areas endangered by disasters; and*

19 (B) *implement the public alert and warning*
20 *system.*

21 (2) *IMPLEMENTATION REQUIREMENTS.*—*In car-*
22 *rying out paragraph (1), the Administrator shall,*
23 *consistent with the recommendations in the final re-*
24 *port of the Integrated Public Alert and Warning Sys-*
25 *tem Advisory Committee (established under subsection*
26 *(c))—*

1 (A) establish or adopt, as appropriate, com-
2 mon alerting and warning protocols, standards,
3 terminology, and operating procedures for the
4 public alert and warning system;

5 (B) include in the public alert and warning
6 system the capability to adapt the distribution
7 and content of communications on the basis of
8 geographic location, risks, or personal user pref-
9 erences, as appropriate;

10 (C) include in the public alert and warning
11 system the capability to alert and warn, and
12 provide the equivalent amount of information to
13 individuals with disabilities and individuals
14 with access and functional needs;

15 (D) ensure that training, tests, and exercises
16 are conducted for the public alert and warning
17 system and that the system is incorporated into
18 other training and exercise programs of the De-
19 partment of Homeland Security, as appropriate;

20 (E) establish and integrate into the Na-
21 tional Incident Management System a com-
22 prehensive and periodic training program to in-
23 struct and educate Federal, State, tribal, and
24 local government officials in the use of the Com-

1 *mon Alerting Protocol enabled Emergency Alert*
2 *System;*

3 *(F) conduct, at least once every 3 years,*
4 *periodic nationwide tests of the public alert and*
5 *warning system; and*

6 *(G) ensure that the public alert and warn-*
7 *ing system is resilient, secure, and can withstand*
8 *acts of terrorism and other external attacks.*

9 *(3) SYSTEM REQUIREMENTS.—The public alert*
10 *and warning system shall—*

11 *(A) incorporate multiple communications*
12 *technologies;*

13 *(B) be designed to adapt to, and incor-*
14 *porate, future technologies for communicating di-*
15 *rectly with the public;*

16 *(C) to the extent technically feasible, be de-*
17 *signed to provide alerts to the largest portion of*
18 *the affected population, including nonresident*
19 *visitors and tourists and individuals with dis-*
20 *abilities and access and functional needs, and*
21 *improve the ability of remote areas to receive*
22 *alerts;*

23 *(D) promote local and regional public and*
24 *private partnerships to enhance community pre-*
25 *paredness and response;*

1 (E) provide redundant alert mechanisms if
2 practicable so as to reach the greatest number of
3 people regardless of whether they have access to,
4 or utilize, any specific medium of communica-
5 tion or any particular device; and

6 (F) include a mechanism to ensure the pro-
7 tection of individual privacy.

8 (4) *IMPLEMENTATION PLAN.*—Not later than 180
9 days after the date of submission of the report of the
10 Integrated Public Alert and Warning System Advi-
11 sory Committee, the Administrator shall submit to the
12 Committee on Transportation and Infrastructure and
13 the Committee on Homeland Security of the House of
14 Representatives and the Committee on Homeland Se-
15 curity and Governmental Affairs of the Senate a de-
16 tailed plan to implement the public alert and warn-
17 ing system. The plan shall include a timeline for im-
18 plementation, a spending plan, and recommendations
19 for any additional authority that may be necessary to
20 fully implement this subsection.

21 (5) *MAXIMUM FUNDS.*—The Administrator may
22 use not more than \$12,733,000 of the amount made
23 available pursuant to section 699 of the Post-Katrina
24 Emergency Management Reform Act of 2006 (6

1 U.S.C. 811) for each of fiscal years 2014, 2015, and
2 2016 to carry out the provisions of this section.

3 (c) *INTEGRATED PUBLIC ALERT AND WARNING SYS-*
4 *TEM ADVISORY COMMITTEE.*—

5 (1) *ESTABLISHMENT.*—Not later than 90 days
6 after the date of enactment of this Act, the Adminis-
7 trator of the Federal Emergency Management Agency
8 shall establish an advisory committee to be known as
9 the Integrated Public Alert and Warning System Ad-
10 visory Committee (in this subsection referred to as the
11 “Advisory Committee”).

12 (2) *MEMBERSHIP.*—The Advisory Committee
13 shall be composed of the following members (or their
14 designees) to be appointed by the Administrator as
15 soon as practicable after the date of enactment of this
16 Act:

17 (A) *The Chairman of the Federal Commu-*
18 *nications Commission.*

19 (B) *The Administrator of the National Oce-*
20 *anic and Atmospheric Administration of the De-*
21 *partment of Commerce.*

22 (C) *The Assistant Secretary for Commu-*
23 *nications and Information of the Department of*
24 *Commerce.*

1 (D) *The Director of the Office of Disability*
2 *Integration and Coordination of the Federal*
3 *Emergency Management Agency.*

4 (E) *Representatives of State and local gov-*
5 *ernments, representatives of emergency manage-*
6 *ment agencies, and representatives of emergency*
7 *response providers, selected from among individ-*
8 *uals nominated by national organizations rep-*
9 *resenting governments and personnel.*

10 (F) *Representatives from federally recog-*
11 *nized Indian tribes and national Indian organi-*
12 *zations.*

13 (G) *Individuals who have the requisite tech-*
14 *nical knowledge and expertise to serve on the Ad-*
15 *visory Committee, including representatives of—*

16 (i) *communications service providers;*

17 (ii) *vendors, developers, and manufac-*
18 *turers of systems, facilities, equipment, and*
19 *capabilities for the provision of communica-*
20 *tions services;*

21 (iii) *third-party service bureaus;*

22 (iv) *the broadcasting industry, includ-*
23 *ing commercial and noncommercial radio*
24 *and television stations;*

1 (v) *the commercial mobile radio service*
2 *industry;*

3 (vi) *the cable industry;*

4 (vii) *the satellite industry; and*

5 (viii) *national organizations rep-*
6 *resenting individuals with disabilities and*
7 *access and functional needs and national*
8 *organizations representing the elderly.*

9 (H) *Qualified representatives of such other*
10 *stakeholders and interested and affected parties*
11 *as the Administrator considers appropriate.*

12 (3) *CHAIRPERSON.—The Administrator shall*
13 *serve as the Chairperson of the Advisory Committee.*

14 (4) *MEETINGS.—*

15 (A) *INITIAL MEETING.—The initial meeting*
16 *of the Advisory Committee shall take place not*
17 *later than 120 days after the date of enactment*
18 *of this Act.*

19 (B) *OTHER MEETINGS.—After the initial*
20 *meeting, the Advisory Committee shall meet, at*
21 *least annually, at the call of the Chairperson.*

22 (C) *NOTICE; OPEN MEETINGS.—Meetings*
23 *held by the Advisory Committee shall be duly no-*
24 *ticed at least 14 days in advance and shall be*
25 *open to the public.*

1 (D) *INTERESTED PERSONS.*—*Interested per-*
2 *sons shall be permitted to attend, appear before,*
3 *or file statements with the Advisory Committee,*
4 *in accordance with subsection (c) of section 552b*
5 *of title 5, United States Code.*

6 (E) *MEETING MINUTES.*—*The Advisory*
7 *Committee shall keep detailed minutes of each*
8 *meeting, which shall contain a record of the per-*
9 *sons present, a complete and accurate description*
10 *of matters discussed and conclusions reached,*
11 *and copies of all reports received, issued, or ap-*
12 *proved by the Advisory Committee.*

13 (F) *AVAILABILITY OF INFORMATION.*—*The*
14 *records, reports, transcripts, minutes, appen-*
15 *dixes, working papers, drafts, studies, agenda, or*
16 *other documents which were made available to or*
17 *prepared for or by the Advisory Committee shall*
18 *be available for public inspection and copying,*
19 *subject to section 552 of title 5, United States*
20 *Code, at a single location in the office of FEMA*
21 *until the Advisory Committee ceases to exist.*

22 (5) *RULES.*—

23 (A) *QUORUM.*—*One-third of the members of*
24 *the Advisory Committee shall constitute a*

1 *quorum for conducting business of the Advisory*
2 *Committee.*

3 (B) *SUBCOMMITTEES.*—*To assist the Advi-*
4 *sory Committee in carrying out its functions, the*
5 *Chairperson may establish appropriate sub-*
6 *committees composed of members of the Advisory*
7 *Committee and other subject matter experts as*
8 *the Chairperson considers necessary.*

9 (C) *ADDITIONAL RULES.*—*The Advisory*
10 *Committee may adopt such other rules as are*
11 *necessary to carry out its duties.*

12 (6) *CONSULTATION WITH NONMEMBERS.*—*The*
13 *Advisory Committee and the program offices for the*
14 *integrated public alert and warning system for the*
15 *United States shall regularly meet with groups that*
16 *are not represented on the Advisory Committee to*
17 *consider new and developing technologies that may be*
18 *beneficial to the public alert and warning system.*
19 *Such groups may include—*

20 (A) *the Defense Advanced Research Projects*
21 *Agency;*

22 (B) *entities engaged in federally funded re-*
23 *search; and*

24 (C) *academic institutions engaged in rel-*
25 *evant work and research.*

1 (7) *RECOMMENDATIONS.—The Advisory Com-*
2 *mittee shall develop recommendations for an inte-*
3 *grated public alert and warning system, including—*

4 (A) *recommendations for common alerting*
5 *and warning protocols, standards, terminology,*
6 *and operating procedures for the public alert and*
7 *warning system; and*

8 (B) *recommendations to provide for a pub-*
9 *lic alert and warning system that—*

10 (i) *has the capability to adapt the dis-*
11 *tribution and content of communications on*
12 *the basis of geographic location, risks, or*
13 *personal user preferences, as appropriate;*

14 (ii) *has the capability to alert and*
15 *warn individuals with disabilities and in-*
16 *dividuals with limited English proficiency;*

17 (iii) *incorporates multiple communica-*
18 *tions technologies;*

19 (iv) *is designed to adapt to, and incor-*
20 *porate, future technologies for commu-*
21 *nicating directly with the public;*

22 (v) *is designed to provide alerts to the*
23 *largest portion of the affected population*
24 *feasible, including nonresident visitors and*

1 *tourists, and improve the ability of remote*
2 *areas to receive alerts;*

3 *(vi) promotes local and regional public*
4 *and private partnerships to enhance com-*
5 *munity preparedness and response;*

6 *(vii) provides redundant alert mecha-*
7 *nisms if practicable in order to reach the*
8 *greatest number of people regardless of*
9 *whether they have access to, or utilize, any*
10 *specific medium of communication or any*
11 *particular device; and*

12 *(viii) promotes the participation of*
13 *representatives from traditionally under-*
14 *served and underrepresented communities,*
15 *to ensure that alerts and warnings reach*
16 *such populations.*

17 (8) *INITIAL AND ANNUAL REPORT.*—*Not later*
18 *than 1 year after the date of enactment of this Act,*
19 *the Advisory Committee shall submit to the Adminis-*
20 *trator, the Committee on Transportation and Infra-*
21 *structure and the Committee on Homeland Security*
22 *of the House of Representatives, and the Committee*
23 *on Homeland Security and Governmental Affairs of*
24 *the Senate a report containing the recommendations*
25 *of the Advisory Committee.*

1 (9) *FEDERAL ADVISORY COMMITTEE ACT.*—*Nei-*
 2 *ther the Federal Advisory Committee Act (5 U.S.C.*
 3 *App.) nor any rule, order, or regulation promulgated*
 4 *under that Act shall apply to the Advisory Com-*
 5 *mittee.*

6 (10) *TERMINATION.*—*The Advisory Committee*
 7 *shall terminate not later than 6 years after the date*
 8 *of enactment of this Act.*

9 (d) *LIMITATION ON STATUTORY CONSTRUCTION.*—
 10 *Nothing in this section shall be construed to authorize or*
 11 *require FEMA or any other government entity to require*
 12 *any action on the part of the Federal Communications*
 13 *Commission, the Department of Commerce, the Office of*
 14 *Emergency Communications, or any other nongovernment*
 15 *entity nor impact any existing obligations of these entities.*

16 **TITLE II—STAFFORD ACT AND** 17 **OTHER PROGRAMS**

18 **SEC. 201. REAUTHORIZATION OF URBAN SEARCH AND RES-**
 19 **CUE RESPONSE SYSTEM.**

20 (a) *IN GENERAL.*—*Title III of the Robert T. Stafford*
 21 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
 22 *5141 et seq.) is amended by adding at the end the following:*

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

3 “(a) *DEFINITIONS.—In this section, the following defi-*
4 *nitions apply:*

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

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

10 “(3) *HAZARD.—The term ‘hazard’ has the mean-*
11 *ing given that term by 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 par-*
15 *ticipating agency.*

16 “(5) *PARTICIPATING AGENCY.—The term ‘par-*
17 *ticipating agency’ means a State or local government,*
18 *nonprofit organization, or private organization that*
19 *has executed an agreement with a sponsoring agency*
20 *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 Na-
2 tional Urban Search and Rescue Response System to
3 be administered under this section.

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

9 “(9) *TASK FORCE*.—The term ‘task force’ means
10 an urban search and rescue team designated by the
11 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 Na-
15 tional 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. The
23 Administrator shall determine the criteria for such
24 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, one or more participating agen-*
10 *cies. 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 Ad-*
23 *ministrator 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 FED-*
2 *ERAL SERVICE.*—

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

10 “(2) *NONAPPLICABILITY OF CERTAIN CIVIL SERV-*
11 *ICE LAWS.*—*The Administrator may make appoint-*
12 *ments under paragraph (1) without regard to the pro-*
13 *visions of title 5, United States Code, governing ap-*
14 *pointments in the competitive service.*

15 “(3) *RELATIONSHIP TO OTHER AUTHORITIES.*—
16 *The authority of the Administrator to make appoint-*
17 *ments under this subsection shall not affect any other*
18 *authority of the Administrator under this Act.*

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

24 “(g) *COMPENSATION.*—

1 “(1) *PAY OF SYSTEM MEMBERS.*—Subject to such
 2 terms and conditions as the Administrator may im-
 3 pose by regulation, the Administrator shall make pay-
 4 ments 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 non-employee Sys-
 14 tem member is appointed into Federal service
 15 under subsection (f)(1).

16 “(2) *REIMBURSEMENT FOR EMPLOYEES FILLING*
 17 *POSITIONS OF SYSTEM MEMBERS.*—

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

1 *ing which the System member is appointed into*
 2 *Federal service under subsection (f)(1).*

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

10 “(3) *METHOD OF PAYMENT.*—*A System member*
 11 *shall not be entitled to pay directly from the Agency*
 12 *for a period during which the System member is ap-*
 13 *pointed into Federal service under subsection (f)(1).*

14 “(h) *PERSONAL INJURY, ILLNESS, DISABILITY, OR*
 15 *DEATH.*—

16 “(1) *IN GENERAL.*—*A System member who is*
 17 *appointed into Federal service under subsection (f)(1)*
 18 *and who suffers personal injury, illness, disability, or*
 19 *death as a result of a personal injury sustained while*
 20 *acting in the scope of such appointment shall, for the*
 21 *purposes of subchapter I of chapter 81 of title 5,*
 22 *United States Code, be treated as though the member*
 23 *were an employee (as defined by section 8101 of that*
 24 *title) who had sustained the injury in the perform-*
 25 *ance of duty.*

1 “(2) *ELECTION OF BENEFITS.*—

2 “(A) *IN GENERAL.*—*If a System member*
3 *(or, in the case of the death of the System mem-*
4 *ber, the System member’s dependent) is enti-*
5 *tled—*

6 “(i) *under paragraph (1) to receive*
7 *benefits under subchapter I of chapter 81 of*
8 *title 5, United States Code, by reason of*
9 *personal injury, illness, disability, or death,*
10 *and*

11 “(ii) *to receive benefits from a State or*
12 *local government by reason of the same per-*
13 *sonal injury, illness, disability, or death,*
14 *the System member or dependent shall elect to*
15 *receive either the benefits referred to in clause (i)*
16 *or (ii).*

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

1 “(C) *EFFECT OF ELECTION.*—An election of
 2 *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, in the*
 7 *event that a System member or dependent elects 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 those bene-*
 11 *fits.*

12 “(i) *LIABILITY.*—A System member appointed into
 13 *Federal service under subsection (f)(1), while acting within*
 14 *the scope of the appointment, is deemed an employee of the*
 15 *Federal Government under section 1346(b) of title 28,*
 16 *United States Code, and chapter 171 of that title, relating*
 17 *to tort claims procedure.*

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

22 “(1) *SERVICE.*—Service as a System member is
 23 *deemed ‘service in the uniformed services’ for purposes*
 24 *of chapter 43 of title 38, United States Code, relating*
 25 *to employment and reemployment rights of individ-*

1 uals who have performed service in the uniformed
 2 services (regardless of whether the individual receives
 3 compensation for such participation). All rights and
 4 obligations of such persons and procedures for assist-
 5 ance, enforcement, and investigation shall be as pro-
 6 vided for in such chapter.

7 “(2) *PRECLUSION.*—Preclusion of giving notice
 8 of service by necessity of appointment under this sec-
 9 tion is deemed preclusion by ‘military necessity’ for
 10 purposes of section 4312(b) of title 38, United States
 11 Code, pertaining to giving notice of absence from a
 12 position of employment. A determination of such ne-
 13 cessity shall be made by the Administrator and shall
 14 not be subject to judicial review.

15 “(k) *LICENSES AND PERMITS.*—If a System member
 16 holds a valid license, certificate, or other permit issued by
 17 any State or other governmental jurisdiction evidencing the
 18 member’s qualifications in any professional, mechanical, or
 19 other skill or type of assistance required by the System, the
 20 System member is deemed to be performing a Federal activ-
 21 ity when rendering aid involving such skill or assistance
 22 during a period of appointment into Federal service under
 23 subsection (f)(1).

24 “(l) *ADVISORY COMMITTEE.*—

1 “(1) *IN GENERAL.*—*The Administrator shall es-*
 2 *tablish and maintain an advisory committee to pro-*
 3 *vide expert recommendations to the Administrator in*
 4 *order to assist the Administrator in administering the*
 5 *System.*

6 “(2) *COMPOSITION.*—*The advisory committee*
 7 *shall be composed of members from geographically di-*
 8 *verse areas, and shall include—*

9 “(A) *the chief officer or senior executive*
 10 *from at least three sponsoring agencies;*

11 “(B) *the senior emergency manager from at*
 12 *least two States that include sponsoring agencies;*
 13 *and*

14 “(C) *at least one representative rec-*
 15 *ommended by the leaders of the task forces.*

16 “(3) *INAPPLICABILITY OF TERMINATION RE-*
 17 *QUIREMENT.*—*Section 14(a)(2) of the Federal Advi-*
 18 *sory Committee Act (5 U.S.C. App.) shall not apply*
 19 *to the advisory committee under this subsection.*

20 “(m) *PREPAREDNESS COOPERATIVE AGREEMENTS.*—

21 “(1) *IN GENERAL.*—*Subject to the availability of*
 22 *appropriations for such purpose, the Administrator*
 23 *shall enter into an annual preparedness cooperative*
 24 *agreement with each sponsoring agency. Amounts*
 25 *made available to a sponsoring agency under such a*

1 *preparedness cooperative agreement shall be for the*
2 *following purposes:*

3 “(A) *Training and exercises, including*
4 *training and exercises with other Federal, State,*
5 *and local government response entities.*

6 “(B) *Acquisition and maintenance of equip-*
7 *ment, including interoperable communications*
8 *and personal protective equipment.*

9 “(C) *Medical monitoring required for re-*
10 *sponder safety and health in anticipation of and*
11 *following a major disaster, emergency, or other*
12 *hazard, as determined by the Administrator.*

13 “(2) *AVAILABILITY OF APPROPRIATIONS.—Not-*
14 *withstanding section 1552(b) of title 31, United*
15 *States Code, amounts made available for cooperative*
16 *agreements under this subsection that are not ex-*
17 *pended shall be deposited in an agency account and*
18 *shall remain available for such agreements without*
19 *fiscal year limitation.*

20 “(n) *RESPONSE COOPERATIVE AGREEMENTS.—The*
21 *Administrator shall enter into a response cooperative agree-*
22 *ment with each sponsoring agency, as appropriate, under*
23 *which the Administrator agrees to reimburse the sponsoring*
24 *agency for costs incurred by the sponsoring agency in re-*
25 *sponding to a major disaster or emergency.*

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

4 “(p) *AUTHORIZATION OF APPROPRIATIONS.—*

5 “(1) *IN GENERAL.—There is authorized to be ap-*
 6 *propriated to carry out the System and the provisions*
 7 *of this section \$35,180,000 for each of fiscal years*
 8 *2014, 2015, and 2016.*

9 “(2) *ADMINISTRATIVE EXPENSES.—The Admin-*
 10 *istrator may use not to exceed 6 percent of the funds*
 11 *appropriated for a fiscal year pursuant to paragraph*
 12 *(1) for salaries, expenses, and other administrative*
 13 *costs incurred by the Administrator in carrying out*
 14 *this section.”.*

15 “(b) *CONFORMING AMENDMENTS.—*

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

19 “(A) *in subparagraph (D) by striking “and”*
 20 *at the end;*

21 “(B) *by moving subparagraph (F) to appear*
 22 *after subparagraph (E);*

23 “(C) *in subparagraph (F)—*

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

25 *and*

1 (ii) by adding “and” at the end; and
 2 (D) by inserting after subparagraph (F) the
 3 following:

4 “(G) an individual who is a System mem-
 5 ber of the National Urban Search and Rescue
 6 Response System during a period of appoint-
 7 ment into Federal service pursuant to section
 8 327 of the Robert T. Stafford Disaster Relief and
 9 Emergency Assistance Act;”.

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

13 (A) in paragraph (13) by inserting “, a pe-
 14 riod for which a System member of the National
 15 Urban Search and Rescue Response System is
 16 absent from a position of employment due to an
 17 appointment into Federal service under section
 18 327 of the Robert T. Stafford Disaster Relief and
 19 Emergency Assistance Act” before “, and a pe-
 20 riod”; and

21 (B) in paragraph (16) by inserting after
 22 “Public Health Service,” the following: “System
 23 members of the National Urban Search and Res-
 24 cue Response System during a period of appoint-
 25 ment into Federal service under section 327 of

1 *the Robert T. Stafford Disaster Relief and Emer-*
 2 *gency Assistance Act,”.*

3 **SEC. 202. ELIGIBILITY OF PUBLIC BROADCASTING FACILI-**
 4 **TIES FOR CERTAIN DISASTER ASSISTANCE.**

5 *(a) PRIVATE NONPROFIT FACILITY DEFINED.—Section*
 6 *102(11)(B) of the Robert T. Stafford Disaster Relief and*
 7 *Emergency Assistance Act (42 U.S.C. 5122(11)(B)) is*
 8 *amended by inserting “public broadcasting facilities,” after*
 9 *“workshops,”.*

10 *(b) CRITICAL SERVICES DEFINED.—Section*
 11 *406(a)(3)(B) of such Act (42 U.S.C. 5172(a)(3)(B)) is*
 12 *amended by striking “communications,” and inserting*
 13 *“communications (including public broadcasting),”.*

14 **SEC. 203. FEDERAL DISASTER ASSISTANCE NONPROFIT**
 15 **FAIRNESS.**

16 *(a) DEFINITION OF PRIVATE NONPROFIT FACILITY.—*
 17 *Section 102(10)(B) of the Robert T. Stafford Disaster Relief*
 18 *and Emergency Assistance Act (42 U.S.C. 5122(10)(B)) is*
 19 *amended to read as follows:*

20 *“(B) ADDITIONAL FACILITIES.—In addition*
 21 *to the facilities described in subparagraph (A),*
 22 *the term ‘private nonprofit facility’ includes any*
 23 *private nonprofit facility that provides essential*
 24 *services of a governmental nature to the general*
 25 *public (including museums, zoos, performing*

1 *arts facilities, community arts centers, commu-*
 2 *nity centers, including houses of worship exempt*
 3 *from taxation under section 501(c) of the Inter-*
 4 *nal Revenue Code of 1986, libraries, homeless*
 5 *shelters, senior citizen centers, rehabilitation fa-*
 6 *cilities, shelter workshops, and facilities that pro-*
 7 *vide health and safety services of a governmental*
 8 *nature), as defined by the President.”.*

9 *(b) REPAIR, RESTORATION, AND REPLACEMENT OF*
 10 *DAMAGED FACILITIES.—Section 406(a)(3) of the Robert T.*
 11 *Stafford Disaster Relief and Emergency Assistance Act (42*
 12 *U.S.C. 5172(a)(3)) is amended by adding at the end the*
 13 *following:*

14 *“(C) NONPROFIT FAIRNESS.—A church,*
 15 *synagogue, mosque, temple, or other house of*
 16 *worship, and a private nonprofit facility oper-*
 17 *ated by a religious organization, shall be eligible*
 18 *for contributions under paragraph (1)(B), with-*
 19 *out regard to the religious character of the facil-*
 20 *ity or the primary religious use of the facility.”.*

21 *(c) APPLICABILITY.—This section and the amendments*
 22 *made by this section shall apply to the provision of assist-*
 23 *ance in response to a major disaster or emergency declared*
 24 *on or after October 28, 2012.*

1 **SEC. 204. REAUTHORIZATION OF EMERGENCY MANAGE-**
 2 **MENT ASSISTANCE COMPACT GRANTS.**

3 (a) *IN GENERAL.*—Subtitle A of title VI of the Robert
 4 T. Stafford Disaster Relief and Emergency Assistance Act
 5 (42 U.S.C. 5196 et seq.) is amended by adding at the end
 6 the following:

7 **“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COM-**
 8 **PACT GRANTS.**

9 “(a) *IN GENERAL.*—The Administrator of the Federal
 10 Emergency Management Agency may make grants to pro-
 11 vide for implementation of the Emergency Management As-
 12 sistance Compact consented to by Congress in the joint reso-
 13 lution entitled ‘Joint resolution granting the consent of
 14 Congress to the Emergency Management Assistance Com-
 15 pact’ (Public Law 104–321; 110 Stat. 3877).

16 “(b) *ELIGIBLE GRANT RECIPIENTS.*—States and the
 17 Administrator of the Emergency Management Assistance
 18 Compact shall be eligible to receive grants under subsection
 19 (a).

20 “(c) *USE OF FUNDS.*—A grant received under this sec-
 21 tion shall be used—

22 “(1) to carry out recommendations identified in
 23 the Emergency Management Assistance Compact
 24 after-action reports for the 2004 and 2005 hurricane
 25 seasons;

1 “(2) to administer compact operations on behalf
2 of States, as such term is defined in the compact, that
3 have enacted the compact;

4 “(3) to continue coordination with the Federal
5 Emergency Management Agency and appropriate
6 Federal agencies;

7 “(4) to continue coordination with States and
8 local governments and their respective national orga-
9 nizations; and

10 “(5) to assist State and local governments, emer-
11 gency response providers, and organizations rep-
12 resenting such providers with credentialing the pro-
13 viders and the typing of emergency response resources.

14 “(d) COORDINATION.—The Administrator of the Fed-
15 eral Emergency Management Agency shall consult with the
16 Administrator of the Emergency Management Assistance
17 Compact to ensure effective coordination of efforts in re-
18 sponding to requests for assistance.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$2,000,000 for each of the fiscal years 2014, 2015, and 2016.
22 Such sums shall remain available until expended.”.

23 (b) REPEAL.—Section 661 of the Post-Katrina Emer-
24 gency Management Reform Act of 2006 (6 U.S.C. 761) is
25 repealed.

1 **SEC. 205. PHYSICAL TESTING STANDARDS FOR ELECTRIC**
 2 **UTILITY FACILITIES.**

3 (a) *STUDY.*—The Administrator of the Federal Emer-
 4 gency Management Agency shall conduct a study to com-
 5 pare the differences between—

6 (1) the physical testing standards that the Ad-
 7 ministrator applies with respect to electric utility fa-
 8 cilities as a condition for Federal assistance; and

9 (2) the physical testing standards that are ap-
 10 plied to electric utility facilities by the electric utili-
 11 ties industry and by the Rural Utilities Service of the
 12 Department of Agriculture.

13 (b) *REPORT.*—Not later than 180 days after the date
 14 of enactment of this Act, the Administrator shall submit
 15 to the Committee on Transportation and Infrastructure of
 16 the House of Representatives and the Committee on Home-
 17 land Security and Governmental Affairs Committee of the
 18 Senate a report on the results of the study.

19 (c) *FUNDING.*—The Administrator shall carry out this
 20 section using funds available to the Administrator for man-
 21 agement and expenses.

22 **SEC. 206. REVIEW AND REPORT REGARDING THE ELIGI-**
 23 **BILITY OF CERTAIN HOUSING ENTITIES TO**
 24 **RECEIVE DISASTER ASSISTANCE.**

25 (a) *IN GENERAL.*—Not later than 90 days after the
 26 date of enactment of this Act, the Administrator of the Fed-

1 eral Emergency Management Agency (FEMA) shall, using
2 funds from FEMA's management and expenses account,
3 complete a review of, and submit to the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives a report describing, options, both commercial
6 and governmental, available to housing cooperatives and
7 condominium associations to assist in repairing and re-
8 building common areas following a major disaster.

9 (b) *REPORT SPECIFICS.*—The report shall include—

10 (1) a description of the current eligibility of
11 housing cooperative and condominium association
12 owners and residents to receive disaster relief funds
13 under FEMA disaster relief programs;

14 (2) a description of the availability of individual
15 assistance for such owners and residents to help cover
16 the costs of repairing disaster-related damage to com-
17 mon areas, including any details of instances in the
18 past 10 years in which cooperative or condominium
19 owners or residences received such assistance to help
20 cover costs and assessments for repairs to common
21 areas;

22 (3) a description of commercial options and re-
23 quirements, including insurance coverage, that may
24 be applicable; and

1 (4) a discussion of options, including any pro-
2 posed changes to law, for addressing any gaps identi-
3 fied in available assistance to address disaster-related
4 damage to common areas.

5 **SEC. 207. AUDIT TIMEFRAME LIMITATION.**

6 Not later than 1 year after the date of enactment of
7 this Act, the Administrator of the Federal Emergency Man-
8 agement Agency shall issue a rule that limits the timeframe
9 of any audit conducted under section 318 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance Act (42
11 U.S.C. 5161).

Union Calendar No. 563

113TH CONGRESS
2^D Session

H. R. 3300

[Report No. 113-732, Part I]

A BILL

To reauthorize the programs and activities of the
Federal Emergency Management Agency.

JANUARY 2, 2015

Reported with an amendment and referred to the Committee on Homeland Security for a period ending not later than January 2, 2015, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j) of rule X

JANUARY 2, 2015

The Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed