

FEMA REAUTHORIZATION ACT OF 2013

JANUARY 2, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 3300]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 3300) to reauthorize the programs and activities of the Federal Emergency Management Agency, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “FEMA Reauthorization Act of 2013”.

TITLE I—REAUTHORIZATION OF FEMA AND MODERNIZATION OF INTEGRATED PUBLIC ALERT AND WARNING SYSTEM

SEC. 101. REAUTHORIZATION OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

- (1) by striking “administration and operations” each place it appears and inserting “management and administration”;
- (2) in paragraph (2) by striking “and”;
- (3) in paragraph (3) by striking the period at the end and inserting “; and”;
- and
- (4) by adding at the end the following:
 - “(4) for fiscal year 2014, \$972,145,000;
 - “(5) for fiscal year 2015, \$972,145,000; and
 - “(6) for fiscal year 2016, \$972,145,000.”.

SEC. 102. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.

(a) **SHORT TITLE.**—This section may be cited as the “Integrated Public Alert and Warning System Modernization Act of 2013”.

(b) **INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.**—

(1) **IN GENERAL.**—To provide timely and effective disaster warnings under this section, the President, acting through the Administrator of the Federal Emergency Management Agency, shall—

(A) modernize the integrated public alert and warning system of the United States (in this section referred to as the “public alert and warning system”) to ensure that the President under all conditions is able to alert and warn governmental authorities and the civilian population in areas endangered by disasters; and

(B) implement the public alert and warning system.

(2) **IMPLEMENTATION REQUIREMENTS.**—In carrying out paragraph (1), the Administrator shall, consistent with the recommendations in the final report of the Integrated Public Alert and Warning System Advisory Committee (established under subsection (c))—

(A) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

(B) include in the public alert and warning system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;

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

(D) ensure that training, tests, and exercises are conducted for the public alert and warning system and that the system is incorporated into other training and exercise programs of the Department of Homeland Security, as appropriate;

(E) establish and integrate into the National Incident Management System a comprehensive and periodic training program to instruct and educate Federal, State, tribal, and local government officials in the use of the Common Alerting Protocol enabled Emergency Alert System;

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

(G) ensure that the public alert and warning system is resilient, secure, and can withstand acts of terrorism and other external attacks.

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

(A) incorporate multiple communications technologies;

(B) be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(C) to the extent technically feasible, be designed to provide alerts to the largest portion of the affected population, including nonresident visitors and tourists and individuals with disabilities and access and functional needs, and improve the ability of remote areas to receive alerts;

(D) promote local and regional public and private partnerships to enhance community preparedness and response;

(E) provide redundant alert mechanisms if practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device; and
 (F) include a mechanism to ensure the protection of individual privacy.

(4) IMPLEMENTATION PLAN.—Not later than 180 days after the date of submission of the report of the Integrated Public Alert and Warning System Advisory Committee, the Administrator shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a detailed plan to implement the public alert and warning system. The plan shall include a timeline for implementation, a spending plan, and recommendations for any additional authority that may be necessary to fully implement this subsection.

(5) MAXIMUM FUNDS.—The Administrator may use not more than \$12,733,000 of the amount made available pursuant to section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 811) for each of fiscal years 2014, 2015, and 2016 to carry out the provisions of this section.

(c) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee (in this subsection referred to as the “Advisory Committee”).

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

(A) The Chairman of the Federal Communications Commission.

(B) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce.

(C) The Assistant Secretary for Communications and Information of the Department of Commerce.

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

(E) Representatives of State and local governments, representatives of emergency management agencies, and representatives of emergency response providers, selected from among individuals nominated by national organizations representing governments and personnel.

(F) Representatives from federally recognized Indian tribes and national Indian organizations.

(G) Individuals who have the requisite technical knowledge and expertise to serve on the Advisory Committee, including representatives of—

(i) communications service providers;

(ii) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(iii) third-party service bureaus;

(iv) the broadcasting industry, including commercial and noncommercial radio and television stations;

(v) the commercial mobile radio service industry;

(vi) the cable industry;

(vii) the satellite industry; and

(viii) national organizations representing individuals with disabilities and access and functional needs and national organizations representing the elderly.

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

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

(4) MEETINGS.—

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

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

(C) NOTICE; OPEN MEETINGS.—Meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

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

(E) MEETING MINUTES.—The Advisory Committee shall keep detailed minutes of each meeting, which shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Advisory Committee.

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

(5) RULES.—

(A) QUORUM.—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(B) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the Chairperson may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as the Chairperson considers necessary.

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

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

(A) the Defense Advanced Research Projects Agency;

(B) entities engaged in federally funded research; and

(C) academic institutions engaged in relevant work and research.

(7) RECOMMENDATIONS.—The Advisory Committee shall develop recommendations for an integrated public alert and warning system, including—

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

(B) recommendations to provide for a public alert and warning system that—

(i) has the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;

(ii) has the capability to alert and warn individuals with disabilities and individuals with limited English proficiency;

(iii) incorporates multiple communications technologies;

(iv) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(v) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

(vi) promotes local and regional public and private partnerships to enhance community preparedness and response;

(vii) provides redundant alert mechanisms if practicable in order to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device; and

(viii) promotes the participation of representatives from traditionally underserved and underrepresented communities, to ensure that alerts and warnings reach such populations.

(8) INITIAL AND ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Advisory Committee shall submit to the Administrator, the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the recommendations of the Advisory Committee.

(9) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Advisory Committee.

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

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

TITLE II—STAFFORD ACT AND OTHER PROGRAMS

SEC. 201. REAUTHORIZATION OF 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 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 that term by 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 Administrator 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, one 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 separate 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 non-employee 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 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.—If a System member (or, in the case of the death of the System member, the System member’s dependent) is entitled—

“(i) 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

“(ii) to receive benefits from a State or local government by reason of the same personal injury, illness, disability, or death, the System member or dependent shall elect to receive either the benefits referred to in clause (i) or (ii).

“(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, in the event that a System member or dependent elects benefits from a State or local government under paragraph (2)(A), the Administrator shall reimburse the State or local government for the value of those benefits.

“(i) LIABILITY.—A System member appointed into Federal service under subsection (f)(1), while acting within the scope of the appointment, is deemed 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 is deemed ‘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 is deemed 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 assistance 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).

“(l) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Administrator shall establish and maintain an advisory committee to provide expert recommendations to the Administrator in order to assist the Administrator in administering the System.

“(2) COMPOSITION.—The advisory committee shall be composed of members from geographically diverse areas, and shall include—

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

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

“(C) at least one representative recommended by the leaders of the task forces.

“(3) INAPPLICABILITY OF TERMINATION REQUIREMENT.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee under this subsection.

“(m) PREPAREDNESS COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—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:

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

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

“(C) 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.

“(2) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding section 1552(b) of title 31, United States Code, amounts made available for cooperative agreements under this subsection that are not expended shall be deposited in an agency account and shall remain available for such agreements without fiscal year limitation.

“(n) 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.

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

“(p) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the System and the provisions of this section \$35,180,000 for each of fiscal years 2014, 2015, and 2016.

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

(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 moving subparagraph (F) to appear after 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 after “Public Health Service,” the following: “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,”.

SEC. 202. ELIGIBILITY OF PUBLIC BROADCASTING FACILITIES FOR CERTAIN DISASTER ASSISTANCE.

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

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

SEC. 203. FEDERAL DISASTER ASSISTANCE NONPROFIT FAIRNESS.

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

“(B) ADDITIONAL FACILITIES.—In addition to the facilities described in subparagraph (A), the term ‘private nonprofit facility’ includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, including houses of worship exempt from taxation under section 501(c) of the Internal Revenue Code of 1986, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and facilities that provide health and safety services of a governmental nature), as defined by the President.”.

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

“(C) NONPROFIT FAIRNESS.—A church, synagogue, mosque, temple, or other house of worship, and a private nonprofit facility operated by a religious organization, shall be eligible for contributions under paragraph (1)(B), without regard to the religious character of the facility or the primary religious use of the facility.”.

(c) APPLICABILITY.—This section and the amendments made by this section shall apply to the provision of assistance in response to a major disaster or emergency declared on or after October 28, 2012.

SEC. 204. REAUTHORIZATION OF EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

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

“SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

“(a) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency may make grants to provide for implementation of the Emergency Management Assistance Compact consented to by Congress in the joint resolution entitled ‘Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact’ (Public Law 104–321; 110 Stat. 3877).

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

“(c) **USE OF FUNDS.**—A grant received under this section shall be used—

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

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

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

“(4) to continue coordination with States and local governments and their respective national organizations; and

“(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing the providers and the typing of emergency response resources.

“(d) **COORDINATION.**—The Administrator of the Federal Emergency Management Agency shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

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

(b) **REPEAL.**—Section 661 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 761) is repealed.

SEC. 205. PHYSICAL TESTING STANDARDS FOR ELECTRIC UTILITY FACILITIES.

(a) **STUDY.**—The Administrator of the Federal Emergency Management Agency shall conduct a study to compare the differences between—

(1) the physical testing standards that the Administrator applies with respect to electric utility facilities as a condition for Federal assistance; and

(2) the physical testing standards that are applied to electric utility facilities by the electric utilities industry and by the Rural Utilities Service of the Department of Agriculture.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs Committee of the Senate a report on the results of the study.

(c) **FUNDING.**—The Administrator shall carry out this section using funds available to the Administrator for management and expenses.

SEC. 206. REVIEW AND REPORT REGARDING THE ELIGIBILITY OF CERTAIN HOUSING ENTITIES TO RECEIVE DISASTER ASSISTANCE.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (FEMA) shall, using funds from FEMA’s management and expenses account, complete a review of, and submit to the Committee on Transportation and Infrastructure of the House of Representatives a report describing, options, both commercial and governmental, available to housing cooperatives and condominium associations to assist in repairing and rebuilding common areas following a major disaster.

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

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

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

(3) a description of commercial options and requirements, including insurance coverage, that may be applicable; and

(4) a discussion of options, including any proposed changes to law, for addressing any gaps identified in available assistance to address disaster-related damage to common areas.

SEC. 207. AUDIT TIMEFRAME LIMITATION.

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

PURPOSE OF LEGISLATION

H.R. 3300 would reauthorize the programs and activities of the Federal Emergency Management Agency (FEMA).

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3300 was introduced by Chairman Bill Shuster (R-PA) on October 22, 2013, along with Ranking Member Nick J. Rahall, II (D-WV) and Subcommittee on Economic Development, Public Buildings, and Emergency Management Chairman Lou Barletta (R-PA) and Ranking Member André Carson (D-IN).

Federal Emergency Management Agency: History and reauthorization

FEMA was established in 1979 by Executive Order by President Carter following a number of massive disasters in the 1960's and 1970's which resulted in proposals by the National Governors Association and others to streamline and cut the number of agencies states were required to work with following a disaster. Prior to the creation of FEMA, the federal government's emergency response mechanisms were scattered among many agencies throughout government. The creation of FEMA helped to centralize these authorities and the coordination of the federal government's response to a disaster. The Disaster Relief Act of 1974 (Public Law 93-288), which constituted the statutory authority for most federal disaster response activities, especially of FEMA, was later amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) (Stafford Act) in 1988. Following more than two decades as an independent agency, the Homeland Security Act of 2002 (Public Law 107-296) (Homeland Security Act), which created the Department of Homeland Security (DHS), placed FEMA within DHS, and FEMA's functions were dispersed among various offices and directorates of DHS.

Post-Katrina Emergency Management Reform Act of 2006

In 2005, Hurricanes Katrina and Rita devastated the Gulf Coast. Following Hurricanes Katrina and Rita and the poor response that occurred, several investigations and congressional inquiries and hearings took place to examine the preparation for, response to, and later recovery from these hurricanes. In particular, the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina was formed and culminated in the issuance of a report entitled, "*A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*" on February 15, 2006.

Not long after the issuance of this report, Congress enacted the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295) (PKEMRA), which gave FEMA clear guidance on its mission and priorities, and provided it with the authorities and tools needed to become a more effective and efficient agency and a better partner to state, local, territorial, and tribal governments. In fact, PKEMRA authorized FEMA for the first time in legislation.

Sandy Recovery Improvement Act of 2013

On October 29, 2012, Hurricane Sandy made landfall at New Jersey as a “post-tropical cyclone” with hurricane-force winds of up to 80 mph, colliding with a nor’easter and creating what has been called “Superstorm Sandy.” The superstorm brought with it storm surges of more than 11 feet, killing more than 100 people (including 43 deaths in New York, of which 34 occurred in Queens and Staten Island), destroying or damaging thousands of homes, and leaving more than 8 million people without power.

In the aftermath of Hurricane Sandy, Congress enacted reforms to the disaster recovery process as part of the Sandy Recovery Improvement Act of 2013 (Public Law 113–2) (SRIA). The reforms included in SRIA were based on previous Committee hearings and investigations related to streamlining, speeding up and reducing the costs of rebuilding following major disasters. These reforms had also been incorporated into H.R. 2903, the FEMA Reauthorization Act of 2012, which passed the House on September 19, 2012.

The intent of SRIA, enacted on January 29, 2013, was to speed up and streamline Hurricane Sandy recovery efforts, reduce costs, and improve the effectiveness of several disaster assistance programs authorized by the Stafford Act, namely the Public Assistance Program, the Individual Assistance Program, and the Hazard Mitigation Grant Program. SRIA grants FEMA greater flexibility in use of federal funds and in turn allows the agency to reduce the administrative burden and cost to all parties.

Major reforms in SRIA included expediting debris removal and public assistance procedures, expediting hazard mitigation projects, establishing a limited dispute resolution pilot program to resolve disputes over assistance and drive projects to closure and avoid cost overruns, simplifying the review for environmental and historic requirements for rebuilding damaged infrastructure, and providing for disaster declarations for tribal governments.

FEMA Reauthorization Act of 2013

H.R. 3300, the FEMA Reauthorization Act of 2013, reauthorizes FEMA’s overall management and administration through fiscal year 2016 and reauthorizes and authorizes other programs important to disaster preparedness and response, including the Urban Search and Rescue system, the Integrated Public Alert and Warning System, and the Emergency Management Assistance Compact grants.

Urban Search and Rescue (USAR) System

Currently, there are 28 FEMA USAR Task Forces located throughout the continental United States that are trained and equipped by FEMA. These teams are comprised of firefighters, engineers, medical professionals, canine/handler teams, and emer-

gency managers with special training in urban search and rescue. These teams serve as a national resource for disaster response and represent partnerships between state fire departments and law enforcement agencies, federal and local governmental entities and private companies.

Typically, the teams are trained to conduct physical search and rescue missions in collapsed buildings, provide emergency medical care to trapped victims, assess and control gas, electric service and hazardous materials, and evaluate and stabilize damaged structures. If a disaster event warrants national USAR support, FEMA will deploy the three closest task forces within six hours of notification and additional teams as necessary. The role of these task forces is to support state and local emergency responders' efforts to locate victims and manage response operations.

Emergency Management Assistance Compact (EMAC)

EMAC is a national interstate agreement approved by Congress that provides an effective avenue by which states can provide one another mutual aid in the event of a disaster. Through EMAC, a state impacted by a disaster can request and receive assistance from other member states more quickly and efficiently, by addressing concerns with regard to liability and reimbursement.

Integrated Public Alert and Warning System (IPAWS)

In the 111th Congress, the Subcommittee on Economic Development, Public Buildings, and Emergency Management conducted an investigation on the development of IPAWS and the Government Accountability Office (GAO) audited the system and issued a report¹ that highlighted concerns related to FEMA's development of IPAWS. The subcommittee's investigation and GAO's report supported the need for legislation to ensure consultation and coordination with key stakeholders, strategic planning, and the timely roll out of the new system. A subsequent GAO report issued on April 24, 2013² found improvements in how FEMA was developing the system but identified a continued need for guidance and testing. As a result of these investigations, legislation was introduced in the 110th, 111th, and 112th Congresses to provide statutory direction for the development and implementation of IPAWS.

The provisions included in H.R. 3300 are modeled after the Warning, Alert, and Response Network (WARN) Act enacted by Congress in 2006. The WARN Act, as signed into law as Title VI of the Security and Accountability for Every Port Act of 2006 (Public Law 109-347) (The SAFE Port Act), required the Federal Communications Commission (FCC) to establish a Commercial Mobile Service Alert Advisory Committee (CMSAAC). Committee members included state, local and tribal governments, members of the private sector, and representatives of people with disabilities. The committee was charged with providing the FCC with recommendations on technical requirements, standards, regulations, and other matters needed to support the transmittal of emergency alerts by

¹Emergency Preparedness: Improved Planning and Coordination Necessary for Modernization and Integration of Public Alert and Warning System *GAO-09-334*, September 9, 2009.

²Emergency Alerting: Capabilities Have Improved, but Additional Guidance and Testing Are Needed, *GAO-13-375*, April 24, 2013.

commercial mobile service providers to their subscribers on a voluntary basis.

During its investigation on the development of IPAWS, the committee observed that the framework established by the WARN Act ensured input by relevant industries, maximizing buy-in by the private sector and helping to facilitate decision-making by establishing timetables. The provisions in H.R. 3300 establish a similar framework for the development of IPAWS.

IPAWS as a “System of Systems”

Pursuant to the Stafford Act, FEMA is charged with ensuring an emergency presidential message can be effectively disseminated to the Nation and, as part of that system, providing for the ability of state, tribal and local governments to issue public alerts and warnings in the event of impending or imminent disasters or emergencies. In the 1960s, the foundation of such a system was established through the creation of the Emergency Broadcast System (EBS), which used television and radio to alert the public to emergencies. In recent years, that system, now called the Emergency Alert System (EAS), has been modernized and updated to digital technology.

Because of the advances in technology and the increase in the methods by which the public can receive information and be alerted (e.g. cellphones, satellite radio and television), in 2006, President George W. Bush issued Executive Order 13407, stating the United States policy is “to have an effective, reliable, integrated, flexible and comprehensive system to alert and warn the American people.” Executive Order 13407 directed the DHS to develop IPAWS as a “system of systems.” It was intended to eventually integrate existing and new alert systems into one unified system.

Currently, IPAWS includes EAS, Wireless Emergency Alerts (mobile devices), and National Weather Service alerts. Future methods of alerting could include computer gaming systems, digital signs, siren systems, internet search engines, social sharing websites, and instant messaging. IPAWS creates an integrated system that allows one “message” or data package to be transmitted through as many mediums and methods as possible to reach the greatest number of people who may be impacted by a disaster or emergency. The move to digital signals, for example, creates opportunity for the message to incorporate audio, video or other data in addition to a text-based message to provide the public as much critical information as may be needed. The need to increase the mediums and forms of alerts also increases options for the effective alerting of people with disabilities and people with limited English proficiency.

Other issues

Office of National Capital Region Coordination

The Committee finds that unlike other parts of the country, a disaster in the National Capital Region affects not a city or a region, but the Nation itself because the National Capital Region is the seat of the federal government, including the Capitol, the Supreme Court, the White House, the headquarters of its agencies, and many secure facilities and iconic monuments. Even after the terrorist attacks of September 11, 2001, which targeted the Na-

tional Capital Region, the region has faced several unprecedented emergencies, including the so-called “snowmageddon” in 2010 that shut down the region for days, the earthquake of 2011, Hurricane Sandy, the Navy Yard shooting on September 16, 2013, and other emergencies that have affected the federal government. These emergencies have also impacted public and private entities in Maryland, D.C. and Virginia, including residents and visitors. Major natural disasters and terrorist attacks occurring anywhere in the National Capital Region require a significant coordinated response.

The Committee recognizes that for this reason, Congress, in the wake of 9/11, created the Office of National Capital Region Coordination (ONCRC), now located under FEMA. The ONCRC helps develop and coordinate strategic plans to improve the National Capital Region’s ability to prevent, prepare for, respond to, and recover from natural disasters and terrorist attacks. The term “National Capital Region” is defined in section 2674(f)(2) of title 10 of the United States Code as the geographic area located within the boundaries of the District of Columbia; Montgomery and Prince George’s Counties in the State of Maryland; Arlington, Fairfax, Loudon, and Prince William Counties and the City of Alexandria in the Commonwealth of Virginia; and all cities and local units of government in these geographic areas.

The Committee is concerned that on July 2, 2013, FEMA announced that it would realign the ONCRC and relocate it to the FEMA Region 3 office in Philadelphia, PA, hundreds of miles away. Not only was this decision wholly inconsistent with legislative direction provided by Congress, but the proposed realignment was developed without any stakeholder input. The realignment also proposed to reduce ONCRC staff and budget by over 30 percent. This move would weaken this office, which has been under scrutiny for years for failing to meet its mission of assisting emergency management officials in the National Capital Region. For example, a recent GAO report found that the ONCRC failed to assist regional officials in developing performance measures or in identifying funding for preparedness investments.

Congress was so concerned by this proposal that it directed FEMA to cease all realignment activities, assess the office, and develop a plan for meeting the statutory mandate of the ONCRC, as laid out in the Homeland Security Act. The Committee requests FEMA fully inform it of any proposed restructuring before the office is relocated.

Flooding on Agricultural lands

The Committee understands that some areas of the Wallkill River in New York are subject to frequent and severe flooding, resulting in billions of dollars in damage. Orange County, NY has sought to use hazard mitigation funds, made available through the Disaster Relief Appropriations Act, to mitigate this flood issue. The Committee requests FEMA to determine which funds may be used to assist these communities in their mitigation efforts, including but not limited to the funds available through the Disaster Relief Appropriations Act.

Issues in Indian country

Disasters that occur in Indian country often involve lands administered by the Department of the Interior (DOI). Many DOI agencies may have resources available that could be used to assist in disaster response and recovery. The Committee has received testimony indicating that better coordination between FEMA and DOI agencies, specifically the Bureau of Indian Affairs, could improve response and immediate recovery operations to future disasters in Indian country, specifically coordination in acquisition of response and recovery supplies and resources. The Committee encourages FEMA to enter into Memoranda of Agreements or revisit existing protocols with DOI to ensure that appropriate accounting, reimbursement mechanisms, and other issues are in place for Indian tribes to obtain the necessary supplies they may need in future disasters.

The Committee has also received testimony indicating that confusion exists among regional FEMA personnel regarding disasters that occur on tribal lands. Specifically, when FEMA calculates initial damage thresholds to determine whether a disaster declaration should be made or the type of assistance to provide, improvements and structures on lands held in trust for Indian tribes is being excluded. The Committee urges FEMA to provide guidance to regional FEMA personnel clarifying that improvements and structures on Indian trust land should be included in calculating all applicable damages thresholds.

Disaster declarations

The Committee understands that when the regional administrators of FEMA recommend disapproval of a major disaster declaration request (pursuant to 44 CFR 206.37) the rationale behind such recommendation may not be available to the requesting Governor. The Committee urges FEMA to provide such rationale to the relevant Governor(s) for the purposes of ensuring there is appropriate transparency in the process and an understanding on the part of the Governor in making determinations associated with future disasters.

Guidance to States on emergency declaration

The Stafford Act, as originally drafted and carefully amended to maintain, ensures that FEMA has broad authority and flexibility to assist state, tribal and local governments in the wake of a disaster or emergency, when necessary. In the past year, the Nation has seen multiple scenarios that are poised to challenge the Federal Government's traditional definitions of disasters and emergencies, as well as the assistance that might be eligible under the Stafford Act programs. FEMA has recently played a response and coordination role in response to chemical spills, unaccompanied minors crossing the United States-Mexico borders, and the presence of Ebola-infected people in the United States. The Committee recommends that FEMA develop clear guidance to inform states on how to work with FEMA in these "nontraditional" events and, when necessary, what information should be included in a disaster or emergency request. FEMA should also include in that guidance information on specific assistance that may be available or eligible for reimbursement, as lessons are learned from these responses.

For example, in January 2014, a chemical leaked into the Elk River near Charleston, West Virginia. While the President issued an emergency declaration, it was limited to direct federal assistance. It was clear from the response that this was a unique situation for FEMA. Over time, FEMA has developed its rules, regulations and guidance based on other “traditional” types of incidents requiring emergency declarations, and, as a result FEMA interpreted its rules, regulations and guidance during the Elk River chemical leak in a limited and narrow manner. The Committee recommends FEMA ensure that its rules, regulations, and guidance are interpreted in manner that makes it possible to provide disaster assistance to local governments who are addressing the unique challenges of something like a chemical spill. For example, the State of West Virginia is very concerned that they were unable to obtain reimbursements for the costs to test the water to ensure the safety of local residents. This sort of assistance would likely have been viewed as an eligible, reimbursable expense under other declarations. The unique nature of the Elk River chemical spill should also be viewed by FEMA as a case study in how to respond to future chemical spills nationwide, whether intentional or otherwise.

Field personnel turnover and the implementation of technology

Even after the Hurricane Katrina investigations, multiple Office of Inspector General and General Accountability Office reports, and amended legislative authorities, the Committee continues to hear about challenges with FEMA’s disaster workforce. State and local emergency managers raise concerns about frequent turnover, the loss of paperwork, and inconsistent guidance which results in project delays, increased administrative expenses, frustration, and, in the worst-cases, the loss of recovery funds that are ultimately recouped by FEMA.

FEMA has implemented several new technologies for its full-time managers and staff, but it does not appear that the same efforts have been undertaken for field and temporary disaster response personnel. The Committee requests that FEMA explore and assess the technological tools that are available in the field in a disaster response and recovery environment to ensure consistent guidance provided to applicants, ensure appropriate records are maintained through staff transitions, and are available to applicants and grantees to ease the administrative burden of obtaining and monitoring assistance from FEMA. FEMA should also make sure that there are proper operating procedures and document retention requirements in place in the field to ensure the maintenance of appropriate records throughout the lifecycle of the disaster. Finally, the Committee recommends FEMA identify new technologies that would further aid the disaster workforce in partnering with state, local and tribal governments and private non-profits in the wake of a disaster or emergency.

Report on disaster resistant construction

The Committee requests FEMA report to the Committee on specific guidance for disaster resistant construction techniques intended to reduce the impact of major disasters or hazards. The re-

port should focus on the methods that can be employed to create disaster resistant communities to reduce loss of life and property and should include a summary of existing guidance and policies, the hazards against which they are intended to mitigate, and, FEMA's process for reviewing and updating its guidance. In addition, the report should make use of existing Building Science Branch guidance and identify any gaps that exist. The Committee further believes it is important to ensure such guidance is readily available to key stakeholders. As such, the Committee requests that the report be made available to all state governments to ensure such guidance can be considered and applied where appropriate.

Pre-disaster mitigation

The Committee continues to support the Pre-Disaster Mitigation (PDM) program to reduce the costs of future disasters. The Congressional Budget Office and the National Institute of Building Sciences concluded in separate studies that mitigation projects significantly reduce disaster losses and future federal disaster spending. Pre-disaster Mitigation grant projects are particularly cost effective because they are selected through a national competitive process. As a result, PDM projects are most likely to result in the largest reductions in federal flood insurance and disaster payments.

HEARINGS

The Subcommittee on Economic Development, Public Buildings, and Emergency Management, held hearings on subjects related to matters contained in H.R. 3300 during the 113th congress, including:

"FEMA Reauthorization: Recovering Quicker and Smarter" held on September 18, 2013. The purpose of the hearing was to review recovery efforts to Hurricane Sandy, the tornadoes in Oklahoma and other disasters to ensure effective coordination among federal, state, tribal, and local agencies in helping communities to recover in a quicker and smarter way.

"FEMA Reauthorization: Ensuring the Nation is Prepared" held on October 2, 2013. The purpose of the hearing was to examine FEMA's IPAWS and USAR System to evaluate the need for reform legislation in the context of a proposed reauthorization of FEMA.

LEGISLATIVE HISTORY AND CONSIDERATION

On October 22, 2013, Chairman Bill Shuster (R-PA) introduced H.R. 3300, a bill to reauthorize the programs and activities of the FEMA.

On October 29, 2013, the Committee on Transportation and Infrastructure met in open session. The Committee considered seven amendments. Amendments offered by Representatives Jeff Denham (R-CA), John Garamendi (D-CA), Daniel Webster (R-FL), and Sean Patrick Maloney (D-NY) were withdrawn. The Committee adopted three amendments by voice vote a manager's amendment offered by Chairman Shuster, an amendment offered by Representative Rodney Davis (R-IL), and an amendment offered by Lois

Frankel (D-FL). The Committee ordered the bill, as amended, reported favorably to the House by voice vote with a quorum present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 3300 or ordering the measure reported. A motion to order H.R. 3300, as amended, reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 3300 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 19, 2013.

Hon. BILL SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3300, the FEMA Reauthorization Act of 2013.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 3300—FEMA Reauthorization Act of 2013

Summary: H.R. 3300 would authorize appropriations totaling \$3.1 billion for the Federal Emergency Management Agency (FEMA), CBO estimates. Those authorizations include about \$2.9

billion for salaries and expenses of the agency; \$110 million for the Urban Search and Rescue (US&R) Response System; \$6 million for Emergency Management Assistance Compact (EMAC) grants; and an estimated \$82 million to provide grants to repair structures primarily used for religious purposes after a disaster. Based on historical expenditure patterns, CBO estimates that implementing the legislation would cost \$3.1 billion over the 2014–2018 period, assuming appropriation of the necessary amounts.

Enacting this legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3300 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), by eliminating an existing right to seek compensation for damages and by requiring employers to allow members of the urban search and rescue response system to reclaim their jobs upon completing a deployment to a disaster. Based on information from FEMA, CBO estimates that the cost to comply with the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$75 million and \$150 million, respectively, in 2013, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3300 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

	By fiscal year, in millions of dollars—					
	2014	2015	2016	2017	2018	2014–2018
CHANGES IN SPENDING SUBJECT TO APPROPRIATION ^a						
FEMA Salaries and Expenses:						
Authorization Level	972	972	972	*	*	2,917
Estimated Outlays	874	972	972	98	*	2,917
US&R Response System:						
Authorization Level	35	35	35	0	0	110
Estimated Outlays	25	35	35	10	0	110
EMAC Grants:						
Authorization Level	2	2	2	0	0	6
Estimated Outlays	2	2	2	0	0	6
Public Assistance for Religious Nonprofit Facilities:						
Estimated Authorization Level	32	18	10	11	11	82
Estimated Outlays	3	7	12	13	15	50
Total Changes						
Authorization Level	1,041	1,027	1,019	11	11	3,115
Estimated Outlays	904	914	1,021	121	15	3,083

Note: FEMA = Federal Emergency Management Agency; US&R = Urban Search and Rescue; * = less than \$500,000; EMAC = Emergency Management Assistance Compact.

^a Thus far in fiscal year 2014, the Congress has provided funding through January 15, 2014, for most of the activities that would be authorized by H.R. 3300. The annualized level of current appropriations is \$36 million lower than the total that would be authorized by the bill for 2014.

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted near the end of calendar year 2013 and that amounts specified and estimated to be necessary will be appropriated for each year.

FEMA salaries and expenses

FEMA is the federal government's lead agency in preparing for, protecting against, responding to, and recovering from all hazards, including natural disasters, acts of terrorism, and other man-made

disasters. For fiscal year 2013, the Congress provided \$936 million (reduced to roughly \$900 million after sequestration) for salaries and expenses of the agency (see Public Law 113–6). That amount does not include funding for the US&R Response System and EMAC, which would be authorized separately in this bill.

H.R. 3300 would authorize the appropriation of \$972 million for each of fiscal years 2014 through 2016 for the administration of FEMA programs. That amount is about \$36 million above amounts provided by the Congress for 2014 (see Public Law 113–46), assuming that FEMA’s partial-year appropriation for 2014 is continued at the same rate for the full year.

Of those funds, up to \$13 million per year would be used to modernize the Integrated Public Alert Warning System (IPAWS). IPAWS utilizes multiple technologies (for example, satellite radios, computers, and cellular phones) in addition to traditional radio and television communications to provide information about an impending or ongoing emergency. A similar amount was provided for this activity in 2013.

Those funds also would be used to establish an advisory committee to develop recommendations for IPAWS. However, because the committee would not terminate until after 2016 (the last year in which the bill specifies an authorization level for FEMA), additional discretionary appropriations would be necessary to continue operations of the committee beyond that date. Based on historical expenditures for similar activities, CBO estimates that providing that funding would cost about \$1 million over the 2017–2018 period.

Based on historical expenditure rates, CBO estimates that total spending for FEMA’s salaries and expenses would be roughly \$2.9 billion over the 2014–2018 period, assuming appropriation of the amounts specified and estimated to be necessary.

Urban Search and Rescue response system

The legislation would authorize the appropriation of \$35 million in each of fiscal years 2014 through 2016 for US&R. This amount is equal to the amount provided in 2013, and the annualized amount of the funding provided thus far in 2014 (see Public Laws 113–6 and 113–46). The US&R response system consists of multiple task forces that assist local responders in the location, extrication, and initial medical stabilization of victims trapped in confined spaces. Funding provided by the bill would be used to staff and train the task forces and maintain equipment used in training and responding to a disaster. The bill also would direct FEMA to establish a national network of standardized resources and to enter into cooperative agreements with sponsoring agencies to reimburse costs incurred in US&R operations.

Based on historical expenditure patterns, CBO estimates that implementing this provision would cost \$110 million over the next five years, assuming appropriation of the specified amounts.

Emergency Management Assistance Compact (EMAC) grants

H.R. 3300 would authorize the appropriation of \$2 million in each of fiscal years 2014 through 2016 for grants to administer and coordinate activities under EMAC. That amount is roughly equal to that provided by the Congress for 2014 (see Public Law 113–46) as-

suming that FEMA's partial-year appropriation for 2014 is continued at the same rate for the full year. EMAC was ratified by the Congress in 1996 (see Public Law 104-321) as an interstate mutual-aid agreement that enables member states to share resources during a declared disaster. EMAC is currently administered by the National Emergency Management Association (NEMA), a private association representing state emergency management directors. About \$1 million was obligated by FEMA for EMAC in fiscal year 2013.

Based on historical expenditures, CBO estimates that providing grants to NEMA and EMAC participants would cost \$6 million over 2014–2018 period, assuming appropriation of the specified amounts.

Public assistance for religious nonprofit facilities

The bill would expand eligibility for grants under FEMA's Public Assistance (PA) program to structures used by nonprofit organizations for religious purposes. Under current law, structures owned by such nonprofits are only eligible for PA grants if their primary use is to provide an essential service of a governmental nature to the general public (for example, a school building).

Based on historical demand for PA grants, CBO estimates that implementing this provision would require additional appropriations of \$82 million over the next five years. Actual amounts may vary considerably depending on the severity of disasters in the future. Estimates for 2014 and 2015 are higher than later years because the bill would make such eligibility retroactive to October 28, 2012, which would include areas affected by Hurricane Sandy. Assuming appropriation of those amounts, CBO estimates that spending for additional PA grants would total \$50 million over the 2014–2018 period.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 3300 would impose intergovernmental and private-sector mandates as defined in UMRA. CBO estimates that the cost to comply with the mandates by state, local, and tribal governments and the private sector would fall below the annual thresholds established in UMRA for such mandates (\$75 million and \$150 million, respectively, in 2013, adjusted annually for inflation).

Under current law, members of search and rescue task forces have protection from tort liability when participating in federal preparedness activities. The bill would expand that protection to include training exercises. Such protection would impose a mandate because it would eliminate an existing right to seek compensation for damages. According to FEMA, no claims for damage have been filed regarding a training exercise, nor does the agency expect that any such claims would be filed under current law. Therefore, CBO estimates that the costs, if any, of this mandate would be minimal.

The bill also would require employers to allow task force members who are deployed to a disaster to reclaim their jobs upon completion of their service. According to FEMA, there are currently about 4,000 workers in the system; the duration of deployment is usually less than one month; and in general, most employers currently allow workers to reclaim their positions. Thus, CBO esti-

mates that the cost for public and private-sector employers to comply with the mandate would fall below the annual thresholds.

Estimate prepared by: Federal costs: Daniel Hoople; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation, as amended, is to reauthorize the programs and activities of FEMA.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill, as amended, includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(j) of H. Res. 5, 113th Cong. (2013), the Committee finds that no provision of H.R. 3300, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(k) of H. Res. 5, 113th Cong. (2013), the Committee estimates that enacting H.R. 3300, as amended, directs the completion of a rule making within the meaning of section 551 of title 5, United States Code. Specifically, Section 207 requires FEMA to issue a rule that limits the timeframe of any audit conducted pursuant to section 318 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5161).

FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states

that H.R. 3300, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

H.R. 3300, as amended, codifies an existing advisory committee for the Urban Search and Rescue System within the meaning of section 5(b) of the Federal Advisory Committee Act (FACA) and provides for any costs associated with such committee be provided for from the amounts authorized in the legislation. H.R. 3300, as amended, also establishes an advisory committee for IPAWS, exempted from the requirements of FACA and with a specified termination.

APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF LEGISLATION

Section 1: Short Title: Section 1 designates the short title as the “FEMA Reauthorization Act of 2013.”

TITLE I—REAUTHORIZATION OF FEMA AND MODERNIZATION OF INTEGRATED PUBLIC ALERT AND WARNING SYSTEM

Section 101: Reauthorization of the Federal Emergency Management Agency (FEMA): This section reauthorizes FEMA through Fiscal Year 2016 at \$972 million each year, consistent with current funding levels.

Section 102: Integrated Public Alert and Warning System Modernization: This section authorizes IPAWS at \$12.7 million, consistent with current funding levels. This section would also establish clear system requirements and capabilities of IPAWS; provide a clear framework for the development of IPAWS; and ensure stakeholders, including federal, state, local and private sector entities have a clear method of providing input through a temporary advisory committee.

The requirements of the system outlined in this section are intended to guide FEMA in its use and development of the capabilities in digital and other technologies. The requirements should not be interpreted as an authorization for FEMA to itself develop the communications network necessary to implement IPAWS. In addition, the language in section 102(b)(3)(C) requires the public alert and warning system to provide alerts to the largest portion of the affected population as is feasible. Nothing in this section shall give FEMA the authority to require a television or radio broadcaster, or other communications entities, to translate disaster warnings and emergency messages into multiple languages. This language provision is intended to allow the pass through (where appropriate) of non-English language emergency messages as they are received by a broadcaster or communications entity from the public alert and warning system or other message originator.

Further, subsection (d) of section 102 makes clear that nothing in that section provides authority to FEMA or any other government entity to require any action on the part of any nongovernment entity.

The Committee expects FEMA to consider information provided by an Advisory Committee Member, who could have the status of a special government employee, in light of any potential conflicts of interest that such Member may have. In addition, if the Advisory Committee relies on any information provided by non-Advisory Committee Members, FEMA should consider whether the non-Advisory Committee Member has or could have a conflict of interest in providing the information and evaluate any such information with consideration of any potential conflict of interest.

The committee expects that FEMA will work closely with relevant stakeholders on ensuring alerts can be sent to and received by those with disabilities. The committee recognizes FEMA has improved its outreach to relevant groups but expects FEMA to specifically work closely with the National Council on Disability (NCD), the federal agency specifically charged with working on disability policy. The committee notes the work the NCD has done to study the issue of people with disabilities in disasters, including the development of recommendations related to alerting systems in its report entitled “Effective Emergency Management: Making Improvements for Communities and People with Disabilities” issued August 12, 2009.

TITLE II—STAFFORD ACT AND OTHER PROGRAMS

Section 201: Reauthorization of Urban Search and Rescue Response System: This section reauthorizes the USAR Response System at \$35 million through Fiscal Year 2016, consistent with current funding levels. This section also codifies the current USAR Response System in statute and clarifies liabilities and compensation issues related to participants in the System.

This section is intended to codify existing workers’ compensation and tort liability protections for USAR system members that are currently provided administratively by FEMA. It also provides protections under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and establishes licensing protection.

Section 202: Eligibility of Public Broadcasting Facilities for Certain Disaster Assistance: This section clarifies existing eligibility of certain public broadcasting facilities for disaster assistance.

The Committee intends for the term “public broadcasting facilities” to include towers, antennas, transmitters, translators, and the structures and buildings that house such facilities.”

Section 203: Federal Disaster Assistance Nonprofit Fairness: This section clarifies the eligibility of houses of worship for the purposes of disaster assistance regardless of the religious character of the facility or the primary religious use of the facility.

Section 204: Reauthorization of Emergency Management Assistance Compact Grants: This section reauthorizes the Emergency Management Assistance Compacts (EMAC) Grants at \$2 million each year through Fiscal Year 2016, consistent with current funding levels.

Section 205: Physical Testing Standards for Electric Utility Facilities: This section requires FEMA to study the differences be-

tween its physical testing standards as applied to electric utility facilities as a condition for federal assistance and those of the electric utilities industry.

Section 206: Review and Report Regarding the Eligibility of Certain Housing Entities to Receive Disaster Assistance: This section requires FEMA to report on options and assistance available for cooperative and condominium associations, including commercial and noncommercial, to repair common areas damaged by a disaster.

Section 207: Audit Timeframe Limitation: This section requires FEMA to issue a rule that limits the timeframe of any audit conducted under section 318 of the Stafford Act.

Cases continue to be reported in which grantees and subgrantees of FEMA Public Assistance funds are asked to repay assistance many years after the particular project or projects are completed, creating uncertainty for states and subgrantees. For example, there are projects long completed from Hurricanes Charley, Jeanne, Wilma, and Frances in 2004 and 2005 where grantees—years later—may be asked to repay funds previously approved by FEMA. Unless there is evidence of fraud, grantees should have some level of certainty and finality in the process.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006

(Public Law 109–295)

* * * * *

TITLE VI—NATIONAL EMERGENCY MANAGEMENT

* * * * *

Subtitle C—Comprehensive Preparedness System

* * * * *

CHAPTER 2—ADDITIONAL PREPAREDNESS

ISEC. 661. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

[(a) IN GENERAL.—The Administrator may make grants to administer the Emergency Management Assistance Compact consented to by the Joint Resolution entitled “Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact” (Public Law 104-321; 110 Stat. 3877).

[(b) USES.—A grant under this section shall be used—

[(1) to carry out recommendations identified in the Emergency Management Assistance Compact after-action reports for the 2004 and 2005 hurricane season;

[(2) to administer compact operations on behalf of all member States and territories;

[(3) to continue coordination with the Agency and appropriate Federal agencies;

[(4) to continue coordination with State, local, and tribal government entities and their respective national organizations; and

[(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing emergency response providers and the typing of emergency response resources.

[(c) COORDINATION.—The Administrator shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

[(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section \$4,000,000 for fiscal year 2008. Such sums shall remain available until expended.]

* * * * *

Subtitle G—Authorization of Appropriations

SEC. 699. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title and the amendments made by this title for the [administration and operations] *management and administration* of the Agency—

(1) for fiscal year 2008, an amount equal to the amount appropriated for fiscal year 2007 for [administration and operations] *management and administration* of the Agency, multiplied by 1.1;

(2) for fiscal year 2009, an amount equal to the amount described in paragraph (1), multiplied by 1.1; [and]

(3) for fiscal year 2010, an amount equal to the amount described in paragraph (2), multiplied by 1.1[.]; and

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

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

(6) for fiscal year 2016, \$972,145,000.

* * * * *

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

* * * * *

TITLE I—FINDINGS, DECLARATIONS, AND DEFINITIONS

* * * * *

DEFINITIONS

SEC. 102. As used in this Act—

(1) * * *

* * * * *

(10) PUBLIC FACILITY.— “Public facility” means the following facilities owned by a State or local government:

(A) * * *

[(B) Any non-Federal-aid street, road, or highway.]

(B) ADDITIONAL FACILITIES.—*In addition to the facilities described in subparagraph (A), the term “private nonprofit facility” includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, community centers, including houses of worship exempt from taxation under section 501(c) of the Internal Revenue Code of 1986, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, and facilities that provide health and safety services of a governmental nature), as defined by the President.*

* * * * *

(11) PRIVATE NONPROFIT FACILITY.—

(A) * * *

(B) ADDITIONAL FACILITIES.—*In addition to the facilities described in subparagraph (A), the term “private nonprofit facility” includes any private nonprofit facility that provides essential services of a governmental nature to the general public (including museums, zoos, performing arts facilities, community arts centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops, public broadcasting facilities, and facilities that provide health and safety services of a governmental nature), as defined by the President.*

* * * * *

TITLE III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION

* * * * *

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

(a) DEFINITIONS.—*In this section, the following definitions 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 that term by 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 Administrator 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, one 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 separate 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 non-employee 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 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.*—If a System member (or, in the case of the death of the System member, the System member’s dependent) is entitled—

(i) 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

(ii) to receive benefits from a State or local government by reason of the same personal injury, illness, disability, or death,

the System member or dependent shall elect to receive either the benefits referred to in clause (i) or (ii).

(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, in the event that a System member or dependent elects benefits from a State or local government under paragraph (2)(A), the Administrator shall reimburse the State or local government for the value of those benefits.

(i) *LIABILITY.*—A System member appointed into Federal service under subsection (f)(1), while acting within the scope of the appointment, is deemed 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 is deemed “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 is deemed 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 assistance 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).

(l) *ADVISORY COMMITTEE.*—

(1) *IN GENERAL.*—The Administrator shall establish and maintain an advisory committee to provide expert recommendations to the Administrator in order to assist the Administrator in administering the System.

(2) *COMPOSITION.*—The advisory committee shall be composed of members from geographically diverse areas, and shall include—

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

(B) the senior emergency manager from at least two States that include sponsoring agencies; and

(C) at least one representative recommended by the leaders of the task forces.

(3) *INAPPLICABILITY OF TERMINATION REQUIREMENT.*—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee under this subsection.

(m) *PREPAREDNESS COOPERATIVE AGREEMENTS.*—

(1) *IN GENERAL.*—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:

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

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

(C) 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.

(2) *AVAILABILITY OF APPROPRIATIONS.*—Notwithstanding section 1552(b) of title 31, United States Code, amounts made available for cooperative agreements under this subsection that are not expended shall be deposited in an agency account and shall remain available for such agreements without fiscal year limitation.

(n) *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.

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

(p) *AUTHORIZATION OF APPROPRIATIONS.—*

(1) *IN GENERAL.—There is authorized to be appropriated to carry out the System and the provisions of this section \$35,180,000 for each of fiscal years 2014, 2015, and 2016.*

(2) *ADMINISTRATIVE EXPENSES.—The Administrator may use not to exceed 6 percent of the funds appropriated for a fiscal year pursuant to paragraph (1) for salaries, expenses, and other administrative costs incurred by the Administrator in carrying out this section.*

TITLE IV—MAJOR DISASTER ASSISTANCE PROGRAMS

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SEC. 406. REPAIR, RESTORATION, AND REPLACEMENT OF DAMAGED FACILITIES.

(a) *CONTRIBUTIONS.—*

(1) * * *

* * * * *

(3) *CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—*

(A) * * *

(B) *DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term “critical services” includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, [communications,] communications (including public broadcasting), education, and emergency medical care.*

(C) *NONPROFIT FAIRNESS.—A church, synagogue, mosque, temple, or other house of worship, and a private nonprofit facility operated by a religious organization, shall be eligible for contributions under paragraph (1)(B), without regard to the religious character of the facility or the primary religious use of the facility.*

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TITLE VI—EMERGENCY PREPAREDNESS

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Subtitle A—Powers and Duties

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SEC. 617. EMERGENCY MANAGEMENT ASSISTANCE COMPACT GRANTS.

(a) *IN GENERAL.—The Administrator of the Federal Emergency Management Agency may make grants to provide for implementation of the Emergency Management Assistance Compact consented to by Congress in the joint resolution entitled “Joint resolution*

granting the consent of Congress to the Emergency Management Assistance Compact” (Public Law 104–321; 110 Stat. 3877).

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

(c) *USE OF FUNDS.*—A grant received under this section shall be used—

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

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

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

(4) to continue coordination with States and local governments and their respective national organizations; and

(5) to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing the providers and the typing of emergency response resources.

(d) *COORDINATION.*—The Administrator of the Federal Emergency Management Agency shall consult with the Administrator of the Emergency Management Assistance Compact to ensure effective coordination of efforts in responding to requests for assistance.

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

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TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART G—INSURANCE AND ANNUITIES

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CHAPTER 81—COMPENSATION FOR WORK INJURIES

SUBCHAPTER I—GENERALLY

§ 8101. Definitions

For the purpose of this subchapter—

(1) “employee” means—

(A) * * *

* * * * *

(D) an individual employed by the government of the District of Columbia; [and]

* * * * *

(F) an individual selected pursuant to chapter 121 of title 28, [United States Code,] and serving as a petit or grand juror; and

(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;*

* * * * *

TITLE 38, UNITED STATES CODE

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

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CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SUBCHAPTER I—GENERAL

* * * * *

§ 4303. Definitions

For the purposes of this chapter—

(1) * * *

* * * * *

(13) The term “service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty, *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*, and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

* * * * *

(16) The term “uniformed services” means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the

Public Health Service, *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*, and any other category of persons designated by the President in time of war or national emergency.

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