

“(1) the total amount spent on administrative costs for the fiscal year period for which the report is being submitted;

“(2) the average annual percentage of administrative costs for the fiscal year period for which the report is being submitted;

“(3) an assessment of the effectiveness of the plan developed under section 3(a)(1) [42 U.S.C. 5165e(a)(1)];

“(4) an analysis of—

“(A) whether the Agency is achieving the strategic goals established under section 3(a)(1)(C) [42 U.S.C. 5165e(a)(1)(C)]; and

“(B) in the case of the Agency not achieving such strategic goals, what is preventing the Agency from doing so;

“(5) any actions the Agency has identified as useful in improving upon and reaching the goals for administrative costs established under section 3(a)(1)(C); and

“(6) any data described in section 3(a)(2) [42 U.S.C. 5165e(a)(2)], if the Agency determines it is feasible to track such data.

“(d) PUBLIC AVAILABILITY.—Not later than 30 days after the date on which the Administrator submits a report to Congress under this section, the Administrator shall make the report publicly available on the website of the Agency.”

#### DEFINITIONS

Pub. L. 114-132, §2, Feb. 29, 2016, 130 Stat. 293, provided that: “In this Act [see Short Title of 2016 Amendment note set out under section 5121 of this title]—

“(1) the term ‘administrative cost’—

“(A) means a cost incurred by the Agency in support of the delivery of disaster assistance for a major disaster; and

“(B) does not include a cost incurred by a grantee or subgrantee;

“(2) the term ‘Administrator’ means the Administrator of the Agency;

“(3) the term ‘Agency’ means the Federal Emergency Management Agency;

“(4) the term ‘direct administrative cost’ means a cost incurred by a grantee or subgrantee of a program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that can be identified separately and assigned to a specific project;

“(5) the term ‘hazard mitigation program’ means the hazard mitigation grant program authorized under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c);

“(6) the term ‘individual assistance program’ means the individual assistance grant program authorized under sections 408, 410, 415, 416, 426, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174, 5177, 5182, 5183, 5189d, and 5192(a));

“(7) the term ‘major disaster’ means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

“(8) the term ‘mission assignment’ has the meaning given the term in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741); and

“(9) the term ‘public assistance program’ means the public assistance grant program authorized under sections 403(a)(3), 406, 418, 419, 428, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b(a)(3), 5172, 5185, 5186, 5189f, and 5192(a)).”

### § 5165f. National Urban Search and Rescue Response System

#### (a) Definitions

In this section, the following definitions shall 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 the term in section 5195a of this title.

#### (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 Administration 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 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 chapter.

**(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 non-employee 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 be used 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, 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**

A System member (or, in the case of the death of the System member, the System member's dependent) who is entitled under paragraph (1) to receive benefits under subchapter I of chapter 81 of title 5 by reason of personal injury, illness, disability, or death, and to receive benefits from a State or local government by reason of the same personal injury, illness, disability or death shall elect to—

- (i) receive benefits under such subchapter; or
- (ii) receive benefits from the State or local government.

**(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, if a System member or dependent elects to receive benefits from a State or local government under paragraph (2)(A), the Administrator shall reimburse the State or local government for the value of the benefits.

**(4) Public safety officer claims**

Nothing in this subsection shall be construed to bar any claim by, or with respect to, any System member who is a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10284], for any benefits authorized under part L of title I of that Act (42 U.S.C. 3796 et seq.).<sup>1</sup>

**(i) Liability**

A System member appointed into Federal service under subsection (f)(1), while acting within the scope of the appointment, shall be considered to be an employee of the Federal Government under section 1346(b) of title 28 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 shall be considered to be “service in the uniformed services” for purposes of chapter 43 of title 38 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 shall be considered to be preclusion by “military necessity” for purposes of section 4312(b) of title 38 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) Preparedness cooperative agreements**

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:

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

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

(3) 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.

**(m) 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.

**(n) Obligations**

The Administrator may incur all necessary obligations consistent with this section in order to ensure the effectiveness of the System.

**(o) Equipment maintenance and replacement**

Not later than 180 days after December 16, 2016, the Administrator shall submit to the appropriate congressional committees (as defined in section 101 of title 6) a report on the development of a plan, including implementation steps and timeframes, to finance, maintain, and replace System equipment.

**(p) Federal employees**

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

(Pub. L. 93-288, title III, §327, as added Pub. L. 114-326, §2(a), Dec. 16, 2016, 130 Stat. 1968; amended Pub. L. 116-48, §1, Aug. 22, 2019, 133 Stat. 1071.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (f)(3), was in the original “this Act”, meaning Pub. L. 93-288, May 22, 1974, 88 Stat. 143. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (h)(4), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197. Part L of title I of the Act was classified generally to part A (§3796 et seq.) of subchapter XII of chapter 46 of this title, prior to editorial reclassification and renumbering as subchapter XI (§10281 et seq.) of chapter 101 of Title 34, Crime Control and Law Enforcement. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of Title 34 and Tables.

<sup>1</sup> See References in Text note below.

## AMENDMENTS

2019—Subsec. (p). Pub. L. 116-48 added subsec. (p).

**§ 5165g. National veterinary emergency teams**

**(a) In general**

The Administrator of the Federal Emergency Management Agency may establish one or more national veterinary emergency teams at accredited colleges of veterinary medicine.

**(b) Responsibilities**

A national veterinary emergency team shall—

- (1) deploy with a team of the National Urban Search and Rescue Response System to assist with—

- (A) veterinary care of canine search teams;
- (B) locating and treating companion animals, service animals, livestock, and other animals; and
- (C) surveillance and treatment of zoonotic diseases;

- (2) recruit, train, and certify veterinary professionals, including veterinary students, in accordance with an established set of plans and standard operating guidelines to carry out the duties associated with planning for and responding to major disasters and emergencies as described in paragraph (1);

- (3) assist State governments, Indian tribal governments, local governments, and non-profit organizations in developing emergency management and evacuation plans that account for the care and rescue of animals and in improving local readiness for providing veterinary medical response during an emergency or major disaster; and

- (4) coordinate with the Department of Homeland Security, the Department of Health and Human Services, the Department of Agriculture, State, local, and Indian tribal governments (including departments of animal and human health), veterinary and health care professionals, and volunteers.

(Pub. L. 115-254, div. D, §1218, Oct. 5, 2018, 132 Stat. 3452.)

## CODIFICATION

Section was enacted as part of the Disaster Recovery Reform Act of 2018 and as part of the FAA Reauthorization Act of 2018, and not as part of the Robert T. Stafford Disaster Relief and Emergency Assistance Act which comprises this chapter.

## EFFECTIVE DATE

Authorities provided under div. D of Pub. L. 115-254, which enacted this section, applicable to each major disaster and emergency declared by the President under Pub. L. 93-288 on or after Jan. 1, 2016, except as otherwise provided, see section 1202(b) of Pub. L. 115-254, set out in an Effective Date of 2018 Amendment note under section 5121 of this title.

## DEFINITIONS

For definition of “State” as used in this section, see section 1203 of Pub. L. 115-254, set out as a note under section 5122 of this title.

SUBCHAPTER IV—MAJOR DISASTER ASSISTANCE PROGRAMS

**§ 5170. Procedure for declaration**

**(a) In general**

All requests for a declaration by the President that a major disaster exists shall be made by the

Governor of the affected State. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As part of such request, and as a prerequisite to major disaster assistance under this chapter, the Governor shall take appropriate response action under State law and direct execution of the State's emergency plan. The Governor shall furnish information on the nature and amount of State and local resources which have been or will be committed to alleviating the results of the disaster, and shall certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements of this chapter. Based on the request of a Governor under this section, the President may declare under this chapter that a major disaster or emergency exists.

**(b) Indian tribal government requests**

**(1) In general**

The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

**(2) References**

In implementing assistance authorized by the President under this chapter in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this subchapter or subchapter III (except sections 5153 and 5165d of this title) to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

**(3) Savings provision**

Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this subchapter through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

**(c) Cost share adjustments for Indian tribal governments**

**(1) In general**

In providing assistance to an Indian tribal government under this subchapter, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

- (A) the President has the authority to waive or adjust the payment under another provision of this subchapter; and
- (B) the President determines that the waiver or adjustment is necessary and appropriate.

**(2) Criteria for making determinations**

The President shall establish criteria for making determinations under paragraph (1)(B).