



(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FEMA Intermittent
5 Personnel Employment and Reemployment Rights Act of
6 2022”.

1 **SEC. 2. PERSONNEL PERFORMING SERVICE RESPONDING**
2 **TO PRESIDENTIALLY DECLARED MAJOR DIS-**
3 **ASTERS AND EMERGENCIES.**

4 Section 306 of the Robert T. Stafford Disaster Relief
5 and Emergency Assistance Act (42 U.S.C. 5149) is
6 amended by adding at the end the following:

7 “(d) PERSONNEL PERFORMING SERVICE RESPOND-
8 ING TO DISASTERS AND EMERGENCIES.—

9 “(1) USERRA EMPLOYMENT AND REEMPLOY-
10 MENT RIGHTS.—The protections, rights, benefits,
11 and obligations provided under chapter 43 of title
12 38, United States Code, shall apply to intermittent
13 personnel appointed pursuant to subsection (b)(1) to
14 perform service to the Federal Emergency Manage-
15 ment Agency under sections 401 and 501 or to train
16 for such service.

17 “(2) NOTICE OF ABSENCE FROM POSITION OF
18 EMPLOYMENT.—Preclusion of giving notice of serv-
19 ice by necessity of service under subsection (b)(1) to
20 perform service to the Federal Emergency Manage-
21 ment Agency under sections 401 and 501 or to train
22 for such service shall be considered preclusion by
23 ‘military necessity’ for purposes of section 4312(b)
24 of title 38, United States Code, pertaining to giving
25 notice of absence from a position of employment. A
26 determination of such necessity shall be made by the

1 Administrator and shall not be subject to review in
2 any judicial or administrative proceeding.”.

3 **SEC. 3. EXTENSION OF CERTAIN EMPLOYMENT AND REEM-**
4 **PLOYMENT RIGHTS TO FEMA RESERVISTS.**

5 (a) IN GENERAL.—Section 4303 of title 38, United
6 States Code, is amended—

7 (1) in paragraph (13), by inserting before “,
8 and a period” the following: “, a period for which
9 a person is absent from a position of employment
10 due to an appointment into service in the Federal
11 Emergency Management Agency as intermittent per-
12 sonnel under section 306(b)(1) of the Robert T.
13 Stafford Disaster Relief and Emergency Assistance
14 Act (42 U.S.C. 5149(b)(1))”;

15 (2) by redesignating the second paragraph (16)
16 (relating to uniformed services) as paragraph (17);
17 and

18 (3) in paragraph (17), as so redesignated, by
19 inserting before “and any other category” the fol-
20 lowing: “intermittent personnel who are appointed
21 into Federal Emergency Management Agency service
22 under section 306(b)(1) of the Robert T. Stafford
23 Disaster Relief and Emergency Assistance Act (42
24 U.S.C. 5149(b)(1)) or to train for such service,”.

1 (b) MODIFICATION OF EXCEPTION FOR REQUIRE-
2 MENT FOR MEMBERS OF UNIFORMED SERVICES TO PRO-
3 VIDE NOTICE TO EMPLOYERS TO OBTAIN CERTAIN EM-
4 PLOYMENT AND REEMPLOYMENT RIGHTS.—Section
5 4312(b) of title 38, United States Code, is amended—

6 (1) by striking the second sentence;

7 (2) by inserting “(1)” before “No notice”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(2) A determination of military necessity for pur-
11 poses of paragraph (1) shall be made—

12 “(A) except as provided in subparagraphs (B)
13 and (C), pursuant to regulations prescribed by the
14 Secretary of Defense;

15 “(B) for persons performing service to the Fed-
16 eral Emergency Management Agency under section
17 327 of the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5165f) and as
19 intermittent personnel under section 306(b)(1) of
20 such Act (42 U.S.C. 5149(b)(1)), by the Adminis-
21 trator of the Federal Emergency Management Agen-
22 cy as described in sections 327(j)(2) and 306(d)(2)
23 of such Act (42 U.S.C. 5165f(j)(2) and 5149(d)(2)),
24 respectively; or

1 “(C) for intermittent disaster-response ap-
2 pointees of the National Disaster Medical System,
3 by the Secretary of Health and Human Services as
4 described in section 2812(d)(3)(B) of the Public
5 Health Service Act (42 U.S.C. 300hh–11(d)(3)(B)).

6 “(3) A determination of military necessity under
7 paragraph (1) shall not be subject to judicial review.”.