

(3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the [establishment]<<location>> and of the executive's department, the nature of the [industry]<<work performed by the employing office>>, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly.

(4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work if the breakdown of or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

#### **§ 541.707 Occasional tasks.**

Occasional, infrequently recurring tasks that cannot practically be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

#### **§ 541.708 Combination exemptions.**

Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, [outside sales] and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.

#### **§ [541.709 Motion picture producing industry.**

The requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least \$1,043 per week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C, or D of this part, and who is employed at a base rate of at least the applicable current minimum amount a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances:

(a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least the minimum weekly amount if 6 days were worked; or

(b) The employee is in a job category having the minimum weekly base rate and the daily base rate is at least one-sixth of such weekly base rate.] <<541.709 Reserved.>>

#### **§ 541.710 [Employees of public agencies]<<Effect of certain deductions on exempt employee pay>>.**

(a) An employee [of a public agency] who otherwise meets the salary basis requirements of § 541.602 shall not be disqualified from exemption under §§ 541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system es-

tablished by statute, ordinance or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the [public agency] employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

(1) Permission for its use has not been sought or has been sought and denied;

(2) Accrued leave has been exhausted; or

(3) The employee chooses to use leave without pay.

(b) Deductions from the pay of an employee [of a public agency] for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

### **TECHNOLOGICAL HAZARDS PREPAREDNESS AND TRAINING ACT OF 2022**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 440, S. 4166.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4166) to authorize preparedness programs to support communities containing technological hazards and emerging threats.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 4166

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Technological Hazards Preparedness and Training Act of 2022".

#### **SEC. 2. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Emergency Management Agency.

(2) INDIAN TRIBAL GOVERNMENT.—The term "Indian Tribal government" has the meaning given the term "Indian tribal government" in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) LOCAL GOVERNMENT; STATE.—The terms "local government" and "State" have the [meaning] meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(4) TECHNOLOGICAL HAZARD AND RELATED EMERGING THREAT.—The term "technological hazard and related emerging threat"—

(A) means a hazard that involves materials created by humans that pose a unique hazard to the general public and environment and which may result from—

(i) an accident;

(ii) an emergency caused by another hazard; or

(iii) intentional use of the hazardous materials; and

(B) includes a chemical, radiological, biological, and nuclear hazard.

### **SEC. 3. ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS.**

(a) IN GENERAL.—The Administrator shall maintain the capacity to provide States and local governments with technological hazards and related emerging threats technical assistance, training, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(b) AUTHORITIES.—The Administrator shall carry out subsection (a) in accordance with—

(1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) section 1236 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196g); and

(3) the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394).

(c) ASSESSMENT AND NOTIFICATION.—In carrying out subsection (a), the Administrator shall—

(1) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State; and

(2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

(i) technological hazards and related emerging threats preparedness; and

(ii) building community capability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(1) actions taken to implement this section; and

(2) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year period preceding the date of submission of the report.

(e) CONSULTATION.—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, [Territorial] territorial, and local emergency services organizations and private sector stakeholders.

### **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act \$20,000,000 for each of fiscal years 2023 through 2024.

### **SEC. 5. SAVINGS PROVISION.**

*Nothing in this Act shall diminish or divert resources from—*

(1) the full completion of federally-led chemical surety material storage missions or chemical demilitarization missions that are underway as of the date of enactment of this Act; or

(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).

Mr. SCHUMER. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed

to, the bill, as amended, be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 4166), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4166

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Technological Hazards Preparedness and Training Act of 2022”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) **INDIAN TRIBAL GOVERNMENT.**—The term “Indian Tribal government” has the meaning given the term “Indian tribal government” in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) **LOCAL GOVERNMENT; STATE.**—The terms “local government” and “State” have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(4) **TECHNOLOGICAL HAZARD AND RELATED EMERGING THREAT.**—The term “technological hazard and related emerging threat”—

(A) means a hazard that involves materials created by humans that pose a unique hazard to the general public and environment and which may result from—

- (i) an accident;
- (ii) an emergency caused by another hazard; or
- (iii) intentional use of the hazardous materials; and

(B) includes a chemical, radiological, biological, and nuclear hazard.

#### SEC. 3. ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS.

(a) **IN GENERAL.**—The Administrator shall maintain the capacity to provide States and local governments with technological hazards and related emerging threats technical assistance, training, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(b) **AUTHORITIES.**—The Administrator shall carry out subsection (a) in accordance with—

- (1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);
- (2) section 1236 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196g); and
- (3) the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394).

(c) **ASSESSMENT AND NOTIFICATION.**—In carrying out subsection (a), the Administrator shall—

- (1) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State; and
- (2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

- (i) technological hazards and related emerging threats preparedness; and
- (ii) building community capability.

(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(1) actions taken to implement this section; and

(2) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year period preceding the date of submission of the report.

(e) **CONSULTATION.**—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, territorial, and local emergency services organizations and private sector stakeholders.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$20,000,000 for each of fiscal years 2023 through 2024.

#### SEC. 5. SAVINGS PROVISION.

Nothing in this Act shall diminish or divert resources from—

(1) the full completion of federally-led chemical surety material storage missions or chemical demilitarization missions that are underway as of the date of enactment of this Act; or

(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).

### COMMUNITY DISASTER RESILIENCE ZONES ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 479, S. 3875.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3875) to require the President to develop and maintain products that show the risk of natural hazards across the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Disaster Resilience Zones Act of 2022”.

#### SEC. 2. FINDINGS.

Section 101(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121(b)) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by adding “; and” at the end; and

(3) by adding at the end the following:

“(7) identifying and improving the climate and natural hazard resilience of vulnerable communities.”.

#### SEC. 3. NATURAL HAZARD RISK ASSESSMENT.

(a) **IN GENERAL.**—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

#### “SEC. 206. NATURAL HAZARD RISK ASSESSMENT.

“(a) **DEFINITIONS.**—In this section:

“(1) **COMMUNITY DISASTER RESILIENCE ZONE.**—The term ‘community disaster resilience zone’ means a census tract designated by the President under subsection (d)(1).

“(2) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) a State;

“(B) an Indian tribal government; or

“(C) a local government.

“(b) **PRODUCTS.**—The President shall continue to maintain a natural hazard assessment program that develops and maintains products that—

“(1) are available to the public; and

“(2) define natural hazard risk across the United States.

“(c) **FEATURES.**—The products maintained under subsection (b) shall, for lands within States and areas under the jurisdiction of Indian tribal governments—

“(1) show the risk of natural hazards; and

“(2) include ratings and data for—

“(A) loss exposure, including population equivalence, buildings, and agriculture;

“(B) social vulnerability;

“(C) community resilience; and

“(D) any other element determined by the President.

“(d) **COMMUNITY DISASTER RESILIENCE ZONES DESIGNATION.**—

“(1) **IN GENERAL.**—Not later than 30 days after the date on which the President makes the update and enhancement required under subsection (e)(4), and not less frequently than every 5 years thereafter, the President shall identify and designate community disaster resilience zones, which shall be—

“(A) the 50 census tracts assigned the highest individual hazard risk ratings; and

“(B) subject to paragraph (3), in each State, not less than 1 percent of census tracts that are assigned high individual risk ratings.

“(2) **RISK RATINGS.**—In carrying out paragraph (1), the President shall use census tract risk ratings derived from a product maintained under subsection (b) that—

“(A) reflect—

“(i) high levels of individual hazard risk ratings based on an assessment of the intersection of—

“(I) loss to population equivalence;

“(II) building value; and

“(III) agriculture value;

“(ii) high social vulnerability ratings and low community resilience ratings; and

“(iii) any other elements determined by the President; and

“(B) reflect the principal natural hazard risks identified for the respective census tracts.

“(3) **GEOGRAPHIC BALANCE.**—In identifying and designating the community disaster resilience zones described in paragraph (1)(B)—

“(A) for the purpose of achieving geographic balance, when applicable, the President shall consider making designations in coastal, inland, urban, suburban, and rural areas; and

“(B) the President shall include census tracts on Tribal lands located within a State.

“(4) **DURATION.**—The designation of a community disaster resilience zone under paragraph (1) shall be effective for a period of not less than 5 years.

“(e) **REVIEW AND UPDATE.**—Not later than 180 days after the date of enactment of the Community Disaster Resilience Zones Act of 2022, and not less frequently than every 5 years thereafter, the President shall—

“(1) with respect to any product that is a natural hazard risk assessment—

“(A) review the underlying methodology of the product; and