

114TH CONGRESS
2D SESSION

S. 546

AN ACT

To establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, 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 “RESPONSE Act of
5 2016”.

6 **SEC. 2. RAILROAD EMERGENCY SERVICES PREPAREDNESS,**
7 **OPERATIONAL NEEDS, AND SAFETY EVALUA-**
8 **TION SUBCOMMITTEE.**

9 Section 508 of the Homeland Security Act of 2002
10 (6 U.S.C. 318) is amended—

11 (1) by redesignating subsection (d) as sub-
12 section (e); and

13 (2) by inserting after subsection (c) the fol-
14 lowing:

15 “(d) RESPONSE SUBCOMMITTEE.—

16 “(1) ESTABLISHMENT.—Not later than 30 days
17 after the date of the enactment of the RESPONSE
18 Act of 2016, the Administrator shall establish, as a
19 subcommittee of the National Advisory Council, the
20 Railroad Emergency Services Preparedness, Oper-
21 ational Needs, and Safety Evaluation Subcommittee
22 (referred to in this subsection as the ‘RESPONSE
23 Subcommittee’).

1 “(2) MEMBERSHIP.—Notwithstanding sub-
2 section (c), the RESPONSE Subcommittee shall be
3 composed of the following:

4 “(A) The Deputy Administrator, Protec-
5 tion and National Preparedness of the Federal
6 Emergency Management Agency, or designee.

7 “(B) The Associate Administrator for Haz-
8 ardous Materials Safety of the Pipeline and
9 Hazardous Materials Safety Administration, or
10 designee.

11 “(C) The Director of the Office of Emer-
12 gency Communications of the Department of
13 Homeland Security, or designee.

14 “(D) The Director for the Office of Rail-
15 road, Pipeline and Hazardous Materials Inves-
16 tigations of the National Transportation Safety
17 Board, or designee, only in an advisory capac-
18 ity.

19 “(E) The Chief Safety Officer and Asso-
20 ciate Administrator for Railroad Safety of the
21 Federal Railroad Administration, or designee.

22 “(F) The Assistant Administrator for Se-
23 curity Policy and Industry Engagement of the
24 Transportation Security Administration, or des-
25 ignee.

1 “(G) The Assistant Commandant for Re-
2 sponse Policy of the Coast Guard, or designee.

3 “(H) The Assistant Administrator for the
4 Office of Solid Waste and Emergency Response
5 of the Environmental Protection Agency, or
6 designee.

7 “(I) The Chief Safety Officer and Assist-
8 ant Administrator of the Federal Motor Carrier
9 Safety Administration, or designee.

10 “(J) Such other qualified individuals as
11 the co-chairpersons shall jointly appoint as soon
12 as practicable after the date of the enactment
13 of the RESPONSE Act of 2016 from among
14 the following:

15 “(i) Members of the National Advi-
16 sory Council that have the requisite tech-
17 nical knowledge and expertise to address
18 rail emergency response issues, including
19 members from the following disciplines:

20 “(I) Emergency management and
21 emergency response providers, includ-
22 ing fire service, law enforcement, haz-
23 ardous materials response, and emer-
24 gency medical services.

1 “(II) State, local, and tribal gov-
2 ernment officials, including Adjutants
3 General.

4 “(ii) Individuals who have the req-
5 uisite technical knowledge and expertise to
6 serve on the RESPONSE Subcommittee,
7 including at least 1 representative from
8 each of the following:

9 “(I) The rail industry.

10 “(II) The oil industry.

11 “(III) The communications in-
12 dustry.

13 “(IV) Emergency response pro-
14 viders, including individuals nomi-
15 nated by national organizations rep-
16 resenting local governments and per-
17 sonnel.

18 “(V) Emergency response train-
19 ing providers.

20 “(VI) Representatives from na-
21 tional Indian organizations.

22 “(VII) Technical experts.

23 “(VIII) Vendors, developers, and
24 manufacturers of systems, facilities,

1 equipment, and capabilities for emer-
2 gency first responder services.

3 “(iii) Representatives of such other
4 stakeholders and interested and affected
5 parties as the co-chairpersons consider ap-
6 propriate.

7 “(3) CO-CHAIRPERSONS.—The members de-
8 scribed in subparagraphs (A) and (B) of paragraph
9 (2) shall serve as the co-chairpersons of the RE-
10 SPONSE Subcommittee.

11 “(4) MEETINGS.—

12 “(A) INITIAL MEETING.—The initial meet-
13 ing of the RESPONSE Subcommittee shall
14 take place not later than 90 days after the date
15 of the enactment of the RESPONSE Act of
16 2016.

17 “(B) OTHER MEETINGS.—After the initial
18 meeting, the RESPONSE Subcommittee shall
19 meet at least twice annually, with at least 1
20 meeting conducted in person during the first
21 year, at the call of the co-chairpersons.

22 “(5) CONSULTATION WITH NONMEMBERS.—The
23 RESPONSE Subcommittee and the program offices
24 for emergency first responder training and resources
25 shall consult with other relevant agencies and

1 groups, including entities engaged in federally fund-
2 ed research and academic institutions engaged in
3 relevant work and research, which are not rep-
4 resented on the RESPONSE Subcommittee to con-
5 sider new and developing technologies and methods
6 that may be beneficial to preparedness and response
7 to rail hazardous materials incidents.

8 “(6) RECOMMENDATIONS.—The RESPONSE
9 Subcommittee shall develop recommendations, as ap-
10 propriate, for improving emergency first responder
11 training and resource allocation for hazardous mate-
12 rials incidents involving railroads after evaluating
13 the following topics:

14 “(A) The quality and application of train-
15 ing for local emergency first responders related
16 to rail hazardous materials incidents, with a
17 particular focus on local emergency first re-
18 sponders and small communities near railroads,
19 including the following:

20 “(i) Ease of access to relevant train-
21 ing for local emergency first responders,
22 including an analysis of—

23 “(I) the number of individuals
24 being trained;

1 “(II) the number of individuals
2 who are applying;

3 “(III) whether current demand is
4 being met;

5 “(IV) current challenges; and

6 “(V) projected needs.

7 “(ii) Modernization of training course
8 content related to rail hazardous materials
9 incidents, with a particular focus on fluc-
10 tuations in oil shipments by rail.

11 “(iii) Avoiding overlap of training con-
12 tent across agencies and the private sector
13 to provide complementary opportunities for
14 rail hazardous materials incidents courses
15 and materials, including the following:

16 “(I) Promoting integrated course
17 content through public-private part-
18 nerships.

19 “(II) Regular and ongoing eval-
20 uation of course opportunities, adap-
21 tation to emerging trends, agency and
22 private sector outreach, effectiveness
23 and ease of access for local emergency
24 first responders.

1 “(iv) Online training platforms, train-
 2 the-trainer and mobile training options.

3 “(B) The effectiveness of funding levels re-
 4 lated to training local emergency first respond-
 5 ers for rail hazardous materials incidents, with
 6 a particular focus on local emergency first re-
 7 sponders and small communities near railroads,
 8 including the following:

9 “(i) Minimizing overlap in resource al-
 10 location among agencies.

11 “(ii) Minimizing overlap in resource
 12 allocation among agencies and private sec-
 13 tor.

14 “(iii) Maximizing public-private part-
 15 nerships where funding gaps exists for spe-
 16 cific training or cost-saving measures can
 17 be implemented to increase training oppor-
 18 tunities.

19 “(iv) Adaptation of priority settings
 20 for agency funding allocations in response
 21 to emerging trends.

22 “(v) Historic levels of funding across
 23 Federal agencies for rail hazardous mate-
 24 rials incident response and training, in-
 25 cluding funding provided by the private

1 sector to public entities or in conjunction
2 with Federal programs.

3 “(vi) Current funding resources across
4 agencies.

5 “(C) The strategy for integrating com-
6 modity flow studies, mapping, rail and haz-
7 ardous materials databases and other relevant
8 data for local emergency first responders and
9 increasing the rate of access to the individual
10 responder in existing or emerging communica-
11 tions technology.

12 “(7) REPORT.—

13 “(A) IN GENERAL.—Not later than 1 year
14 after the date of the enactment of the RE-
15 SPONSE Act of 2016, the RESPONSE Sub-
16 committee shall submit a report to the National
17 Advisory Council that—

18 “(i) includes the recommendations de-
19 veloped under paragraph (6);

20 “(ii) specifies the timeframes for im-
21 plementing any such recommendations that
22 do not require congressional action; and

23 “(iii) identifies any such recommenda-
24 tions that do require congressional action.

1 “(B) REVIEW.—Not later than 30 days
2 after receiving the report under subparagraph
3 (A), the National Advisory Council shall begin
4 a review of the report. The National Advisory
5 Council may ask for additional clarification,
6 changes, or other information from the RE-
7 SPONSE Subcommittee to assist in the ap-
8 proval of the recommendations.

9 “(C) RECOMMENDATION.—Once the Na-
10 tional Advisory Council approves the rec-
11 ommendations of the RESPONSE Sub-
12 committee, the National Advisory Council shall
13 submit the report to—

14 “(i) the co-chairpersons of the RE-
15 SPONSE Subcommittee;

16 “(ii) the head of each other agency
17 represented on the RESPONSE Sub-
18 committee;

19 “(iii) the Committee on Homeland Se-
20 curity and Governmental Affairs of the
21 Senate;

22 “(iv) the Committee on Commerce,
23 Science, and Transportation of the Senate;

1 “(v) the Committee on Homeland Se-
2 curity of the House of Representatives;
3 and

4 “(vi) the Committee on Transpor-
5 tation and Infrastructure of the House of
6 Representatives.

7 “(8) INTERIM ACTIVITY.—

8 “(A) UPDATES AND OVERSIGHT.—After
9 the submission of the report by the National
10 Advisory Council under paragraph (7), the Ad-
11 ministrator shall—

12 “(i) provide annual updates to the
13 congressional committees referred to in
14 paragraph (7)(C) regarding the status of
15 the implementation of the recommenda-
16 tions developed under paragraph (6); and

17 “(ii) coordinate the implementation of
18 the recommendations described in para-
19 graph (6)(G)(i), as appropriate.

20 “(B) ADDITIONAL REPORTS.—After sub-
21 mitting the report required under paragraph
22 (7), the RESPONSE Subcommittee shall sub-
23 mit additional reports and recommendations in
24 the same manner and to the same entities iden-

1 tified in paragraph (7) if needed or requested
2 from Congress.

3 “(9) TERMINATION.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the RESPONSE Sub-
6 committee shall terminate not later than 4
7 years after the date of the enactment of the
8 RESPONSE Act of 2016.

9 “(B) EXTENSION.—The Administrator
10 may extend the duration of the RESPONSE
11 Subcommittee for 1 additional year if the Ad-
12 ministrator determines that an additional re-
13 port and recommendations are needed from the
14 RESPONSE Subcommittee after the termi-
15 nation date set forth in subparagraph (A).”.

Passed the Senate May 9, 2016.

Attest:

Secretary.

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