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S. 546

[Report No. 114-]

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2016

Referred to the Committee on Transportation and Infrastructure

SEPTEMBER --, 2016

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For the text of the Senate passed bill, see copy of bill as printed in the House of
Representatives on May 10, 2016]

A BILL

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 (6*
10 *U.S.C. 318) is amended—*

11 *(1) by redesignating subsection (d) as subsection*
12 *(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 subsection*
2 *(c), the RESPONSE Subcommittee shall be composed*
3 *of the following:*

4 “(A) *The Deputy Administrator, Protection*
5 *and National Preparedness of the Federal Emer-*
6 *gency Management Agency, or designee.*

7 “(B) *The Chief Safety Officer of the Pipe-*
8 *line and Hazardous Materials Safety Adminis-*
9 *tration, or designee.*

10 “(C) *The Associate Administrator for Haz-*
11 *ardous Materials Safety of the Pipeline and*
12 *Hazardous Materials Safety Administration, or*
13 *designee.*

14 “(D) *The Director of the Office of Emer-*
15 *gency Communications of the Department of*
16 *Homeland Security, or designee.*

17 “(E) *The Director for the Office of Rail-*
18 *road, Pipeline and Hazardous Materials Inves-*
19 *tigations of the National Transportation Safety*
20 *Board, or designee.*

21 “(F) *The Chief Safety Officer and Associate*
22 *Administrator for Railroad Safety of the Federal*
23 *Railroad Administration, or designee.*

24 “(G) *The Assistant Administrator for Secu-*
25 *rity Policy and Industry Engagement of the*

1 *Transportation Security Administration, or des-*
2 *ignee.*

3 “(H) *The Assistant Commandant for Re-*
4 *sponse Policy of the Coast Guard, or designee.*

5 “(I) *The Assistant Administrator for the Of-*
6 *fice of Solid Waste and Emergency Response of*
7 *the Environmental Protection Agency, or des-*
8 *ignee.*

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

14 “(i) *Members of the National Advisory*
15 *Council that have the requisite technical*
16 *knowledge and expertise to address rail*
17 *emergency response issues, including mem-*
18 *bers from the following disciplines:*

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

24 “(II) *State, local, and tribal gov-*
25 *ernment officials.*

1 “(ii) *Individuals who have the req-*
2 *uisite technical knowledge and expertise to*
3 *serve on the RESPONSE Subcommittee, in-*
4 *cluding at least 1 representative from each*
5 *of the following:*

6 “(I) *The rail industry.*

7 “(II) *Rail labor*

8 “(III) *Persons who offer oil for*
9 *transportation by rail.*

10 “(IV) *The communications indus-*
11 *try.*

12 “(V) *Emergency response pro-*
13 *viders, including individuals nomi-*
14 *nated by national organizations rep-*
15 *resenting State and local governments*
16 *and emergency responders.*

17 “(VI) *Emergency response train-*
18 *ing providers.*

19 “(VII) *Representatives from tribal*
20 *organizations.*

21 “(VIII) *Technical experts.*

22 “(IX) *Vendors, developers, and*
23 *manufacturers of systems, facilities,*
24 *equipment, and capabilities for emer-*
25 *gency responder services.*

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

5 “(3) *CO-CHAIRPERSONS.—The members described*
6 *in subparagraphs (A) and (B) of paragraph (2) shall*
7 *serve as the co-chairpersons of the RESPONSE Sub-*
8 *committee.*

9 “(4) *INITIAL MEETING.—The initial meeting of*
10 *the RESPONSE Subcommittee shall take place not*
11 *later than 90 days after the date of enactment of the*
12 *RESPONSE Act of 2016.*

13 “(5) *CONSULTATION WITH NONMEMBERS.—The*
14 *RESPONSE Subcommittee and the program offices*
15 *for emergency responder training and resources shall*
16 *consult with other relevant agencies and groups, in-*
17 *cluding entities engaged in federally funded research*
18 *and academic institutions engaged in relevant work*
19 *and research, which are not represented on the RE-*
20 *SPONSE Subcommittee to consider new and devel-*
21 *oping technologies and methods that may be beneficial*
22 *to preparedness and response to rail hazardous mate-*
23 *rials incidents.*

24 “(6) *RECOMMENDATIONS.—The RESPONSE*
25 *Subcommittee shall develop recommendations, as ap-*

1 *appropriate, for improving emergency responder train-*
2 *ing and resource allocation for hazardous materials*
3 *incidents involving railroads after evaluating the fol-*
4 *lowing topics:*

5 “(A) *The quality and application of train-*
6 *ing for State and local emergency responders re-*
7 *lated to rail hazardous materials incidents, in-*
8 *cluding training for emergency responders serv-*
9 *ing small communities near railroads, including*
10 *the following:*

11 “(i) *Ease of access to relevant training*
12 *for State and local emergency responders,*
13 *including an analysis of—*

14 “(I) *the number of individuals*
15 *being trained;*

16 “(II) *the number of individuals*
17 *who are applying;*

18 “(III) *whether current demand is*
19 *being met;*

20 “(IV) *current challenges; and*

21 “(V) *projected needs.*

22 “(ii) *Modernization of training course*
23 *content related to rail hazardous materials*
24 *incidents, with a particular focus on fluc-*
25 *tuations in oil shipments by rail, including*

1 *regular and ongoing evaluation of course*
2 *opportunities, adaptation to emerging*
3 *trends, agency and private sector outreach,*
4 *effectiveness and ease of access for State and*
5 *local emergency responders.*

6 “(iii) *Identification of overlap in*
7 *training content and identification of op-*
8 *portunities to develop complementary*
9 *courses and materials among governmental*
10 *and nongovernmental entities.*

11 “(iv) *Online training platforms, train-*
12 *the-trainer, and mobile training options.*

13 “(B) *The availability and effectiveness of*
14 *Federal, State, local, and nongovernmental fund-*
15 *ing levels related to training emergency respond-*
16 *ers for rail hazardous materials incidents, in-*
17 *cluding emergency responders serving small com-*
18 *munities near railroads, including—*

19 “(i) *identifying overlap in resource al-*
20 *locations;*

21 “(ii) *identifying cost savings measures*
22 *that can be implemented to increase train-*
23 *ing opportunities;*

24 “(iii) *leveraging government funding*
25 *with nongovernmental funding to enhance*

1 *training opportunities and fill existing*
2 *training gaps;*

3 “(iv) *adaptation of priority settings*
4 *for agency funding allocations in response*
5 *to emerging trends;*

6 “(v) *historic levels of funding across*
7 *Federal agencies for rail hazardous mate-*
8 *rials incident response and training, in-*
9 *cluding funding provided by the private sec-*
10 *tor to public entities or in conjunction with*
11 *Federal programs; and*

12 “(vi) *current funding resources across*
13 *agencies.*

14 “(C) *The strategy for integrating com-*
15 *modity flow studies, mapping, and rail and haz-*
16 *ardous materials databases for State and local*
17 *emergency responders and increasing the rate of*
18 *access to the individual responder in existing or*
19 *emerging communications technology.*

20 “(7) *REPORT.—*

21 “(A) *IN GENERAL.—Not later than 1 year*
22 *after the date of the enactment of the RE-*
23 *SPONSE Act of 2016, the RESPONSE Sub-*
24 *committee shall submit a report to the National*
25 *Advisory Council that—*

1 “(i) includes the recommendations de-
2 veloped under paragraph (6);

3 “(ii) specifies the timeframes for im-
4 plementing any such recommendations that
5 do not require congressional action; and

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

8 “(B) *REVIEW*.—Not later than 30 days
9 after receiving the report under subparagraph
10 (A), the National Advisory Council shall begin a
11 review of the report. The National Advisory
12 Council may ask for additional clarification,
13 changes, or other information from the *RE-*
14 *SPONSE* Subcommittee to assist in the approval
15 of the recommendations.

16 “(C) *RECOMMENDATION*.—Once the Na-
17 tional Advisory Council approves the rec-
18 ommendations of the *RESPONSE* Sub-
19 committee, the National Advisory Council shall
20 submit the report to—

21 “(i) the co-chairpersons of the *RE-*
22 *SPONSE* Subcommittee;

23 “(ii) the head of each other agency rep-
24 resented on the *RESPONSE* Subcommittee;

1 “(iii) the Committee on Homeland Se-
2 curity and Governmental Affairs of the Sen-
3 ate;

4 “(iv) the Committee on Commerce,
5 Science, and Transportation of the Senate;

6 “(v) the Committee on Homeland Secu-
7 rity of the House of Representatives; and

8 “(vi) the Committee on Transportation
9 and Infrastructure of the House of Rep-
10 resentatives.

11 “(8) *INTERIM ACTIVITY.*—

12 “(A) *UPDATES AND OVERSIGHT.*—After the
13 submission of the report by the National Advi-
14 sory Council under paragraph (7), the Adminis-
15 trator shall—

16 “(i) provide annual updates to the con-
17 gressional committees referred to in para-
18 graph (7)(C) regarding the status of the im-
19 plementation of the recommendations devel-
20 oped under paragraph (6); and

21 “(ii) coordinate the implementation of
22 the recommendations described in para-
23 graph (6)(G)(i), as appropriate.

24 “(B) *SUNSET.*—The requirements of sub-
25 paragraph (A) shall terminate on the date that

1 *is 2 years after the date of the submission of the*
2 *report required under paragraph (7)(A).*

3 “(9) *TERMINATION.—The RESPONSE Sub-*
4 *committee shall terminate not later than 90 days*
5 *after the submission of the report required under*
6 *paragraph (7)(C).”.*