

**Calendar No. 155**114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 546****[Report No. 114–85]**

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.

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**IN THE SENATE OF THE UNITED STATES**

FEBRUARY 24, 2015

Ms. HEITKAMP (for herself, Mr. KING, Ms. BALDWIN, Mr. SCHUMER, Mr. BOOKER, Mrs. MCCASKILL, Mr. CASEY, and Mrs. ERNST) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JULY 21, 2015

Reported by Mr. JOHNSON, without amendment

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**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 2015”.

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 2015, 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 for Pro-  
5                   tection and National Preparedness of the Fed-  
6                   eral Emergency Management Agency, or des-  
7                   ignee.

8                   “(B) The Director of the Office of Emer-  
9                   gency Communications of the Department of  
10                  Homeland Security, or designee.

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

16                  “(D) The Associate Administrator for  
17                  Railroad Safety of the Federal Railroad Admin-  
18                  istration, or designee.

19                  “(E) The Assistant Administrator for Se-  
20                  curity Policy and Industry Engagement of the  
21                  Transportation Security Administration, or des-  
22                  ignee.

23                  “(F) The Assistant Commandant for Re-  
24                  sponse Policy of the Coast Guard, or designee.

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

5           “(H) The Associate Administrator for  
6 Hazardous Materials Safety of the Pipeline and  
7 Hazardous Materials Safety Administration, or  
8 designee.

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

12           “(J) Such other qualified individuals as  
13 the Administrator shall appoint as soon as  
14 practicable after the date of the enactment of  
15 the RESPONSE Act of 2015 from among the  
16 following:

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

22           “(I) Emergency management and  
23 emergency response providers, includ-  
24 ing fire service, law enforcement, haz-

1           ardous materials response, and emer-  
2           gency medical services.

3           “(II) State, local, and tribal gov-  
4           ernment officials with expertise in  
5           preparedness, protection, response, re-  
6           covery, and mitigation, including Ad-  
7           jutants General.

8           “(III) Elected State, local, and  
9           tribal government executives.

10          “(IV) Such other individuals as  
11          the Administrator determines to be  
12          appropriate.

13          “(ii) Individuals who have the req-  
14          uisite technical knowledge and expertise to  
15          serve on the RESPONSE Subcommittee,  
16          including representatives of—

17               “(I) the rail industry;

18               “(II) the oil industry;

19               “(III) the communications indus-  
20               try;

21               “(IV) emergency response pro-  
22               viders, including individuals nomi-  
23               nated by national organizations rep-  
24               resenting local governments and per-  
25               sonnel;

1                   “(V) representatives from na-  
2                   tional Indian organizations;

3                   “(VI) technical experts; and

4                   “(VII) vendors, developers, and  
5                   manufacturers of systems, facilities,  
6                   equipment, and capabilities for emer-  
7                   gency responder services.

8                   “(iii) Representatives of such other  
9                   stakeholders and interested and affected  
10                  parties as the Administrator considers ap-  
11                  propriate.

12                  “(3) CHAIRPERSON.—The Deputy Adminis-  
13                  trator for Protection and National Preparedness  
14                  shall serve as the Chairperson of the RESPONSE  
15                  Subcommittee, or designee.

16                  “(4) MEETINGS.—

17                         “(A) INITIAL MEETING.—The initial meet-  
18                         ing of the RESPONSE Subcommittee shall  
19                         take place not later than 90 days after the date  
20                         of the enactment of the RESPONSE Act of  
21                         2015.

22                         “(B) OTHER MEETINGS.—After the initial  
23                         meeting, the RESPONSE Subcommittee shall  
24                         meet at least twice annually, with at least 1

1 meeting conducted in person during the first  
2 year, at the call of the Chairperson.

3 “(5) CONSULTATION WITH NONMEMBERS.—The  
4 RESPONSE Subcommittee and the program offices  
5 for emergency responder training and resources shall  
6 consult with other relevant agencies and groups, in-  
7 cluding entities engaged in federally funded research  
8 and academic institutions engaged in relevant work  
9 and research, which are not represented on the RE-  
10 SPONSE Subcommittee to consider new and devel-  
11 oping technologies and methods that may be bene-  
12 ficial to preparedness and response to rail incidents.

13 “(6) RECOMMENDATIONS.—The RESPONSE  
14 Subcommittee shall evaluate the following topics and  
15 develop recommendations, as appropriate, for im-  
16 proving emergency responder training and resource  
17 allocation for hazardous materials incidents involving  
18 railroads:

19 “(A) Quality and application of training  
20 for local emergency first responders related to  
21 rail hazardous materials incidents, with a par-  
22 ticular focus on local emergency responders and  
23 small communities near railroads, including the  
24 following:

1           “(i) Ease of access to relevant train-  
2           ing for local emergency first responders,  
3           including an analysis of—

4                   “(I) the number of individuals  
5                   being trained;

6                   “(II) the number of individuals  
7                   who are applying;

8                   “(III) whether current demand is  
9                   being met;

10                  “(IV) current challenges; and

11                  “(V) projected needs.

12           “(ii) Modernization of course content  
13           related to rail hazardous materials inci-  
14           dents, with a particular focus on response  
15           to the exponential rise in oil shipments by  
16           rail.

17           “(iii) Training content across agencies  
18           and the private sector to provide com-  
19           plementary opportunities for rail haz-  
20           ardous materials incidents courses and ma-  
21           terials to avoid overlap, including the fol-  
22           lowing:

23                   “(I) Overlap of course content  
24                   among agencies.

1                   “(II) Integrated course content  
2 through public-private partnerships.

3                   “(III) Regular and ongoing eval-  
4 uation of course opportunities, adap-  
5 tation to emerging trends, agency and  
6 private sector outreach, effectiveness  
7 and ease of access for local emergency  
8 responders.

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

11                  “(B) Effectiveness of funding levels related  
12 to training local emergency responders for rail  
13 hazardous materials incidents, with a particular  
14 focus on local emergency responders and small  
15 communities, including the following:

16                   “(i) Minimizing overlap in resource al-  
17 location among agencies.

18                   “(ii) Minimizing overlap in resource  
19 allocation among agencies and private sec-  
20 tor.

21                   “(iii) Maximizing public-private part-  
22 nerships where funding gaps exists for spe-  
23 cific training or cost-saving measures can  
24 be implemented to increase training oppor-  
25 tunities.

1           “(iv) Adaptation of priority settings  
2           for agency funding allocations in response  
3           to emerging trends.

4           “(v) Historic levels of funding across  
5           agencies and private sector for rail haz-  
6           ardous materials incidents.

7           “(vi) Current funding resources across  
8           agencies.

9           “(C) Strategy for integration of commodity  
10          flow studies, mapping, and access platforms for  
11          local emergency responders and how to increase  
12          the rate of access to the individual responder in  
13          existing or emerging communications tech-  
14          nology.

15          “(D) The need for emergency response  
16          plans for rail, similar to existing law related to  
17          maritime and stationary facility emergency re-  
18          sponse plans for hazardous materials, including  
19          the following:

20                 “(i) The requirements of such emer-  
21                 gency plans on each train and the format  
22                 and availability of such emergency plans to  
23                 emergency responders in communities  
24                 through which the materials travel.

1           “(ii) How the industry would imple-  
2           ment such plans.

3           “(iii) The thresholds that require  
4           emergency plans for each train related to  
5           hazardous materials in its cargo.

6           “(iv) Gaps in existing regulations  
7           across agencies.

8           “(E) The need for a rail hazardous mate-  
9           rials incident database, including the following:

10           “(i) An assessment of the appropriate  
11           entity to host the database.

12           “(ii) A definition of ‘rail hazardous  
13           materials incident’ that would constitute  
14           the level of reporting from the industry.

15           “(iii) The projected cost of such a  
16           database and how that database would be  
17           maintained and enforced.

18           “(F) Increasing access to relevant, useful,  
19           and timely information for the local emergency  
20           responder for training purposes and in the  
21           event of a rail hazardous materials incident, in-  
22           cluding the following:

23           “(i) Existing information that the  
24           emergency responder can access, what the  
25           current rate of access and usefulness is for

1 the emergency responder, and what cur-  
2 rent information should remain and what  
3 should be reassessed.

4 “(ii) Utilization of existing technology  
5 in the hands of the first responder to  
6 maximize delivery of useful and timely in-  
7 formation for training purposes or in the  
8 event of an incident.

9 “(iii) Assessment of emerging commu-  
10 nications technology that could assist the  
11 emergency responder in the event of an in-  
12 cident.

13 “(G) Determination of the most appro-  
14 priate agencies and offices for the implementa-  
15 tion of the recommendations, including—

16 “(i) recommendations that can be im-  
17 plemented without congressional action  
18 and appropriate timeframes for such ac-  
19 tions; and

20 “(ii) recommendations that would re-  
21 quire congressional action.

22 “(7) REPORT.—

23 “(A) IN GENERAL.—Not later than 1 year  
24 after the date of the enactment of the RE-  
25 SPONSE Act of 2015, the RESPONSE Sub-

1 committee shall submit a report containing the  
2 recommendations developed under paragraph  
3 (6) to the National Advisory Council.

4 “(B) REVIEW.—The National Advisory  
5 Council shall take up the RESPONSE Sub-  
6 committee’s report within 30 days for review  
7 and deliberation. The National Advisory Coun-  
8 cil may ask for additional clarification, changes,  
9 or other information from the RESPONSE  
10 Subcommittee to assist in the approval of the  
11 recommendations.

12 “(C) RECOMMENDATION.—Once the Na-  
13 tional Advisory Council approves the rec-  
14 ommendations from the RESPONSE Sub-  
15 committee, the National Advisory Council shall  
16 submit the report to—

17 “(i) the Administrator;

18 “(ii) the head of each agency rep-  
19 resented on the RESPONSE Sub-  
20 committee;

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

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

4           “(v) the Committee on Transportation  
5           and Infrastructure of the House of Rep-  
6           resentatives.

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          ministrators shall—

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

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

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 or from the Administrator.

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 2015.

9                 “(B) EXTENSION.—The Administrator  
10          may extend the duration of the RESPONSE  
11          Subcommittee, in 1-year increments, if the Ad-  
12          ministrator determines that additional reports  
13          and recommendations are needed from the RE-  
14          SPONSE Subcommittee after the termination  
15          date set forth in subparagraph (A).”.

Calendar No. 155

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 546**

[Report No. 114-85]

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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.

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JULY 21, 2015

Reported without amendment