

1401; amended Pub. L. 110-53, title IV, § 404, Aug. 3, 2007, 121 Stat. 303.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 317, Pub. L. 107-296, title V, § 507, Nov. 25, 2002, 116 Stat. 2214, related to the role of the Federal Emergency Management Agency, prior to repeal by Pub. L. 109-295, title VI, § 611(4), Oct. 4, 2006, 120 Stat. 1395.

##### AMENDMENTS

2007—Subsec. (c)(2)(I) to (K). Pub. L. 110-53 added subpars. (I) and (J) and redesignated former subpar. (I) as (K).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Mar. 31, 2007, see section 614(b)(3) of Pub. L. 109-295, set out as a note under section 701 of this title.

### § 318. National Advisory Council

#### (a) Establishment

Not later than 60 days after October 4, 2006, the Secretary shall establish an advisory body under section 451(a) of this title to ensure effective and ongoing coordination of Federal preparedness, protection, response, recovery, and mitigation for natural disasters, acts of terrorism, and other man-made disasters, to be known as the National Advisory Council.

#### (b) Responsibilities

##### (1) In general

The National Advisory Council shall advise the Administrator on all aspects of emergency management. The National Advisory Council shall incorporate State, local, and tribal government and private sector input in the development and revision of the national preparedness goal, the national preparedness system, the National Incident Management System, the National Response Plan, and other related plans and strategies.

##### (2) Consultation on grants

To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies, as appropriate.

#### (c) Membership

##### (1) In general

The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of officials, emergency managers, and emergency response providers from State, local, and tribal governments, the private sector, and non-governmental organizations, including as appropriate—

(A) members selected from the emergency management field and emergency response providers, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency management personnel, or organizations representing such individuals;

(B) health scientists, emergency and inpatient medical providers, and public health professionals;

(C) experts from Federal, State, local, and tribal governments, and the private sector, representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community, particularly those with expertise in the emergency preparedness and response field;

(D) State, local, and tribal government officials with expertise in preparedness, protection, response, recovery, and mitigation, including Adjutants General;

(E) elected State, local, and tribal government executives;

(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;

(G) representatives of individuals with disabilities and other populations with special needs; and

(H) such other individuals as the Administrator determines to be appropriate.

#### (2) Coordination with the Departments of Health and Human Services and Transportation

In the selection of members of the National Advisory Council who are health or emergency medical services professionals, the Administrator shall work with the Secretary of Health and Human Services and the Secretary of Transportation.

#### (3) Ex officio members

The Administrator shall designate 1 or more officers of the Federal Government to serve as ex officio members of the National Advisory Council.

#### (4) Terms of office

##### (A) In general

Except as provided in subparagraph (B), the term of office of each member of the National Advisory Council shall be 3 years.

##### (B) Initial appointments

Of the members initially appointed to the National Advisory Council—

(i) one-third shall be appointed for a term of 1 year; and

(ii) one-third shall be appointed for a term of 2 years.

#### (d) RESPONSE Subcommittee

##### (1) Establishment

Not later than 30 days after December 16, 2016, the Administrator shall establish, as a subcommittee of the National Advisory Council, the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation Subcommittee (referred to in this subsection as the “RESPONSE Subcommittee”).

**(2) Membership**

Notwithstanding subsection (c), the RESPONSE Subcommittee shall be composed of the following:

(A) The Deputy Administrator, Protection and National Preparedness of the Federal Emergency Management Agency, or designee.

(B) The Chief Safety Officer of the Pipeline and Hazardous Materials Safety Administration, or designee.

(C) The Associate Administrator for Hazardous Materials Safety of the Pipeline and Hazardous Materials Safety Administration, or designee.

(D) The Assistant Director for Emergency Communications, or designee.

(E) The Director for the Office of Railroad, Pipeline and Hazardous Materials Investigations of the National Transportation Safety Board, or designee.

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

(G) The Assistant Administrator for Security Policy and Industry Engagement of the Transportation Security Administration, or designee.

(H) The Assistant Commandant for Response Policy of the Coast Guard, or designee.

(I) The Assistant Administrator for the Office of Solid Waste and Emergency Response of the Environmental Protection Agency, or designee.

(J) Such other qualified individuals as the co-chairpersons shall jointly appoint as soon as practicable after December 16, 2016, from among the following:

(i) Members of the National Advisory Council that have the requisite technical knowledge and expertise to address rail emergency response issues, including members from the following disciplines:

(I) Emergency management and emergency response providers, including fire service, law enforcement, hazardous materials response, and emergency medical services.

(II) State, local, and tribal government officials.

(ii) Individuals who have the requisite technical knowledge and expertise to serve on the RESPONSE Subcommittee, including at least 1 representative from each of the following:

(I) The rail industry.

(II) Rail labor.

(III) Persons who offer oil for transportation by rail.

(IV) The communications industry.

(V) Emergency response providers, including individuals nominated by national organizations representing State and local governments and emergency responders.

(VI) Emergency response training providers.

(VII) Representatives from tribal organizations.

(VIII) Technical experts.

(IX) Vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for emergency responder services.

(iii) Representatives of such other stakeholders and interested and affected parties as the co-chairpersons consider appropriate.

**(3) Co-chairpersons**

The members described in subparagraphs (A) and (B) of paragraph (2) shall serve as the co-chairpersons of the RESPONSE Subcommittee.

**(4) Initial meeting**

The initial meeting of the RESPONSE Subcommittee shall take place not later than 90 days after December 16, 2016.

**(5) Consultation with nonmembers**

The RESPONSE Subcommittee and the program offices for emergency responder training and resources shall consult with other relevant agencies and groups, including entities engaged in federally funded research and academic institutions engaged in relevant work and research, which are not represented on the RESPONSE Subcommittee to consider new and developing technologies and methods that may be beneficial to preparedness and response to rail hazardous materials incidents.

**(6) Recommendations**

The RESPONSE Subcommittee shall develop recommendations, as appropriate, for improving emergency responder training and resource allocation for hazardous materials incidents involving railroads after evaluating the following topics:

(A) The quality and application of training for State and local emergency responders related to rail hazardous materials incidents, including training for emergency responders serving small communities near railroads, including the following:

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

(I) the number of individuals being trained;

(II) the number of individuals who are applying;

(III) whether current demand is being met;

(IV) current challenges; and

(V) projected needs.

(ii) Modernization of training course content related to rail hazardous materials incidents, with a particular focus on fluctuations in oil shipments by rail, including regular and ongoing evaluation of course opportunities, adaptation to emerging trends, agency and private sector outreach, effectiveness and ease of access for State and local emergency responders.

(iii) Identification of overlap in training content and identification of opportunities to develop complementary courses and materials among governmental and non-governmental entities.

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

(B) The availability and effectiveness of Federal, State, local, and nongovernmental funding levels related to training emergency responders for rail hazardous materials incidents, including emergency responders serving small communities near railroads, including—

(i) identifying overlap in resource allocations;

(ii) identifying cost savings measures that can be implemented to increase training opportunities;

(iii) leveraging government funding with nongovernmental funding to enhance training opportunities and fill existing training gaps;

(iv) adaptation of priority settings for agency funding allocations in response to emerging trends;

(v) historic levels of funding across Federal agencies for rail hazardous materials incident response and training, including funding provided by the private sector to public entities or in conjunction with Federal programs; and

(vi) current funding resources across agencies.

(C) The strategy for integrating commodity flow studies, mapping, and rail and hazardous materials databases for State and local emergency responders and increasing the rate of access to the individual responder in existing or emerging communications technology.

## **(7) Report**

### **(A) In general**

Not later than 1 year after December 16, 2016, the RESPONSE Subcommittee shall submit a report to the National Advisory Council that—

(i) includes the recommendations developed under paragraph (6);

(ii) specifies the timeframes for implementing any such recommendations that do not require congressional action; and

(iii) identifies any such recommendations that do require congressional action.

### **(B) Review**

Not later than 30 days after receiving the report under subparagraph (A), the National Advisory Council shall begin a review of the report. The National Advisory Council may ask for additional clarification, changes, or other information from the RESPONSE Subcommittee to assist in the approval of the recommendations.

### **(C) Recommendation**

Once the National Advisory Council approves the recommendations of the RESPONSE Subcommittee, the National Advisory Council shall submit the report to—

(i) the co-chairpersons of the RESPONSE Subcommittee;

(ii) the head of each other agency represented on the RESPONSE Subcommittee;

(iii) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(v) the Committee on Homeland Security of the House of Representatives; and

(vi) the Committee on Transportation and Infrastructure of the House of Representatives.

## **(8) Interim activity**

### **(A) Updates and oversight**

After the submission of the report by the National Advisory Council under paragraph (7), the Administrator shall—

(i) provide annual updates to the congressional committees referred to in paragraph (7)(C) regarding the status of the implementation of the recommendations developed under paragraph (6); and

(ii) coordinate the implementation of the recommendations described in paragraph (6)(G)(i), as appropriate.

### **(B) Sunset**

The requirements of subparagraph (A) shall terminate on the date that is 2 years after the date of the submission of the report required under paragraph (7)(A).

## **(9) Termination**

The RESPONSE Subcommittee shall terminate not later than 90 days after the submission of the report required under paragraph (7)(C).

## **(e) Applicability of chapter 10 of title 5**

### **(1) In general**

Notwithstanding section 451(a) of this title and subject to paragraph (2), chapter 10 of title 5, including subsections (a), (b), and (d) of section 1009 of title 5, and section 552b(c) of title 5 shall apply to the National Advisory Council.

### **(2) Termination**

Section 1013(a)(2) of title 5 shall not apply to the National Advisory Council.

(Pub. L. 107-296, title V, § 508, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1403; amended Pub. L. 110-53, title I, § 102(a), Aug. 3, 2007, 121 Stat. 293; Pub. L. 114-321, § 2, Dec. 16, 2016, 130 Stat. 1623; Pub. L. 115-278, § 2(g)(4)(A), Nov. 16, 2018, 132 Stat. 4178; Pub. L. 117-286, § 4(a)(15), Dec. 27, 2022, 136 Stat. 4306.)

## **Editorial Notes**

### **PRIOR PROVISIONS**

A prior section 508 of Pub. L. 107-296 was renumbered section 519 and is classified to section 321h of this title.

### **AMENDMENTS**

2022—Subsec. (e). Pub. L. 117-286, § 4(a)(15)(A), substituted “chapter 10 of title 5” for “Federal Advisory Committee Act” in heading.

Subsec. (e)(1). Pub. L. 117-286, § 4(a)(15)(B), substituted “chapter 10 of title 5, including subsections (a), (b), and (d) of section 1009 of title 5,” for “the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act.”

Subsec. (e)(2). Pub. L. 117-286, § 4(a)(15)(C), substituted “Section 1013(a)(2) of title 5” for “Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.)”.

2018—Subsec. (d)(2)(D). Pub. L. 115-278 substituted “The Assistant Director for Emergency Communications” for “The Director of the Office of Emergency Communications of the Department of Homeland Security”.

2016—Subsecs. (d), (e). Pub. L. 114-321 added subsec. (d) and redesignated former subsec. (d) as (e).

2007—Subsec. (b). Pub. L. 110-53 designated existing provisions as par. (1), inserted heading, and added par. (2).

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Reference to the Assistant Director for Emergency Communications deemed to be a reference to the Executive Assistant Director for Emergency Communications, see section 571(g) of this title, enacted Jan. 1, 2021.

##### EFFECTIVE DATE

Section effective Mar. 31, 2007, see section 614(b)(3) of Pub. L. 109-295, set out as a note under section 701 of this title.

### § 319. National Integration Center

#### (a) In general

There is established in the Agency a National Integration Center.

#### (b) Responsibilities

##### (1) In general

The Administrator, through the National Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, and any successor to such system or plan.

##### (2) Specific responsibilities

The National Integration Center shall periodically review, and revise as appropriate, the National Incident Management System and the National Response Plan, including—

(A) establishing, in consultation with the Director of the Corporation for National and Community Service, a process to better use volunteers and donations;

(B) improving the use of Federal, State, local, and tribal resources and ensuring the effective use of emergency response providers at emergency scenes; and

(C) revising the Catastrophic Incident Annex, finalizing and releasing the Catastrophic Incident Supplement to the National Response Plan, and ensuring that both effectively address response requirements in the event of a catastrophic incident.

#### (c) Incident management

##### (1) In general

##### (A) National Response Plan

The Secretary, acting through the Administrator, shall ensure that the National Response Plan provides for a clear chain of command to lead and coordinate the Federal response to any natural disaster, act of terrorism, or other man-made disaster.

##### (B) Administrator

The chain of the command specified in the National Response Plan shall—

(i) provide for a role for the Administrator consistent with the role of the Administrator as the principal emergency management advisor to the President, the Homeland Security Council, and the Secretary under section 313(c)(4) of this title and the responsibility of the Administrator under the Post-Katrina Emergency Management Reform Act of 2006, and the amendments made by that Act, relating to natural disasters, acts of terrorism, and other man-made disasters; and

(ii) provide for a role for the Federal Coordinating Officer consistent with the responsibilities under section 5143(b) of title 42.

#### (2) Principal Federal Official; Joint Task Force

The Principal Federal Official (or the successor thereto) or Director of a Joint Task Force established under section 348 of this title shall not—

(A) direct or replace the incident command structure established at the incident; or

(B) have directive authority over the Senior Federal Law Enforcement Official, Federal Coordinating Officer, or other Federal and State officials.

(Pub. L. 107-296, title V, § 509, as added Pub. L. 109-295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1405; amended Pub. L. 114-328, div. A, title XIX, § 1901(d)(2), Dec. 23, 2016, 130 Stat. 2670.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Post-Katrina Emergency Management Reform Act of 2006, referred to in subsec. (c)(1)(B)(i), is title VI of Pub. L. 109-295, Oct. 4, 2006, 120 Stat. 1394. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

##### PRIOR PROVISIONS

A prior section 509 of Pub. L. 107-296 was renumbered section 520 and is classified to section 321i of this title.

##### AMENDMENTS

2016—Subsec. (c)(2). Pub. L. 114-328 inserted “; Joint Task Force” after “Official” in heading and “or Director of a Joint Task Force established under section 348 of this title” before “shall” in introductory provisions.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of this title.

### § 320. Credentialing and typing

#### (a) In general

The Administrator shall enter into a memorandum of understanding with the administrators of the Emergency Management Assistance Compact, State, local, and tribal governments, and organizations that represent emergency response providers, to collaborate on developing