

AMENDMENT
OFFERED BY MR. NEHLS OF TEXAS

At the end of title X, insert the following:

1 **Subtitle G—Railway Safety Act of**
2 **2026**

3 **SEC. 10700. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This subtitle may be cited as the
5 “Railway Safety Act of 2026”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this subtitle is as follows:

Sec. 10700. Short title; table of contents.

PART 1—RAIL SAFETY

Sec. 10701. Definitions.

Sec. 10702. Safety requirements for high-hazard trains.

Sec. 10703. Ensuring the safety of long trains.

Sec. 10704. Blocked highway-rail grade crossings.

Sec. 10705. Inspections.

Sec. 10706. Emergency brake signals.

Sec. 10707. Defect detection systems.

Sec. 10708. Safe Freight Act of 2026.

Sec. 10709. Rail safety infrastructure research and development grants.

Sec. 10710. Authorization of appropriations for tank car research and development.

Sec. 10711. Federal Railroad Administration safety culture.

Sec. 10712. GAO report on roadway worker protections.

Sec. 10713. Federal Railroad Administration safety workforce management.

Sec. 10714. Office of Personnel Management review of safety inspector and specialist classifications.

Sec. 10715. Alcohol and drug testing.

PART 2—HAZARDOUS MATERIALS EMERGENCY RESPONSE AND
PREPAREDNESS

Sec. 10721. Virtual training options.

Sec. 10722. Hazardous materials transportation emergency response and preparedness grants.

Sec. 10723. Emergency response assistance.

1 **PART 1—RAIL SAFETY**

2 **SEC. 10701. DEFINITIONS.**

3 In this part:

4 (1) IN GENERAL.—Except as otherwise pro-
5 vided, terms used in this part have the definitions
6 given such terms in section 20155 of title 49, United
7 States Code, as amended by section 10702(a).

8 (2) CLASS I RAILROAD.—The term “Class I
9 railroad” has the meaning given such term in sec-
10 tion 20102(1) of title 49, United States Code.

11 (3) SECRETARY.—The term “Secretary” means
12 the Secretary of Transportation.

13 **SEC. 10702. SAFETY REQUIREMENTS FOR HIGH-HAZARD**
14 **TRAINS.**

15 (a) TANK CAR SAFETY REQUIREMENTS.—Section
16 20155 of title 49, United States Code, is amended to read
17 as follows:

18 **“§ 20155. High-hazard trains**

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

20 **“(1) EXPLOSIVES.—The term ‘explosives’**
21 **means Class 1 explosives categorized in Division 1.1,**
22 **1.2, or 1.3 in section 173.50(b) of title 49, Code of**
23 **Federal Regulations.**

24 **“(2) FLAMMABLE GAS.—The term ‘flammable**
25 **gas’ has the meaning given such term in section**
26 **173.115(a) of title 49, Code of Federal Regulations.**

1 “(3) FLAMMABLE LIQUID.—The term ‘flam-
2 mable liquid’ has the meaning given such term in
3 section 173.120(a) of title 49, Code of Federal Reg-
4 ulations.

5 “(4) HAZARDOUS MATERIAL.—The term ‘haz-
6 arduous material’ means a substance or material des-
7 igned by the Secretary of Transportation as haz-
8 arduous pursuant to section 5103(a) of this title.

9 “(5) HIGH-HAZARD TRAIN.—The term ‘high-
10 hazard train’ means a single train transporting,
11 throughout the train consist—

12 “(A) 20 or more tank cars loaded with a
13 flammable liquid;

14 “(B) 1 or more tank cars or intermodal
15 portable tanks loaded with a material toxic or
16 poisonous by inhalation;

17 “(C) 1 or more cars loaded with high-level
18 radioactive waste or spent nuclear fuel;

19 “(D) 10 or more cars loaded with explo-
20 sives;

21 “(E) 5 or more tank cars loaded with a
22 flammable gas; or

23 “(F) 20 or more cars loaded with any com-
24 bination of flammable liquids, flammable gases,
25 or explosives.

1 “(6) HIGH-LEVEL RADIOACTIVE WASTE; SPENT
2 NUCLEAR FUEL.—The terms ‘high-level radioactive
3 waste’ and ‘spent nuclear fuel’ have the meanings
4 given to a ‘type B package’ and a ‘fissile material
5 package’, respectively, in section 173.403 of title 49,
6 Code of Federal Regulations.

7 “(7) MATERIAL TOXIC OR POISONOUS BY INHA-
8 LATION.—The term ‘material toxic or poisonous by
9 inhalation’ has the meaning given the term ‘Material
10 poisonous by inhalation or Material toxic by inhala-
11 tion’ in section 171.8 of title 49, Code of Federal
12 Regulations.

13 “(b) RULEMAKING.—Not later than 1 year after the
14 date of the enactment of the Railway Safety Act of 2026,
15 the Secretary, in consultation with appropriate Federal
16 agencies, shall issue regulations that—

17 “(1) rescind the requirements set forth in para-
18 graphs (4) and (5) of section 174.310(a) of title 49,
19 Code of Federal Regulations, with respect to tank
20 cars carrying hazardous materials other than Class
21 3 flammable liquids;

22 “(2) revise the requirements set forth in section
23 174.310(a)(2) of title 49, Code of Federal Regula-
24 tions—

1 “(A) to limit all trains to a maximum
2 speed of 50 miles per hour; and

3 “(B) to limit high-hazard trains carrying
4 20 or more cars loaded with flammable liquids
5 to a maximum speed of 40 miles per hour while
6 that train travels within the limits of high-
7 threat urban areas (HTUAs) (as defined in
8 1580.3 of title 49, Code of Federal Regulations,
9 unless all tank cars containing a Class 3 flam-
10 mable liquid meet or exceed the DOT specifica-
11 tion 117 standards, the DOT specification
12 117P performance standards, or the DOT spec-
13 ification 117R retrofit standards set forth in
14 subpart D of part 179 of title 49, Code of Fed-
15 eral Regulations, including DOT-105A, DOT-
16 105H, DOT-105J, DOT-105S, DOT-112H,
17 DOT-112J, DOT-112S, and DOT-120S tank
18 cars;

19 “(3) require rail carriers operating high-hazard
20 trains to comply with the requirements applicable to
21 high-hazard flammable trains under section 174.310
22 of title 49, Code of Federal Regulations;

23 “(4) require any Class I railroad transporting
24 hazardous materials—

1 “(A) to generate accurate, real-time, and
2 electronic train consist information, including—

3 “(i) the identity, quantity, and loca-
4 tion of hazardous materials on a train;

5 “(ii) the point of origin and destina-
6 tion of the train;

7 “(iii) any emergency response infor-
8 mation or resources required by the Sec-
9 retary; and

10 “(iv) an emergency response point of
11 contact designated by the Class I railroad;
12 and

13 “(B) to enter into a memorandum of un-
14 derstanding with each applicable fusion center
15 to provide the fusion center with secure and
16 confidential access to the electronic train con-
17 sist information described in subparagraph (A)
18 for each train transporting hazardous materials
19 in the jurisdiction of the fusion center;

20 “(5) require each Class I railroad to provide
21 commodity flow reports of the hazardous materials
22 transported by a high-hazard train to each State
23 emergency response commission, Tribal emergency
24 response commission, or other responsible State or
25 Tribal agency, consistent with the notification con-

1 tent requirements under section 174.312 of title 49,
2 Code of Federal Regulations (or a successor regula-
3 tion), including—

4 “(A) a reasonable estimate of the number
5 of high-hazard trains that are expected to trav-
6 el, per week, through each county within the
7 applicable jurisdiction;

8 “(B) updates to such estimate when mak-
9 ing a change in volume of 25 percent or more;

10 “(C) a description of the hazardous mate-
11 rials being transported on such trains;

12 “(D) applicable emergency response infor-
13 mation, as required by regulation;

14 “(E) identification of the routes over which
15 the hazardous materials on such trains will be
16 transported; and

17 “(F) a point of contact at the Class I rail-
18 road who—

19 “(i) has knowledge of the railroads’
20 transportation of hazardous materials; and

21 “(ii) is responsible for serving as the
22 point of contact for the State emergency
23 response commission, Tribal emergency re-
24 sponse commission, or other State or Trib-

1 al agency responsible for receiving such in-
2 formation;

3 “(6) require each applicable State emergency
4 response commission to provide to a political subdivi-
5 sion of a State, or the public agency responsible for
6 emergency response or law enforcement, upon re-
7 quest of the political subdivision or public agency,
8 the information the commission receives from a
9 Class I railroad pursuant to paragraph (5), includ-
10 ing, for any such political subdivision or public agen-
11 cy responsible for emergency response or law en-
12 forcement that makes an initial request for such in-
13 formation, any updates received by the State emer-
14 gency response commission;

15 “(7) prohibit any Class I railroad, employee, or
16 agent from withholding, or causing to be withheld,
17 the train consist information from first responders,
18 emergency response officials, Federal and State
19 agencies, and law enforcement personnel who are re-
20 sponding to an incident, accident, or public health or
21 safety emergency involving the rail transportation of
22 hazardous materials; and

23 “(8) establish security and confidentiality pro-
24 tections, in coordination with the Secretary of
25 Homeland Security, including protections from the

1 public release of proprietary information or security
2 sensitive information (as defined in section 15.5 of
3 title 49, Code of Federal Regulations), to prevent
4 the release to unauthorized persons any electronic
5 train consist information or advanced notification or
6 information provided by Class I railroads under this
7 section.

8 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion may be construed to prohibit a Class I railroad from
10 voluntarily entering into a memorandum of understanding
11 with a State emergency response commission or an entity
12 representing or including first responders, emergency re-
13 sponse officials, and law enforcement personnel.

14 “(d) SAFETY IMPROVEMENTS.—Not later than 1
15 year after the date of the enactment of the Railway Safety
16 Act of 2026, the Secretary shall evaluate and update, to
17 the extent necessary for safety and in compliance with Ex-
18 ecutive Order 12866 (5 U.S.C. 601 note; relating to regu-
19 latory planning and review), the operational requirements
20 for high-hazard trains to ensure the safe transportation
21 of hazardous materials by rail, including—

22 “(1) preventing the placement of blocks of
23 empty railcars in locations within the consist of the
24 train that increase the chance or severity of a derail-
25 ment; and

1 “(2) requirements for an adequate number of
2 buffer cars between a locomotive or railcar and tank
3 cars transporting hazardous materials.

4 “(e) HAZARDOUS MATERIALS EMERGENCY RE-
5 SPONSE PLANS.—

6 “(1) PLAN CONTENTS.—The Secretary shall
7 promulgate regulations, in compliance with Execu-
8 tive Order 12866, requiring all Class I railroads that
9 operate high-hazard trains to submit to the Sec-
10 retary hazardous materials emergency response
11 plans that are consistent with the format of the Na-
12 tional Response Team ‘One Plan’. Such plans shall
13 include—

14 “(A) consideration of potential hazardous
15 materials release for material toxic or poisonous
16 by inhalation that the railroad is transporting;

17 “(B) identification of the railroad’s haz-
18 ardous materials response teams that can
19 quickly respond to a release or potential release
20 within a reasonable amount of time;

21 “(C) identification of the equipment and
22 resources available to the hazardous materials
23 response teams;

24 “(D) organizational charts for the haz-
25 ardous materials response teams; and

1 “(E) plans to facilitate hazardous mate-
2 rials release liability claims.

3 “(2) COORDINATION.—Railroads shall coordi-
4 nate with relevant States and Tribes when creating
5 the plans required under paragraph (1).

6 “(3) TRIENNIAL REVIEW.—Not later than 1
7 year after a Class I railroad submits a hazardous
8 materials emergency response plan pursuant to
9 paragraph (1), and on a triennial basis thereafter,
10 the Secretary shall review such plan. If the Sec-
11 retary identifies deficiencies during such review, the
12 Secretary shall describe the nature of any defi-
13 ciencies and allow for correction.

14 “(4) VERIFICATION.—The Secretary shall peri-
15 odically audit a railroad’s hazardous materials emer-
16 gency response plan.”.

17 (b) CLERICAL AMENDMENT.—The analysis in chap-
18 ter 201 of title 49, United States Code, is amended by
19 striking the item relating to section 20155 and inserting
20 the following:

 “20155. High-hazard trains.”.

21 **SEC. 10703. ENSURING THE SAFETY OF LONG TRAINS.**

22 (a) REVIEWING AND UPDATING SAFETY REGULA-
23 TIONS.—Not later than one year after the date of the en-
24 actment of this Act, the Secretary shall—

1 (1) evaluate any safety concerns identified in
2 the Comptroller General’s report titled “Freight
3 Trains Are Getting Longer, and Additional Informa-
4 tion Is Needed to Assess Their Impact” (GAO-19-
5 443) and in the report required under section
6 22422(d) of the Passenger Rail Expansion and Rail
7 Safety Act of 2021 (title II of division B of Public
8 Law 117–58); and

9 (2) if the Secretary considers it necessary for
10 safety and compliance with Executive Order 12866
11 (5 U.S.C. 601 note; relating to regulatory planning
12 and review), address such concerns by updating ex-
13 isting safety regulations to ensure the safe transpor-
14 tation of goods and passengers by rail, taking into
15 account the impact that train length and weight
16 have on the safe transportation of high-hazard
17 trains.

18 (b) REPORT.—Not later than 3 years after the date
19 of the enactment of this Act, if the Secretary has not up-
20 dated any regulation under subsection (a), the Secretary
21 shall submit to the Committee on Commerce, Science, and
22 Transportation of the Senate and the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives a report that justifies such inaction.

25 (c) REPORTING REQUIREMENT.—

1 (1) IN GENERAL.—The Secretary shall revise
2 the existing railroad accident or incident reporting
3 forms to require railroads to report the weight trail-
4 ing tonnages of any train involved in a reportable
5 accident or incident.

6 (2) PUBLICATION.—The Administrator of the
7 Federal Railroad Administration shall publish on its
8 Rail Safety Data website a summary of all report-
9 able incidents and accidents, categorized by train
10 length and weight.

11 **SEC. 10704. BLOCKED HIGHWAY-RAIL GRADE CROSSINGS.**

12 (a) STUDY.—The Secretary shall seek to enter into
13 an agreement with the President of the National Academy
14 of Sciences under which the President of the National
15 Academy shall—

16 (1) conduct a study of 20 most frequently
17 blocked highway-rail grade crossings in not fewer
18 than 10 different States, as determined by the Sec-
19 retary based on—

20 (A) Federal Railroad Administration data;

21 (B) the work experience of the Office of
22 Railroad Safety's Grade Crossing and Tres-
23 passer Outreach Division;

24 (C) data from the blocked highway-rail
25 grade crossing portal; and

1 (D) geographic diversity; and

2 (2) provide recommendations to the Secretary
3 for solutions in preventing or reducing occurrences
4 or repeated occurrences where highway-rail grade
5 crossings are blocked for extended periods.

6 (b) MEMBERS.—In establishing the membership to
7 conduct the study described in subsection (a)(1), the
8 President of the National Academy of Sciences shall ap-
9 point not fewer than 3 members of the National Academy
10 who—

11 (1) are engineering or rail experts;

12 (2) are not railroad carriers, or entities funded
13 by railroad carriers;

14 (3) have relevant experience in railroad safety
15 technology or railroad operating experience; and

16 (4) have no financial ties to the rail industry.

17 (c) ELEMENTS.—The study conducted pursuant to
18 subsection (a)(1) shall—

19 (1) examine any potential impacts to railroad
20 and community safety due to blocked highway-rail
21 grade crossings;

22 (2) identify potential financial impacts incurred
23 by the railroad or its customers due to blocked
24 crossings;

1 (3) identify potential freight network efficiency
2 impacts due to solutions that will reduce or elimi-
3 nate the impacts of blocked crossings;

4 (4) examine community impacts that result
5 from blocked crossings;

6 (5) examine causes for blocked crossings; and

7 (6) identify practical solutions to prevent
8 blocked crossings.

9 (d) REPORT.—Not later than 2 years after the date
10 of the enactment of this Act, the Secretary shall submit
11 a report to the Committee on Commerce, Science, and
12 Transportation of the Senate and the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives that contains the results of the study con-
15 ducted by the National Academy of Sciences pursuant to
16 this section.

17 (e) FUNDING.—From the amounts appropriated for
18 fiscal year 2024 to carry out section 20108 of title 49,
19 United States Code, that remain unobligated, the Sec-
20 retary shall expend such sums as may be necessary, but
21 not more than \$2,000,000, to carry out the study required
22 under this section.

23 (f) RAILROAD CROSSING ELIMINATION PROGRAM.—
24 Section 22909 of title 49, United States Code, is amend-
25 ed—

1 (1) in subsection (f)(2)(C)—

2 (A) in clause (i), by striking “; or” and in-
3 serting a semicolon;

4 (B) in clause (ii), by striking the semicolon
5 and inserting “; or”; and

6 (C) by adding at the end the following:

7 “(iii) a bus route to a school or within
8 1 mile of a school;”; and

9 (2) in subsection (g)—

10 (A) by striking “Except” and inserting the
11 following:

12 “(1) IN GENERAL.—Except”; and

13 (B) by adding at the end the following:

14 “(2) CERTAIN BUS ROUTES.—The Federal
15 share of the cost of a project given additional consid-
16 eration under subsection (f)(2)(C)(iii) may not ex-
17 ceed 85 percent.”.

18 (g) RAILROAD POINT OF CONTACT FOR BLOCKED
19 CROSSINGS.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, each
22 railroad carrier shall establish and maintain a toll-
23 free telephone service for rights-of-way over which
24 the railroad carrier dispatches trains to directly re-

1 ceive calls reporting blocked highway-rail grade
2 crossings.

3 (2) USE OF EXISTING NUMBER.—A railroad
4 carrier may comply with the requirement under sub-
5 section (a) by using the telephone number that is
6 being used to comply with section 20152(a)(1) of
7 title 49, United States Code.

8 (3) PUBLICLY AVAILABLE.—Each railroad car-
9 rier subject to this subsection shall notify the Sec-
10 retary of the telephone number referred to in para-
11 graph (1) or (2), who shall post such number on a
12 publicly-available website of the Department of
13 Transportation.

14 (4) WAIVER.—The Secretary may waive the re-
15 quirement that the telephone service be toll-free for
16 Class II and Class III rail carriers if the Secretary
17 determines that toll-free service would be cost pro-
18 hibitive or unnecessary.

19 **SEC. 10705. INSPECTIONS.**

20 (a) TIME AVAILABLE FOR INSPECTION.—

21 (1) IN GENERAL.—Subchapter II of chapter
22 201 of title 49, United States Code, is amended by
23 adding at the end the following:

1 **“§ 20172. Time available for inspection**

2 “(a) IN GENERAL.—No railroad may limit the time
3 required for an employee to complete a railcar, locomotive,
4 or brake inspection to ensure that each railcar, locomotive,
5 and brake system complies with safety laws and regula-
6 tions.

7 “(b) REQUIREMENT.—Employees shall perform their
8 inspection duties promptly and shall not delay other than
9 for reasons related to safety.”.

10 (2) CLERICAL AMENDMENT.—The analysis for
11 subchapter II of chapter 201 of title 49, United
12 States Code, is amended by adding at the end the
13 following:

“20172. Time available for inspection.”.

14 (b) PRE-DEPARTURE RAILCAR INSPECTIONS.—Not
15 later than 120 days after the date of the enactment of
16 this Act, the Secretary shall amend the pre-departure in-
17 spection requirements for Class I railroads under part 215
18 of title 49, Code of Federal Regulations (as written on
19 such date of enactment)—

20 (1) to ensure that after initial consultation with
21 the Federal Railroad Administration, and after each
22 subsequent annual consultation, each railroad identi-
23 fies inspection locations and, at such locations, has
24 inspectors designated under section 215.11 available
25 for the purpose of inspecting freight cars;

1 (2) to ensure that all freight cars are inspected
2 by an inspector designated under section 215.11 at
3 a designated inspection location in the direction of
4 travel as soon as practicable; and

5 (3) to require each railroad that operates rail-
6 road freight cars to which such part 215 applies to
7 designate persons qualified to inspect railroad
8 freight rail cars, subject to any existing collective
9 bargaining agreement, for compliance and deter-
10 minations required under such part.

11 (c) QUALIFIED LOCOMOTIVE INSPECTIONS.—Not
12 later than 1 year after the date of the enactment of this
13 Act, the Secretary shall review and amend, as necessary,
14 regulations under chapters 229 and 243 of title 49, Code
15 of Federal Regulations—

16 (1) to ensure appropriate training qualifications
17 and proficiency of employees, including qualified me-
18 chanical inspectors, performing locomotive inspec-
19 tions; and

20 (2) for locomotives in service on a Class I rail-
21 road, to require an additional daily inspection to be
22 performed by a qualified mechanical inspector be-
23 tween the current intervals under section
24 229.23(b)(2) of title 49, Code of Federal Regula-
25 tions.

1 (d) AUDITS.—

2 (1) IN GENERAL.—Not later than 60 days after
3 the date of the enactment of this Act, the Secretary
4 shall initiate audits of Federal railcar, locomotive,
5 and train brake system inspection compliance with
6 chapter II of subtitle B of title 49, Code of Federal
7 Regulations, which—

8 (A) consider whether the railroad has in
9 place procedures necessary for railcar, loco-
10 motive, and train brake system inspection com-
11 pliance under such chapter;

12 (B) assess the type, content, and adequacy
13 of training and performance metrics the rail-
14 road provides employees who perform railcar,
15 locomotive, and train brake system inspections,
16 including the qualifications specified for such
17 employees;

18 (C) determine whether the railroad has
19 practices that would interfere with an employ-
20 ee's responsibility to perform an inspection
21 safely ;

22 (D) determine whether railcars, loco-
23 motives, and train brake systems are inspected
24 on the railroad's network in accordance with
25 such chapter;

1 (E) involve proper communication of iden-
2 tified defects to railroad personnel and make
3 appropriate use of remedial action reports to
4 verify that repairs are made;

5 (F) determine whether managers coerce
6 employees to sign off on any documents
7 verifying an inspection or repair of a railcar, lo-
8 comotive, or train brake system;

9 (G) determine whether the railroad's in-
10 spection procedures reflect the current oper-
11 ating practices of the railroad carrier; and

12 (H) ensure that railroad inspection proce-
13 dures only provide for the use of persons per-
14 mitted to perform each relevant inspection
15 under such chapter.

16 (2) AUDIT SCHEDULING.—The Secretary
17 may—

18 (A) schedule the audits required under
19 paragraph (1) to ensure that—

20 (i) every Class I railroad is audited
21 not less frequently than once every 5 years;
22 and

23 (ii) a limited number, as determined
24 by the Secretary, of Class II and Class III

1 railroads are audited annually, provided
2 that—

3 (I) no audit of a tourist, scenic,
4 historic, or excursion operation may
5 be required under this subsection; and

6 (II) no other Class II or III rail-
7 road may be audited more frequently
8 than once every 5 years; and

9 (B) conduct the audits described in sub-
10 paragraph (A)(ii) in accordance with—

11 (i) the Small Business Regulatory En-
12 forcement Fairness Act of 1996 (5 U.S.C.
13 601 note); and

14 (ii) appendix C of part 209 of title 49,
15 Code of Federal Regulations.

16 (3) UPDATES TO INSPECTION PROGRAM AND
17 PROCEDURES.—If, during an audit required under
18 this subsection, the auditor identifies a deficiency in
19 a railroad’s procedures or practices necessary to en-
20 sure compliance with chapter II of subtitle B of title
21 49, Code of Federal Regulations, the railroad shall
22 eliminate such deficiency, after first being provided
23 the opportunity to address whether such a deficiency
24 exists.

25 (4) CONSULTATION AND COOPERATION.—

1 (A) CONSULTATION.—In conducting any
2 audit required under this subsection, the Sec-
3 retary shall consult with the railroad being au-
4 dited and its employees, including any nonprofit
5 employee labor organization representing the
6 employees of the railroad that conduct railcar,
7 locomotive, or train brake system inspections.

8 (B) COOPERATION.—The railroad being
9 audited and its employees, including any non-
10 profit employee labor organization representing
11 mechanical employees, shall fully cooperate with
12 any audit conducted pursuant to this sub-
13 section—

14 (i) by providing any relevant docu-
15 ments requested; and

16 (ii) by making available any employees
17 for interview without undue delay or ob-
18 struction.

19 (C) FAILURE TO COOPERATE.—If the Sec-
20 retary determines that a railroad or any of its
21 employees, including any nonprofit employee
22 labor organization representing mechanical em-
23 ployees of the railroad is not fully cooperating
24 with an audit conducted pursuant to this sub-
25 section, the Secretary shall electronically notify

1 the Committee on Commerce, Science, and
2 Transportation of the Senate and the Com-
3 mittee on Transportation and Infrastructure of
4 the House of Representatives of such non-
5 cooperation.

6 (e) REVIEW OF REGULATIONS.—Not later than 5
7 years after the date of the enactment of this Act, and peri-
8 odically thereafter, the Secretary shall determine whether
9 any update to chapters I and II of subtitle B of title 49,
10 Code of Federal Regulations, is necessary to ensure the
11 adequacy of railcar, locomotive, and train brake system
12 inspections.

13 (f) ANNUAL REPORT.—The Secretary shall publish
14 an annual report on the public website of the Federal Rail-
15 road Administration that—

16 (1) summarizes the findings of the audits con-
17 ducted pursuant to subsection (d) during the most
18 recently concluded fiscal year;

19 (2) summarizes any updates made to chapter I
20 or II of subtitle B of title 49, Code of Federal Regu-
21 lations, pursuant to this section; and

22 (3) excludes any confidential business informa-
23 tion or sensitive security information.

24 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion may be construed—

1 (1) to provide the Secretary with any authority
2 to interpret, revise, alter, or apply a collectively bar-
3 gained agreement, nor any authority over collective
4 bargaining, collectively bargained agreements, or any
5 aspect of the Railway Labor Act (45 U.S.C. 151 et
6 seq.);

7 (2) to alter the terms or interpretations of ex-
8 isting collective bargaining agreements; or

9 (3) to abridge any procedural rights or rem-
10 edies provided under a collectively bargained agree-
11 ment.

12 **SEC. 10706. EMERGENCY BRAKE SIGNALS.**

13 (a) IN GENERAL.—Not later than 30 days after the
14 date of the enactment of this Act, the Administrator of
15 the Federal Railroad Administration shall convene a meet-
16 ing of the Railroad Safety Advisory Committee for the
17 purpose of considering a regulatory safety task on the
18 functioning of emergency brake signals.

19 (b) PURPOSE.—The Railroad Safety Advisory Com-
20 mittee shall consider—

21 (1) the sufficiency of the regulations under part
22 232 of title 49, Code of Federal Regulations, with
23 regard to end-of-train and head-of-train device com-
24 munications;

1 (2) whether National Transportation Safety
2 Board Safety Recommendations R-20-028 and R-20-
3 029 have been adequately addressed;

4 (3) whether more frequent communication
5 checks between a head-of-train device and an end-of-
6 train device would improve rail safety; and

7 (4) whether repetition of the emergency brake
8 signal transmission until it is received by the end-of-
9 train device would improve rail safety.

10 (c) RECOMMENDATIONS AND WORK PLAN.—Not
11 later than 90 days after the meeting is convened pursuant
12 to subsection (a), a working group of the Railroad Safety
13 Advisory Committee should—

14 (1) develop initial recommendations with re-
15 spect to the matters considered under subsection (b);
16 and

17 (2) complete a work plan for implementing such
18 recommendations.

19 **SEC. 10707. DEFECT DETECTION SYSTEMS.**

20 (a) IN GENERAL.—Subchapter II of chapter 201 of
21 title 49, United States Code, as amended by section
22 10705(a)(1), is further amended by adding at the end the
23 following:

24 **“§ 20173. Defect detection systems**

25 “(a) DEFINITIONS.—In this section:

1 “(1) DEFECT DETECTION SYSTEM.—The term
2 ‘defect detection system’ means the use of defect de-
3 tectors, the analysis of the data defect detectors
4 produce, and any other aspects a system that help
5 railroads identifying and understand the severity of
6 known safety conditions.

7 “(2) DEFECT DETECTOR.—The term ‘defect
8 detector’ means any device or equipment situated
9 within the rail system that can detect and commu-
10 nicate a potential or known safety condition.

11 “(3) HIGH-HAZARD TRAIN.—The term ‘high-
12 hazard train’ has the meaning given such term in
13 section 20155(a)(5).

14 “(4) MAIN LINE.—The term ‘main line’
15 means—

16 “(A) a segment or route of railroad
17 tracks—

18 “(i) over which 5,000,000 or more
19 gross tons of railroad traffic is transported
20 annually; and

21 “(ii) that has a maximum authorized
22 speed for freight trains in excess of 25
23 miles per hour; and

24 “(B) intercity rail passenger transportation
25 or commuter rail passenger transportation

1 routes or segments over which high-hazard
2 trains operate.

3 “(5) PHYSICAL CHARACTERISTICS.—The term
4 ‘physical characteristics’ means the physical terrain
5 and operating considerations related to the physical
6 terrain for the relevant main line.

7 “(b) DEFECT DETECTOR ANALYSIS PROGRAM.—The
8 Secretary shall develop a program for the research, devel-
9 opment, testing, and evaluation of defect detector systems
10 to inform and support the rulemaking required under sub-
11 section (d) and the evaluation of plans under subsection
12 (c), which shall include—

13 “(1) an evaluation of existing manufacturer rec-
14 ommended practices, industry-developed voluntary
15 consensus technical standards, and railroad safety
16 data to inform appropriate standards for commer-
17 cially available defect detector systems and ensure
18 the integrity and reliability of their use on the gen-
19 eral railroad system, including standards relating
20 to—

21 “(A) maintenance;

22 “(B) testing;

23 “(C) inspection; and

24 “(D) installation;

1 “(2) an assessment of existing alert thresholds
2 and trending algorithms to determine appropriate
3 metrics and levels to ensure that defect detector sys-
4 tems identify unsafe equipment or operations in time
5 to take appropriate safety actions;

6 “(3) an evaluation of existing processes and
7 procedures for decision making and communication
8 of appropriate safety actions necessary to address
9 unsafe equipment or operations, including—

10 “(A) stoppage of rail equipment;

11 “(B) setting out rail equipment;

12 “(C) train speed reduction;

13 “(D) diverting a train; and

14 “(E) inspection requirements;

15 “(4) research to understand the capabilities and
16 limitations of existing technologies in use or devel-
17 oped to better assess the plans required under the
18 final rule issued pursuant to subsection (c); and

19 “(5) research to understand new or developing
20 technologies.

21 “(c) PLAN ELEMENTS.—

22 “(1) RISK-BASED.—Each defect detection sys-
23 tem plan required under the final rule issued pursu-
24 ant to subsection (d) shall be risk-based.

1 “(2) CONTENTS.—Each plan referred to in
2 paragraph (1) shall include—

3 “(A) a summary of the railroad’s proposed
4 defect detector network, including—

5 “(i) how the network will reduce the
6 risk of incidents near population centers
7 and on high-hazard train routes; and

8 “(ii) a description of how the network
9 will be implemented by the deadline set
10 forth in subsection (d)(1)(B); and

11 “(B) a description of how the railroad’s de-
12 fect detection system meets or exceeds the de-
13 fect detection performance standards estab-
14 lished pursuant to subsection (d)(1)(D);

15 “(C) except as provided in paragraph (3),
16 a risk-based approach for identifying overheated
17 wheel bearings that require the placement of
18 the types and spacing of defect detectors—

19 “(i) for main lines traveling within an
20 urbanized area with a population of at
21 least 75,000, at a distance that provides
22 for any train operating along the railroad’s
23 route to undergo detection not less than 10
24 miles before entering such an area;

1 “(ii) for main lines not equipped with
2 acoustic bearing detectors or other similar
3 technology, at a distance averaging 15
4 route miles to the extent possible based on
5 the physical characteristics of the route;
6 and

7 “(iii) for main lines equipped with
8 acoustic bearing detectors or other similar
9 technology, at a distance averaging 20
10 route miles to the extent possible based on
11 the physical characteristics of the route
12 along which such detectors are being in-
13 stalled;

14 “(D) the types and spacing of other way-
15 side defect detectors required to be placed, to
16 the extent such detectors are utilized;

17 “(E) the manufacturer’s expected perform-
18 ance for each type of defect detector and how
19 the carrier will assess compliance with such per-
20 formance;

21 “(F) procedures for promptly providing
22 pertinent safety alerts to train employees, in-
23 cluding locomotive engineers and conductors,
24 train dispatchers, and relevant maintenance em-
25 ployees;

1 “(G) the ability to share relevant safety
2 data from the defect detector network with
3 other railroad carriers and with rail car owners;

4 “(H) policies and procedures for training
5 employees regarding relevant elements of the
6 defect detector system, including—

7 “(i) persons whose duties include in-
8 stalling, maintaining, repairing, modifying,
9 inspecting, reviewing data, and testing
10 safety-critical elements of the railroad’s de-
11 fect detector, including central office, way-
12 side, or onboard subsystems;

13 “(ii) persons who receive and review
14 defect detector alerts; and

15 “(iii) persons who operate trains or
16 serve as a train or engine crew member;

17 “(I) policies for maintaining records re-
18 garding the required elements of the rail defect
19 detector network for not less than 5 years,
20 which shall not include data on individual
21 alerts; and

22 “(J) designs for the collection and analysis
23 of applicable alerts, thresholds, and cor-
24 responding safety actions.

1 “(3) ALTERNATIVE HOT BEARING DETECTION
2 PLAN.—

3 “(A) SUBMISSION.—A rail carrier may
4 comply with an alternative hot bearing detec-
5 tion plan instead of the requirements described
6 in paragraph (2)(C) if—

7 “(i) the rail carrier submits such plan
8 to the Secretary and the Secretary ap-
9 proves the plan; and

10 “(ii) the plan provides an equivalent
11 or higher level of safety as the require-
12 ments described in paragraph (2)(C).

13 “(B) TRIENNIAL REVIEWS.—Not less fre-
14 quently than triennially, the Secretary shall re-
15 view each alternative plan approved pursuant to
16 subparagraph (A) to determine its continuing
17 effectiveness at detecting bearing-related de-
18 fects.

19 “(d) RULEMAKING.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of the enactment of the Railway Safety Act
22 of 2026, the Secretary shall initiate a rulemaking,
23 and not later than 2 years after such date of enact-
24 ment, the Secretary shall issue a final rule, in com-
25 pliance with Executive Order 12866 (5 U.S.C. 601

1 note; relating to regulatory planning and review),
2 that—

3 “(A) requires Class I railroads to submit,
4 not later than 1 year after the issuance of such
5 final rule, defect detector network plans that in-
6 clude the elements described in subsection
7 (c)(2);

8 “(B) requires the Class I railroads to im-
9 plement the plan required under subparagraph
10 (A) not later than 3 years after the issuance of
11 such final rule;

12 “(C) creates procedures to review, approve,
13 monitor compliance of such plans;

14 “(D) establishes performance standards
15 measured by the ability of a defect detection
16 system to identify defects before a condition
17 that is likely to result in an accident or inci-
18 dent, including how such ability will be meas-
19 ured and reported for data related to require-
20 ments;

21 “(E) requires the reporting of data regard-
22 ing the defect detector network effectiveness, in-
23 cluding defect detector failures;

24 “(F) creates requirements for Class I rail-
25 roads to test, inspect, and maintain any defect

1 detector based on the evaluation completed pur-
2 suant to subsection (b)(1); and

3 “(G) establish appropriate thresholds for
4 alerts and corresponding safety actions, to the
5 extent necessary.

6 “(2) UPDATED STANDARDS.—The performance
7 standards established pursuant to paragraph (1)(D)
8 shall be updated not less frequently than once every
9 5 years.

10 “(e) UPDATES AND APPROVALS.—

11 “(1) UPDATES.—Each entity subject to the
12 mandate in subsection (a) shall update the plans re-
13 quired under subsection (d)(1)(A)—

14 “(A) to reflect material changes to its rail-
15 car defect detector network; or

16 “(B) to address changes made to the per-
17 formance standards pursuant to subsection
18 (d)(2).

19 “(2) APPROVALS.—To ensure safety, the Sec-
20 retary shall promptly review each plan submitted
21 pursuant to subsection (d)(1)(A), against the per-
22 formance standards established pursuant to sub-
23 section (d)(1)(D), and approve or reject each such
24 plan.

1 “(3) **REVIEWS FOR COMPLIANCE.**—Not less fre-
2 quently than biannually, the Secretary shall conduct
3 reviews to ensure that Class I railroads are com-
4 plying with the plans required under paragraph (1).

5 “(4) **PUBLIC AVAILABILITY.**—Not later than 60
6 days after receipt, the Secretary shall make available
7 to the public on the website of the Department of
8 Transportation any plan or update submitted pursu-
9 ant to this section, but the Secretary shall redact—

10 “(A) proprietary information, as verified
11 by the Secretary; and

12 “(B) security-sensitive information, includ-
13 ing information described in section 1520.5(a)
14 of title 49, Code of Federal Regulations (or suc-
15 cessor regulation), as verified by the Secretary.

16 “(f) **ENFORCEMENT.**—The Secretary may assess a
17 civil penalty under chapter 213 of this title for a violation
18 of a rule promulgated pursuant to subsection (d) for—

19 “(1) each accident or incident on a route where
20 the railroad is noncompliant with the plan approved
21 under subsection (e)(2); and

22 “(2) failing to take any corresponding safety
23 action to an alert as set forth in the approved plan
24 pursuant to subsection (c)(2)(J).

1 “(g) PRESERVATION OF AUTHORITY.—Nothing in
2 this section may be construed to restrict the authority of
3 the Secretary.”.

4 (b) CLERICAL AMENDMENT.—The analysis for sub-
5 chapter II of chapter 201 of title 49, United States Code,
6 as amended by section 10705(a)(2), is further amended
7 by adding at the end the following:

“20173. Defect detection systems.”.

8 (c) TEMPORARY DEFECT DETECTION ASSIST-
9 ANCE.—

10 (1) FORMULA GRANT PROGRAM.—The Adminis-
11 trator of the Federal Railroad Administration shall
12 establish a formula grant program to assist com-
13 muter railroads with installing defect detection tech-
14 nology.

15 (2) ELIGIBLE ENTITIES.—A commuter railroad
16 that has a contract with a Class I railroad, as of
17 May 1, 2026, that requires the commuter railroad to
18 install defect detection technology that complies with
19 the approved plan submitted pursuant to section
20 20173 of title 49, United States Code, as added by
21 subsection (a), is eligible to receive a grant under
22 this subsection.

23 (3) FORMULA.—Grant funding under this sub-
24 section shall be allocated based on the number of de-

1 fect detectors required to be installed to comply with
2 section 20173 of title 49, United States Code.

3 (4) REQUIREMENTS.—Any eligible entity that
4 receives grant funding under this subsection shall
5 comply with the grant conditions set forth in section
6 22909(j) of title 49, United States Code.

7 (5) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to the Fed-
9 eral Railroad Administration such amounts as may
10 be necessary to carry out the formula grant program
11 under this subsection.

12 **SEC. 10708. SAFE FREIGHT ACT OF 2026.**

13 (a) SHORT TITLE.—This section may be cited as the
14 “Safe Freight Act of 2026”.

15 (b) FREIGHT TRAIN CREW SIZE.—Subchapter II of
16 chapter 201 of title 49, United States Code, is amended
17 by inserting after section 20153 the following:

18 **“§ 20154. Freight train crew size safety standards**

19 “(a) MINIMUM CREW SIZE.—Except as provided in
20 subsections (b) and (c), a freight train operated by a Class
21 I railroad may not be operated without a 2-person crew
22 consisting of at least 1 appropriately qualified and cer-
23 tified conductor and 1 appropriately qualified and certified
24 locomotive engineer.

25 “(b) EXCEPTIONS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the requirement under subsection (a)
3 shall not apply with respect to—

4 “(A) train operations on track that is not
5 a main line (as defined in section 20173(a)(2));

6 “(B) locomotives performing assistance to
7 a train that has incurred mechanical failure or
8 lacks the power to traverse difficult terrain, in-
9 cluding traveling to or from the location where
10 assistance is provided;

11 “(C) locomotives that—

12 “(i) are not attached to any equip-
13 ment or are attached only to a caboose;
14 and

15 “(ii) do not travel farther than 50
16 miles from the point of origin of such loco-
17 motive; and

18 “(D) train operations staffed with fewer
19 than a 2-person crew at least 1 year before the
20 date of the enactment of the Safe Freight Act
21 of 2026, unless the Secretary determines that
22 such operations do not achieve an equivalent
23 level of safety as would result from compliance
24 with the requirement under subsection (a).

1 vention of derailments of trains transporting hazardous
2 materials.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Federal Railroad Ad-
5 ministration \$25,000,000, which shall be used for the
6 grants authorized under subsection (a) and shall remain
7 available until expended.

8 **SEC. 10710. AUTHORIZATION OF APPROPRIATIONS FOR**
9 **TANK CAR RESEARCH AND DEVELOPMENT.**

10 There is authorized to be appropriated to the Admin-
11 istrator of the Pipeline and Hazardous Materials Safety
12 Administration, \$5,000,000, which shall be used for ex-
13 penses relating to the development of—

14 (1) stronger, safer tank cars and valves for
15 tank cars; and

16 (2) other tank car safety features.

17 **SEC. 10711. FEDERAL RAILROAD ADMINISTRATION SAFETY**
18 **CULTURE.**

19 (a) REVIEW.—Not later than 1 year after the date
20 of the enactment of this Act, the Inspector General of the
21 Department of Transportation shall—

22 (1) conduct a review of the Federal Railroad
23 Administration's safety culture using the framework
24 developed by the Nuclear Energy Agency of the

1 Organisation for Economic Co-operation and Devel-
2 opment; and

3 (2) submit a report to the Committee on Com-
4 merce, Science, and Transportation of the Senate
5 and the Committee on Transportation and Infra-
6 structure of the House of Representatives that in-
7 cludes recommendations for improving the Federal
8 Railroad Administration's safety culture.

9 (b) CONSIDERATIONS.—As a part of the review con-
10 ducted pursuant to subsection (a)(1), the Inspector Gen-
11 eral shall consider the impacts of the Federal Railroad Ad-
12 ministration's—

13 (1) reorganization of its safety offices and man-
14 agement structure;

15 (2) reorganization of its policy and research of-
16 fices; and

17 (3) telework policies, including any change in
18 policies since the beginning of the COVID-19 pan-
19 demic.

20 (c) ACTION PLAN.—Not later than 1 year after the
21 submission of the report required under subsection (a)(2),
22 the Secretary shall submit to the Committee on Com-
23 merce, Science, and Transportation of the Senate and the
24 Committee on Transportation and Infrastructure of the
25 House of Representatives and post on a public-facing

1 website an action plan that addresses the recommenda-
2 tions and findings made by the Inspector General in such
3 report.

4 **SEC. 10712. GAO REPORT ON ROADWAY WORKER PROTEC-**
5 **TIONS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of the enactment of this Act, the Comptroller General
8 of the United States shall—

9 (1) conduct a review of currently available tech-
10 nologies for roadway workers (as defined in section
11 214.7 of title 49, Code of Federal Regulations) with
12 protection from the hazards of being struck by a
13 train or other on-track equipment in the United
14 States; and

15 (2) submit to the Committee on Commerce,
16 Science, and Transportation of the Senate and the
17 Committee on Transportation and Infrastructure of
18 the House of Representatives a report that summa-
19 rizes the results of the review conducted under sub-
20 paragraph (a), including recommendations, as the
21 Comptroller General considers appropriate.

22 (b) CONTENTS.—The report submitted under sub-
23 section (a)(2) shall—

24 (1) describe the frequency, type, and causes of
25 incidences within the rail right-of-way associated

1 with roadway workers being struck by a train or
2 other on-track equipment, based on available data,
3 including whether individuals were acting in compli-
4 ance with the applicable rules, policies, procedures,
5 and practices;

6 (2) describe the types of technologies referenced
7 in subsection (a)(1) that are designed to reduce risk
8 of injury and death when deployed as a secondary
9 warning system to the standard operating proce-
10 dures of a rail carrier, including for each tech-
11 nology—

12 (A) the primary function and features;

13 (B) the maturity, implementation readi-
14 ness, and user experience;

15 (C) the frequency of implementation;

16 (D) any costs, including up front and on-
17 going maintenance costs, of the technology and
18 other costs associated with the technology;

19 (E) safety benefits associated with the
20 technology relative to current rules, policies,
21 procedures, and practices; and

22 (F) ability to enhance protections for road-
23 way workers without negatively impacting oper-
24 ational or network efficiencies;

1 (3) discuss the potential for such technologies
2 to reduce or eliminate roadway worker accidents oc-
3 curring within the rail right-of-way;

4 (4) describe any challenges or barriers to adop-
5 tion of such safety technologies, including oper-
6 ational, technical, and network efficiency challenges
7 or barriers; and

8 (5) assess the cost-beneficial nature of utilizing
9 such technology as a secondary warning system.

10 **SEC. 10713. FEDERAL RAILROAD ADMINISTRATION SAFETY**
11 **WORKFORCE MANAGEMENT.**

12 Not later than 1 year after the date of the enactment
13 of this Act, the Inspector General of the Department of
14 Transportation shall submit a report to the Committee on
15 Commerce, Science, and Transportation of the Senate and
16 the Committee on Transportation and Infrastructure of
17 the House of Representatives that contains the results of
18 a review of the Federal Railroad Administration Office of
19 Railroad Safety inspector and specialist staff resource
20 management, including—

21 (1) an assessment of the changes in the number
22 of Federal Railroad Administration safety inspectors
23 and specialists, including—

24 (A) the number of safety inspector and
25 specialist vacancies at the time of the review;

1 (B) the number of such positions requested
2 in each of the budget requests for the last 10
3 fiscal years; and

4 (C) the actual workforce levels during each
5 of such fiscal years;

6 (2) an assessment of geographic allocation
7 plans, potential hiring and time-to-hire challenges,
8 expected retirement rates, and recruitment and re-
9 tention strategies;

10 (3) a description of any internal Federal Rail-
11 road Administration goals for compliance inspection
12 rates across the network of regulated activities, and
13 whether requested and actual safety inspector and
14 specialist workforce levels align with such goals;

15 (4) whether the system used for the notifica-
16 tion, processing, or storing of civil penalty enforce-
17 ment cases and other compliance actions rec-
18 ommended by safety inspectors and specialists
19 against railroads, shippers of hazardous materials,
20 and other respondents effectively supports the Fed-
21 eral Railroad Administration's compliance inspection
22 and enforcement program;

23 (5) whether any macroeconomic or other condi-
24 tions exist or have existed under which it has been
25 difficult for the Federal Railroad Administration to

1 fill safety inspector and specialist vacancies, and the
2 degree to which special rates of pay or other recruit-
3 ment and retention practices could ameliorate or
4 could have ameliorated such difficulty; and

5 (6) recommendations for any reforms that
6 could—

7 (A) improve the recruitment, hiring, and
8 retention of Federal Railroad Administration
9 safety inspectors and specialists, including po-
10 tential quality of life and workplace improve-
11 ments;

12 (B) improve Federal Railroad Administra-
13 tion workforce management processes; or

14 (C) increase the capacity for inspection ac-
15 tivities, if such capacity is identified as defi-
16 cient, at the Federal Railroad Administration,
17 including activities relating to the transpor-
18 tation of hazardous materials.

19 **SEC. 10714. OFFICE OF PERSONNEL MANAGEMENT REVIEW**
20 **OF SAFETY INSPECTOR AND SPECIALIST**
21 **CLASSIFICATIONS.**

22 (a) REVISING RAILROAD SAFETY SERIES.—Not later
23 than 270 days after the date of the enactment of this Act,
24 the Director of the Office of Personnel Management
25 shall—

1 (1) complete a review of the Railroad Safety Se-
2 ries, GS-2121, TS-37; and

3 (2) subject to subsection (b), revise the series
4 referred to in paragraph (1), as appropriate, to re-
5 flect factors impacting the Federal Railroad Admin-
6 istration's oversight of the railroad industry, includ-
7 ing—

8 (A) current critical Federal Railroad Ad-
9 ministration disciplines; and

10 (B) technological advancements and oper-
11 ational conditions within the railroad industry.

12 (b) REPORT.—Not later than 30 days after com-
13 pleting the review required under subsection (a), if the Di-
14 rector determines that a revision of the Railroad Safety
15 Series is not appropriate, the Director shall submit a re-
16 port to the Committee on Homeland Security and Govern-
17 mental Affairs of the Senate, the Committee on Com-
18 merce, Science, and Transportation of the Senate, the
19 Committee on Oversight and Accountability of the House
20 of Representatives, and the Committee on Transportation
21 and Infrastructure of the House of Representatives that—

22 (1) explains the findings of the review required
23 under subsection (a); and

24 (2) justifies the determination not to make revi-
25 sions to the Railroad Safety Series.

1 **SEC. 10715. ALCOHOL AND DRUG TESTING.**

2 Not later than 1 year after the date of the enactment
3 of this Act, the Secretary of Transportation shall amend
4 part 219 of title 49, Code of Federal Regulations, to re-
5 quire any employee who, on behalf of a railroad, inspects
6 locomotives, passenger cars, railcars, or other on-track
7 equipment, to be subject to the breath or body fluid testing
8 required under subparts C, D, and E of such part.

9 **PART 2—HAZARDOUS MATERIALS EMERGENCY**
10 **RESPONSE AND PREPAREDNESS**

11 **SEC. 10721. VIRTUAL TRAINING OPTIONS.**

12 Section 5115(b)(1) of title 49, United States Code,
13 is amended—

14 (1) in subparagraph (B), by striking “and”
15 after the semicolon at the end; and

16 (2) by adding at the end the following:

17 “(D) recommendations for the development
18 of courses described in subparagraph (B) that
19 have been adapted for virtual learning and any
20 courses for which the Secretary has rec-
21 ommended adaptation to provide virtual op-
22 tions, subject to the condition that the Sec-
23 retary ensures that the virtual options rec-
24 ommended will provide an equivalent level of
25 training as in-person courses; and”.

1 **SEC. 10722. HAZARDOUS MATERIALS TRANSPORTATION**
2 **EMERGENCY RESPONSE AND PREPAREDNESS**
3 **GRANTS.**

4 (a) IN GENERAL.—Section 5116 of title 49, United
5 States Code, is amended—

6 (1) by striking the section designation and
7 heading and inserting the following:

8 **“§ 5116. Hazardous materials transportation emer-**
9 **gency response and preparedness”;**

10 (2) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (B), by striking “;
13 and” and inserting a semicolon;

14 (ii) in subparagraph (C)—

15 (I) by striking “public sector em-
16 ployees” and inserting “emergency re-
17 sponse personnel”; and

18 (II) by striking the period at the
19 end and inserting a semicolon; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(D) until September 31, 2031, to purchase
23 personal protective equipment, as determined by the
24 Secretary, needed to respond to a hazardous mate-
25 rials emergency response incident, consistent with
26 paragraph (7) and subject to the condition that not

1 more than 50 percent of the funds made available
2 under this subsection may be used for that purpose;

3 “(E) to conduct and organize simulated and
4 field exercises relating to hazardous materials trans-
5 portation incidents; and

6 “(F) to develop a hazardous materials transpor-
7 tation emergency response preparedness gap analysis
8 in accordance with paragraph (9).”;

9 (B) in paragraph (5)(A)—

10 (i) in clause (i), by striking “public
11 sector employees being trained” and insert-
12 ing “emergency response personnel being
13 trained virtually or in person”;

14 (ii) in clause (ii), by striking “employ-
15 ees” and inserting “personnel”;

16 (iii) in clause (iii)—

17 (I) by striking “employees” and
18 inserting “personnel”; and

19 (II) by striking “; and” and in-
20 serting a semicolon; and

21 (iv) by adding at the end the fol-
22 lowing:

23 “(v) the costs of personnel needed to re-
24 place any personnel being trained; and

1 “(vi) lost wages for any volunteer being
2 trained, up to a reasonable amount determined
3 by the Secretary;”;

4 (C) in paragraph (6)—

5 (i) by striking subparagraph (A) and
6 inserting the following:

7 “(A) whether grant funds will be used to sup-
8 port the ability of the United States Government to
9 respond to hazardous materials incidents near infra-
10 structure commonly used to transport hazardous
11 materials;”; and

12 (ii) in subparagraph (B), by striking
13 “amounts” and inserting “number of ship-
14 ments”;

15 (D) by redesignating paragraphs (5) and
16 (6) as paragraphs (6) and (8), respectively;

17 (E) by inserting after paragraph (4) the
18 following:

19 “(5)(A) Subject to subparagraph (C), any State re-
20 ceiving a grant under this subsection shall, not later than
21 180 days after receiving the grant funds, make available
22 to eligible local entities—

23 “(i) not less than 70 percent of the grant
24 funds; or

1 “(ii) eligible services or activities described in
2 paragraph (1) having a value of not less than 70
3 percent of the amount of the grant.

4 “(B) A State shall certify to the Secretary that the
5 State has made the distribution to eligible local entities
6 required under paragraph (1) by providing such informa-
7 tion as the Secretary shall require.

8 “(C)(i) The Governor of a State may request in writ-
9 ing that the Secretary extend the period under subpara-
10 graph (A) for an additional period of time.

11 “(ii) The Secretary may approve a request under
12 clause (i) if the Secretary determines that the delay in
13 providing grant funding to eligible local entities pursuant
14 to the extension is necessary to promote effective invest-
15 ments to prepare for or respond to hazardous materials
16 transportation incidents.

17 “(D) Subparagraph (A) shall not apply to Tribes, the
18 District of Columbia, the Commonwealth of Puerto Rico,
19 American Samoa, the Commonwealth of the Northern
20 Mariana Islands, Guam, or the Virgin Islands.

21 “(E) An eligible local entity may petition the Sec-
22 retary to request that grant funds be provided by the Sec-
23 retary directly to the eligible local entity if a State fails
24 to apply for a grant under this subsection.

1 “(F) In making grant funds available to eligible local
2 entities under subparagraph (A), States shall consider
3 whether the eligible local entity has a high proportion of
4 volunteer emergency responders.

5 “(G) For purposes of this paragraph, term ‘eligible
6 local entity’ means any of the following:

7 “(i) A political subdivision of a State.

8 “(ii) A public emergency response organization.”;

9 (F) by inserting after paragraph (6) (as so
10 redesignated) the following:

11 “(7) A recipient of funds provided under this sub-
12 section may use the funds to purchase personal protective
13 equipment only if the recipient agrees to properly maintain
14 and store that personal protective equipment.”; and

15 (G) by inserting after paragraph (8) (as so
16 redesignated) the following:

17 “(9)(A) Each hazardous materials transportation
18 emergency response preparedness gap analysis developed
19 pursuant to paragraph (1)(F) shall include—

20 “(i) an identification of gaps and limitations of
21 the hazard response program of the applicable juris-
22 diction, including—

23 “(I) knowledge and personal protective
24 equipment gaps; and

1 “(II) gaps in training, including Incident
2 Command Management training and ASTM
3 Standard E3241 training; and

4 “(ii) a strategic plan to address the gaps and
5 limitations identified under clause (i).

6 “(B) In developing a hazardous materials transpor-
7 tation emergency response preparedness gap analysis pur-
8 suant to paragraph (1)(F), the entity preparing the anal-
9 ysis shall—

10 “(i) coordinate with Regional Response Teams (as
11 described in section 300.115 of title 40, Code of Federal
12 Regulations (or a successor regulation));

13 “(ii) include States, Tribes, hazardous materials
14 emergency response programs, local governments, and
15 emergency response personnel (including fire service orga-
16 nizations) in that development, as appropriate; and

17 “(iii) provide an opportunity for States, Tribes, haz-
18 ardous materials emergency response programs, local gov-
19 ernments, and emergency response personnel (including
20 fire service organizations) to review and comment on the
21 analysis before the analysis is published.”;

22 (3) in subsection (d)—

23 (A) in the second sentence, by striking
24 “Amounts” and inserting the following:

25 “(2) CERTAIN AMOUNTS.—Amounts”;

1 (B) in the first sentence, by striking “A
2 grant under this section is for 80 percent of the
3 cost the State or Indian tribe incurs” and in-
4 serting the following:

5 “(1) IN GENERAL.—A grant under this section
6 is for 90 percent of the costs incurred by a State,
7 or 100 percent of the costs incurred by a Tribe,”;
8 and

9 (C) by adding at the end the following:

10 “(3) IN-KIND CONTRIBUTIONS.—For purposes
11 of this subsection, the contributions of a State or
12 Tribe toward the costs of an activity funded by a
13 grant under this section may be in the form of in-
14 kind contributions.”;

15 (4) by amending subsection (h) to read as fol-
16 lows:

17 “(h) ANNUAL REGISTRATION FEE ACCOUNT AND ITS
18 USES.—

19 “(1) IN GENERAL.—The Secretary of the
20 Treasury shall establish an account in the Treasury
21 (to be known as the ‘Hazardous Materials Emer-
22 gency Preparedness Fund’) into which the Secretary
23 of the Treasury shall deposit amounts the Secretary
24 of Transportation transfers to the Secretary of the
25 Treasury under section 5108(g)(2)(D).

1 “(2) USES.—Without further appropriation,
2 amounts in the account are available—

3 “(A) to make grants under this section
4 and section 5107(e);

5 “(B) to monitor and provide technical as-
6 sistance under subsection (e);

7 “(C) to publish and distribute an emer-
8 gency response guide; and

9 “(D) to pay administrative costs of car-
10 rying out this section and sections 5107(e) and
11 5108(g)(2), except that not more than 4 per-
12 cent of the amounts made available from the
13 account in a fiscal year may be used to pay
14 those costs.

15 “(3) SET ASIDE.—

16 “(A) IN GENERAL.—The amounts collected
17 under section 5123 shall be—

18 “(i) set aside for the purpose of car-
19 rying out subsection (k); and

20 “(ii) available, without further appro-
21 priation, for that purpose.

22 “(B) APPLICATION.—The set-aside de-
23 scribed in subparagraph (A)—

24 “(i) shall apply until the earliest date
25 on which the total amount set aside and

1 available for expenditure under that sub-
2 paragraph equals or exceeds \$50,000,000;
3 and

4 “(ii) after that date, shall apply to
5 each subsequent period—

6 “(I) beginning on a date on
7 which the total amount set aside and
8 available for expenditure under that
9 subparagraph is less than
10 \$20,000,000; and

11 “(II) ending on the earliest sub-
12 sequent date on which the total
13 amount set aside and available for ex-
14 penditure under that subparagraph
15 equals or exceeds \$50,000,000.”;

16 (5) by striking subsection (k) and inserting the
17 following:

18 “(k) REPORTS.—The Secretary shall submit to the
19 Committee on Transportation and Infrastructure of the
20 House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate and
22 make available to the public an annual report that—

23 “(1) includes information on the allocation and
24 uses of the grants made available under—

25 “(A) this section; and

1 “(B) subsections (e) and (i) of section
2 5107;

3 “(2) identifies the ultimate recipients of those
4 grants;

5 “(3) identifies the amount of funding available
6 for each grant;

7 “(4) describes any unobligated balances, total
8 annual drawdown by each grantee, and recovered
9 balances;

10 “(5) includes the amount of funding rescinded,
11 by grant recipient, for each grant; and

12 “(6) includes—

13 “(A) a detailed accounting and description
14 of each grant expenditure by each grant recipi-
15 ent, including the amount of, and purpose for,
16 each expenditure;

17 “(B) the number of persons trained under
18 the grant program, by training level;

19 “(C) a description of any personal protec-
20 tive equipment purchased using grant funds;

21 “(D) an evaluation of the efficacy of each
22 grant program; and

23 “(E) any recommendations the Secretary
24 may have for improving such grant programs.”;
25 and

1 (6) by striking “tribes” each place it appears
2 and inserting “Tribes”.

3 (b) ASSISTANCE FOR LOCAL EMERGENCY RESPONSE
4 TRAINING.—Section 5116(j)(1)(A) of title 49, United
5 States Code, is amended by striking “liquids” and insert-
6 ing “materials”.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
8 5128(b) of title 49, United States Code, is amended—

9 (1) in the matter preceding paragraph (1), by
10 striking “Hazardous Materials Preparedness Fund”
11 and inserting “Hazardous Materials Emergency Pre-
12 paredness Fund”;

13 (2) in paragraph (3), by striking “section
14 5116(h)(3); and” and inserting “section
15 5116(h)(2)(C);”; and

16 (3) by striking paragraph (4) and inserting the
17 following:

18 “(4) \$4,000,000 to carry out section 5116(i);

19 and

20 “(5) \$1,000,000 to carry out section 5116(j).”.

21 (d) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 51 of title 49, United States Code, is amended by
23 striking the item relating to section 5116 and inserting
24 the following:

“5116. Hazardous materials transportation emergency response and prepared-
ness.”.

1 (e) CONFORMING AMENDMENTS.—

2 (1) Section 5102 of title 49, United States
3 Code, is amended by striking paragraph (6) and in-
4 serting the following:

5 “(6) ‘Indian tribe’, ‘Indian Tribe’, and ‘Tribe’
6 have the meaning given the term ‘Indian Tribe’ in
7 section 4 of the Indian Self-Determination and Edu-
8 cation Assistance Act (25 U.S.C. 5304).”.

9 (2) Section 5116(j)(3)(B) of title 49, United
10 States Code, is amended—

11 (A) in clause (iii), by striking “subsection
12 (h)(3)” and inserting “subsection (h)(2)(C)”;
13 and

14 (B) in clause (iv), by striking “subsection
15 (h)(4)” and inserting “subsection (h)(2)(D)”.

16 (3) Section 5123 of title 49, United States
17 Code, is amended by striking subsection (g) and in-
18 serting the following:

19 “(g) TRANSFER OF AMOUNTS COLLECTED.—
20 Amounts collected under this section shall be transferred
21 to the Hazardous Materials Emergency Preparedness
22 Fund established under section 5116(h).”.

23 **SEC. 10723. EMERGENCY RESPONSE ASSISTANCE.**

24 Section 5116 of title 49, United States Code, is
25 amended—

1 (1) by redesignating subsection (k), as amended
2 in section 10723, as subsection (l);

3 (2) by inserting after subsection (j) the fol-
4 lowing:

5 “(k) EMERGENCY RESPONSE ASSISTANCE.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
8 ble entity’ means a—

9 “(i) State, territory, or Tribe;

10 “(ii) political subdivision of a State or
11 territory; or

12 “(iii) public emergency response orga-
13 nizations.

14 “(B) SIGNIFICANT HAZARDOUS MATERIALS
15 TRANSPORTATION INCIDENT.—The term ‘sig-
16 nificant hazardous materials transportation in-
17 cident’ means an incident that—

18 “(i) involves hazardous materials
19 being moved by a motor carrier or rail car-
20 rier;

21 “(ii) requires a response by not fewer
22 than 1 eligible entity for which the Sec-
23 retary estimates the costs to the eligible
24 entity to be not less than \$15,000; and

1 “(iii) results in a serious injury, fatal-
2 ity, or substantial property damage.

3 “(C) SUBSTANTIAL PROPERTY DAMAGE.—

4 The term ‘substantial property damage’ means
5 damage to public or private property or the en-
6 vironment (including clean up costs) the Sec-
7 retary reasonably estimates to be more than
8 \$45,000.

9 “(2) ESTABLISHMENT OF PROGRAM.—Not later
10 than 1 year after the date of enactment of the Rail-
11 way Safety Act of 2026, the Secretary, in consulta-
12 tion with the Administrator of the Federal Emer-
13 gency Management Agency and the Administrator of
14 the Environmental Protection Agency, after pro-
15 viding an opportunity for notice and comment, shall
16 establish an emergency response assistance program
17 to provide immediate financial assistance to commu-
18 nities responding to a significant hazardous mate-
19 rials transportation incident.

20 “(3) SIGNIFICANT HAZARDOUS MATERIALS
21 TRANSPORTATION INCIDENT.—

22 “(A) IN GENERAL.—The Secretary shall
23 have the authority to declare a significant haz-
24 ardous materials transportation incident.

1 “(B) GUIDELINES.—The Secretary shall
2 establish and publish guidelines to determine
3 whether a significant hazardous materials
4 transportation incident has occurred.

5 “(4) RELEASE OF FUNDS.—

6 “(A) IN GENERAL.—The Secretary shall
7 immediately make available from the amount
8 set aside under subsection (h)(3) in the Haz-
9 ardous Materials Emergency Preparedness
10 Fund established under subsection (h)(1) (re-
11 ferred to in this subsection as the ‘Fund’) up
12 to \$10,000,000 to quickly reimburse eligible en-
13 tities that responded to a significant hazardous
14 materials transportation incident if—

15 “(i) the Secretary declares the inci-
16 dent a significant hazardous materials
17 transportation incident; and

18 “(ii) at least 14 days but not later
19 than 21 days after the declaration of a sig-
20 nificant hazardous materials transportation
21 incident, the Secretary determines, in ac-
22 cordance with paragraph (7), that the re-
23 sponsible party does not have an accept-
24 able reimbursement plan.

1 “(B) ADDITIONAL FUNDS.—In addition to
2 any amounts made available under subpara-
3 graph (A), the Secretary shall make additional
4 funding available from the amount set aside
5 under subsection (h)(3) in the Fund if the Sec-
6 retary determines that the additional funding is
7 necessary.

8 “(C) AUTHORITY.—The Secretary may
9 make funds available under this subsection if
10 the Secretary determines the responsible party
11 is not complying with its acceptable plan under
12 paragraph (7).

13 “(5) ADMINISTRATION OF FUNDS.—The Sec-
14 retary may provide funds from the amount set aside
15 under subsection (h)(3) in the Fund to a State in
16 which a hazardous materials transportation incident
17 occurred for the State to use and administer reim-
18 bursements in accordance with this subsection, in-
19 cluding by providing funds to eligible entities.

20 “(6) USE OF FUNDS.—

21 “(A) IN GENERAL.—Funds made available
22 under paragraph (4) or (5) may be used only—

23 “(i) for the cost of replacing personal
24 protective equipment that is damaged, con-
25 taminated, or otherwise rendered unusable

1 as a result of the response of the eligible
2 entity to a significant hazardous materials
3 transportation incident;

4 “(ii) for overtime pay of employees of
5 eligible entities that responded to the scene
6 of a significant hazardous materials trans-
7 portation incident;

8 “(iii) for operational costs exceeding
9 standard operating expenses that are di-
10 rectly related to the cost of responding to
11 the significant hazardous materials trans-
12 portation incident, such as the costs of
13 running a supplementary emergency re-
14 sponse center;

15 “(iv) for the cost of providing baseline
16 health care assessments to emergency re-
17 sponse personnel who responded to the sig-
18 nificant hazardous materials transportation
19 incident, but not more than \$1,000 per
20 person, which shall be adjusted annually
21 for inflation; and

22 “(v) to reimburse an eligible entity for
23 an eligible cost described in any of clauses
24 (i) through (iv) that is incurred within 30

1 days of the date of a significant hazardous
2 materials transportation incident.

3 “(B) DOCUMENTATION OF COSTS.—Not
4 later than 1 year after the date on which the
5 Secretary declares a significant hazardous ma-
6 terials transportation incident for which an eli-
7 gible entity receives assistance under this sub-
8 section, the eligible entity shall submit to the
9 Secretary documentation for each item for
10 which that assistance was used pursuant to the
11 eligible uses of funds described in subparagraph
12 (A).

13 “(C) MISUSE OF FUNDS.—If the Secretary
14 determines that an eligible entity has used as-
15 sistance received under this subsection in a
16 manner that violates subparagraph (A) or any
17 other provision of this subsection, the eligible
18 entity shall reimburse the Fund (if the assist-
19 ance was provided from the Fund) or the re-
20 sponsible party (if the assistance was provided
21 by the responsible party), for the amount of
22 that assistance.

23 “(7) ACCEPTABLE PLAN.—

24 “(A) IN GENERAL.—For purposes of para-
25 graph (4)(A)(ii), the Secretary shall consider a

1 reimbursement plan of a responsible party to be
2 acceptable if the plan seeks to review and proc-
3 ess claims made by eligible entities for the costs
4 described in paragraph (6) not later than 90
5 days after the date of the significant hazardous
6 materials transportation incident.

7 “(B) ADVANCE SUBMISSION; CERTAIN
8 PLANS.—

9 “(i) ADVANCE SUBMISSION.—A plan
10 to provide reimbursement to eligible enti-
11 ties in accordance with subparagraph (A)
12 may be submitted to the Secretary for ap-
13 proval in advance of any significant haz-
14 ardous materials transportation incident to
15 which the plan might apply.

16 “(ii) CERTAIN PLAN.—A hazardous
17 materials emergency response plan ap-
18 proved by the Secretary in accordance with
19 section 20155(e) shall be considered an ac-
20 ceptable plan for purposes of this sub-
21 section.

22 “(8) REIMBURSEMENT BY RESPONSIBLE
23 PARTY.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (F), the party responsible for a signifi-

1 cant hazardous materials transportation inci-
2 dent shall be liable to the Secretary for reim-
3 bursement of all amounts disbursed from the
4 Fund under this subsection for that significant
5 hazardous materials transportation incident.

6 “(B) REQUIREMENT.—Any funding recov-
7 ered by the Secretary under this subsection
8 shall be deposited back into the Fund.

9 “(C) NOTICE.—After the Secretary has re-
10 ceived the documented costs under paragraph
11 (6)(B), the Secretary shall provide notice to the
12 responsible party regarding the total amount
13 owed.

14 “(D) FINAL AGENCY ACTION.—Not later
15 than 30 days after the Secretary makes a deter-
16 mination of the amount for which the respon-
17 sible party is liable under subparagraph (A),
18 the responsible party may challenge that deter-
19 mination as a final agency action.

20 “(E) CIVIL ACTION.—

21 “(i) IN GENERAL.—The Attorney
22 General may bring a civil action in an ap-
23 propriate district court of the United
24 States to collect unpaid amounts under

1 this paragraph and any accrued interest on
2 those amounts.

3 “(ii) LIMITATION ON JUDICIAL RE-
4 VIEW.—In a civil action under clause (i),
5 the amount for which a responsible party
6 is liable, as determined by the Secretary,
7 unless challenged under subparagraph (D),
8 shall not be subject to judicial review.

9 “(F) DISCRETION.—If the responsible
10 party is a small business concern (within the
11 meaning of part 121 of title 13, Code of Fed-
12 eral Regulations (or successor regulations)) that
13 is unable to fully reimburse the Secretary, the
14 Secretary shall have discretion with respect to
15 the amount of funds the Secretary requests
16 from the responsible party under this para-
17 graph.

18 “(9) STREAMLINED APPLICATION PROCESS.—
19 The Secretary shall streamline the application proc-
20 ess for the receipt of funds under this subsection, in-
21 cluding by—

22 “(A) providing technical assistance to eligi-
23 ble entities; and

24 “(B) creating a template that eligible enti-
25 ties can use to apply for funding.

1 “(10) SAVINGS PROVISIONS.—

2 “(A) LIABILITY.—Nothing in this sub-
3 section limits, or may be construed to limit, the
4 liability of a responsible party.

5 “(B) REIMBURSEMENT.—

6 “(i) IN GENERAL.—A responsible
7 party may, in accordance with any other
8 applicable law—

9 “(I) seek to establish that an-
10 other party was responsible, in whole
11 or in part (as such other law allows),
12 for the applicable significant haz-
13 ardous materials transportation inci-
14 dent; and

15 “(II) seek reimbursement (to the
16 extent such other law allows) from
17 that other party.

18 “(ii) EFFECT OF SUBSECTION.—
19 Nothing in this subsection limits, or may
20 be construed to limit, the ability of a re-
21 sponsible party to seek reimbursement
22 from any other party found to be respon-
23 sible in any civil action arising from the
24 applicable significant hazardous materials
25 transportation incident.

1 “(iii) EFFECT OF DETERMINATION.—

2 A determination by the Secretary that a
3 party is a responsible party for purposes of
4 this subsection shall not be considered or
5 otherwise have any effect with respect to
6 the determination of liability in any civil
7 action described in clause (ii).

8 “(iv) EFFECT OF REIMBURSEMENTS

9 AND OTHER ACTIVITIES.—No activity
10 taken under this subsection to reimburse
11 an eligible entity, reimburse the Secretary,
12 prepare or carry out a reimbursement
13 plan, or otherwise comply with or make a
14 payment under this subsection shall be
15 considered or otherwise have any effect
16 with respect to the determination of liabil-
17 ity in any civil action described in clause
18 (ii).

19 “(11) COMPTROLLER GENERAL REPORT.—

20 “(A) IN GENERAL.—Not later than Sep-
21 tember 30, 2027, the Comptroller General of
22 the United States shall submit to Congress a
23 report on the effectiveness this subsection.

1 “(B) CONTENTS.—The report submitted
2 under subparagraph (A) shall include, at a min-
3 imum, information on—

4 “(i) the number of significant haz-
5 ardous materials transportation incidents
6 that received funding under this sub-
7 section;

8 “(ii) the amount of financial assist-
9 ance the Secretary provided to eligible enti-
10 ties;

11 “(iii) the amount of financial assist-
12 ance responsible parties submitted to the
13 Secretary under paragraph (8);

14 “(iv) the amount of reimbursement
15 the Secretary received from eligible entities
16 as required under paragraph (6)(C);

17 “(v) whether the amounts provided by
18 the Secretary under this subsection ade-
19 quately reflect the amounts actually spent
20 by the eligible entities;

21 “(vi) whether the Secretary was able
22 to provide the financial assistance quickly
23 enough to the eligible entities so that the
24 assistance effectively supported the pre-

1 paredness of the eligible entities to respond
2 to potential future incidents; and

3 “(vii) any other factors the Comp-
4 troller General of the United States con-
5 siders to be appropriate to review the effec-
6 tiveness of this subsection.”; and

7 (3) by adding at the end the following:

8 “(m) DEFINITIONS.—In this section:

9 “(1) EMERGENCY RESPONSE PERSONNEL.—

10 The term ‘emergency response personnel’ means—

11 “(A) an employee of a State, territory,
12 Tribe, or political subdivision of a State; and

13 “(B) a person belonging to a public emer-
14 gency response organization.

15 “(2) PUBLIC EMERGENCY RESPONSE ORGANIZA-
16 TION.—

17 “(A) IN GENERAL.—The term ‘public
18 emergency response organization’ means—

19 “(i) a fire department that has an all-
20 paid force of firefighting personnel other
21 than paid-on-call firefighters;

22 “(ii) a fire department that has—

23 “(I) paid firefighting personnel;
24 and

1 “(II) volunteer firefighting per-
2 sonnel;

3 “(iii) a nonaffiliated EMS organiza-
4 tion; and

5 “(iv) a fire department that has an
6 all-volunteer force of firefighting personnel.

7 “(B) ASSOCIATED DEFINITION.—For pur-
8 poses of subparagraph (A)(iii), the term ‘non-
9 affiliated EMS organization’ means a public or
10 private nonprofit emergency medical services or-
11 ganization that—

12 “(i) is not affiliated with a hospital;
13 and

14 “(ii) does not serve a geographic area
15 for which the Secretary or a State finds
16 that emergency medical services are ade-
17 quately provided by a fire department.”.

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