§ 5116. Planning and training grants, monitoring, and review

(a) Planning Grants.—

(1) The Secretary shall make grants to States and Indian tribes—

(A) to develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.), including ascertaining flow patterns of hazardous material on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe; and

(B) to decide on the need for a regional hazardous material emergency response team.

(2) The Secretary may make a grant to a State or Indian tribe under paragraph (1) of this subsection in a fiscal year only if—

(A) the State or Indian tribe certifies that the total amount the State or Indian tribe expends (except amounts of the United States Government) to develop, improve, and carry out emergency plans under the Act will at least equal the average level of expenditure for the last 5 fiscal years; and

(B) the State agrees to make available at least 75 percent of the amount of the grant under paragraph (1) of this subsection in the fiscal year to local emergency planning committees established under section 301(c) of the Act (42 U.S.C. 11001 (c)) to develop emergency plans under the Act.

(3) A State or Indian tribe receiving a grant under this subsection shall ensure that planning under the grant is coordinated with emergency planning conducted by adjacent States and Indian tribes.

(b) Training Grants.—

(1) The Secretary shall make grants to States and Indian tribes to train public sector employees to respond to accidents and incidents involving hazardous material.

(2) The Secretary may make a grant under paragraph (1) of this subsection in a fiscal year—

(A) to a State or Indian tribe only if the State or tribe certifies that the total amount the State or tribe expends (except amounts of the Government) to train public sector employees to respond to an accident or incident involving hazardous material will at least equal the average level of expenditure for the last 5 fiscal years;

(B) to a State or Indian tribe only if the State or tribe makes an agreement with the Secretary that the State or tribe will use in that fiscal year, for training public sector employees to respond to an accident or incident involving hazardous material—

(i) a course developed or identified under section 5115 of this title; or

(ii) another course the Secretary decides is consistent with the objectives of this section; and

(C) to a State only if the State agrees to make available at least 75 percent of the amount of the grant under paragraph (1) of this subsection in the fiscal year for training public sector employees a political subdivision of the State employs or uses.

(3) A grant under this subsection may be used—

(A) to pay—

(i) the tuition costs of public sector employees being trained;

(ii) travel expenses of those employees to and from the training facility;

(iii) room and board of those employees when at the training facility; and

(iv) travel expenses of individuals providing the training;
(B) by the State, political subdivision, or Indian tribe to provide the training; and
(C) to make an agreement the Secretary approves authorizing a person (including an authority
of a State or political subdivision of a State or Indian tribe) to provide the training—
   (i) if the agreement allows the Secretary and the State or tribe to conduct random
      examinations, inspections, and audits of the training without prior notice; and
   (ii) if the State or tribe conducts at least one on-site observation of the training each year.

(4) The Secretary shall allocate amounts made available for grants under this subsection for a
fiscal year among eligible States and Indian tribes based on the needs of the States and tribes
for emergency response training. In making a decision about those needs, the Secretary shall
consider—
   (A) the number of hazardous material facilities in the State or on land under the jurisdiction
      of the tribe;
   (B) the types and amounts of hazardous material transported in the State or on that land;
   (C) whether the State or tribe imposes and collects a fee on transporting hazardous material;
   (D) whether the fee is used only to carry out a purpose related to transporting hazardous
      material; and
   (E) other factors the Secretary decides are appropriate to carry out this subsection.

(c) Compliance With Certain Law.— The Secretary may make a grant to a State under this section
in a fiscal year only if the State certifies that the State complies with sections 301 and 303 of the

(d) Applications.— A State or Indian tribe interested in receiving a grant under this section shall
submit an application to the Secretary. The application must be submitted at the time, and contain
information, the Secretary requires by regulation to carry out the objectives of this section.

(e) Government’s Share of Costs.— A grant under this section is for 80 percent of the cost the
State or Indian tribe incurs in the fiscal year to carry out the activity for which the grant is made.
Amounts of the State or tribe under subsections (a)(2)(A) and (b)(2)(A) of this section are not part of
the non-Government share under this subsection.

(f) Monitoring and Technical Assistance.— In coordination with the Secretaries of Transportation
and Energy, Administrator of the Environmental Protection Agency, and Director of the National
Institute of Environmental Health Sciences, the Administrator of the Federal Emergency Management
Agency shall monitor public sector emergency response planning and training for an accident or
incident involving hazardous material. Considering the results of the monitoring, the Secretaries,
Administrators, and Director each shall provide technical assistance to a State, political subdivision
of a State, or Indian tribe for carrying out emergency response training and planning for an accident
or incident involving hazardous material and shall coordinate the assistance using the existing
coordinating mechanisms of the National Response Team and, for radioactive material, the Federal
Radiological Preparedness Coordinating Committee.

(g) Delegation of Authority.— To minimize administrative costs and to coordinate Federal
financial assistance for emergency response training and planning, the Secretary may delegate to the
Administrator of the Federal Emergency Management Agency, Director of the National Institute of
Environmental Health Sciences, Chairman of the Nuclear Regulatory Commission, Administrator of
the Environmental Protection Agency, and Secretaries of Labor and Energy any of the following:
   (1) authority to receive applications for grants under this section.
   (2) authority to review applications for technical compliance with this section.
   (3) authority to review applications to recommend approval or disapproval.
   (4) any other ministerial duty associated with grants under this section.

(h) Minimizing Duplication of Effort and Expenses.— The Secretaries of Transportation, Labor,
and Energy, Administrator of the Federal Emergency Management Agency, Director of the National
Institute of Environmental Health Sciences, Chairman of the Nuclear Regulatory Commission, and Administrator of the Environmental Protection Agency shall review periodically, with the head of each department, agency, or instrumentality of the Government, all emergency response and preparedness training programs of that department, agency, or instrumentality to minimize duplication of effort and expense of the department, agency, or instrumentality in carrying out the programs and shall take necessary action to minimize duplication.

(i) Annual Registration Fee Account and Its Uses.— The Secretary of the Treasury shall establish an account in the Treasury (to be known as the “Hazardous Materials Emergency Preparedness Fund”) into which the Secretary of the Treasury shall deposit amounts the Secretary of Transportation transfers to the Secretary of the Treasury under section 5108 (g)(2)(C) of this title. Without further appropriation, amounts in the account are available—

(1) to make grants under this section;
(2) to monitor and provide technical assistance under subsection (f) of this section;
(3) to publish and distribute an emergency response guide; and
(4) to pay administrative costs of carrying out this section and sections 5108 (g)(2) and 5115 of this title, except that not more than 2 percent of the amounts made available from the account in a fiscal year may be used to pay those costs.

(j) Supplemental Training Grants.—

(1) In order to further the purposes of subsection (b), the Secretary shall, subject to the availability of funds, make grants to national nonprofit employee organizations engaged solely in fighting fires for the purpose of training instructors to conduct hazardous materials response training programs for individuals with statutory responsibility to respond to hazardous materials accidents and incidents.

(2) For the purposes of this subsection the Secretary, after consultation with interested organizations, shall—

(A) identify regions or locations in which fire departments or other organizations which provide emergency response to hazardous materials transportation accidents and incidents are in need of hazardous materials training; and
(B) prioritize such needs and develop a means for identifying additional specific training needs.

(3) Funds granted to an organization under this subsection shall only be used—

(A) to train instructors to conduct hazardous materials response training programs;
(B) to purchase training equipment used exclusively to train instructors to conduct such training programs; and
(C) to disseminate such information and materials as are necessary for the conduct of such training programs.

(4) The Secretary may only make a grant to an organization under this subsection in a fiscal year if the organization enters into an agreement with the Secretary to train instructors to conduct hazardous materials response training programs in such fiscal year that will use—

(A) a course or courses developed or identified under section 5115 of this title; or
(B) other courses which the Secretary determines are consistent with the objectives of this subsection;

for training individuals with statutory responsibility to respond to accidents and incidents involving hazardous materials. Such agreement also shall provide that training courses shall be open to all such individuals on a nondiscriminatory basis.

(5) The Secretary may impose such additional terms and conditions on grants to be made under this subsection as the Secretary determines are necessary to protect the interests of the United States and to carry out the objectives of this subsection.
(k) **Reports.**— The Secretary shall submit annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and make available to the public information on the allocation and uses of the planning grants allocated under subsection (a), training grants under subsection (b), and grants under subsection (j) of this section and under section 5107. The report shall identify the ultimate recipients of training grants and include a detailed accounting of all grant expenditures by grant recipients, the number of persons trained under the grant programs, and an evaluation of the efficacy of training programs carried out.


### Historical and Revision Notes

**Pub. L. 103–272**

<table>
<thead>
<tr>
<th>Revised Section</th>
<th>Source (U.S. Code)</th>
<th>Source (Statutes at Large)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5116(b)(1)</td>
<td>49 App.:1815(b)(1).</td>
<td></td>
</tr>
<tr>
<td>5116(b)(2)</td>
<td>49 App.:1815(b) (2)–(4).</td>
<td></td>
</tr>
<tr>
<td>5116(b)(3)</td>
<td>49 App.:1815(b)(5), (6).</td>
<td></td>
</tr>
<tr>
<td>5116(b)(4)</td>
<td>49 App.:1815(b)(7).</td>
<td></td>
</tr>
<tr>
<td>5116(c)</td>
<td>49 App.:1815(c).</td>
<td></td>
</tr>
<tr>
<td>5116(d)</td>
<td>49 App.:1815(e).</td>
<td></td>
</tr>
<tr>
<td>5116(e)</td>
<td>49 App.:1815(d).</td>
<td></td>
</tr>
<tr>
<td>5116(f)</td>
<td>49 App.:1815(g)(7).</td>
<td></td>
</tr>
<tr>
<td>5116(g)</td>
<td>49 App.:1815(f).</td>
<td></td>
</tr>
<tr>
<td>5116(h)</td>
<td>49 App.:1815(g)(9).</td>
<td></td>
</tr>
<tr>
<td>5116(i)</td>
<td>49 App.:1815(h)(6).</td>
<td></td>
</tr>
</tbody>
</table>

In subsections (a)(2)(A) and (b)(2)(A), the words “at least equal” are substituted for “be maintained at a level which does not fall below” to eliminate unnecessary words.

In subsection (a)(2)(B), the words “by the State emergency response commission” are omitted as surplus.

In subsection (b)(2)(B)(i), the words “or courses” are omitted because of 1:1.

In subsection (c), the words “including compliance with such sections with respect to accidents and incidents involving the transportation of hazardous materials” are omitted as surplus.

In subsection (d), the word “section” is substituted for “subsection” for clarity because there are no objectives in the subsection being restated.

In subsection (e), the words “A grant under this section is for” are substituted for “By a grant under this section, the Secretary shall reimburse any State or Indian tribe an amount not to exceed” to eliminate unnecessary words and for consistency in the revised title. The words “which are required to be expended under subsections (a)(2) and (b)(2) of this section” are omitted as surplus. The words “under this subsection” are added for clarity.
In subsection (h), the words “including coordination of training programs” are omitted as surplus.

**Pub. L. 104–287, § 5(8)**

This amends 49:5116(j)(4)(A) to correct an erroneous cross-reference.

**References in Text**


**Amendments**


Subsec. (b)(1). Pub. L. 109–59, § 7126, substituted “Secretary” for “Secretary of Transportation”.

Subsec. (b)(2). Pub. L. 109–59, § 7126, substituted “Secretary” for “Secretary of Transportation” in introductory provisions.

Subsec. (b)(2)(A). Pub. L. 109–59, § 7114(a), substituted “5 fiscal years” for “2 fiscal years”.

Subsec. (b)(3)(C), (4). Pub. L. 109–59, § 7126, substituted “Secretary” for “Secretary of Transportation” in introductory provisions of par. (3)(C) and “Secretary shall allocate” for “Secretary of Transportation shall allocate” in introductory provisions of par. (4).

Subsecs. (c), (d). Pub. L. 109–59, § 7126, substituted “Secretary” for “Secretary of Transportation” in subsec. (c) and “Secretary.” for “Secretary of Transportation.” in subsec. (d).


Subsec. (g). Pub. L. 109–59, § 7126, substituted “Secretary” for “Secretary of Transportation” in introductory provisions.


Subsec. (i). Pub. L. 109–59, § 7114(d)(1), (2), in introductory provisions, inserted “(to be known as the ‘Hazardous Materials Emergency Preparedness Fund’)” after “an account in the Treasury” and struck out “collects under section 5108 (g)(2)(A) of this title and” before “transfers to the Secretary”, added par. (3), and redesignated former par. (3) as (4) and substituted “2 percent” for “10 percent”.

Subsec. (k). Pub. L. 109–59, § 7114(e), substituted “The Secretary shall submit annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and make available to the public information on the allocation and uses of the planning grants allocated under subsection (a), training grants under subsection (b), and grants under subsection (j) of this section and under section 5107” for “Not later than September 30, 1997, the Secretary shall submit to Congress a report on the allocation and uses of training grants authorized under subsection (b) for fiscal year 1993 through fiscal year 1996 and grants authorized under subsection (j) and section 5107 for fiscal years 1995 and 1996” and “The report” for “Such report”.


Subsec. (j)(4)(A). Pub. L. 104–287, § 5(8), substituted “section 5115 of this title” for “subsection (g)”.

1994—Subsec. (a)(1). Pub. L. 103–311, § 105(a), in introductory provisions inserted “and Indian tribes” after “States”, and in subpar. (A) substituted “on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe” for “in a State and between States”.


Pub. L. 103–311, § 105(b)(1), inserted “or Indian tribe” after “grant to a State” in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 103–311, § 105(b)(1), (3), inserted “the State or Indian tribe” before “certifies” and “or Indian tribe” before “expends”.

---

**NB:** This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see [http://www.law.cornell.edu/uscode/uscprint.html](http://www.law.cornell.edu/uscode/uscprint.html)).

Subsec. (a)(3). Pub. L. 103–311, § 105(c), added par. (3).

Subsec. (i)(1). Pub. L. 103–311, § 119(d)(2), as amended by Pub. L. 103–429, struck out “and section 5107 (e) of this title” after “under this section”.


Subsecs. (j), (k). Pub. L. 103–311, § 119(a), added subsecs. (j) and (k).

Change of Name


Effective Date of 1996 Amendment

Section 6(b) of Pub. L. 104–287 provided that the amendment made by that section is effective Aug. 26, 1994.

Effective Date of 1994 Amendment

Section 7(c) of Pub. L. 103–429 provided that the amendment made by that section is effective Aug. 26, 1994.