

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4548

To amend the Federal Fire Prevention and Control Act of 1974 with respect to firefighter assistance.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2002

Mr. SMITH of Michigan (for himself, Mr. PASCARELL, Mr. WELDON of Pennsylvania, and Mr. HOYER) introduced the following bill; which was referred to the Committee on Science

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## A BILL

To amend the Federal Fire Prevention and Control Act of 1974 with respect to firefighter assistance.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FIREFIGHTER ASSISTANCE.**

4 The first section 33 of the Federal Fire Prevention  
5 and Control Act of 1974 (15 U.S.C. 2229) is amended  
6 to read as follows:

7 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

8 **“(a) DEFINITION OF FIREFIGHTING PERSONNEL.—**  
9 In this section, the term ‘firefighting personnel’ means in-  
10 dividuals, including volunteers, who are firefighters, offi-

1 cers of fire departments, or emergency medical service per-  
2 sonnel of fire departments.

3 “(b) ASSISTANCE PROGRAM.—

4 “(1) AUTHORITY.—In accordance with this sec-  
5 tion, the Administrator may—

6 “(A) make grants on a competitive basis  
7 directly to fire departments of a State, in con-  
8 sultation with the chief executive of the State,  
9 for the purpose of protecting the health and  
10 safety of the public, firefighting personnel, and  
11 property against fire and fire-related hazards;  
12 and

13 “(B) provide assistance for fire prevention  
14 programs in accordance with paragraph (4).

15 “(2) OFFICE FOR ADMINISTRATION OF ASSIST-  
16 ANCE.—

17 “(A) ESTABLISHMENT.—Before providing  
18 assistance under paragraph (1), the Adminis-  
19 trator shall establish an office in the Adminis-  
20 tration to administer the assistance under this  
21 section.

22 “(B) INCLUDED DUTIES.—The duties of  
23 the office shall include the following:

24 “(i) RECIPIENT SELECTION CRI-  
25 TERIA.—To establish specific criteria for

1 the selection of recipients of the assistance  
2 under this section, including a requirement  
3 for peer review of the selection process.

4 “(ii) GRANT-WRITING ASSISTANCE.—  
5 To provide grant-writing assistance to ap-  
6 plicants.

7 “(3) USE OF FIRE DEPARTMENT GRANT  
8 FUNDS.—The Administrator may make a grant  
9 under paragraph (1)(A) only if the applicant for the  
10 grant agrees to use the grant funds for one or more  
11 of the following purposes:

12 “(A) To hire additional firefighting per-  
13 sonnel.

14 “(B) To train firefighting personnel in  
15 firefighting, emergency response (including re-  
16 sponse to a terrorism incident or use of a weap-  
17 on of mass destruction), arson prevention and  
18 detection, or the handling of hazardous mate-  
19 rials, or to train firefighting personnel to pro-  
20 vide any of the training described in this sub-  
21 paragraph.

22 “(C) To fund the creation of rapid inter-  
23 vention teams to protect firefighting personnel  
24 at the scenes of fires and other emergencies.

25 “(D) To certify fire inspectors.

1           “(E) To establish wellness and fitness pro-  
2           grams for firefighting personnel to ensure that  
3           the firefighting personnel can carry out their  
4           duties.

5           “(F) To fund emergency medical services  
6           provided by fire departments.

7           “(G) To acquire additional firefighting ve-  
8           hicles, including fire trucks.

9           “(H) To acquire additional firefighting  
10          equipment, including equipment for communica-  
11          tions, monitoring, and response to a terrorism  
12          incident or use of a weapon of mass destruc-  
13          tion.

14          “(I) To acquire personal protective equip-  
15          ment required for firefighting personnel by the  
16          Occupational Safety and Health Administra-  
17          tion, and other personal protective equipment  
18          for firefighting personnel, including protective  
19          equipment to respond to a terrorism incident or  
20          the use of a weapon of mass destruction.

21          “(J) To modify fire stations, fire training  
22          facilities, and other facilities to protect the  
23          health and safety of firefighting personnel.

24          “(K) To enforce fire codes.

25          “(L) To fund fire prevention programs.

1           “(M) To educate the public about arson  
2 prevention and detection.

3           “(N) To provide incentives for the recruit-  
4 ment and retention of volunteer firefighting  
5 personnel for volunteer firefighting departments  
6 and other firefighting departments that utilize  
7 volunteers, including funding to enable training  
8 described in subparagraph (B).

9           “(4) FIRE PREVENTION PROGRAMS.—

10           “(A) IN GENERAL.—For each fiscal year,  
11 the Administrator shall use not less than 5 per-  
12 cent of the funds made available under sub-  
13 section (e)—

14           “(i) to make grants to fire depart-  
15 ments for the purpose described in para-  
16 graph (3)(L); and

17           “(ii) to make grants to, or enter into  
18 contracts or cooperative agreements with,  
19 national, State, local, or community orga-  
20 nizations that are recognized for their ex-  
21 perience and expertise with respect to fire  
22 prevention or fire safety programs and ac-  
23 tivities, for the purpose of carrying out fire  
24 prevention programs.

1           “(B) PRIORITY.—In selecting organiza-  
2           tions described in subparagraph (A)(ii) to re-  
3           ceive assistance under this paragraph, the Ad-  
4           ministrators shall give priority to organizations  
5           that focus on prevention of injuries to children  
6           from fire.

7           “(5) APPLICATION.—The Administrator may  
8           provide assistance to a fire department or organiza-  
9           tion under this subsection only if the fire depart-  
10          ment or organization seeking the assistance submits  
11          to the Administrator an application that meets the  
12          following requirements:

13               “(A) FORM.—The application shall be in  
14               such form as the Administrator may require.

15               “(B) INFORMATION.—The application shall  
16               include the following information:

17                       “(i) FINANCIAL NEED.—Information  
18                       that demonstrates the financial need of the  
19                       applicant for the assistance for which ap-  
20                       plied. In allocating funds under this sec-  
21                       tion, the Administrator shall not discrimi-  
22                       nate against an applicant whose funding  
23                       jurisdiction places a high budget priority  
24                       on fire department needs.

1           “(ii) COST-BENEFIT ANALYSIS.—An  
2           analysis of the costs and benefits, with re-  
3           spect to public safety, of the use of the as-  
4           sistance.

5           “(iii) REPORTING SYSTEMS DATA.—  
6           An agreement to provide information to  
7           the national fire incident reporting system  
8           for the period covered by the assistance.

9           “(iv) OTHER INFORMATION.—Any  
10          other information that the Administrator  
11          may require.

12          “(6) NON-FEDERAL CONTRIBUTION.—

13                 “(A) IN GENERAL.—Subject to subpara-  
14                 graph (B), the Administrator may provide as-  
15                 sistance under this subsection only if the appli-  
16                 cant for the assistance agrees to provide 30  
17                 percent of the cost of the purposes for which  
18                 the assistance is sought under this subsection in  
19                 non-Federal funds for any fiscal year.

20                 “(B) REQUIREMENT FOR SMALL COMMU-  
21                 NITY ORGANIZATIONS.—In the case of an appli-  
22                 cant whose personnel serve jurisdictions of  
23                 50,000 or fewer residents, the required non-  
24                 Federal contribution under subparagraph (A)  
25                 shall be 10 percent.

1           “(7) MAINTENANCE OF EXPENDITURES.—The  
2 Administrator may provide assistance under this  
3 subsection only if the applicant for the assistance  
4 agrees to maintain in the fiscal year for which the  
5 assistance will be received the applicant’s aggregate  
6 expenditures for the uses described in paragraph (3)  
7 or (4) at or above the average level of such expendi-  
8 tures in the two fiscal years preceding the fiscal year  
9 for which the assistance will be received.

10           “(8) REPORT TO THE ADMINISTRATOR.—The  
11 Administrator may provide assistance under this  
12 subsection only if the applicant for the assistance  
13 agrees to submit to the Administrator a report, in-  
14 cluding a description of how the assistance was used,  
15 with respect to each fiscal year for which the assist-  
16 ance was received.

17           “(9) VARIETY OF FIRE DEPARTMENT GRANT  
18 RECIPIENTS.—The Administrator shall ensure that  
19 grants under paragraph (1)(A) for a fiscal year are  
20 made to a variety of fire departments, including, to  
21 the extent that there are eligible applicants—

22                   “(A) career, volunteer, and combination  
23 fire departments;

24                   “(B) fire departments located in commu-  
25 nities of varying sizes; and



1           “(C) fire departments located in urban,  
2           suburban, and rural communities.

3           “(10) GRANT LIMITATIONS.—

4           “(A) RECIPIENT LIMITATION.—A grant re-  
5           cipient under this section may not receive more  
6           than \$750,000 under this section for any fiscal  
7           year.

8           “(B) LIMITATION ON EXPENDITURES FOR  
9           FIREFIGHTING VEHICLES.—Not more than 25  
10          percent of the funds appropriated to provide  
11          grants under this section for a fiscal year may  
12          be used to assist grant recipients to purchase  
13          vehicles, as authorized by paragraph (3)(G).

14          “(11) RESERVATION OF GRANT FUNDS FOR  
15          VOLUNTEER DEPARTMENTS.—In making grants to  
16          firefighting departments, the Administrator shall en-  
17          sure that those firefighting departments that have  
18          either all-volunteer forces of firefighting personnel or  
19          combined forces of volunteer and career firefighting  
20          personnel collectively receive at least a proportion of  
21          the total grant funding that equals the proportion of  
22          the United States population that those firefighting  
23          departments protect.

24          “(c) AUDITS.—A recipient of a grant under this sec-  
25          tion shall be subject to audits to ensure that the grant

1 proceeds are expended for the intended purposes and that  
2 the grant recipient complies with the requirements of  
3 paragraphs (6) and (7) of subsection (b).

4 “(d) STATE DEFINED.—In this section, the term  
5 ‘State’ includes the District of Columbia and the Common-  
6 wealth of Puerto Rico.

7 “(e) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There are authorized to be  
9 appropriated to the Administrator \$900,000,000 for  
10 each of the fiscal years 2002 through 2004 for the  
11 purposes of this section.

12 “(2) ADMINISTRATIVE EXPENSES.—Of the  
13 funds appropriated pursuant to paragraph (1) for a  
14 fiscal year, the Administrator may use not more  
15 than five percent of the funds to cover salaries and  
16 expenses and other administrative costs incurred by  
17 the Administrator to operate the office established  
18 under subsection (b)(2) and make grants and pro-  
19 vide assistance under this section.”.

20 **SEC. 2. TECHNICAL AMENDMENTS.**

21 The second section 33 of the Federal Fire Prevention  
22 and Control Act of 1974 (15 U.S.C. 2230) and section  
23 34 of that Act (15 U.S.C. 2231) are redesignated as sec-  
24 tions 34 and 35, respectively.

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