

108TH CONGRESS
2D SESSION

S. 2411

To amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, achieve greater equity for departments serving large jurisdictions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2004

Mr. DODD (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. MCCAIN, Mr. HOLLINGS, Mr. WARNER, Mr. LEVIN, Ms. COLLINS, Mr. SARBANES, Mr. SPECTER, Mr. BIDEN, Ms. SNOWE, Mr. KENNEDY, Mr. GRAHAM of South Carolina, Mr. ROCKEFELLER, Mr. SMITH, Mr. HARKIN, Mr. GREGG, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. DURBIN, Ms. MIKULSKI, Mr. BAUCUS, Mr. SCHUMER, Mr. REID, Mrs. CLINTON, Mr. INOUE, Mr. LEAHY, Mr. JOHNSON, Mr. KERRY, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. CORZINE, Mr. REED, Mr. CARPER, and Mr. DAYTON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, achieve greater equity for departments serving large jurisdictions, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Assistance to Fire-
3 fighters Act of 2004”.

4 **SEC. 2. AUTHORITY OF SECRETARY OF HOMELAND SECU-
5 RITY FOR FIREFIGHTER ASSISTANCE PRO-
6 GRAM.**

7 (a) IN GENERAL.—Subsection (b)(1) of section 33 of
8 the Federal Fire Prevention and Control Act of 1974 (15
9 U.S.C. 2229) is amended by striking “Director” in the
10 matter preceding subparagraph (A) and inserting “Sec-
11 retary of Homeland Security, in consultation with the Ad-
12 ministrator,”.

13 (b) CONFORMING AMENDMENT.—Such section is fur-
14 ther amended by striking “Director” each place it appears
15 and inserting “Secretary of Homeland Security”.

16 (c) TECHNICAL AMENDMENT.—The heading of sub-
17 section (b)(8) of such section is amended by striking “DI-
18 RECTOR” and inserting “SECRETARY”.

19 **SEC. 3. GRANTS TO VOLUNTEER EMERGENCY MEDICAL
20 SERVICE ORGANIZATIONS.**

21 (a) AUTHORITY TO AWARD GRANTS TO VOLUNTEER
22 EMERGENCY MEDICAL SERVICE SQUADS.—Paragraph
23 (1)(A) of section 33(b) of the Federal Fire Prevention and
24 Control Act of 1974 (15 U.S.C. 2229(b)) is amended by
25 inserting “or to volunteer emergency medical service orga-
26 nizations” after “fire departments”.

1 (b) USE OF GRANT FUNDS.—Paragraph (3)(F) of
 2 such section is amended by inserting “or volunteer emer-
 3 gency medical service organizations that are not affiliated
 4 with a for-profit entity” after “fire departments”.

5 (c) SPECIAL RULE FOR APPLICATIONS FOR VOLUN-
 6 TEER EMERGENCY MEDICAL SERVICES.—Paragraph (5)
 7 of such section is amended by adding at the end, the fol-
 8 lowing new subparagraph:

9 “(C) SPECIAL RULE FOR VOLUNTEER
 10 EMERGENCY MEDICAL SERVICES.—The Sec-
 11 retary of Homeland Security shall permit an
 12 applicant seeking grant funds for volunteer
 13 emergency medical services under paragraph
 14 (3)(F) to use the same application form to seek
 15 grant funds for one or more of the other pur-
 16 poses set out in subparagraphs (A) through (O)
 17 of paragraph (3).”.

18 **SEC. 4. GRANTS FOR AUTOMATED EXTERNAL**
 19 **DEFIBRILLATOR DEVICES.**

20 Paragraph (3) of section 33(b) of the Federal Fire
 21 Prevention and Control Act of 1974 (15 U.S.C. 2229(b))
 22 is amended by adding at the end the following new sub-
 23 paragraph:

24 “(O) To obtain automated external
 25 defibrillator devices.”.

1 **SEC. 5. CRITERIA FOR REVIEWING GRANT APPLICATIONS.**

2 Paragraph (2) of section 33(b) of the Federal Fire
3 Prevention and Control Act of 1974 (15 U.S.C. 2229(b))
4 is amended to read as follows:

5 “(2) CRITERIA AND REVIEW OF APPLICA-
6 TIONS.—

7 “(A) PRELIMINARY REVIEW CRITERIA.—

8 “(i) IN GENERAL.—The Secretary of
9 Homeland Security shall establish specific
10 criteria for the preliminary review of an
11 application submitted under this section. If
12 an application does not meet such criteria,
13 the application may not receive further
14 consideration for a grant under this sec-
15 tion.

16 “(ii) ANNUAL REVIEW OF CRITERIA.—
17 Not less often than once each year, the
18 Secretary of Homeland Security, in con-
19 sultation with the Administrator, shall con-
20 vene a meeting of individuals who are
21 members of a fire service and are recog-
22 nized for expertise in firefighting or in
23 emergency medical services provided by
24 fire services, and who are not employees of
25 the Federal Government for the purpose of

1 reviewing and proposing changes to the
2 criteria established under clause (i).

3 “(B) SELECTION THROUGH REVIEW BY
4 EXPERTS.—

5 “(i) REQUIREMENT FOR REVIEW.—
6 The Secretary of Homeland Security shall
7 award grants under this section based on
8 the review of applications for such grants
9 by a panel of fire service personnel ap-
10 pointed by a national organization recog-
11 nized for expertise in the operation and ad-
12 ministration of fire services.

13 “(ii) ROLE OF THE SECRETARY.—The
14 Secretary of Homeland Security shall pro-
15 vide for the administration of the review
16 panel described in clause (i) and shall en-
17 sure that an individual appointed to such
18 panel is a recognized expert in firefighting,
19 medical services provided by fire services,
20 fire prevention, or research on firefighter
21 safety.”.

22 **SEC. 6. FINANCIAL ASSISTANCE FOR FIREFIGHTER SAFETY**
23 **PROGRAMS.**

24 (a) AUTHORITY.—Paragraph (1)(B) of section 33(b)
25 of the Federal Fire Prevention and Control Act of 1974

1 (15 U.S.C. 2229(b)) is amended by inserting “and fire-
2 fighter safety” after “prevention”.

3 (b) EXPANSION OF EXISTING PROGRAM.—

4 (1) FIREFIGHTER SAFETY ASSISTANCE.—Para-
5 graph (4) of such section is amended—

6 (A) in subparagraph (A)(ii), by striking
7 “organizations that are recognized” and all that
8 follows and inserting “organizations eligible
9 under subparagraph (B) for the purposes de-
10 scribed in subparagraph (C).”; and

11 (B) by striking subparagraph (B), and in-
12 serting the following new subparagraphs:

13 “(B) ELIGIBILITY FOR ASSISTANCE.—An
14 organization may be eligible for assistance
15 under subparagraph (A)(ii), if such organiza-
16 tion is a national, State, local, or community
17 organization that is not a fire service and that
18 is recognized for experience and expertise with
19 respect to programs and activities that pro-
20 mote—

21 “(i) fire prevention or fire safety; or

22 “(ii) the health and safety of fire-
23 fighting personnel.

24 “(C) USE OF FUNDS.—Assistance provided
25 under subparagraph (A)(ii) shall be used—

1 “(i) to carry out fire prevention pro-
2 grams; or

3 “(ii) to fund research to improve the
4 health and safety of firefighting personnel.

5 “(D) PRIORITY.—In selecting organiza-
6 tions described in subparagraph (B) to receive
7 assistance under this paragraph, the Secretary
8 of Homeland Security shall give priority—

9 “(i) to organizations that focus on
10 preventing injuries from fire to members of
11 groups at high risk of such injuries, with
12 an emphasis on children; and

13 “(ii) to organizations that focus on re-
14 searching methods to improve the health
15 and safety of firefighting personnel.

16 “(E) ALLOCATION OF FUNDS.—Not less
17 than 66 percent of the total amount of funds
18 made available in a fiscal year to carry out this
19 paragraph shall be made available of the pro-
20 grams described in subparagraph (A)(ii).”.

21 (2) CONFORMING AMENDMENT.—The heading
22 of such paragraph is amended to read as follows:

23 “(4) FIRE PREVENTION AND FIREFIGHTER
24 SAFETY PROGRAMS.—”.

1 (c) AVAILABILITY OF FUNDS FOR FIRE PREVENTION
2 AND FIREFIGHTER SAFETY PROGRAMS.—Paragraph
3 (4)(A) of such section, as amended by subsection (b), is
4 further amended in the matter preceding clause (i), by
5 striking “5 percent” and inserting “6 percent”.

6 **SEC. 7. ASSISTANCE FOR APPLICATIONS.**

7 Paragraph (5) of section 33(b) of the Federal Fire
8 Prevention and Control Act of 1974 (15 U.S.C. 2229(b)),
9 as amended by section 3(c), is further amended by adding
10 at the end the following new subparagraph:

11 “(D) ASSISTANCE TO PREPARE AN APPLI-
12 CATION.—The Secretary of Homeland Security
13 shall provide assistance with the preparation of
14 applications for grants under this section.”.

15 **SEC. 8. REDUCED REQUIREMENTS FOR MATCHING FUNDS.**

16 (a) AMOUNT REQUIRED.—Paragraph (6) of section
17 33(b) of the Federal Fire Prevention and Control Act of
18 1974 (15 U.S.C. 2229(b)) is amended by striking sub-
19 paragraphs (A) and (B) and inserting the following:

20 “(A) IN GENERAL.—Subject to subpara-
21 graphs (B) and (C), the Secretary of Homeland
22 Security may provide assistance under this sub-
23 section only if the applicant for such assistance
24 agrees to match 20 percent of such assistance

1 for any fiscal year with an equal amount of
2 non-Federal funds.

3 “(B) REQUIREMENT FOR SMALL COMMU-
4 NITY ORGANIZATIONS.—In the case of an appli-
5 cant whose personnel—

6 “(i) serve jurisdictions of 50,000 or
7 fewer residents, the percent applied under
8 the matching requirement of subparagraph
9 (A) shall be 10 percent; or

10 “(ii) serve jurisdictions of 20,000 or
11 fewer residents, the percent applied under
12 the matching requirement of subparagraph
13 (A) shall be 5 percent.”.

14 (b) EXCEPTION.—Such paragraph, as amended by
15 subsection (a), is further amended by adding at the end
16 the following new subparagraph:

17 “(C) EXCEPTION.—No matching funds
18 may be required under this subsection for as-
19 sistance provided under subparagraph (A)(ii) of
20 paragraph (4) to an organization described in
21 subparagraph (B) of such paragraph.”.

22 (c) SPECIAL RULE FOR REQUESTS FOR AUTOMATED
23 EXTERNAL DEFIBRILLATOR DEVICES.—Section 33(b) of
24 such Act is further amended by adding at the end the fol-
25 lowing new paragraph:

1 “(13) SPECIAL RULES FOR GRANTS FOR AUTO-
2 MATED EXTERNAL DEFIBRILLATOR DEVICES.—

3 “(A) LIMITATIONS.—The Secretary of
4 Homeland Security shall reduce the percentage
5 of non-Federal matching funds for a grant as
6 described in subparagraph (B) if—

7 “(i) the applicant is requesting grant
8 funds to obtain one or more automated ex-
9 ternal defibrillator devices, as authorized
10 by paragraph (3)(O);

11 “(ii) the award of such grant will re-
12 sult in the applicant possessing exactly one
13 such device for each first-due emergency
14 vehicle operated by the applicant;

15 “(iii) the applicant certifies to the
16 Secretary of Homeland Security that the
17 applicant possesses, at the time such appli-
18 cation is filed, a number of such devices
19 that is less than the number of first-due
20 emergency vehicles operated by the appli-
21 cant and that the applicant is capable of
22 storing, in a manner conducive to rapid
23 use, such devices on each such vehicle; and

1 “(iv) the applicant has not previously
2 received a grant under this subsection to
3 obtain such devices.

4 “(B) MATCHING REQUIREMENTS.—If an
5 applicant meets the criteria set out in clauses
6 (i), (ii), (iii), and (iv) of subparagraph (A), the
7 Secretary of Homeland Security shall reduce
8 the percentage of non-Federal matching funds
9 required by paragraph (6) by 2 percentage
10 points for all assistance requested in the appli-
11 cation submitted by such applicant.

12 “(C) FIRST-DUE DEFINED.—In this para-
13 graph, the term ‘first-due’ means the fire-
14 fighting and emergency medical services vehi-
15 cles that are utilized by a fire service for imme-
16 diate response to an emergency situation.”.

17 **SEC. 9. GRANT RECIPIENT LIMITATIONS.**

18 (a) LIMITATIONS ON GRANT AMOUNTS.—Subpara-
19 graph (A) of section 33(b)(10) of the Federal Fire Preven-
20 tion and Control Act of 1974 (15 U.S.C. 2229(b)(10)) is
21 amended to read as follows:

22 “(A) LIMITATIONS ON GRANT AMOUNT.—

23 “(i) GENERAL LIMITATION.—Subject
24 to clause (ii), a recipient of assistance
25 under this section may not receive in a fis-

1 cal year an amount of such assistance that
2 exceeds the greater of \$2,250,000 or the
3 amount equal to 0.5 percent of the total
4 amount of funds appropriated for such as-
5 sistance for such fiscal year.

6 “(ii) LIMITATIONS ON BASIS OF POPU-
7 LATION.—Subject to clause (iii), a recipi-
8 ent of assistance under this section that
9 serves a jurisdiction of less than 1,000,000
10 individuals may not receive more than
11 \$1,500,000 of such assistance for a fiscal
12 year, except that such a recipient that
13 serves a jurisdiction of less than 500,000
14 individuals may not receive more than
15 \$1,000,000 of such assistance during a fis-
16 cal year.

17 “(iii) WAIVER.—With respect to as-
18 sistance provided in a fiscal year before fis-
19 cal year 2007, the Secretary of Homeland
20 Security, in consultation with the Adminis-
21 trator, may waive the limitations set out in
22 clause (ii) if the Secretary determines that
23 a waiver is warranted by an extraordinary
24 need for assistance for fire suppression ac-
25 tivities by a jurisdiction, whether such need

1 is caused by the likelihood of terrorist at-
2 tack, natural disaster, destructive fires oc-
3 ccurring over a large geographic area, or
4 some other cause.”.

5 (b) LIMITATIONS ON GRANTS FOR VOLUNTEER
6 EMERGENCY MEDICAL SERVICES.—Such section, as
7 amended by subsection (a), is further amended by adding
8 at the end the following new subparagraph:

9 “(C) LIMITATIONS ON EXPENDITURES FOR
10 VOLUNTEER EMERGENCY MEDICAL SERVICES.—
11 Not more than 3.5 percent of the funds appro-
12 priated to provide grants under this section for
13 a fiscal year may be awarded to volunteer emer-
14 gency medical service organizations.”.

15 **SEC. 10. OTHER CONSIDERATIONS.**

16 Section 33(b) of the Federal Fire Prevention and
17 Control Act of 1974 (15 U.S.C. 2229(b)), as amended by
18 section 8, is amended by adding at the end the following
19 new paragraph:

20 “(14) OTHER CONSIDERATIONS.—In providing
21 assistance under this section, the Secretary of
22 Homeland Security shall—

23 “(A) consider the extent to which the re-
24 cipient of such assistance is able to enhance the
25 daily operations of a fire service and to improve

1 the protection of people and property from fire;
2 and

3 “(B) ensure that such assistance awarded
4 to a volunteer emergency medical service orga-
5 nization will not be used to provide emergency
6 medical services in a geographic area if such
7 services are adequately provided by a fire serv-
8 ice in such area.”.

9 **SEC. 11. REPORTS TO CONGRESS.**

10 (a) **STUDY AND REPORT ON ASSISTANCE TO FIRE-**
11 **FIGHTERS.**—

12 (1) **STUDY.**—The Secretary, in conjunction with
13 the National Fire Protection Association, shall con-
14 duct a study—

15 (A) to assess the types of activities that
16 are carried out by fire services;

17 (B) to determine whether the level of Fed-
18 eral funding made available to fire services is
19 adequate;

20 (C) to assess categories of services, includ-
21 ing emergency medical services, that are not
22 adequately provided by fire services on either
23 the national or State level; and

24 (D) to measure the effect, if any, of the as-
25 sistance provided under section 33 of the Fed-

1 eral Fire Prevention and Control Act of 1974
2 (15 U.S.C. 2229) on the needs of fire services
3 identified in the report submitted to Congress
4 under section 1701(b) of the Floyd D. Spence
5 National Defense Authorization Act for Fiscal
6 Year 2001 (as enacted into law by Public Law
7 106–398; 114 Stat. 1654A–363).

8 (2) REPORT.—Not later than 18 months after
9 the date of the enactment of this Act, the Secretary
10 shall submit to Congress a report on the findings of
11 the study described in paragraph (1).

12 (b) REPORT BY GAO.—Not later than 18 months
13 after the date of the enactment of this Act, the Comp-
14 troller General of the United States shall submit to Con-
15 gress a report on—

16 (1) the administration of the assistance pro-
17 vided under section 33 of the Federal Fire Preven-
18 tion and Control Act of 1974 (15 U.S.C. 2229); and

19 (2) the success of the Secretary in admin-
20 istering the Federal Emergency Management Agen-
21 cy.

22 (c) REPORT ON WAIVER OF AMOUNT LIMITA-
23 TIONS.—Not later than 18 months after the date of the
24 enactment of this Act, the Secretary shall submit to Con-
25 gress a report on the instances, if any, of the use of the

1 waiver authority set out in section 33(b)(10)(A)(iii) of the
2 Federal Fire Prevention and Control Act of 1974 (15
3 U.S.C. 2229(b)(10)(A)(iii)), as added by section 9.

4 (d) DEFINITIONS.—In this section:

5 (1) FIRE SERVICE.—The term “fire service”
6 has the meaning given that term in section 4 of the
7 Federal Fire Prevention and Control Act of 1974
8 (15 U.S.C. 2203).

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Homeland Security.

11 **SEC. 12. TECHNICAL CORRECTIONS.**

12 (a) REPEAL OF DUPLICATIVE DEFINITION.—Sub-
13 section (d) of section 33 of the Federal Fire Prevention
14 and Control Act of 1974 (15 U.S.C. 2229) is repealed.

15 (b) REDESIGNATIONS NECESSITATED BY DUPLICA-
16 TIVE NUMBERING.—The sections 33 and 34 of the Fed-
17 eral Fire Prevention and Control Act of 1974 (15 U.S.C.
18 2230 and 2231) that were added by sections 105 and 106
19 of Public Law 106–503 (114 Stat. 2301) are redesignated
20 as sections 34 and 35, respectively.

21 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) FIREFIGHTER ASSISTANCE PROGRAMS.—Section
23 33(e) of the Federal Fire Prevention and Control Act of
24 1974 (15 U.S.C. 2229(e)) is amended by striking the first
25 sentence and inserting “There are authorized to be appro-

1 priated for the purposes of this section \$900,000,000 for
2 fiscal year 2005, \$950,000,000 for fiscal year 2006, and
3 \$1,000,000,000 for each of the fiscal years 2007 through
4 2010.”.

5 (b) STUDY ON ASSISTANCE TO FIREFIGHTERS.—
6 There are authorized to be appropriated to the Secretary
7 of Homeland Security \$300,000 for fiscal year 2005 to
8 carry out the requirements of section 11(a).

○