

Union Calendar No. 191

111TH CONGRESS
1ST SESSION

H. R. 3791

[Report No. 111-333, Part I]

To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2009

Mr. MITCHELL (for himself, Mr. PASCRELL, Mr. HOYER, Mr. GORDON of Tennessee, Mr. WU, Mr. ANDREWS, Mr. GRAYSON, Mr. TONKO, Mr. ROTHMAN of New Jersey, Mr. WILSON of Ohio, Mr. LIPINSKI, Mr. CARNAHAN, Mr. COSTELLO, Mr. PETERS, Mr. HOLDEN, Ms. SHEA-PORTER, Ms. HIRONO, Mr. HINCHEY, Mr. MICHAUD, Mr. HIGGINS, Mrs. HALVORSON, Mr. ROSS, Mr. FOSTER, Mr. LANGEVIN, Mr. MCINTYRE, Mr. DELAHUNT, Mrs. LOWEY, Mr. KAGEN, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Ms. SUTTON, Mr. CUELLAR, Mrs. KIRKPATRICK of Arizona, Ms. CLARKE, Ms. LORETTA SANCHEZ of California, Mr. LUJÁN, Mr. RYAN of Ohio, Mrs. BLACKBURN, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, and Mr. DOYLE) introduced the following bill; which was referred to the Committee on Science and Technology

NOVEMBER 7, 2009

Reported with an amendment and referred to the Committee on Homeland Security for a period ending not later than November 7, 2009, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(i), rule X

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 7, 2009

Additional sponsors: Mr. SPRATT, Mr. LEVIN, Mr. DEFazio, Mr. MURPHY of New York, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEINER, Mr. HALL of New York, Mr. ETHERIDGE, Mr. MASSA, Mr. NYE, Mr. KENNEDY, Mr. SNYDER, Mr. COURTNEY, Mr. PIERLUISI, Ms. PINGREE of Maine, Ms. CHU, Mr. KING of New York, Mrs. EMERSON, Mr. SCOTT of Georgia, Mr. VISCLOSKY, Mr. SIRES, Mr. NADLER of New York, Mrs. CAPPS, Mr. HARE, Mr. BOSWELL, Mr. MURPHY of Con-

necticut, Mr. LYNCH, Mr. CARNEY, Mr. RUPPERSBERGER, Mr. KILDEE, Ms. SCHWARTZ, Ms. EDWARDS of Maryland, Ms. MARKEY of Colorado, Mr. BOCCIERI, Mr. MCGOVERN, Mr. BISHOP of New York, Ms. BORDALLO, Mr. SARBANES, Mr. SHERMAN, Mr. ISRAEL, Mr. BOUCHER, Mr. SCHAUER, Mr. LOEBSACK, Mr. BLUMENAUER, Mr. REICHERT, Mr. LATOURETTE, Mr. OLVER, Mr. FILNER, Mr. KRATOVIL, Mr. LARSON of Connecticut, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. HEINRICH, Mr. HODES, Mr. CASTLE, Mr. BRADY of Pennsylvania, Mr. VAN HOLLEN, Mr. INSLEE, Mr. SCHIFF, Mr. LOBIONDO, Mr. MARIO DIAZ-BALART of Florida, and Mr. CAO

NOVEMBER 7, 2009

Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 13, 2009]

A BILL

To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Fire Grants Reauthor-*
5 *ization Act of 2009”.*

6 **SEC. 2. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM**
7 **REAUTHORIZATION.**

8 *(a) IN GENERAL.—Section 33 of the Federal Fire Pre-*
9 *vention and Control Act of 1974 (15 U.S.C. 2229) is*
10 *amended to read as follows:*

11 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

12 *“(a) ASSISTANCE PROGRAM.—*

13 *“(1) AUTHORITY.—In accordance with this sec-*
14 *tion, the Director may—*

15 *“(A) make grants on a competitive basis di-*
16 *rectly to fire departments of a State, in consulta-*
17 *tion with the chief executive of the State, for the*
18 *purpose of protecting the health and safety of the*
19 *public and firefighting personnel throughout the*
20 *Nation against fire and fire-related hazards;*

21 *“(B) make grants on a competitive basis di-*
22 *rectly to State fire training academies, in con-*
23 *sultation with the chief executive of the State, in*
24 *accordance with paragraph (11)(C);*

1 “(C) provide assistance for fire prevention
2 and firefighter safety research and development
3 programs and fire prevention or fire safety pro-
4 grams and activities in accordance with para-
5 graph (4); and

6 “(D) provide assistance for volunteer, non-
7 fire service EMS and rescue organizations for the
8 purpose of paragraph (3)(F).

9 “(2) ADMINISTRATIVE ASSISTANCE.—The Direc-
10 tor shall establish specific criteria for the selection of
11 recipients of assistance under this section and shall
12 provide grant-writing assistance to applicants.

13 “(3) USE OF FIRE DEPARTMENT GRANT
14 FUNDS.—The Director may make a grant under
15 paragraph (1)(A) only if the applicant for the grant
16 agrees to use the grant funds for one or more of the
17 following purposes:

18 “(A) To hire additional firefighting per-
19 sonnel.

20 “(B) To train firefighting personnel in fire-
21 fighting, emergency medical services and other
22 emergency response (including response to a ter-
23 rorism incident or use of a weapon of mass de-
24 struction), arson prevention and detection, mari-
25 time firefighting, or the handling of hazardous

1 *materials or to train firefighting personnel to*
2 *provide any of the training described in this sub-*
3 *paragraph.*

4 *“(C) To fund the creation of rapid interven-*
5 *tion teams to protect firefighting personnel at the*
6 *scenes of fires and other emergencies.*

7 *“(D) To certify fire and building inspectors*
8 *employed by a fire department or serving as a*
9 *volunteer building inspector with a fire depart-*
10 *ment.*

11 *“(E) To establish wellness and fitness pro-*
12 *grams for firefighting personnel to ensure that*
13 *the firefighting personnel can carry out their du-*
14 *ties, including programs dedicated to raising*
15 *awareness of, and prevention of, job-related men-*
16 *tal health issues.*

17 *“(F) To fund emergency medical services*
18 *provided by fire departments and volunteer, non-*
19 *fire service EMS and rescue organizations.*

20 *“(G) To acquire additional firefighting ve-*
21 *hicles, including fire trucks.*

22 *“(H) To acquire additional firefighting*
23 *equipment, including equipment for communica-*
24 *tions, monitoring, and response to a terrorism*
25 *incident or use of a weapon of mass destruction.*

1 “(I) To acquire personal protective equip-
2 ment required for firefighting personnel by the
3 Occupational Safety and Health Administration
4 and other personal protective equipment for fire-
5 fighting personnel, including protective equip-
6 ment to respond to a terrorism incident or the
7 use of a weapon of mass destruction.

8 “(J) To modify fire stations, fire training
9 facilities, and other facilities to protect the health
10 and safety of firefighting personnel.

11 “(K) To enforce fire codes and standards.

12 “(L) To fund fire prevention programs.

13 “(M) To educate the public about arson pre-
14 vention and detection.

15 “(N) To provide incentives for the recruit-
16 ment and retention of volunteer firefighting per-
17 sonnel for volunteer firefighting departments and
18 other firefighting departments that utilize volun-
19 teers.

20 “(4) FIRE PREVENTION AND FIREFIGHTER SAFE-
21 TY RESEARCH AND DEVELOPMENT PROGRAMS.—

22 “(A) IN GENERAL.—For each fiscal year,
23 the Director shall use not less than 10 percent of
24 the funds made available under subsection (e)—

1 “(i) to make grants to fire departments
2 for the purpose described in paragraph
3 (3)(L);

4 “(ii) to make grants to, or enter into
5 contracts or cooperative agreements with,
6 national, State, local, or community orga-
7 nizations that are not fire departments
8 but—

9 “(I) that are recognized for their
10 experience and expertise with respect to
11 fire prevention or fire safety programs
12 and activities and that partner with
13 fire departments, for the purpose of
14 carrying out such programs and ac-
15 tivities;

16 “(II) engage in fire- and life safe-
17 ty-related activities as a primary pur-
18 pose or function, for the purpose of
19 carrying out fire prevention or fire
20 safety programs and activities; or

21 “(III) that are recognized for their
22 experience and expertise with respect to
23 firefighter research and development
24 programs, for the purpose of carrying
25 out research on fire prevention or fire

1 *safety programs and activities or to*
2 *improve firefighter health and life safe-*
3 *ty; and*

4 “(iii) if the Director determines that it
5 is necessary, to make grants or enter into
6 contracts in accordance with subsection (c).

7 “(B) *PRIORITY.*—In selecting organizations
8 described in subparagraph (A)(ii) to receive as-
9 sistance under this paragraph, the Director shall
10 give priority to organizations that focus on pre-
11 vention of injuries to high risk groups from fire,
12 as well as research programs that demonstrate
13 the potential to improve firefighter safety.

14 “(C) *GRANT LIMITATION.*—A grant under
15 this paragraph shall not exceed \$1,500,000 for a
16 fiscal year.

17 “(D) *LIMITATION.*—None of the funds made
18 available under this paragraph may be provided
19 to the Association of Community Organizations
20 for Reform Now (ACORN) or any of its affili-
21 ates, subsidiaries, or allied organizations.

22 “(5) *APPLICATION.*—The Director may provide
23 assistance to a fire department or organization (in-
24 cluding a State fire training academy) under this
25 subsection only if the fire department or organization

1 *seeking the assistance submits to the Director an ap-*
2 *plication that meets the following requirements:*

3 *“(A) FORM.—The application shall be in*
4 *such form as the Director may require.*

5 *“(B) INFORMATION.—The application shall*
6 *include the following information:*

7 *“(i) Information that demonstrates the*
8 *financial need of the applicant for the as-*
9 *sistance for which applied.*

10 *“(ii) An analysis of the costs and bene-*
11 *fits, with respect to public safety, of the use*
12 *of the assistance.*

13 *“(iii) An agreement to provide infor-*
14 *mation to the national fire incident report-*
15 *ing system for the period covered by the as-*
16 *sistance.*

17 *“(iv) A list of other sources of Federal*
18 *funding received by the applicant.*

19 *“(v) Any other information that the*
20 *Director may require.*

21 *“(C) UNNECESSARY DUPLICATION.—The Di-*
22 *rector, in coordination with the Secretary of*
23 *Homeland Security, shall use the list provided*
24 *under subparagraph (B)(iv) to prevent the un-*
25 *necessary duplication of grant funds.*

1 “(6) *MATCHING REQUIREMENT.*—

2 “(A) *IN GENERAL.*—Subject to subpara-
3 graphs (B) and (C) and paragraph (8), the Di-
4 rector may provide assistance under this sub-
5 section only if the applicant for such assistance
6 agrees to match 10 percent of such assistance for
7 any fiscal year with an equal amount of non-
8 Federal funds.

9 “(B) *REQUIREMENT FOR SMALL COMMUNITY*
10 *ORGANIZATIONS.*—In the case of an applicant
11 whose personnel serve jurisdictions of 20,000 or
12 fewer residents, the percent applied under the
13 matching requirement of subparagraph (A) shall
14 be 5 percent.

15 “(C) *FIRE PREVENTION AND FIREFIGHTER*
16 *SAFETY GRANTS EXCEPTION.*—There shall be no
17 matching requirement for a grant described in
18 paragraph (4).

19 “(7) *MAINTENANCE OF EXPENDITURES.*—Subject
20 to paragraph (8), the Director may provide assistance
21 under this subsection only if the applicant for the as-
22 sistance agrees to maintain in the fiscal year for
23 which the assistance will be received the applicant’s
24 aggregate expenditures for the uses described in para-
25 graph (3) or (4) at or above 80 percent of the average

1 *level of such expenditures in the 2 fiscal years pre-*
2 *ceding the fiscal year for which the assistance will be*
3 *received.*

4 “(8) *ECONOMIC HARDSHIP WAIVER.*—

5 “(A) *IN GENERAL.*—*In exceptional cir-*
6 *cumstances, the Director may waive or reduce*
7 *the matching requirement under paragraph (6)*
8 *and the maintenance of expenditures require-*
9 *ment under paragraph (7) for applicants facing*
10 *demonstrated economic hardship.*

11 “(B) *CRITERIA DEVELOPMENT.*—*The cri-*
12 *teria under which the Director may waive or re-*
13 *duce such requirements shall be developed in con-*
14 *sultation with individuals who are—*

15 “(i) *recognized for expertise in fire-*
16 *fighting, emergency medical services pro-*
17 *vided by fire services, or the economic af-*
18 *airs of State and local governments; and*

19 “(ii) *members of national fire service*
20 *organizations or national organizations*
21 *representing the interests of State and local*
22 *governments.*

23 “(C) *PUBLIC AVAILABILITY.*—*The Director*
24 *shall make the criteria developed under subpara-*
25 *graph (B) publicly available.*

1 “(9) *VARIETY OF FIRE DEPARTMENT GRANT RE-*
2 *CIPIENTS.—*

3 “(A) *IN GENERAL.—Of the amounts made*
4 *available under subsection (e), the Director shall*
5 *ensure that grants under paragraph (1)(A) for a*
6 *fiscal year are allocated, to the extent that there*
7 *are eligible applicants to carry out the activities*
8 *under paragraph (3), as follows:*

9 “(i) *25 percent shall be made available*
10 *to career fire departments.*

11 “(ii) *25 percent shall be made avail-*
12 *able to volunteer fire departments.*

13 “(iii) *25 percent shall be made avail-*
14 *able to combination fire departments.*

15 “(B) *EVALUATION CRITERIA.—*

16 “(i) *IN GENERAL.—In awarding*
17 *grants under paragraph (1)(A), the Director*
18 *shall, within each category of applicants*
19 *under subparagraph (A), consider a broad*
20 *range of factors important to the appli-*
21 *cant’s ability to respond to fires and related*
22 *hazards, such as population served, geo-*
23 *graphic response area, hazard vulnerability,*
24 *call volume, financial situation, and need*
25 *for training or equipment.*

1 “(i) *HIGH POPULATION AND INCIDENT*
2 *RESPONSE.—In considering such factors*
3 *under clause (i), applicants serving areas*
4 *with high population and with a high num-*
5 *ber of incidents requiring a response shall*
6 *receive a higher level of consideration.*

7 “(C) *REMAINDER.—Of the amounts made*
8 *available under subsection (e) that are not allo-*
9 *cated for use and awarded under subparagraph*
10 *(A) or designated for use under any other provi-*
11 *sion of this section, the Director shall provide for*
12 *an open competition for grants among career fire*
13 *departments, volunteer fire departments, and*
14 *combination fire departments to carry out the*
15 *activities under paragraph (3).*

16 “(10) *REPORT TO THE DIRECTOR.—The Director*
17 *may provide assistance under this subsection only if*
18 *the applicant for the assistance agrees to submit to*
19 *the Director a report, including a description of how*
20 *the assistance was used, with respect to each fiscal*
21 *year for which the assistance was received.*

22 “(11) *GRANT LIMITATIONS.—*

23 “(A) *RECIPIENT LIMITATIONS.—A grant re-*
24 *ipient under paragraph (1)(A)—*

1 “(i) that serves a jurisdiction with
2 100,000 people or less may not receive
3 grants in excess of \$1,000,000 for any fiscal
4 year;

5 “(ii) that serves a jurisdiction with
6 more than 100,000 people but less than
7 500,000 people may not receive grants in
8 excess of \$2,000,000 for any fiscal year;

9 “(iii) that serves a jurisdiction with
10 500,000 people or more but less than
11 1,000,000 people may not receive grants in
12 excess of \$3,000,000 for any fiscal year;

13 “(iv) that serves a jurisdiction with
14 1,000,000 people or more but less than
15 2,500,000 people may not receive grants in
16 excess of \$6,000,000 for any fiscal year; and

17 “(v) that serves a jurisdiction with
18 2,500,000 people or more may not receive
19 grants in excess of \$9,000,000 for any fiscal
20 year.

21 *The Director may award grants in excess of the*
22 *limitations provided in clauses (i), (ii), (iii),*
23 *and (iv) if the Director determines that extraor-*
24 *dinary need for assistance by a jurisdiction war-*
25 *rants a waiver.*

1 “(B) *LIMITATION ON EXPENDITURES FOR*
2 *FIREFIGHTING VEHICLES.*—*Not more than 25*
3 *percent of the funds appropriated to provide*
4 *grants under this section for a fiscal year may*
5 *be used to assist grant recipients to purchase ve-*
6 *hicles, as authorized by paragraph (3)(G).*

7 “(C) *STATE FIRE TRAINING ACADEMIES.*—

8 “(i) *IN GENERAL.*—*In accordance with*
9 *clause (ii), the Director shall award not*
10 *more than 3 percent of the amounts made*
11 *available under subsection (e) for a fiscal*
12 *year for grants under this subsection for*
13 *State fire training academies.*

14 “(ii) *LIMITATION.*—*The Director*
15 *shall—*

16 “(I) *award not more than 1 grant*
17 *under this subparagraph per State in*
18 *a fiscal year;*

19 “(II) *limit the amount of a grant*
20 *to a State fire training academy to less*
21 *than or equal to \$1,000,000 in each fis-*
22 *cal year; and*

23 “(III) *ensure that any grant*
24 *awarded to a State fire training acad-*
25 *emy shall be used for the purposes de-*

1 scribed in paragraphs 3(G), 3(H), or
2 3(I).

3 “(D) *REQUIREMENTS FOR GRANTS FOR*
4 *EMERGENCY MEDICAL SERVICES.—The Director*
5 *shall award not more than 2 percent of the*
6 *amounts made available under subsection (e) for*
7 *a fiscal year to volunteer, non-fire service EMS*
8 *and rescue organizations for the purposes de-*
9 *scribed in paragraph (3)(F).*

10 “(E) *APPLICATION OF SELECTION CRITERIA*
11 *TO GRANT APPLICATIONS FROM VOLUNTEER,*
12 *NON-FIRE SERVICE EMS AND RESCUE ORGANIZA-*
13 *TIONS.—In reviewing applications submitted by*
14 *volunteer, non-fire service EMS and rescue orga-*
15 *nizations, the Director shall consider the extent*
16 *to which other sources of Federal funding are*
17 *available to provide the assistance requested in*
18 *such grant applications.*

19 “(F) *CONSENSUS STANDARDS.—*

20 “(i) *IN GENERAL.—Any grant amounts*
21 *used to obtain training under this section*
22 *shall be limited to training that complies*
23 *with applicable national voluntary con-*
24 *sensus standards (if applicable national vol-*
25 *untary consensus standards have been estab-*

1 lished), unless a waiver has been granted
2 under clause (ii).

3 “(ii) *WAIVER.*—

4 “(I) *EXPLANATION FOR NON-*
5 *STANDARD TRAINING.*—If an applicant
6 for a grant seeks to use the assistance
7 provided under the grant to obtain
8 training that does not meet or exceed
9 applicable voluntary consensus stand-
10 ards, the applicant shall include in the
11 application an explanation of why
12 such training will serve the needs of
13 the applicant better than training that
14 does meet or exceed such standards.

15 “(II) *PROCEDURES.*—In making
16 a determination whether or not to
17 waive the requirement under clause (i)
18 with respect to a specific standard, the
19 Director shall, to the greatest extent
20 practicable—

21 “(aa) consult with other
22 members of the fire services re-
23 garding the impact on fire depart-
24 ments of the requirement to meet
25 or exceed the specific standard;

1 “(bb) take into consideration
2 the explanation provided by the
3 applicant under subclause (I);
4 and

5 “(cc) seek to minimize the
6 impact of the requirement to meet
7 or exceed the specific standard on
8 the applicant, particularly if
9 meeting the standard would im-
10 pose additional costs.

11 “(III) *ADDITIONAL REQUESTS.*—
12 *Applicants that apply for a grant*
13 *under the terms of subclause (I) may*
14 *include a second grant request in the*
15 *application to be considered by the Di-*
16 *rector in the event that the Director*
17 *does not approve the primary grant re-*
18 *quest on the grounds of the training*
19 *not meeting applicable voluntary con-*
20 *sensus standards.*

21 “(12) *ELIGIBLE GRANTEE ON BEHALF OF ALAS-*
22 *KA NATIVE VILLAGES.*—*The Alaska Village Initiatives,*
23 *a non-profit organization incorporated in the State of*
24 *Alaska, shall be considered an eligible grantee for pur-*

1 *poses of receiving assistance under this section on be-*
2 *half of Alaska Native villages.*

3 *“(13) ANNUAL MEETING.—The Director shall*
4 *convene an annual meeting of individuals who are*
5 *members of national fire service organizations and*
6 *are recognized for expertise in firefighting or emer-*
7 *gency medical services provided by fire services, and*
8 *who are not employees of the Federal Government, for*
9 *the purpose of recommending criteria for awarding*
10 *grants under this section for the next fiscal year and*
11 *any necessary administrative changes to the grant*
12 *program.*

13 *“(14) GUIDELINES.—*

14 *“(A) IN GENERAL.—Each year, prior to*
15 *making any grants under this section, the Direc-*
16 *tor shall publish in the Federal Register—*

17 *“(i) guidelines that describe the process*
18 *for applying for grants and the criteria for*
19 *awarding grants;*

20 *“(ii) an explanation of any differences*
21 *between the guidelines and the recommenda-*
22 *tions made pursuant to paragraph (13);*
23 *and*

24 *“(iii) the criteria developed under*
25 *paragraph (8) which the Director will use*

1 to evaluate applicants for waivers from pro-
2 gram requirements.

3 “(B) *SPECIFIC REQUIREMENT.*—*The cri-*
4 *teria for awarding grants under paragraph*
5 *(1)(A) shall include the extent to which the grant*
6 *would enhance the daily operations of the appli-*
7 *cant and the impact of such a grant on the pro-*
8 *tection of lives and property.*

9 “(15) *PEER REVIEW.*—*The Director, after con-*
10 *sultation with national fire service organizations,*
11 *shall appoint fire service personnel to conduct peer re-*
12 *view of applications received under paragraph (5). In*
13 *making grants under this section, the Director shall*
14 *consider the results of such peer review evaluations.*

15 “(16) *APPLICABILITY OF FEDERAL ADVISORY*
16 *COMMITTEE ACT.*—*The Federal Advisory Committee*
17 *Act (5 U.S.C. App.) shall not apply to activities*
18 *under paragraphs (13) and (15).*

19 “(17) *ACCOUNTING DETERMINATION.*—*Notwith-*
20 *standing any other provision of law, rule, regulation,*
21 *or guidance, for purposes of receiving assistance*
22 *under this section, equipment costs shall include all*
23 *costs attributable to any design, purchase of compo-*
24 *nents, assembly, manufacture, and transportation of*
25 *equipment not otherwise commercially available.*

1 “(b) *AUDITS.*—A recipient of a grant under this sec-
2 tion shall be subject to audits to ensure that the grant pro-
3 ceeds are expended for the intended purposes and that the
4 grant recipient complies with the requirements of para-
5 graphs (6) and (7) of subsection (a) unless the Director has
6 granted a waiver under subsection (a)(8).

7 “(c) *FIRE SAFETY RESEARCH CENTERS.*—

8 “(1) *IN GENERAL.*—The Director may make a
9 grant under subsection (a)(4)(A)(iii) to an institution
10 of higher education, a national fire service organiza-
11 tion, or a national fire safety organization to estab-
12 lish and operate a fire safety research center.

13 “(2) *OBJECTIVES.*—A grant received under this
14 subsection shall be used by such an institution or or-
15 ganization to advance significantly the Nation’s abil-
16 ity to reduce the number of fire-related deaths and in-
17 juries among firefighters and the general public
18 through research, development, and technology trans-
19 fer activities.

20 “(3) *LIMITATION.*—The Director may establish
21 no more than 3 fire safety research centers. An insti-
22 tution of higher education, a national fire service or-
23 ganization, or a national fire safety organization
24 may not directly receive a grant under this section for

1 *a fiscal year for more than 1 fire safety research cen-*
2 *ter.*

3 “(4) *APPLICATION.*—*In order to be eligible to re-*
4 *ceive a fire safety research center grant, an institu-*
5 *tion of higher education, a national fire service orga-*
6 *nization, or a national fire safety organization shall*
7 *submit to the Director an application that is in such*
8 *form and contains such information and assurances*
9 *as the Director may require.*

10 “(5) *GENERAL SELECTION CRITERIA.*—*The Di-*
11 *rector shall select each recipient of a grant under this*
12 *subsection through a competitive process on the basis*
13 *of the following:*

14 “(A) *The demonstrated research and exten-*
15 *sion resources available to the recipient to carry*
16 *out the research, development, and technology*
17 *transfer activities.*

18 “(B) *The capability of the recipient to pro-*
19 *vide leadership in making national contributions*
20 *to fire safety.*

21 “(C) *The recipient’s ability to disseminate*
22 *the results of fire safety research.*

23 “(D) *The strategic plan the recipient pro-*
24 *poses to carry out under the grant.*

1 “(6) *CONSIDERATION.*—*The Director shall give*
2 *special consideration under paragraph (5) to an ap-*
3 *plicant for a grant that consists of a partnership be-*
4 *tween a national fire service organization or a na-*
5 *tional fire safety organization and at least 1 of the*
6 *following:*

7 “(A) *An institution of higher education.*

8 “(B) *A minority-serving institution (de-*
9 *defined as an eligible institution under section*
10 *371(a) of the Higher Education Act of 1965 (20*
11 *U.S.C. 1067q(a)).*

12 “(7) *RESEARCH NEEDS.*—*Within 90 days after*
13 *the date of enactment of the Fire Grants Reauthoriza-*
14 *tion Act of 2009, the Director shall convene a work-*
15 *shop of the fire safety research community, fire service*
16 *organizations, and other appropriate stakeholders to*
17 *identify and prioritize fire safety research needs. The*
18 *results of the workshop shall be made public, and the*
19 *Director shall consider such results in making awards*
20 *under this section.*

21 “(d) *DEFINITIONS.*—*In this section, the following defi-*
22 *initions apply:*

23 “(1) *CAREER FIRE DEPARTMENT.*—*The term ‘ca-*
24 *reer fire department’ means a firefighting department*

1 *that has an all professional force of firefighting per-*
2 *sonnel.*

3 “(2) *COMBINATION FIRE DEPARTMENT.*—*The*
4 *term ‘combination fire department’ means a fire-*
5 *fighting department that has a combined force of pro-*
6 *fessional and volunteer firefighting personnel.*

7 “(3) *DIRECTOR.*—*The term ‘Director’ means the*
8 *Director, acting through the Administrator.*

9 “(4) *FIREFIGHTING PERSONNEL.*—*The term*
10 *‘firefighting personnel’ means individuals, including*
11 *volunteers, who are firefighters, officers of fire depart-*
12 *ments, or emergency medical service personnel of fire*
13 *departments.*

14 “(5) *INSTITUTION OF HIGHER EDUCATION.*—*The*
15 *term ‘institution of higher education’ has the meaning*
16 *given such term in section 101 of the Higher Edu-*
17 *cation Act of 1965 (20 U.S.C. 1001).*

18 “(6) *VOLUNTEER, NON-FIRE SERVICE EMS AND*
19 *RESCUE ORGANIZATION.*—*The term ‘volunteer, non-*
20 *fire service EMS and rescue organization’ means a*
21 *public or private nonprofit emergency medical serv-*
22 *ices organization that—*

23 “(A) *is not affiliated with a hospital;*

24 “(B) *does not serve a geographic area in*
25 *which the Director finds that emergency medical*

1 *services are adequately provided by a fire de-*
2 *partment; and*

3 *“(C) is staffed primarily by volunteers.*

4 *“(7) VOLUNTEER FIRE DEPARTMENT.—The term*
5 *‘volunteer fire department’ means a firefighting de-*
6 *partment that has an all volunteer force of fire-*
7 *fighting personnel.*

8 *“(e) AUTHORIZATION OF APPROPRIATIONS.—*

9 *“(1) IN GENERAL.—There are authorized to be*
10 *appropriated for the purposes of this section*
11 *\$1,000,000,000 for each of the fiscal years 2010*
12 *through 2014.*

13 *“(2) ADMINISTRATIVE EXPENSES.—*

14 *“(A) IN GENERAL.—Of the funds appro-*
15 *priated pursuant to paragraph (1) for a fiscal*
16 *year, the Director may use not more than 3 per-*
17 *cent of the funds to cover salaries and expenses*
18 *and other administrative costs incurred by the*
19 *Director to make grants and provide assistance*
20 *under this section.*

21 *“(B) FORMULA.—The Director shall sub-*
22 *tract the amount to be used for subparagraph*
23 *(A) from the amount appropriated pursuant to*
24 *paragraph (1) before making any allocations or*

1 *apportioning any funds under subsections (a) or*
2 *(c).”.*

3 **(b) SENSE OF CONGRESS.**—*It is the sense of Congress*
4 *that—*

5 *(1) from fiscal years 2003 through 2008—*

6 *(A) the funding appropriated for activities*
7 *under section 33 of the Federal Fire Prevention*
8 *and Control Act of 1974 declined by approxi-*
9 *mately 30 percent; and*

10 *(B) the number of fire departments receiv-*
11 *ing awards declined by nearly 40 percent, while*
12 *the number of applicants increased, resulting in*
13 *a reduction in applicant success rates from over*
14 *43 percent to just 25 percent;*

15 *(2) the House-passed conference report for the*
16 *Department of Homeland Security Appropriations*
17 *Act, 2010 appropriates \$390 million for activities*
18 *under such section 33, a decrease of over 30 percent*
19 *below that provided in fiscal year 2009;*

20 *(3) declining funding reduces the Director’s abil-*
21 *ity to successfully carry out the primary purpose of*
22 *such section, which is to protect the health and safety*
23 *of the public and firefighting personnel throughout the*
24 *Nation against fire and fire-related hazards; and*

1 (4) halting and reversing the decline in appro-
2 priations to ensure a high level of funding for the ac-
3 tivities under such section 33 should be a top pri-
4 ority.

5 **SEC. 3. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE**
6 **GRANT PROGRAM REAUTHORIZATION.**

7 Section 34 of the Federal Fire Prevention and Control
8 Act of 1974 (15 U.S.C. 2229a) is amended to read as fol-
9 lows:

10 **“SEC. 34. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE**
11 **GRANT PROGRAM.**

12 “(a) *EXPANDED AUTHORITY TO MAKE GRANTS.*—

13 “(1) *HIRING GRANTS.*—

14 “(A) *IN GENERAL.*—*The Director shall*
15 *make grants directly to career, volunteer, and*
16 *combination fire departments, in consultation*
17 *with the chief executive of the State in which the*
18 *applicant is located, for the purpose of increas-*
19 *ing the number of firefighters to help commu-*
20 *nities meet industry minimum standards and*
21 *attain 24-hour staffing to provide adequate pro-*
22 *tection from fire and fire-related hazards and to*
23 *fulfill traditional missions of fire departments*
24 *that antedate the creation of the Department of*
25 *Homeland Security.*

1 “(B) *REQUIREMENTS.*—

2 “(i) *DURATION AND USE.*—Grants
3 made under this paragraph shall be for 3
4 years and shall be used for programs to hire
5 new, additional firefighters.

6 “(ii) *RETENTION.*—Grant recipients
7 are required to commit to retaining for at
8 least the entire 3 years of the grant period
9 those firefighters hired under this para-
10 graph.

11 “(iii) *MAXIMUM.*—The portion of the
12 cost of hiring firefighters provided by a
13 grant under this paragraph may not exceed
14 80 percent of such cost for each fiscal year.

15 “(C) *PREFERENCE.*—In awarding grants
16 under this subsection, the Director may give
17 preferential consideration to applications that
18 involve a non-Federal contribution exceeding the
19 minimums under subparagraph (B)(iii).

20 “(D) *TECHNICAL ASSISTANCE.*—The Direc-
21 tor may provide technical assistance to States,
22 units of local government, Indian tribal govern-
23 ments, and other public entities in furtherance of
24 the purposes of this section.

1 “(E) *VOLUNTEER ACTIVITIES ALLOWED.*—
2 *Notwithstanding any other provision of law, any*
3 *firefighter hired with funds provided under this*
4 *subsection shall not be discriminated against for,*
5 *or be prohibited from, engaging in volunteer ac-*
6 *tivities in another jurisdiction during off-duty*
7 *hours.*

8 “(F) *COMPETITIVE BASIS.*—*The Director*
9 *shall award all grants under this section on a*
10 *competitive basis through a neutral peer review*
11 *process.*

12 “(G) *SET ASIDE.*—

13 “(i) *IN GENERAL.*—*At the beginning of*
14 *the fiscal year, the Director shall set aside*
15 *10 percent of the funds made available for*
16 *carrying out this paragraph for depart-*
17 *ments with majority volunteer or all volun-*
18 *teer personnel.*

19 “(ii) *TRANSFER.*—*After awards have*
20 *been made, if less than 10 percent of the*
21 *funds made available for carrying out this*
22 *paragraph are not awarded to departments*
23 *with majority volunteer or all volunteer*
24 *personnel, the Director shall transfer from*
25 *funds made available for carrying out this*

1 *paragraph to funds made available for car-*
2 *rying out paragraph (2) an amount equal*
3 *to the difference between the amount that is*
4 *provided to such fire departments and 10*
5 *percent.*

6 “(2) *RECRUITMENT AND RETENTION GRANTS.*—

7 “(A) *IN GENERAL.*—*In addition to any*
8 *amounts transferred under paragraph (1)(G)(ii),*
9 *the Director shall direct at least 10 percent of the*
10 *total amount of funds made available under this*
11 *section annually to a competitive grant program*
12 *for the recruitment and retention of volunteer*
13 *firefighters who are involved with or trained in*
14 *the operations of firefighting and emergency re-*
15 *sponse.*

16 “(B) *ELIGIBILITY.*—*Eligible entities shall*
17 *include volunteer or combination fire depart-*
18 *ments and organizations on a local, statewide, or*
19 *national basis that represent the interests of vol-*
20 *unteer firefighters.*

21 “(b) *APPLICATIONS.*—

22 “(1) *IN GENERAL.*—*No grant may be made*
23 *under this section unless an application has been sub-*
24 *mitted to, and approved by, the Director.*

1 “(2) *CONTENTS.*—*An application for a grant*
2 *under this section shall be submitted in such form*
3 *and contain such information and assurances as the*
4 *Director may prescribe.*

5 “(3) *REQUIREMENTS.*—*At a minimum, each ap-*
6 *plication for a grant under this section shall—*

7 “(A) *explain the applicant’s inability to ad-*
8 *dress the need without Federal assistance;*

9 “(B) *in the case of a grant under subsection*
10 *(a)(1), explain how the applicant plans to meet*
11 *the requirements of subparagraphs (B)(ii) and*
12 *(E) of such subsection;*

13 “(C) *specify long-term plans for retaining*
14 *firefighters following the conclusion of Federal*
15 *support provided under this section; and*

16 “(D) *provide assurances that the applicant*
17 *will, to the extent practicable, seek, recruit, and*
18 *hire members of racial and ethnic minority*
19 *groups and women in order to increase their*
20 *ranks within firefighting.*

21 “(c) *LIMITATION ON USE OF FUNDS.*—

22 “(1) *SUPPLEMENT, NOT SUPPLANT.*—*Funds*
23 *made available under this section to fire departments*
24 *for salaries and benefits to hire new, additional fire-*
25 *fighters shall not be used to supplant State or local*

1 *funds, or, in the case of Indian tribal governments,*
2 *funds supplied by the Bureau of Indian Affairs, but*
3 *shall be used to increase the amount of funds that*
4 *would, in the absence of Federal funds received under*
5 *this section, be made available from State or local*
6 *sources, or in the case of Indian tribal governments,*
7 *from funds supplied by the Bureau of Indian Affairs.*

8 “(2) *REPLACEMENT FUNDING PROHIBITED.—No*
9 *grant shall be awarded pursuant to this section to a*
10 *municipality or other recipient whose annual budget*
11 *at the time of the application for fire-related pro-*
12 *grams and emergency response has been reduced below*
13 *80 percent of the average funding level in the 3 years*
14 *prior to the date of application.*

15 “(3) *INDIAN COST-SHARE.—Funds appropriated*
16 *by the Congress for the activities of any agency of an*
17 *Indian tribal government or the Bureau of Indian Af-*
18 *fairs performing firefighting functions on any Indian*
19 *lands may be used to provide the non-Federal share*
20 *of the cost of programs or projects funded under this*
21 *section.*

22 “(d) *WAIVER.—In exceptional circumstances, the Di-*
23 *rector may waive the requirements of subsections*
24 *(a)(1)(B)(ii), (a)(1)(B)(iii), (c)(1), and (c)(2) if the Direc-*

1 *tor determines that the jurisdiction is facing demonstrated*
2 *economic hardship in accordance with section 33(a)(8).*

3 “(e) *PERFORMANCE EVALUATION.*—*The Director may*
4 *require a grant recipient to submit any information the Di-*
5 *rector considers reasonably necessary to evaluate the pro-*
6 *gram.*

7 “(f) *SUNSET; REPORTS.*—

8 “(1) *SUNSET.*—*The authority under this section*
9 *to make grants shall lapse at the end of the 10-year*
10 *period that begins on the date of enactment of the*
11 *Fire Grants Reauthorization Act of 2009.*

12 “(2) *REPORT.*—*Not later than 6 years after such*
13 *date of enactment, the Director shall submit to Con-*
14 *gress a report concerning the experience with, and ef-*
15 *fectiveness of, such grants in meeting the objectives of*
16 *this section. The report may include any rec-*
17 *ommendations the Director may have for amendments*
18 *to this section and related provisions of law.*

19 “(g) *REVOCATION OR SUSPENSION OF FUNDING.*—*If*
20 *the Director determines that a grant recipient under this*
21 *section is not in substantial compliance with the terms and*
22 *requirements of an approved grant application submitted*
23 *under this section, the Director may revoke or suspend*
24 *funding of that grant, in whole or in part.*

25 “(h) *ACCESS TO DOCUMENTS.*—

1 “(1) *IN GENERAL.*—*The Director shall have ac-*
2 *cess for the purpose of audit and examination to any*
3 *pertinent books, documents, papers, or records of a*
4 *grant recipient under this section and to the pertinent*
5 *books, documents, papers, or records of State and*
6 *local governments, persons, businesses, and other enti-*
7 *ties that are involved in programs, projects, or activi-*
8 *ties for which assistance is provided under this sec-*
9 *tion.*

10 “(2) *APPLICATION.*—*Paragraph (1) shall apply*
11 *with respect to audits and examinations conducted by*
12 *the Comptroller General of the United States or by an*
13 *authorized representative of the Comptroller General.*

14 “(i) *DEFINITIONS.*—*In this section, the term—*

15 “(1) ‘*Director*’ *means the Director, acting*
16 *through the Administrator;*

17 “(2) ‘*firefighter*’ *has the meaning given the term*
18 ‘*employee in fire protection activities*’ *under section*
19 ‘*3(y) of the Fair Labor Standards Act of 1938 (29*
20 ‘*U.S.C. 203(y)); and*

21 “(3) ‘*Indian tribe*’ *means a tribe, band, pueblo,*
22 ‘*nation, or other organized group or community of In-*
23 ‘*dians, including an Alaska Native village (as defined*
24 ‘*in or established under the Alaska Native Claims Set-*
25 ‘*tlement Act (43 U.S.C. 1601 et seq.)), that is recog-*

1 nized as eligible for the special programs and services
2 provided by the United States to Indians because of
3 their status as Indians.

4 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—There are
5 authorized to be appropriated for the purposes of carrying
6 out this section \$1,194,000,000 for each of the fiscal years
7 2010 through 2014.”.

8 **SEC. 4. STUDY AND REPORT.**

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

11 (1) *STUDY.*—The Administrator of the United
12 States Fire Administration, in conjunction with the
13 National Fire Protection Association, shall conduct a
14 study to—

15 (A) define the current roles and activities
16 associated with the fire services on a national,
17 State, regional, and local level;

18 (B) identify the equipment, staffing, and
19 training required to fulfill the roles and activi-
20 ties defined under subparagraph (A);

21 (C) conduct an assessment to identify gaps
22 between what fire departments currently possess
23 and what they require to meet the equipment,
24 staffing, and training needs identified under

1 *subparagraph (B) on a national and State-by-*
2 *State basis; and*

3 *(D) measure the impact of the grant pro-*
4 *gram under section 33 of the Federal Fire Pre-*
5 *vention and Control Act of 1974 (15 U.S.C.*
6 *2229) in—*

7 *(i) meeting the needs of the fire services*
8 *identified in the report submitted to Con-*
9 *gress under section 3603(a) of the Ronald*
10 *W. Reagan National Defense Authorization*
11 *Act for Fiscal Year 2005; and*

12 *(ii) filling the gaps identified under*
13 *subparagraph (C).*

14 (2) *REPORT.—Not later than 2 years after the*
15 *date of enactment of this Act, the Administrator shall*
16 *submit to the Committee on Commerce, Science, and*
17 *Transportation of the Senate and the Committee on*
18 *Science and Technology of the House of Representa-*
19 *tives a report on the findings of the study described*
20 *in paragraph (1).*

21 (b) *AUTHORIZATION OF APPROPRIATIONS.—There are*
22 *authorized to be appropriated to the Administrator of the*
23 *United States Fire Administration a total of \$300,000 for*
24 *fiscal years 2010 and 2011 to carry out subsection (a).*

Union Calendar No. 191

111TH CONGRESS
1ST Session

H. R. 3791

[Report No. 111-333, Part I]

A BILL

To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

NOVEMBER 7, 2009

Reported with an amendment and referred to the Committee on Homeland Security for a period ending not later than November 7, 2009, for consideration of such provisions of the bill and amendments as fall within the jurisdiction of that committee pursuant to clause 1(i), rule X

NOVEMBER 7, 2009

Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed