

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on November 18th, 2009, I was absent for three rollcall votes because I was attending the funeral of a family member. If I had been here, I would have voted: "yes" on rollcall vote 896; "yes" on rollcall vote 897; and "yes" on rollcall vote 898.

PERSONAL EXPLANATION

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall Nos. 896, 897, and 898 I was unavoidably detained.

Had I been present I would have voted "nay" on rollcall No. 896; "nay" on rollcall No. 897; and "nay" on rollcall No. 898.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. CONYERS, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 111-341) on the resolution (H. Res. 871) directing the Attorney General to transmit to the House of Representatives certain documents, records, memos, correspondence, and other communications regarding medical malpractice reform, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 874

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 874.

The SPEAKER pro tempore (Mr. DRIEHAUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 3791.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FIRE GRANTS REAUTHORIZATION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 909 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3791.

□ 1254

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Nebraska (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3791, the Fire Grants Reauthorization Act of 2009. This bill reauthorizes the Assistance to Firefighters Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) program. Over the past 9 years, these programs have provided over \$5 billion to purchase firefighting equipment and training, and for communities to hire additional firefighters. This Federal support for public safety is even more important in this tough economy as local officials struggle to provide services in the face of decreasing budgets.

The provisions in this bill make several changes to the program to enable more fire departments to apply for grants, and to ensure that the programs can benefit all types of communities, from small towns to our largest cities.

As part of this, the bill apportions the AFG funding between the career, volunteer, and combination fire departments according to a formula that authorizes a minimum of 25 percent of each year's total AFG dollars for each type of department.

The bill also authorizes the director to waive matching funds, budget maintenance requirements and other requirements for fire departments facing exceptional economic hardships. It further lowers the matching requirement for AFG and modifies the matching structure of SAFER to make it easier for communities to plan for the commitment of a SAFER grant.

The Science Committee heard testimony from fire service experts in July that, particularly in this economy, the current matching requirements dissuaded some departments from applying. These provisions enable those fire departments with the most need to apply.

Finally, H.R. 3791 also increases the amount of money larger jurisdictions may apply for under the AFG program. These amounts better reflect the needs of larger metropolitan areas as well as fire departments that have been consolidated to provide unified coverage to a large area.

H.R. 3791 is the product of much hard work by the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council, the National Fire Protection Association, and the Congressional Fire Services Institute. It has been endorsed by all of these groups. This bill has bipartisan support and passed out of the Science and Technology Committee by voice vote.

I would like to once again thank Mr. MITCHELL for sponsoring this important legislation. I would also like to recognize the efforts of our subcommittee chairman, Mr. WU, in getting the policy right in this bill and working to get a consensus piece of legislation. I also want to thank Mr. PASCRELL of New Jersey for being the father of the origination of these bills, as well as Majority Leader STENY HOYER for bringing all of the parties together and working together to get a good bill out.

Finally, I would like to recognize the staff who have been integral in crafting this legislation: Meghan Housewright and Mike Quear on the majority staff, and Dan Byers on the minority staff.

We have some amendments today. I look forward to working with my colleagues today to make a good bill better.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3791, the Fire Grants Reauthorization Act of 2009. This bill reauthorizes both the Assistance to Firefighters Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) program, which both provide much-needed assistance to fire departments across the Nation.

As we learned through our committee work on this bill, and as I have heard firsthand in discussions with fire chiefs and firefighters in my district, the AFG program is frequently cited as a "life saver" and the only means by which many departments can acquire up-to-date equipment and training—which requires a significant portion of their budget—for their firefighters.

This is particularly true in rural areas such as my district in rural Nebraska, where many communities rely upon all-volunteer departments to respond to fires and other emergencies. The equipment needed to fight fires and save lives and property is costly, and required for departments to meet certain minimum response capabilities regardless of whether they are protecting a community of a few hundred people or a large city of a few hundred thousand people. As such, firefighter grants have proven absolutely vital for rural and volunteer fire departments, which have small tax bases and the least ability to acquire such equipment.

□ 1300

The bill before us today makes several modest changes to the AFG and SAFER programs, reflecting a compromise reached by the leading national fire service organizations who worked closely with the Science and Technology Committee to develop this legislation. I support these changes and the underlying reauthorization effort, and I want to call attention to two in particular which I offered as amendments during committee consideration

of this bill. They are intended to support the ability of smaller combination and volunteer departments to successfully compete for and receive AFG grants and to emphasize the AFG program should be a funding priority generally.

The first amendment added language to the bill clarifying in awarding grants competitively, FEMA must consider a broad range of factors related to a fire department's ability to respond to hazards, not just the size of the population a department protects but also other factors such as its geographic response area, hazard vulnerability, or financial situation. This addition does not make any changes to the underlying AFG program but, rather, explicitly codifies FEMA's existing practice.

Second, I was pleased to incorporate amendment language in committee calling attention to the dramatic decline in funding for the AFG program over the last 5 years and emphasize restoring it should be a priority.

The AFG program is authorized in this legislation at \$1 billion a year; however, its actual appropriated funding has never reached that amount and, in fact, has steadily declined in recent years. In fiscal year 2003, \$750 million was appropriated for AFG. Since this time, funding has steadily declined. Last year it was \$565 million, and this year the Obama administration requested only \$390 million. This represents a 48 percent decline since fiscal year 2003. Given the importance of AFG to helping fire departments around the country meet minimum response requirements, especially those in rural areas with limited tax bases, this trend is troubling and should be reversed.

I was pleased our colleagues in the majority accepted these amendments, and I appreciate the chairman's work. I thank them for working closely with me and the leading national fire service organizations to develop an agreeable compromise under which we could move this reauthorization forward.

I urge Members to support passage of this bill, and I hope for and expect a continued smooth process as we do go forward.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 4 minutes to the author of the bill, the gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, I rise today in strong support of H.R. 3791, the Fire Grants Reauthorization Act of 2009.

Firefighters are often the first and the last to leave an emergency scene. Whether it's putting out a house fire or wildfire or responding to terrorist attacks or a car accident, we depend upon firefighters every day.

But firefighters also depend on us. They depend on the public and their elected officials to make sure they have the resources, equipment, and training they need for their jobs. Without those tools, we put them and all of us at unnecessary risk.

H.R. 3791 reauthorizes the Assistance to Firefighters Grant program, or AFG, and the Staffing for Adequate Fire and Emergency Response program, or SAFER. This bill also makes several key improvements to those programs to assist the cities and towns in Arizona and across the country which are facing major budget shortfalls and cuts in services.

Since the AFG program was established in 2000, this program has provided more than \$5 billion directly to fire departments through competitive award grants. These FIRE grants have also provided critical support to Arizona's fire departments. Between 2005 and 2008, Arizona received 165 AFG grants for a total of approximately \$22.5 million. These grants are made available to local fire departments to purchase response equipment, training, and fire trucks. The AFG program also supports fire prevention and safety grants, which are used for smoke detectors, fire prevention education, and research to reduce the causes of fire-related injuries and death. The SAFER program provides competitively awarded funds for the hiring, recruiting, and retention of firefighting personnel.

Over the past 4 years, this program has provided nearly \$700 million to local fire departments nationally, and Arizona has received 26 SAFER grants for a total of approximately \$16 million. This funding is especially critical during these difficult economic times.

Based on testimony that the Science and Technology Committee heard from fire service representatives, H.R. 3791 makes several key improvements to this legislation.

First of all, this bill will change the matching requirements to enable fire departments with the greatest need to take advantage of the programs. The bill sets the matching requirement for the Assistance to Firefighters Grant program from 20 percent to 10 percent, with fire departments serving populations under 20,000 paying a 5 percent match. This greatly benefits rural and less urban areas.

H.R. 3791 also modifies the matching requirements for the SAFER program. Based on the recommendations of fire service organizations, reflecting the hardships faced by our State and local governments, SAFER will require instead a 20 percent match for each of 3 years.

This bill also gives the administrator the authority to waive the matching requirements for both programs in case of exceptional economic hardship. Such waivers may also be given for the programs' budget maintenance requirements and SAFER provisions that restrict the funding to hiring only additional firefighters, rather than retaining current firefighters. This is a necessary step at a time when fire departments in many areas of the country are confronted with the prospect of laying off firefighters.

This bill is the result of a consensus among the fire service organizations,

including the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, the National Volunteer Fire Council, and the Congressional Fire Services Institute.

I would like to take a moment to thank Chairman GORDON, Chairman WU, and the Science and Technology Committee for their tireless work on this legislation. In particular, I would like to thank Meghan Housewright, Mike Quear, Louis Finkel, and Lori Pepper for their hard work. I would also like to thank the majority leader, Mr. HOYER, and Congressman PASCARELL for their leadership on this important issue.

I urge my colleagues to support this legislation that provides vital resources to our Nation's firefighters. During these tough economic times, this support is crucial to our public safety.

Mr. SMITH of Nebraska. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise in support of H.R. 3791, the Fire Grants Reauthorization bill.

As a longtime supporter of firefighters and a cosponsor of this bill, I'm very happy we are considering this important and timely legislation to help our firefighters and our fire departments across the country.

Whether it's a fire, a vehicle crash, a dangerous spill, or even a terrorist attack, our firefighters, men and women, put their lives on the line in almost every emergency situation they come across. The least we can do is to ensure that they have the equipment needed to do their jobs without exposing themselves to unnecessary risk.

Today we have the opportunity to improve two FIRE grant programs: the Assistance to Firefighters Grant program, which provides the departments access to proper training and equipment; and the SAFER program that helps fire departments hire new firefighters.

No time is more important than now to reauthorize the FIRE grant programs. It should be no surprise when I say that the economic downturn that has adversely affected everyone has also hit our fire departments hard. With local tax revenue on a steady decline, fire stations across the country and at home in Illinois are feeling far greater pressure to do more with less. H.R. 3791 will help our frontline responders meet their basic firefighting and emergency medical responsibilities with additional resources for staffing, training, and equipment. In passing this important legislation today, we improve the safety of our communities and that of the men and women who keep us safe.

Mr. Chairman, I urge our colleagues to support H.R. 3791.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 1 minute to the majority leader, as I said earlier, the person who really was the sheriff in bringing everybody together for this bill, and we thank him for it.

Mr. HOYER. I thank the gentleman from Tennessee (Mr. GORDON), who does such an extraordinary job of leading the committee. I thank Mr. SMITH for his leadership. I also want to thank DAVID WU, the chairman of the subcommittee, for his leadership. All of them have joined together to get this bill to the floor. And I would be remiss if I did not acknowledge their contribution, because this bill, the genesis of it, was really with Mr. PASCRELL of New Jersey, who worked so many years ago to work with the Senate in generating this idea so that it came back to the House, but he was the godfather, if you will, of this piece of legislation. I want to acknowledge his presence here and thank him for his leadership. And I certainly want to thank Mr. MITCHELL, Congressman MITCHELL, who has been so critical in getting this bill to this point in time. He is an extraordinarily able Member of the Congress, and the firefighters throughout our country I know are appreciative of his efforts on this bill.

Every day, Mr. Chairman, we and our families live under the blanket of protection provided by America's firefighters, both career and volunteer, men and women who are willing to risk their lives to safeguard us, our loved ones, and our property. We may not often think about those sacrifices but every firefighter does.

Last year, more than 100 of them died in the line of duty, and tens of thousands more sustained injuries. To honor those sacrifices and to make our communities safer places to live, Congress has worked to become a partner with the fire departments across the Nation. Today we can reaffirm that commitment by reauthorizing two successful grant programs for firefighters: FIRE and SAFER.

I also want to mention a former fire chief from Pennsylvania who was also critically important in working on this legislation. He's no longer a Member of this body, Curt Weldon, a Member of the other side of the aisle. He and I co-chaired the Fire Service Caucus for over 15 years. His leadership was critical in moving us towards the partnership of which I have just spoken between the Congress and the emergency responders throughout our country, career and volunteer.

This bill reauthorizes both programs through fiscal year 2014, pledging a total of \$2.2 billion per year to our firefighters. The FIRE grant program authorizes \$1 billion per year for state-of-the-art fire equipment, up-to-date training, and fire prevention programs. These competitive grants will benefit career, volunteer, and combination fire departments throughout the country. I know the chairman and subcommittee Chair have already spoken of what it

will do, but I wanted to add as well State training academies and volunteer EMS departments, so critical to our emergency response strategies and team.

The SAFER grant program ensures that our community firehouses never have to sit empty: Its \$1.2 billion per year will ensure 24-hour staffing at eligible departments so that there are always firefighters on duty in case of emergency. In fact, of course, it is the firefighters and emergency medical response teams that are usually the first on the scene at almost any disaster. It is therefore critical that they be available during a 24-hour, 7-day-a-week schedule. It also commits money each year to help volunteer departments recruit and retain new members.

Since FIRE's inception in 2000 and SAFER's in 2004, these programs have won support from Democrats and Republicans alike. This is truly a bipartisan effort on behalf of our communities. Our respect for firefighters and our commitment to get them the tools and training they need has transcended party lines, as it should have, and I hope today it will be no different and I know it will be no different.

I want to commend my colleagues HARRY MITCHELL and BILL PASCRELL, as I said, the father of the FIRE grants program, for their leadership on this issue, as well as Chairman GORDON and Chairman WU and my fellow Fire Caucus co-Chairs PETER KING, ROB ANDREWS, and JO ANN EMERSON.

I urge all of my colleagues to vote to reauthorize these grants and carry forward this successful and vital partnership.

Mr. SMITH of Nebraska. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman from Nebraska for yielding this time.

I agree with everything the majority leader just said. You know, the firefighters of this country are not only protectors of us from a domestic standpoint; they are leaders in the war against terrorism.

We all remember what happened at 9/11 when so many firefighters gave their lives to try to protect those people who died in the Twin Towers in New York City. And we should not forget that because there is the threat of terrorism every single day in this country, and the frontline fighters, in addition to the policemen, are the firefighters. They're the ones that are going to have to rush in to protect people and save lives in the event that we have another tragedy like 9/11.

So I'd just like to say in the short time I have here today we need to give them every single tool they need. This is one area of government that's absolutely essential, and the firefighters of this country need to know the Congress of the United States is behind them 100 percent.

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Mr. GORDON of Tennessee. Mr. Chairman, I yield 1 minute to the gen-

telady from Texas, a former member of the Science and Technology Committee, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman, and I thank him for his leadership. I rise to support H.R. 3791 and the \$1 billion for the AFG per year, and the \$1.2 billion for the SAFER. In my community, over the last 3 months we've had 17 fires in Heights and Shady Acres, putting firefighters in jeopardy and threatening lives. This legislation is enormously important, in that it allows cities over 2.5 million to get grants up to \$9 million. I would be looking forward or like to look forward to work with the chairman to establish a study to determine the propensity of serial fire instigators, if you will, threatening the lives of firefighters, and I'd like to be able to work with the chairman on this crucial issue of providing a study so that we can emphasize these grants going to fight against serial fires.

I yield to the gentleman from Tennessee.

Mr. GORDON of Tennessee. My friend from Texas raises a valid point and an excellent point. You can be well assured that we will continue to work with you through this, through the conference process to bring your legitimate points to light.

Ms. JACKSON-LEE of Texas. Our community is in jeopardy, and this will be an important step for them. As a member of the Fire Caucus and Homeland Security, I rise to support the bill and thank you for working with me to help those in need in Houston, Texas.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. WU), the chairman of the subcommittee.

Mr. WU. Mr. Chairman, I rise in strong support of this legislation, which reauthorizes the AFG and SAFER grant programs. These important programs help keep firefighters and the public safe, and I want to commend Chairman GORDON's leadership in bringing this crucial legislation to the floor today, Mr. MITCHELL's contributions to this legislation, Mr. HOYER for his crucial role in bringing this legislation to the floor, and Mr. PASCRELL for originating the legislation 9 years ago and carrying this bill for many years.

Over the past 9 years, the AFG program has provided nearly \$5 billion in competitive awards to help local fire departments purchase equipment, training and other crucial resources. This program has played a vital role in improving the readiness and capabilities of fire departments across the country.

Despite the program's success so far, an alarming number of local fire departments remain without adequate training and equipment. The AFG program helps address crucial shortfalls, and this bill will further empower the Federal Government to assist local fire

departments as they improve their capabilities. AFG also supports fire prevention and safety grants, which help provide smoke detectors, fire prevention education, and research to reduce the causes of fire and fire-related injury and death. Three thousand Americans die every year in fires. We have made progress, and I'm proud of the progress the Science and Technology Committee has made in advancing the goals of the FIRE grant program.

This bill also reauthorizes the SAFER program, which provides funding to help fire departments maintain adequate staffing levels. Through the SAFER program, the Federal Government has provided nearly \$700 million to local fire departments in the past 4 years, funding that is especially crucial during the current economic downturn. And I have to note that the changes in matching requirements are especially helpful in these hard economic times.

At a time when many local governments are facing major budget shortfalls and cuts in services, Federal support to fire departments is crucial to public safety. It is particularly important in Oregon, where the unemployment rate is at about 11½ percent. The bill is an important step forward in our efforts to protect communities across the country and the firefighters who serve them. I'm particularly proud of my subcommittee's work on this very important piece of legislation.

For more than 6 months it has worked with multiple fire service organizations to identify opportunities to improve the AFG and SAFER grant programs, culminating in hearings held earlier this year. In that context, I want to especially thank Meghan Housewright for her hard work in this field. The bill addresses the needs and priorities identified by fire service experts, and I'm grateful for the cooperation of the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Volunteer Fire Council and the National Fire Protection Association and the Congressional Fire Services Institute. Your ability to come together on this legislation made our job much, much easier.

This bill improves both the SAFER and the AFG programs by ensuring that fire departments with the greatest need will be able to apply for funding. The bill also provides for an equitable balance in the distribution of grant funding, ensuring that funding will benefit communities, both large and small.

I would like to thank the ranking member of the Technology and Innovation Subcommittee, Mr. SMITH, for working closely with me. I would also like to thank the fire service organizations for their hard work in crafting this bill. I urge my colleagues to support this important legislation.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I want to thank Chairman

THOMPSON and Chairman OBERSTAR for working with me to get this important bill to the floor.

I would like to insert an exchange of committee correspondence in the RECORD at this time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, November 7, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you regarding H.R. 3791, the "Fire Grants Reauthorization Act of 2009," introduced on October 13, 2009. This legislation was initially referred to the Committee on Science and Technology and sequentially referred to the Committee on Homeland Security on November 6, 2009.

In the interest of permitting this important legislation to proceed expeditiously to floor consideration, I am willing to waive further consideration of H.R. 3791. I do so with the understanding that waiving further consideration of the bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during floor consideration of this bill.

I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, November 7, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your letter regarding H.R. 3791, the Fire Grants Reauthorization Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Homeland Security. I acknowledge that by waiving rights to further consideration of H.R. 3791, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 3791. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, November 12, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 3791, the "Fire Grants Reauthorization Act of 2009".

H.R. 3791 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3791.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 3791 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 3791 and in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,

Washington, DC, November 12, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your November 12, 2009 letter regarding H.R. 3791, the Fire Grants Reauthorization Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Transportation and Infrastructure. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Transportation and Infrastructure has jurisdiction in H.R. 3791. A copy of our letters will be placed in the Committee report on H.R. 3791 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

I would like to now yield 3 minutes to the gentleman from Mississippi and chairman of the Homeland Security Committee, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Chairman, I'd like to thank Chairman GORDON, Chairman WU and Mr. MITCHELL for working to move this important legislation. Every Member of this body represents a community that is secured by a firehouse. But in recent times, too many fire stations have had to short change their own training or community fire awareness programs just to stay operational.

Today, we have the opportunity to reaffirm our support for our hometown first responders by supporting H.R. 3791, the Fire Grants Reauthorization Act of 2009. This legislation seeks to enhance and improve two of FEMA's programs that directly award grants on a competitive basis to local fire stations and departments. This critical reauthorization will help ensure that departments large and small, volunteer and career, can continue to provide lifesaving services, including fire prevention and safety programs.

As a former volunteer firefighter, I'd like to thank Mr. PASCRELL, the gentleman from New Jersey, the father of the Assistance to Firefighter Grants program, for working to help pioneer the original program and working diligently to help produce this legislation. The so-called AFG grant and the SAFER grant programs provide funding directly to local fire departments so they can purchase needed equipment, conduct fire awareness and prevention service activities, insure that personnel are well trained for all of the duties, assignments as required for certification. And, in the case of SAFER, recruit and hire and retain firefighters without bureaucratic delays.

This bill also authorizes an additional \$9.8 billion in funding for these vital programs. Mr. Chairman, within the AFG program, this bill revises grant allocations so that career volunteer and combination fire departments will have access to equal slices of the available grant dollar pie.

Mr. Chairman, I'd also like to say that during these tough economic times, many communities across America are being forced to cut back on public service. Cutbacks to public services should be avoided at all costs. Again, Mr. Chairman, the International Association of Fire Chiefs, Congressional Fire Service Institute, International Association of Volunteer Fire Fighters, National Volunteer Fire Council, National Fire Protection Association, all these organizations support this legislation.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I now yield 2 minutes to the Chairman of the Transportation Committee, the gentleman from Minnesota, Chairman OBERSTAR, and I want to once again thank him for helping bring this bill to the floor.

Mr. OBERSTAR. Mr. Chairman, I do thank Chairman GORDON for the splen-

did work that his committee has done and the cooperation that we've had with the Committee on Science and Technology and that of the Committee on Homeland Security with the gentleman from Mississippi (Mr. THOMPSON). We've worked very well together and very diligently to bring this very important Fire Grants Reauthorization Act to the House floor.

Many fire departments in my district point with great pride and with gratitude to the fire trucks, the breathing equipment, the protective clothing, the radios, the other technology they have received through this valuable program. These are small grants, often just \$2,500 to maybe a quarter of a million dollars for a new fire truck, but desperately needed in small communities and rural areas, replacing equipment, often more than 40 years old, or new gear to combat new issues such as fires at meth labs in the countryside or as we call it, the back woods of Northern Minnesota. The fire department needs that equipment, whether to combat a house fire or a chemical spill or a fire in the center of small communities.

The FIRE grants program goes back to the year 2000 and predates the horrific events of September 11. It was never intended to be a terrorism preparedness program, but the Department of Homeland Security made it one. And in recent years, I've been concerned by reports, and I've met with the small fire departments that didn't receive a grant because they could not show a specific connection to terrorism.

Our terror in Northern Minnesota is fire. Our terror is blizzards, tornados, floods. Those are the things that we need, and we need to be prepared for.

The CHAIR. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman 30 additional seconds.

Mr. OBERSTAR. There are a lot of organizations that support this legislation. I just want to mention Pete Makowski, my district staff person in Northern Minnesota who is a volunteer firefighter who has introduced me to these issues and to these concerns, has brought me together with the volunteer fire departments in my district. And I just want to say, the pleasure, the joy, the pride that those volunteer firefighters have in getting this small bit of assistance is overwhelming to me. I am so pleased that we have in this legislation very clear language that these small firefighting organizations do not have to show that they're combating weapons of mass destruction.

The CHAIR. The time of the gentleman has again expired.

Mr. SMITH of Nebraska. I would yield 30 seconds more to the Chairman of the Transportation Committee if he wishes to continue.

Mr. OBERSTAR. I thank the gentleman for the time.

I'm sure that the gentleman has the same experience with small volunteer

firefighters who have to hire a grant application writer to fill out forms this thick. That's absurd. I think we changed that in this legislation and we take away this need to show a connection with terrorism. Our terror is fire. That's all we need to be prepared for.

Mr. SMITH of Nebraska. Mr. Chairman, I would also add briefly that, for right now, that the demands on volunteer fire departments are far greater than the population might reflect, especially when we talk about public lands and the susceptibility to fire in the midst of drought and other things as well.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I thank my friend from Nebraska for his courtesy to Mr. OBERSTAR. I would request of the Chairman, what time is left for each side?

The CHAIR. The gentleman from Tennessee has 11½ minutes remaining. The gentleman from Nebraska has 22½ minutes remaining.

Mr. SMITH of Nebraska. I reserve the balance of my time.

□ 1330

Mr. GORDON of Tennessee. Mr. Chairman, as has been pointed out earlier, I'm not sure whether it's the godfather or the grandfather of the FIRE Grants program, Mr. PASCRELL from New Jersey. He is here, and he is recognized for 3 minutes.

Mr. PASCRELL. I want to thank Chairman BART GORDON; Subcommittee Chairman DAVE WU; Mr. MITCHELL; Chairman THOMPSON; and my friend who is not here today on the other side, PETER KING. They all deserve recognition as partners in this quest to get people's attention on the most neglected side of the public safety equation, our firefighters.

This legislation, we think, is unique. We had a difficult time in the beginning when we were writing this legislation. It took about 2½ years. We had about enough people to fit in a telephone booth. And then we brought the firefighters to Washington, and all of a sudden, we had over 280 sponsors.

In the 106th Congress, prior to, the former speaker just pointed out, 9/11, that FIRE Act passed. It had bipartisan support. There was no Federal support for our brave firefighters, be they career or volunteer. They were working with outdated equipment. In some places in the country, they had to push the equipment to the fire, literally. They couldn't get the necessary training in order to provide the best protection for their local communities.

The one thing we made sure we took care of is that there would not be a differential, there would not be a firewall, so to speak, between the volunteers and the career. If you look at the grants of the first 5 or 6 years, there is an over-preponderance of volunteer departments, because we did not want to make this what so many bills in the past had been.

And I might add, Mr. Chairman, this money goes directly to the communities, no skimming, no nonsense: \$6.5

billion, both of these bills, the SAFER bill, which deals with our personnel, in 9 years, over \$15 billion requested. We are far from even close to responding to the needs that existed before 9/11.

This legislation, in its ranking and review, the FIRE Grants program itself received the second highest rating of any program in the Department of Homeland Security. The only agency that beat it out by one percentage point was the Secret Service.

Since the inception of the FIRE and SAFER grants, the programs have provided over, as I said, \$6.5 billion for our local communities. And the point I want to make here is that the FIRE Grants programs are as vital and necessary today as they were in 2000.

The CHAIR. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman 1 additional minute.

Mr. PASCRELL. I have always said that real homeland security starts on the streets of our local towns and not in the hallways of Washington. I truly believe these FIRE grants awarded to local municipalities are key to our homeland security infrastructure. Today we move a great step toward furthering that commitment.

And just today, Mr. Chairman, on the west lawn outside the Capitol, firefighters, police officers and construction workers who responded at 9/11 gathered to hear what the Congress was going to do to respond to what had happened at 9/11. We salute them. We've had two major studies from Mount Sinai Hospital in New York. The "all clear" should not have been given to these people who worked in hazardous situations. We can again down the road to pass legislation to help these guys and gals that have suffered the consequences of their responding mostly, voluntarily.

I thank all of those who participated today.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Chairman, I rise today in support of the Fire Grants Reauthorization Act of 2009. From cities on Colorado's front range to small towns on the eastern plains, firefighters and other emergency personnel are the first to respond to everything from traffic accidents to wildfires. These brave men and women dedicate their lives to helping people and protecting their communities.

More than three-quarters of the fire departments in Colorado's Fourth District are mostly or entirely volunteer run. In addition to full-time jobs and families, these men and women devote their time and energy to help the small rural communities in which they live, often at great risk to themselves. In my district, last year, three brave volunteers lost their lives in the line of duty. Captain Shane Stewart, Fire

Chief Terry DeVore and Firefighter John Schwartz, Jr., lost their lives while fighting to keep their rural communities safe.

Mr. Chairman, it is with the memory of these men who gave everything to defend their neighbors and communities that I am proud to stand here today as a cosponsor of the Fire Grants Reauthorization Act. I encourage all of my colleagues to support this important reauthorization, because these grant programs help support the operations of all fire departments, urban and rural, career and volunteer, and protect the lives of the men and women who selflessly serve to protect their communities.

The CHAIR. The gentleman from Tennessee has 6 minutes remaining. The gentleman from Nebraska has 22½ minutes remaining.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to the gentlewoman from Arizona (Mrs. KIRKPATRICK).

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, this spring my office was approached by two fire chiefs with the same problem. Chief Casson of the Cottonwood Fire Department and Chief Moore of the Clarkdale Fire Department both explained that for their small departments, SAFER grants can make all the difference in whether they have the number of firefighters on staff required to keep their communities safe.

With the economic downturn, SAFER has become more important than ever, but falling tax revenues make meeting the matching requirement difficult. This has happened to small fire departments across the Nation. Many have even returned the grants they were awarded.

This is why I introduced H.R. 2759, which would waive the cost-sharing requirement for the most recent grant cycle, helping departments hire the staff they need during this tough time. While my legislation is not specifically contained within this act, I am glad that this bill significantly improves the SAFER program to help departments with these conditions.

This act reduces the overall cost-share requirement for departments and, more importantly, allows the director to waive this requirement in the case of economic hardship. Therefore, in the future, the departments with the greatest need should be able to take advantage of this program.

Mr. Chairman, will you work with me to ensure that the SAFER works as intended, helps the departments most in need, and addresses the concerns of small, rural fire departments?

Mr. GORDON of Tennessee. Will the gentlewoman yield?

Mrs. KIRKPATRICK of Arizona. I yield to the chairman.

Mr. GORDON of Tennessee. I would like to thank the gentlewoman for her efforts with the SAFER program and her support for the bill.

You raise a very good point that fire departments in many communities are struggling with shrinking budgets. Some of these struggling communities do have SAFER grants. I would be happy to work with you on this issue as we work to enact this legislation into law.

Mr. SMITH of Nebraska. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to a very active member of our committee, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I rise in strong support of the Fire Grants Reauthorization Act of 2009.

It has been almost 10 years since the Cerro Grande fire ripped through thousands of acres in my district in northern New Mexico with devastating effect for the wildlife, the environment and the people in its path. Drought conditions and high temperatures contributed to the size of this fire, while dry winds accelerated its path through Los Alamos. Each year, fires plague our communities. They hurt people. They devastate communities. They devastate families. But when we can come together and make sure that we are working to provide support for our local fire departments, for our first responders and for those that put their lives on the line every day, we are able to make a difference.

These FIRE grants will provide volunteer and career fire departments across the country with vital funding to increase firefighting capabilities, better respond to medical emergencies, handle natural disasters and operate more effectively.

Supporting local fire departments is more important now than ever before. Now that States are facing many budgetary shortfalls, it has become increasingly difficult for local governments to maintain the equipment and training necessary.

Mr. Chairman, as we came down today, I was reminded of a chief in New Mexico who lost his life responding to a fire about a week after he had just gotten word that he had received a grant for the fire district to replace the truck that broke down in the midst of a range fire that he lost his life in. These grants make a difference in people's lives. To his wife, to his spouse, that fought so hard with us in New Mexico to get a fire fund in place to be able to help us out locally, I commend my colleagues here, the chairman, Mr. PASCRELL for making this happen, and for believing in firefighters and for making sure that we in Congress are doing our part to get funding to them.

The CHAIR. The gentleman from Tennessee has 2 minutes remaining and has the right to close.

Mr. SMITH of Nebraska. Mr. Chairman, I would inquire of the committee chairman how much time he is looking to need, perhaps.

Mr. GORDON of Tennessee. You are courteous to ask. I think we have marshaled it just right. We have 2 more minutes and one speaker.

Mr. SMITH of Nebraska. I would yield 2 minutes to the chairman if he would wish to use that.

Mr. GORDON of Tennessee. Again, I thank you for the courtesy. I believe we are going to be able to do it, but thank you very much.

Mr. SMITH of Nebraska. I would reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I would yield 1½ minutes to my friend from St. Louis, Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Thank you, Mr. Chairman, and the gentleman from Nebraska for managing this today.

On behalf of the firefighters, the amazing firefighters that serve my constituents in Missouri, I rise today in strong support of the Fire Grants Reauthorization Act of 2009. H.R. 3791 reauthorizes and improves the FIRE and SAFER Grant programs which assist firefighters, first responders and local communities in my home State of Missouri and nationwide with the equipment, training, and personnel needed to protect the public.

In these difficult economic times, it is imperative that we provide local fire departments around the country the needed equipment, training and staffing for both full-time and volunteer firefighters, urban and rural, to quickly respond to emergencies.

This legislation will reduce the grantee matching requirement at a time when many jurisdictions are finding it increasingly difficult or impossible to maintain equipment, training, and personnel. FIRE grants will provide funding to hire additional personnel, modify facilities, and obtain protective gear and other resources to respond to fire and related hazards.

I'm pleased to be a cosponsor of this legislation and to have joined my colleagues on the Science and Technology Committee to bring it to the floor. I now urge the full House to support and pass the Fire Grants Reauthorization Act of 2009.

Mr. SMITH of Nebraska. I would reserve the balance of my time.

Mr. GORDON of Tennessee. I will use the remainder of my time to close, so if the gentleman would like to close.

Mr. SMITH of Nebraska. Thank you, Mr. Chairman. I will be very brief. We were expecting some other Members here. But I will say that I appreciate the process that we have gone through this. It involved quite a bit of discussion early on at the subcommittee level and full committee level. I'm grateful that the chairman considered amendments from our side so that we can meet the public safety needs of our country. It's not just about my district, it's not just about certain districts, but the entire country. I'm grateful to be a part of this process, and I will say it does work.

With that, I would yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, in quick closing, I want to concur with Mr. SMITH's remarks, thanking him for his cooperation. This has been a good subcommittee, committee process. It has been bipartisan. And because of that, we have a good bill.

Ms. RICHARDSON. Mr. Chair, as a member of the Committee on Homeland Security and an original co-sponsor, I rise in strong support of H.R. 3791, the Fire Grants Reauthorization Act of 2009, which reauthorizes for five years \$1 billion per year for FEMA's Assistance to Firefighters Grants (AFG) program and reauthorizes \$1.2 billion for the Staffing for Adequate Fire and Emergency Response (SAFER) program.

This increase in federal support for the nation's fire departments is especially important in this tough economy as local officials struggle to provide critical services—including public safety services—in the face of declining revenues and decreasing budgets.

I thank Chairman GORDON and my colleague, Congressman MITCHELL of Arizona, for their hard work in shepherding this critical legislation to the floor today.

We all remember the wildfires from this summer that hit my home state of California especially hard. Over 160,000 acres were destroyed in the "Station Fire," the most in the history of Los Angeles County. But not only did people lose their homes in this terrible tragedy, two firefighters lost their lives as well. Incidents like these underscore the importance of providing firefighters with the best possible equipment and training to perform their dangerous jobs. And that is probably the most important reason of all for passing H.R. 3791, the Fire Grants Reauthorization Act of 2009.

Mr. Chair, I support H.R. 3791 because it:

Provides a fairer distribution of FIRE Grant funding among fire departments by setting a 25 percent distribution of the appropriated funds among the categories of career, volunteer and combination fire departments;

Lowers matching and maintenance of expenditure requirements and authorizes the FEMA Administrator to waive or reduce such requirements for applicants facing demonstrated economic hardship;

Raises the limit on FIRE Grant awards to \$9 million for jurisdictions based on population so that large urban areas with population more than 2.5 million like the one I represent.

Makes the SAFER Grant program more accessible to fire departments by making it a three-year program with a 20 percent match.

Raises the maximum amount for individual Fire Prevention and Safety Grants to \$1.5 million.

Mr. Chair, in the last nine years the Assistance to Firefighters Grant (AFG) program, or FIRE grant program, has aided thousands of fire departments nationwide by providing more than \$5 billion in federal aid for critically-needed training, equipment, health and wellness programs and other fire service needs.

The Staffing for Adequate Fire and Emergency Response or "SAFER" program has provided nearly \$700 million to fire departments to help hire and retain firefighters since its creation in 2004.

Yet, despite the success of the programs, effectiveness has been curtailed by the uneven distribution of grants among jurisdictions of varying sizes. Statutory restrictions have in-

advertently hampered larger fire departments that protect the majority of the population from receiving much-needed federal assistance. As a result, the majority of FIRE Grant funds currently are being spent to protect a relatively small portion of the population. H.R. 3791 corrects this imbalance by targeting more funding to larger fire departments in the more populous jurisdictions.

Mr. Chair, H.R. 3791 is the product of bipartisan cooperation and is broadly supported by the firefighting community because it strikes an equitable balance in the distribution of the grants so that the funding can benefit all types of communities and ensures that fire departments with the greatest need can apply for and receive funding in amounts sufficient to address their real needs. That is why this legislation is broadly supported by the firefighting and fire prevention community, including the following major organizations: the International Association of Fire Chiefs, the National Fire Protection Association, the National Volunteer Fire Council, the International Association of Fire Fighters, the International Association of Arson Investigators, and the Congressional Fire Services Institute.

Mr. Chair, H.R. 3791 is good for our firefighters. It is good for our local governments. It is good for the nation and good for my district. I am proud to be an original co-sponsor of the critical legislation and urge my colleagues to join me in voting for its passage.

Mr. DINGELL. Mr. Chair, I rise today to support H.R. 3791, the Fire Grants Reauthorization Act. This act reauthorizes the Assistance to Firefighters Grant, AFG, program and the Staffing for Adequate Fire and Emergency Response, SAFER, grant program. These two successful programs provide critical support for our Nation's fire departments and Emergency Medical Services, EMS, organizations, thus enabling our firefighters and emergency personnel to adequately respond to fire emergencies in our communities.

H.R. 3791 authorizes \$1 billion per year for the AFG program for fiscal years, FY, 2010 through 2014 and \$1.2 billion per year for the SAFER program for FY 2010 through FY 2014. The AFG program, created in 2000, provides grants to local fire departments and related EMS organizations to provide them needed equipment, training, vehicles and other resources. The SAFER, created in 2004, program provides grants to local fire departments to increase their staffing and deployment capabilities.

Both programs have proven highly successful. In 2003, the U.S. Department of Agriculture's Leadership Development Academy Executive Potential Program independent assessment of the AFG program concluded it was "highly effective in improving the readiness and capabilities of firefighters across the nation." Since that time, the program has received high marks from Department of Homeland Security, DHS, Inspector General as well as the Bush Administration's budgetary program evaluation tool. And since 2004, the SAFER program has been ensuring that our local fire departments can provide 24-hour staffing to so that they can respond to our communities during emergencies.

Unfortunately, during times of economic hardship, public safety budgets are often hard hit. Thus, the importance of continued Federal support for these programs cannot be underestimated. That is why this legislation lowers

the matching requirement from 20 percent to 10 percent for the AFG program and allows the DHS to waive cost share requirements for the SAFER program in times of economic hardship.

In addition, H.R. 3791 ensures that funding to our career and volunteer fire departments is equitable by requiring that AFG funds are apportioned in the following way: 25 percent to career fire departments, 25 percent to combination fire departments, and 25 percent to volunteer fire departments, 10 percent for open competition among all types of fire departments, and the remaining 15 percent for certain other important functions, including fire prevention and safety grants.

Mr. Chair, the fire grants program has directly benefited the 15th Congressional District of Michigan, including Frenchtown Township, Ypsilanti, Monroe, Woodhaven, Flat Rock, Romulus, and many other communities I have the honor of representing. Clearly, these programs are a boon to other communities across our country. That is why I strongly urge my colleagues to join me in voting "yes" on H.R. 3791.

Mr. KING of New York. Mr. Chair, I rise to express my support for H.R. 3791, the Fire Grants Reauthorization Act of 2009. The Fire and SAFER grant programs reauthorized by this bill are highly effective and vitally important programs which provide much-needed support to fire departments and emergency responders across the country.

As chairman of the Congressional Fire Services Caucus and ranking member of the Homeland Security Committee, I strongly support reauthorization of these two grant programs. First responders rely on Fire grants for the training, vehicles, and equipment that are necessary to keep our communities safe, while SAFER grants provide the necessary funds to hire and train new firefighters and to help recruit and train volunteer firefighters.

In 2008 alone, the Fire grant program received \$3.2 billion in requests for grants, which highlights a serious need in the firefighter and first responder community for more resources. I continue to support strong funding for both the Fire and SAFER programs. I am pleased that H.R. 3791 authorizes \$1 billion annually for the Fire program and approximately \$1.2 billion annually for the SAFER program over the next 5 years.

The Fiscal Year 2010 Homeland Security Appropriations Act that passed the House in June provided double the amount of funding for the SAFER program over last year. However, I am disappointed that the final funding level approved by Congress for the Fire grant program in Fiscal Year 2010 is \$175 million less than last year's funding for that program. Both of these programs merit robust funding.

The bill under consideration today incorporates the unified recommendations of the major fire service organizations that represent volunteer, career, and combination fire departments across the country.

For example, this bill adds an "economic hardship waiver" for the Fire grant program for fire departments that are unable to meet certain matching requirements or budget requirements. In addition, the bill adds an economic hardship waiver to allow fire departments to retain staff with SAFER grant funds whom they would otherwise have to lay off in these difficult economic times. This bill also allots 10 percent of Fire grants to the Fire Prevention

and Safety program, which is up from 5 percent in previous years.

I hope that both the Fire and SAFER grant programs will see continued support from this administration and the Democratic leadership.

I urge my colleagues to support passage of this important bill.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 111-340, shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The text of the amendment in the nature of a substitute, as amended, is as follows:

H.R. 3791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Grants Reauthorization Act of 2009".

SEC. 2. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM REAUTHORIZATION.

(a) IN GENERAL.—Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

"SEC. 33. FIREFIGHTER ASSISTANCE.

"(a) ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—In accordance with this section, the Director may—

"(A) make grants on a competitive basis directly to fire departments of a State, in consultation with the chief executive of the State, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the Nation against fire and fire-related hazards;

"(B) make grants on a competitive basis directly to State fire training academies, in consultation with the chief executive of the State, in accordance with paragraph (1)(C);

"(C) provide assistance for fire prevention and firefighter safety research and development programs and fire prevention or fire safety programs and activities in accordance with paragraph (4); and

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

"(2) ADMINISTRATIVE ASSISTANCE.—The Director shall establish specific criteria for the selection of recipients of assistance under this section and shall provide grant-writing assistance to applicants.

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

"(A) To hire additional firefighting personnel.

"(B) To train firefighting personnel in firefighting, emergency medical services and other emergency response (including response to a terrorism incident or use of a weapon of mass destruction), arson prevention and detection, maritime firefighting, or the handling of hazardous materials or to train firefighting personnel to provide any of the training described in this subparagraph.

"(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

"(D) To certify fire and building inspectors employed by a fire department or serving as a volunteer building inspector with a fire department.

"(E) To establish wellness and fitness programs for firefighting personnel to ensure that

the firefighting personnel can carry out their duties, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

"(F) To fund emergency medical services provided by fire departments and volunteer, non-fire service EMS and rescue organizations.

"(G) To acquire additional firefighting vehicles, including fire trucks.

"(H) To acquire additional firefighting equipment, including equipment for communications, monitoring, and response to a terrorism incident or use of a weapon of mass destruction.

"(I) To acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration and other personal protective equipment for firefighting personnel, including protective equipment to respond to a terrorism incident or the use of a weapon of mass destruction.

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

"(K) To enforce fire codes and standards.

"(L) To fund fire prevention programs.

"(M) To educate the public about arson prevention and detection.

"(N) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

"(4) FIRE PREVENTION AND FIREFIGHTER SAFETY RESEARCH AND DEVELOPMENT PROGRAMS.—

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

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

"(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are not fire departments but—

"(I) that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and that partner with fire departments, for the purpose of carrying out such programs and activities;

"(II) engage in fire- and life safety-related activities as a primary purpose or function, for the purpose of carrying out fire prevention or fire safety programs and activities; or

"(III) that are recognized for their experience and expertise with respect to firefighter research and development programs, for the purpose of carrying out research on fire prevention or fire safety programs and activities or to improve firefighter health and life safety; and

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

"(B) PRIORITY.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to high risk groups from fire, as well as research programs that demonstrate the potential to improve firefighter safety.

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

"(D) LIMITATION.—None of the funds made available under this paragraph may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

"(5) APPLICATION.—The Director may provide assistance to a fire department or organization (including a State fire training academy) under this subsection only if the fire department or organization seeking the assistance submits to the Director an application that meets the following requirements:

"(A) FORM.—The application shall be in such form as the Director may require.

"(B) INFORMATION.—The application shall include the following information:

"(i) Information that demonstrates the financial need of the applicant for the assistance for which applied.

“(ii) An analysis of the costs and benefits, with respect to public safety, of the use of the assistance.

“(iii) An agreement to provide information to the national fire incident reporting system for the period covered by the assistance.

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

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

“(C) UNNECESSARY DUPLICATION.—The Director, in coordination with the Secretary of Homeland Security, shall use the list provided under subparagraph (B)(iv) to prevent the unnecessary duplication of grant funds.

“(6) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and paragraph (8), the Director may provide assistance under this subsection only if the applicant for such assistance agrees to match 10 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

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

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

“(7) MAINTENANCE OF EXPENDITURES.—Subject to paragraph (8), the Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above 80 percent of the average level of such expenditures in the 2 fiscal years preceding the fiscal year for which the assistance will be received.

“(8) ECONOMIC HARDSHIP WAIVER.—

“(A) IN GENERAL.—In exceptional circumstances, the Director may waive or reduce the matching requirement under paragraph (6) and the maintenance of expenditures requirement under paragraph (7) for applicants facing demonstrated economic hardship.

“(B) CRITERIA DEVELOPMENT.—The criteria under which the Director may waive or reduce such requirements shall be developed in consultation with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) PUBLIC AVAILABILITY.—The Director shall make the criteria developed under subparagraph (B) publicly available.

“(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS.—

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

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

“(ii) 25 percent shall be made available to volunteer fire departments.

“(iii) 25 percent shall be made available to combination fire departments.

“(B) EVALUATION CRITERIA.—

“(i) IN GENERAL.—In awarding grants under paragraph (1)(A), the Director shall, within each category of applicants under subparagraph (A), consider a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as population served, geographic response area, hazard vulnerability, call volume, financial situation, and need for training or equipment.

“(ii) HIGH POPULATION AND INCIDENT RESPONSE.—In considering such factors under clause (i), applicants serving areas with high population and with a high number of incidents requiring a response shall receive a higher level of consideration.

“(iii) PROHIBITED BASIS FOR DENIAL.—In considering such factors under clause (i), the Director may not deny a grant to an applicant solely based on such applicant failing to demonstrate that the grant will be used to prepare for or respond to a terrorism incident or use of a weapon of mass destruction.

“(C) REMAINDER.—Of the amounts made available under subsection (e) that are not allocated for use and awarded under subparagraph (A) or designated for use under any other provision of this section, the Director shall provide for an open competition for grants among career fire departments, volunteer fire departments, and combination fire departments to carry out the activities under paragraph (3).

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

“(11) GRANT LIMITATIONS.—

“(A) RECIPIENT LIMITATIONS.—A grant recipient under paragraph (1)(A)—

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

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

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

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

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

The Director may award grants in excess of the limitations provided in clauses (i), (ii), (iii), and (iv) if the Director determines that extraordinary need for assistance by a jurisdiction warrants a waiver.

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

“(C) STATE FIRE TRAINING ACADEMIES.—

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

“(ii) LIMITATION.—The Director shall—

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

“(II) limit the amount of a grant to a State fire training academy to less than or equal to \$1,000,000 in each fiscal year; and

“(III) ensure that any grant awarded to a State fire training academy shall be used for the purposes described in paragraphs 3(G), 3(H), or 3(I).

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

“(E) APPLICATION OF SELECTION CRITERIA TO GRANT APPLICATIONS FROM VOLUNTEER, NON-FIRE SERVICE EMS AND RESCUE ORGANIZATIONS.—In reviewing applications submitted by volun-

teer, non-fire service EMS and rescue organizations, the Director shall consider the extent to which other sources of Federal funding are available to provide the assistance requested in such grant applications.

“(F) CONSENSUS STANDARDS.—

“(i) IN GENERAL.—Any grant amounts used to obtain training under this section shall be limited to training that complies with applicable national voluntary consensus standards (if applicable national voluntary consensus standards have been established), unless a waiver has been granted under clause (ii).

“(ii) WAIVER.—

“(I) EXPLANATION FOR NON-STANDARD TRAINING.—If an applicant for a grant seeks to use the assistance provided under the grant to obtain training that does not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such training will serve the needs of the applicant better than training that does meet or exceed such standards.

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

“(aa) consult with other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

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

“(cc) seek to minimize the impact of the requirement to meet or exceed the specific standard on the applicant, particularly if meeting the standard would impose additional costs.

“(III) ADDITIONAL REQUESTS.—Applicants that apply for a grant under the terms of subclause (I) may include a second grant request in the application to be considered by the Director in the event that the Director does not approve the primary grant request on the grounds of the training not meeting applicable voluntary consensus standards.

“(12) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.

“(13) ANNUAL MEETING.—The Director shall convene an annual meeting of individuals who are members of national fire service organizations and are recognized for expertise in firefighting or emergency medical services provided by fire services, and who are not employees of the Federal Government, for the purpose of recommending criteria for awarding grants under this section for the next fiscal year and any necessary administrative changes to the grant program.

“(14) GUIDELINES.—

“(A) IN GENERAL.—Each year, prior to “accepting any application for a grant under each program” under this section, the Director shall publish in the Federal Register—

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

“(ii) an explanation of any differences between the guidelines and the recommendations made pursuant to paragraph (13); and

“(iii) the criteria developed under paragraph (8) which the Director will use to evaluate applicants for waivers from program requirements.

“(B) SPECIFIC REQUIREMENT.—The criteria for awarding grants under paragraph (1)(A) shall include the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property.

“(15) PEER REVIEW.—The Director, after consultation with national fire service organizations, shall appoint fire service personnel to

conduct peer review of applications received under paragraph (5). In making grants under this section, the Director shall consider the results of such peer review evaluations.

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

“(17) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, rule, regulation, or guidance, for purposes of receiving assistance under this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(b) AUDITS.—A recipient of a grant under this section shall be subject to audits to ensure that the grant proceeds are expended for the intended purposes and that the grant recipient complies with the requirements of paragraphs (6) and (7) of subsection (a) unless the Director has granted a waiver under subsection (a)(8).

“(c) FIRE SAFETY RESEARCH CENTERS.—

“(1) IN GENERAL.—The Director may make a grant under subsection (a)(4)(A)(iii) to an institution of higher education, a national fire service organization, or a national fire safety organization to establish and operate a fire safety research center.

“(2) OBJECTIVES.—A grant received under this subsection shall be used by such an institution or organization to advance significantly the Nation's ability to reduce the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(3) LIMITATION.—The Director may establish no more than 3 fire safety research centers. An institution of higher education, a national fire service organization, or a national fire safety organization may not directly receive a grant under this section for a fiscal year for more than 1 fire safety research center.

“(4) APPLICATION.—In order to be eligible to receive a fire safety research center grant, an institution of higher education, a national fire service organization, or a national fire safety organization shall submit to the Director an application that is in such form and contains such information and assurances as the Director may require.

“(5) GENERAL SELECTION CRITERIA.—The Director shall select each recipient of a grant under this subsection through a competitive process on the basis of the following:

“(A) The demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities.

“(B) The capability of the recipient to provide leadership in making national contributions to fire safety.

“(C) The recipient's ability to disseminate the results of fire safety research.

“(D) The strategic plan the recipient proposes to carry out under the grant.

“(6) CONSIDERATION.—The Director shall give special consideration under paragraph (5) to an applicant for a grant that consists of a partnership between a national fire service organization or a national fire safety organization and at least 1 of the following:

“(A) An institution of higher education.

“(B) A minority-serving institution (defined as an eligible institution under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067g(a))).

“(7) RESEARCH NEEDS.—Within 90 days after the date of enactment of the Fire Grants Reauthorization Act of 2009, the Director shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs. The results of the workshop shall be made public, and the Director shall consider such results in making awards under this section.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a firefighting department that has an all professional force of firefighting personnel.

“(2) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a firefighting department that has a combined force of professional and volunteer firefighting personnel.

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

“(4) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(5) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

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

“(A) is not affiliated with a hospital;

“(B) does not serve a geographic area in which the Director finds that emergency medical services are adequately provided by a fire department; and

“(C) is staffed primarily by volunteers.

“(7) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a firefighting department that has an all volunteer force of firefighting personnel.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

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

“(2) ADMINISTRATIVE EXPENSES.—

“(A) IN GENERAL.—Of the funds appropriated pursuant to paragraph (1) for a fiscal year, the Director may use not more than 3 percent of the funds to cover salaries and expenses and other administrative costs incurred by the Director to make grants and provide assistance under this section.

“(B) FORMULA.—The Director shall subtract the amount to be used for subparagraph (A) from the amount appropriated pursuant to paragraph (1) before making any allocations or apportioning any funds under subsections (a) or (c).”

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

(1) from fiscal years 2003 through 2008—

(A) the funding appropriated for activities under section 33 of the Federal Fire Prevention and Control Act of 1974 declined by approximately 30 percent; and

(B) the number of fire departments receiving awards declined by nearly 40 percent, while the number of applicants increased, resulting in a reduction in applicant success rates from over 43 percent to just 25 percent;

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

(3) declining funding reduces the Director's ability to successfully carry out the primary purpose of such section, which is to protect the health and safety of the public and firefighting personnel throughout the Nation against fire and fire-related hazards; and

(4) halting and reversing the decline in appropriations to ensure a high level of funding for the activities under such section 33 should be a top priority.

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

Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) is amended to read as follows:

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

“(a) EXPANDED AUTHORITY TO MAKE GRANTS.—

“(1) HIRING GRANTS.—

“(A) IN GENERAL.—The Director shall make grants directly to career, volunteer, and combination fire departments, in consultation with the chief executive of the State in which the applicant is located, for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards and to fulfill traditional missions of fire departments that antedated the creation of the Department of Homeland Security.

“(B) REQUIREMENTS.—

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

“(ii) RETENTION.—Grant recipients are required to commit to retaining for at least the entire 3 years of the grant period those firefighters hired under this paragraph.

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

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

“(D) TECHNICAL ASSISTANCE.—The Director may provide technical assistance to States, units of local government, Indian tribal governments, and other public entities in furtherance of the purposes of this section.

“(E) VOLUNTEER ACTIVITIES ALLOWED.—Notwithstanding any other provision of law, any firefighter hired with funds provided under this subsection shall not be discriminated against for, or be prohibited from, engaging in volunteer activities in another jurisdiction during off-duty hours.

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

“(G) SET ASIDE.—

“(i) IN GENERAL.—At the beginning of the fiscal year, the Director shall set aside 10 percent of the funds made available for carrying out this paragraph for departments with majority volunteer or all volunteer personnel.

“(ii) TRANSFER.—After awards have been made, if less than 10 percent of the funds made available for carrying out this paragraph are not awarded to departments with majority volunteer or all volunteer personnel, the Director shall transfer from funds made available for carrying out this paragraph to funds made available for carrying out paragraph (2) an amount equal to the difference between the amount that is provided to such fire departments and 10 percent.

“(2) RECRUITMENT AND RETENTION GRANTS.—

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

“(B) ELIGIBILITY.—Eligible entities shall include volunteer or combination fire departments and organizations on a local, statewide, or national basis that represent the interests of volunteer firefighters.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—No grant may be made under this section unless an application has been submitted to, and approved by, the Director.

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

“(3) **REQUIREMENTS.**—At a minimum, each application for a grant under this section shall—

“(A) explain the applicant’s inability to address the need without Federal assistance;

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

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

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

“(c) **LIMITATION ON USE OF FUNDS.**—

“(1) **SUPPLEMENT, NOT SUPPLANT.**—Funds made available under this section to fire departments for salaries and benefits to hire new, additional firefighters shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this section, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

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

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

“(d) **WAIVER.**—In exceptional circumstances, the Director may waive the requirements of subsections (a)(1)(B)(ii), (a)(1)(B)(iii), (c)(1), and (c)(2) if the Director determines that the jurisdiction is facing demonstrated economic hardship in accordance with section 33(a)(8).

“(e) **PERFORMANCE EVALUATION.**—The Director may require a grant recipient to submit any information the Director considers reasonably necessary to evaluate the program.

“(f) **SUNSET; REPORTS.**—

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

“(2) **REPORT.**—Not later than 6 years after such date of enactment, the Director shall submit to Congress a report concerning the experience with, and effectiveness of, such grants in meeting the objectives of this section. The report may include any recommendations the Director may have for amendments to this section and related provisions of law.

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

“(h) **ACCESS TO DOCUMENTS.**—

“(1) **IN GENERAL.**—The Director shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this section and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are in-

volved in programs, projects, or activities for which assistance is provided under this section.

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

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

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

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

“(3) ‘Indian tribe’ means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

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

SEC. 4. STUDY AND REPORT.

(a) **STUDY AND REPORT ON ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM.**—

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

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

(B) identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) conduct an assessment to identify gaps between what fire departments currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) measure the impact of the grant program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in—

(i) meeting the needs of the fire services identified in the report submitted to Congress under section 3603(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005; and

(ii) filling the gaps identified under subparagraph (C).

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to “Congress” a report on the findings of the study described in paragraph (1).

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

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. TITUS

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111-340.

Ms. TITUS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. TITUS:

Page 6, after line 19, insert the following:

“(O) To acquire equipment designed to reduce the amount of water used in firefighting or training firefighting personnel.

The CHAIR. Pursuant to House Resolution 909, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

□ 1345

Ms. TITUS. I yield myself such time as I may consume.

Mr. Chairman, I rise today with an amendment to H.R. 3791, the Fire Grants Reauthorization Act of 2009. I’d like to first thank Chairmen GORDON and THOMPSON for their work on this important legislation and Chairwoman SLAUGHTER for making my amendment in order. I appreciate their willingness to work with me on this important issue.

The Fire Grants Reauthorization Act of 2009 will provide much needed funding for fire departments across the United States. Since 2001, the Fire Grants Program has provided more than \$5 billion to local fire departments to help them fund the purchase of equipment, train firefighters, and hire additional personnel.

In all of our districts, local governments are struggling with their budgets. So these grants are especially important now to help ensure that fire departments all across the country are able to access the resources they need and provide the critical services that we all depend on.

My amendment to this important legislation is simple. It allows fire departments to apply for grant funding to purchase equipment that is designed to reduce water usage in fighting fires or in training to fight fires. This important expansion will provide fire departments the opportunity to purchase pieces of equipment that are not only effective in fighting fires, but are also efficient in water usage. By allowing and encouraging these purchases, we are helping fire departments not only fight fires in a safer way, but also in a way that uses less water. Preserving this valuable resource without diminishing firefighting safety and capability makes purchases by our local governments doubly beneficial.

In my congressional district in southern Nevada, like in many desert communities, water is a valued, precious commodity. As such, it is also our most significant limited resource. Accordingly, State and local management officials and citizens, especially in the West, are constantly working to meet the water demands of a growing population of residents and tourists. This provision will help them in that effort to improve the efficiency of water usage techniques and technology.

In preparing this amendment, I reached out to our local fire chief, Chief Steve Smith of the Clark County Fire Department. He informed me that with the right equipment, the amount of water used to fight a typical fire can be reduced by almost 80 percent. Not only does this technology reduce the amount of water required to extinguish a fire, it also limits structural damage, the threat of the fire rekindling, and runoff of dangerous chemicals into our local sewer systems.

For all of these reasons, I urge the passage of this amendment. It will save water, enhance firefighting abilities, protect property, and limit potential damage in the aftermath of fires.

I reserve the balance of my time.

MR. SMITH of Nebraska. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

MR. SMITH of Nebraska. This amendment, as the sponsor indicated, would allow grant funds under the AFG program to require equipment designed to reduce the amount of water used in firefighting or training. This amendment certainly makes sense, particularly in arid regions, which may be prone to fires and where water sources are often scarce.

I support this amendment.

I reserve the balance of my time.

MS. TITUS. Mr. Chairman, at this time I would like to yield to the chairman of the committee, the gentleman from Tennessee (Mr. GORDON).

MR. GORDON of Tennessee. I just want to thank the gentlelady for this amendment. I think it demonstrates why having greater consultation makes a better bill. You bring unique expertise. We've got a lot more water in Tennessee than you have in Nevada. So thank you for this good amendment.

MR. SMITH of Nebraska. I yield back the balance of my time.

MS. TITUS. I'd just like to again thank the chairman and the ranking member for their support of this and urge its passage to help save water while fighting fires.

The CHAIR. The question is on the amendment offered by the gentleman from Nevada (Ms. TITUS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PERLMUTTER

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111-340.

MR. PERLMUTTER. Mr. Chair, I have an amendment at the desk that was made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PERLMUTTER:

At the end of the bill, add the following new section:

SEC. 5. NATIONAL VOLUNTARY CONSENSUS STANDARDS.

(a) SURVEY BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Task Force established under subsection (b), shall begin to conduct a survey of each career fire department, volunteer fire department, and combination fire department located in the United States in order to ascertain whether each fire department is in compliance with the national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness.

(2) CONTENTS.—In carrying out the survey, the Secretary shall ascertain, for each fire department in the United States, the rates of compliance with each such standard of—

(A) career fire departments, volunteer fire departments, and combination fire departments;

(B) fire departments located in communities of varying sizes; and

(C) fire departments in each of the States.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a summary of the findings of the survey required under paragraph (1), including the rates of compliance under the categories specified under subparagraphs (A), (B), and (C) of paragraph (2).

(b) ESTABLISHMENT OF TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall establish a task force to be known as the "Task Force to Enhance Firefighter Safety" (in this section referred to as the "Task Force").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall appoint members of the Task Force from among the general public and shall include—

(i) representatives of national organizations representing firefighters and fire chiefs;

(ii) individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community; and

(iii) other individuals as the Secretary determines to be appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other departments and agencies of the United States that have an interest in the fire service to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary to conduct the survey required under subsection (a); and

(B) develop a plan to enhance firefighter safety by increasing fire department compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness, including by—

(i) reviewing and evaluating the report required under subsection (a) to determine the extent of and barriers to achieving compliance with national voluntary consensus standards among fire departments; and

(ii) considering ways in which the Federal Government, States, and localities can pro-

mote or encourage fire departments to comply with national voluntary consensus standards.

(4) REPORT TO CONGRESS.—Not later than 6 months after the date on which the Secretary submits the report required under subsection (a)(3), the Task Force shall submit to Congress and the Secretary a report containing the findings and recommendations of the Task Force together with the plan described in paragraph (3)(B).

(c) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this section that are defined in sections 4, 33, or 34 of the Federal Fire Prevention and Control Act of 1974 shall have the meaning given such terms in such Act.

(2) NATIONAL VOLUNTARY CONSENSUS STANDARDS.—For the purposes of this section, the term "national voluntary consensus standards" means the latest edition of the national voluntary consensus standards for firefighter and fire department staffing, training, safe operations, personal protective equipment, and fitness available on the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section for each of fiscal years 2010 through 2013.

The CHAIR. Pursuant to House Resolution 909, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

MR. PERLMUTTER. I want to start by thanking my friend, BART GORDON; DAVID WU; Ranking Member RALPH HALL; HARRY MITCHELL; and my friend, ADRIAN SMITH, for their leadership on this bill. They have put together a strong bill which every Member should feel proud of supporting when they speak to their local firefighters.

Members should be proud this legislation gives those local firefighters the resources they need to best keep their communities safe and secure. Members should be proud that the training, protective equipment, and personnel this bill provides could potentially save the lives of those very firefighters. My amendment will, I believe, make this bill even better.

Every year, roughly 100 firefighters die in the line duty. This is a tragedy, and each one of those brave men and women is a hero for their sacrifice. But we think some of these deaths were preventable, so we must act. Studies have shown that all too often a contributing factor in their deaths was failure to comply with national voluntary consensus standards. These national voluntary standards are developed over years of collaboration and debate within the National Fire Protection Association, which I will call the NFPA.

As the independent experts on fire policy, the NFPA has developed these standards for over a hundred years to keep communities and the firefighters who protect them safe, yet the Federal Government does not have a thorough understanding of how fire departments follow various NFPA standards. We in the Congress dedicate a great deal of

time and resources to help our fire departments, but we cannot gauge our overall effectiveness without knowing where we are successful and where we fall short.

My amendment authorizes the U.S. Fire Administration to conduct a first-of-its-kind survey of our Nation's fire departments to measure how well they are adhering to these safety standards. Once the study is complete, a task force of industry stakeholders will make recommendations to Congress on the methods to increase compliance. Especially in the post 9/11 world, where firefighters play a vital role in our homeland security, a stronger emergency response capability means a weakened threat of terrorist attack.

I should add that this amendment is nearly identical to my bill, the Firefighter Fatality Reduction Act. That bill has broad, bipartisan support of 31 Members from rural, urban, and suburban districts. It is supported by the International Association of Firefighters, the International Association of Fire Chiefs, and the National Fire Protection Association.

This amendment is simple. These safety standards can save firefighters' lives. Let us study how well our fire services are using these standards and bring in an industry task force to think creatively about ways to boost compliance. It's good for our firefighters, it's good for our local communities, and it's good for homeland security.

With that, I reserve the balance of my time.

Mr. SMITH of Nebraska. I rise to claim time in opposition to the amendment, although I do not oppose it.

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Nebraska. I would like to ask the gentleman from Colorado to enter into a colloquy regarding his amendment—a clarification.

Mr. PERLMUTTER. Yes.

Mr. SMITH of Nebraska. Thank you. I appreciate that. I thank the gentleman for offering the amendment to assess fire department readiness through a survey of compliance with national voluntary consensus standards for staffing, training, equipment, and other factors important to a department's ability to respond to hazards. I do support the amendment but would like to seek clarification for the RECORD regarding the gentleman's intent on two aspects of this amendment.

First, I recognize the value of improved data regarding fire department compliance with response standards, and I agree that we should aspire to help the fire service achieve higher compliance rates. However, I think it is important to note that a lack of compliance with these standards does not necessarily indicate a problem on the part of the department or local municipality.

There are over 25,000 fire departments in the United States, all work-

ing under unique circumstances with respect to local hazards, populations, mutual aid agreements, operating budgets, and so on. In many cases, it simply does not make sense for departments to be in full compliance with what the Federal Government would consider full compliance with these standards based on their individual circumstances, particularly in rural areas where resources are very limited.

For these reasons, I would hope that the task force established by this amendment considers these practical barriers to standards compliance in making recommendations to Congress regarding how best to improve standards compliance. I would just ask the gentleman if he would agree with this interpretation.

Mr. PERLMUTTER. I thank my friend from Nebraska. And yes, I entirely agree with him. According to the most recent U.S. Fire Administration fire department census, my own State of Colorado has 323 fire departments. Of those, 35 are career departments, 165 are volunteer departments, and 123 are combination. Each has its own needs, faces its own threats, and relies on different funding streams.

The recent downturn in the economy has hurt fire departments all across the country. So, of course, the task force established in this amendment should reflect the differences among the three types of departments and the challenges that they face.

As written, my amendment would include on the task force "representatives of national organizations representing firefighters and fire chiefs." It is a reasonable implication that volunteer firefighters are included on the task force, and I will work with the gentleman to ensure that this is the case. Although needs of each fire department are unique, I do feel there are several areas of general agreement among them, which is precisely why I propose to establish this task force. As I said, I agree with the gentleman and his concerns.

Mr. SMITH of Nebraska. I thank the gentleman from Colorado. Second, while the cost of the study called for in the gentleman's amendment is not precisely known at this time, it may be a significant undertaking. Accordingly, I hope that it is the gentleman's intent that the funding for this study, which is authorized by the Secretary of Homeland Security, not come out of the core budget for either of these grant programs or the budget of the U.S. Fire Administration.

Does the gentleman agree with this interpretation?

Mr. PERLMUTTER. Again, I agree with my friend. First, I'd like to note this survey is an undertaking which I intend to do similarly to the U.S. Fire Administration's periodic census, which determines the number of fire departments in the Nation, as well as the number of firefighters. The census is done by mail, and I would expect this survey to be done similarly or even electronically to save on costs.

To the specific point about funding, I believe FIRE and SAFER funds are best used going to fire departments. I also believe the U.S. Fire Administration is cash-strapped. This year's Homeland Security Appropriations Act funded it at \$45.6 billion. If I were an appropriator, I would have doubled that figure.

To avoid funding this provision through the grants themselves or the USFA, I have an additional authorization of appropriation from outside those funds. I wish to continue to work with the gentleman to perfect and clarify this intent.

I thank the gentleman from Nebraska and give him notice now to be aware of my Colorado Buffaloes next week. We aren't going to a bowl game this year, but our bowl game is against the University of Nebraska—and we will win.

Mr. SMITH of Nebraska. I thank the gentleman from Colorado for his graciousness, with I guess just one exception. But I appreciate the confidence he shows in his college football team.

I yield back the balance of my time.

Mr. PERLMUTTER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of Nebraska. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

□ 1400

AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting CHAIR (Mr. SERRANO). It is now in order to consider amendment No. 3 printed in part B of House Report 111-340.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk, designated as No. 3.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FLAKE:

At the end of the bill, add the following new section:

SEC. 5. PROHIBITION ON EARMARKS.

None of the funds appropriated to carry out the amendments made by this Act may be used for a congressional earmark as defined in clause 9, of Rule XXI of the rules of the House of Representatives of the 111th Congress.

The Acting CHAIR. Pursuant to House Resolution 909, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

This amendment would simply prohibit the Assistance to Firefighters Grant program and the SAFER grant

program from ever being used as vehicles for earmarking. As my colleagues are likely aware, I have offered a similar amendment several times this year. It's been adopted this year six times by voice vote and again by a roll call vote at least once.

As before, H.R. 3791 stipulates that the grant programs it authorizes are to be run on a competitive basis or on some basis based on need. While we have language prohibiting earmarking in there somewhat, this may seem redundant, but we all know that just because grant programs are labeled competitive doesn't mean that they won't be vehicles for earmarking.

In fact, we've had in some other programs, like FEMA's Pre-Disaster Mitigation program, that's a competitive grant program designed to save lives and reduce property damage by providing funds for hazard mitigation planning, acquisitions, and relocation of structures out of the flood plain; unfortunately, that program, although it's supposed to be competitive, has been completely earmarked, like 100 percent of the funds have been earmarked. We want to prevent that from happening here.

If we're going to establish a grant program and call it a competitive program, we need to ensure that it is, indeed, competitive. That's what this amendment seeks to do.

With that, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

I have no objections to this amendment. I want to point out that the underlying programs or competitive grant programs are peer reviewed by members of the fire service.

I yield back the balance of my time.

Mr. FLAKE. I yield 1 minute to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Chairman, I rise in support of this amendment. The Assistance to Firefighters Grants (AFG) and SAFER grant program have not been subject to earmarking and, instead, have been awarded to the applicants which are determined to have the greatest need. This process of awarding grants based on merit has proven effective for this program. Allowing these funds to be allocated through earmarking would pit those districts in need against those with the most powerful Members of Congress. I believe this would be a disservice to the American taxpayer. Mr. FLAKE's amendment will ensure that the funding, which we are authorizing here today for the grant programs for firefighters, continues to be allocated

through a competitive process based on need.

I urge my colleagues to support this amendment.

Mr. FLAKE. I thank the chairman of the subcommittee and also the ranking minority member for supporting the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. HOLDEN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111-340.

Mr. HOLDEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HOLDEN:

Page 24, strike line 18 and all that follows through page 25, line 3 and insert the following:

“(6) VOLUNTEER, NON-FIRE SERVICE EMS AND RESCUE ORGANIZATION.—

“(A) IN GENERAL.—The term ‘volunteer, non-fire service EMS and rescue organization’ means a public or private nonprofit emergency medical services organization that—

“(i) is not affiliated with a hospital;

“(ii) does not serve a geographic area in which the Director finds that emergency medical services are adequately provided by a fire department; and

“(iii) is staffed primarily by volunteers.

“(B) INCLUSION.—Such term includes a river rescue organization if such organization otherwise meets the definition in subparagraph (A).

Page 25, after line 7, insert the following:

“(8) RIVER RESCUE ORGANIZATION.—The term ‘river rescue organization’ means an organization that provides emergency search and rescue services to a person affected by a flood, a water-related accident, or another disaster for which services, including water rescue and patrol, dive rescue and recovery, emergency first response, flood recovery, or fire and rescue services on the water, are required.

The Acting CHAIR. Pursuant to House Resolution 909, the gentleman from Pennsylvania (Mr. HOLDEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. HOLDEN. Thank you.

First of all, Mr. Chairman, I would like to congratulate and thank Chairman GORDON and the gentleman from Nebraska for their hard work on this important piece of legislation. It has been tremendously successful all across the country and in the Commonwealth of Pennsylvania and in my congressional district.

Mr. Chairman, the purpose of my amendment is to allow river rescue associations to participate in the grant program under the Volunteer, Non-Fire Service EMS and Rescue Organizations section of the reauthorization.

Mr. Chairman, this situation was brought to my attention by Mr. Steve Ketterer of the Harrisburg River Rescue Association, which is the capital city of the Commonwealth of Pennsylvania and the largest city in my congressional district. It sits on the Susquehanna River, and the Harrisburg River Rescue Association does a tremendous job all year long, not just in flooding situations, performing rescue operations on the Susquehanna River. They have applied repeatedly to this program for a grant and have been determined to be ineligible. My amendment simply would make river rescue associations eligible under the Volunteer, Non-Fire Service EMS and Rescue Organizations section of the bill.

At the direction of the chairman and his staff, we have reached out and have had consultation with the International Association of Fire Fighters and the National Volunteer Fire Council. Both groups are satisfied with the amendment making river rescue eligible under the rescue organization section of the bill and felt it did not harm either the intention or the compromise of the bill. This would not take any funding from firefighters. This makes them eligible for funding under the EMS funding.

So I would encourage adoption of the amendment and reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized 5 minutes.

There was no objection.

Mr. SMITH of Nebraska. Mr. Chairman, this amendment would simply clarify that river rescue organizations will be eligible to apply for a grant under the program authorized by the bill. I have no objections to this amendment.

I yield back the balance of my time.

Mr. HOLDEN. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOLDEN).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CARDOZA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111-340.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CARDOZA:

Page 12, line 24, insert “including unemployment rate of the area being served” after “financial situation”.

The Acting CHAIR. Pursuant to House Resolution 909, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Thank you, Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, my district in California has been especially hard hit by the current economic crisis. Even if nationwide indicators begin to reveal a healthier national economy in the coming months, it is clear that my district and others in California's Central Valley region will suffer from severe economic underdevelopment for years to come. The 18th Congressional District's struggling economy is the reason I continue to try to use every available opportunity to push for amendments and legislation that will spur job creation and economic development and provide relief to the hardest-hit communities in the country. The Bureau of Labor Statistics ranks the metro area of Merced, Modesto, and Stockton with some of the highest unemployment rates in the Nation. All three are above 15 percent, and all three well above the national unemployment rate of 10.2 percent.

My amendment simply provides a little more direction during the grant writing process by including unemployment rates in the criteria used to evaluate these various grant applications. This will provide a little extra help to communities like Los Banos and Merced to maintain and improve their fire protection services. These and many other cities in my district and across the country have critical needs that they cannot meet under the current financial stress that they are having. Instead of hiring additional personnel and boosting employment, they are forced to lay off valuable employees and risk the safety of their communities.

I ask my colleagues on both sides of the aisle to support this commonsense amendment.

I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Chairman, I rise to claim time in opposition to the amendment. Although I am not necessarily opposed to this, I do have some concerns.

The Acting CHAIR. Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Nebraska. Thank you, Mr. Chairman.

This amendment would require that local unemployment rates be considered as a factor in awarding grants to fire departments. While I understand the current state of the economy should make this a concern in bills we consider, the Fire grant program has, since its inception 8 years ago, awarded grants competitively based upon the potential of the applicant's proposal to enhance a fire department's ability to

respond to fires and related hazards. I am somewhat concerned that this change may result in an upset in the delicate balance of consideration that has been achieved over the years.

The factors used by FEMA in evaluating these proposals have been carefully developed and refined in consultation with national fire service organizations. They include, for example, a department's geographic response area, its population served, unique hazard vulnerabilities, and its budgetary situation. All of these factors directly impact the department's ability to respond to hazards and, thus, are appropriate criteria.

I believe the gentleman's amendment is well intentioned, but I am concerned that the unemployment rate of the locality a department protects is simply not directly related to fire hazards or the department's ability to respond to them. While a fire department's operating budget could potentially be indirectly impacted by a poor local economy that impacts tax revenues, this factor is already explicitly noted in the legislation based on need.

Further, I would caution generally against the practice of Congress dictating the specific criteria to be used by FEMA in making awards. This bill codifies consideration of high-level factors that were developed by the fire service and are currently used by FEMA, but it does not attempt to incorporate new ones based on particular interests. If we begin to open up this program to congressional direction of this sort, we risk adding a level of prescription that could transform the current highly competitive process to one driven by interests unrelated to the needs of the fire service.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Chairman, I will respond to my friend and colleague that we have taken and watered this language down so that it applies to all areas. Severe unemployment is only one of many criteria that can be considered and only when the situation is a desperate situation.

We talked about our area in central California being the Katrina of California where we have such devastating consequences that we may not be able to meet some of our fire needs in our communities as they just collapsed financially. So if we find situations where we're not meeting the fire protection needs of those communities, we think that it's very important. This has just become one of many criteria in evaluating these grants. Not the sole criteria, not the most important criteria, but certainly to allow those individuals who are making the decisions to just take this into consideration. That's the purpose of my amendment.

The communities of Merced and Los Banos, in particular, have contacted my office, indicating that this is something they feel is a necessary imperative. But I can imagine cities across the country—Miami, Detroit, other places—where they may find them-

selves in similar kinds of economic situations. It might be your State by the time this bill becomes law.

So I would just say that I think it's something that is important for everyone to have as a capability to be taken into consideration. It's not something that will override the other considerations that the gentleman has outlined.

I yield back the balance of my time.

Mr. SMITH of Nebraska. Mr. Chairman, I certainly want to be sensitive to the economic conditions that hit some parts of the country harder than others, and I want to be mindful of the wise use of resources at the Federal level. I don't want to get into other policies that might impact our economy in any a very negative way. I don't have enough time to do that right now. But I certainly hope that we can arrive at good policy decisions today and down the road so that we don't stand in the way of the wise use of government and taxpayer resources.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

Mr. GORDON of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. SERRANO, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3791) to amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes, had come to no resolution thereon.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

WELCOMING INDIAN PRIME MINISTER MANMOHAN SINGH

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 890) welcoming the Prime Minister of the Republic of India, His Excellency Dr. Manmohan Singh, to the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 890

Whereas the Republic of India achieved its independence from the British Empire on