

111TH CONGRESS
1ST SESSION

H. R. 3791

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2009

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. AMENDMENT OF FEDERAL FIRE PREVENTION AND**
2 **CONTROL ACT OF 1974.**

3 Except as otherwise expressly provided, whenever in
4 this Act an amendment or repeal is expressed in terms
5 of an amendment to, or a repeal of, a section or other
6 provision, the reference shall be considered to be made to
7 a section or other provision of the Federal Fire Prevention
8 and Control Act of 1974 (15 U.S.C. 2201 et seq.).

9 **SEC. 3. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM**
10 **AMENDMENTS.**

11 (a) GRANT RECIPIENTS.—Section 33(b)(1) is amend-
12 ed—

13 (1) in subparagraph (A), by striking “State, in
14 consultation” and inserting “State or State fire
15 training academies, in consultation”; and

16 (2) in subparagraph (C), by striking “non-
17 affiliated EMS” and inserting “volunteer, non-fire
18 service EMS and rescue”.

19 (b) USE OF GRANT FUNDS.—Section 33(b)(3) is
20 amended—

21 (1) in subparagraph (B), by striking “in fire-
22 fighting,” and by inserting “in firefighting, emer-
23 gency medical services and other”;

24 (2) in subparagraph (D), by striking “inspec-
25 tors” and inserting “and building inspectors em-

1 employed by a fire department or serving as a volunteer
2 building inspector with a fire department”;

3 (3) in subparagraph (F), by striking “non-
4 affiliated EMS” and inserting “volunteer, non-fire
5 service EMS and rescue”;

6 (4) in subparagraph (H), by striking “for fight-
7 ing fires with foam in remote areas without access
8 to water, and equipment”; and

9 (5) in subparagraph (K), by striking “codes”
10 and inserting “codes and standards”.

11 (c) FIRE PREVENTION AND FIREFIGHTER SAFETY
12 PROGRAMS.—Section 33(b)(4) is amended—

13 (1) in subparagraph (A), by striking “5 per-
14 cent” and inserting “10 percent”; and

15 (2) in subparagraph (C), by striking
16 “\$1,000,000” and inserting “\$1,500,000”.

17 (d) MATCHING REQUIREMENT.—Section 33(b)(6) is
18 amended—

19 (1) in subparagraph (A), by striking “20 per-
20 cent” and inserting “10 percent”;

21 (2) by amending subparagraph B to read as fol-
22 lows:

23 “(B) REQUIREMENT FOR SMALL COMMU-
24 NITY ORGANIZATIONS.—In the case of an appli-
25 cant whose personnel serve jurisdictions of

1 20,000 or fewer residents, the percent applied
2 under the matching requirement of subpara-
3 graph (A) shall be 5 percent.”; and

4 (3) in subparagraph (C), by striking “(A)(ii)”.

5 (e) MAINTENANCE OF EXPENDITURES.—Section
6 33(b)(7) is amended by striking “above the” and inserting
7 “above 80 percent of the”.

8 (f) VARIETY OF FIRE DEPARTMENT GRANT RECIPI-
9 ENTS.—Section 33(b)(9) is amended to read as follows:

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

12 “(A) IN GENERAL.—Of the amounts made
13 available under subsection (e), the Director
14 shall ensure that grants under paragraph
15 (1)(A) for a fiscal year are allocated, to the ex-
16 tent that there are eligible applicants to carry
17 out the activities under paragraph (3), as fol-
18 lows:

19 “(i) 25 percent shall be made avail-
20 able to career fire departments;

21 “(ii) 25 percent shall be made avail-
22 able to volunteer fire departments; and

23 “(iii) 25 percent shall be made avail-
24 able to combination fire departments.

1 “(B) PRIORITY FOR HIGH POPULATION
2 AND INCIDENT RESPONSE.—In awarding grants
3 under paragraph (1)(A), the Director shall give
4 priority within each category of applicants
5 under subparagraph (A) to an applicant that is
6 serving an area with high population and with
7 a high number of incidents requiring a re-
8 sponse.

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

18 (g) RECIPIENT LIMITATIONS.—Section 33(b)(10) is
19 amended—

20 (1) by amending subparagraph (A) to read as
21 follows:

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

24 “(i) that serves a jurisdiction with
25 100,000 people or less may not receive

1 grants in excess of \$1,000,000 for any fis-
2 cal year;

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

7 “(iii) that serves a jurisdiction with
8 500,000 people or more but less than
9 1,000,000 people may not receive grants in
10 excess of \$3,000,000 for any fiscal year;

11 “(iv) that serves a jurisdiction with
12 1,000,000 people or more but less than
13 2,500,000 people may not receive grants in
14 excess of \$6,000,000 for any fiscal year;
15 and

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

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

25 (2) by striking subparagraph (B);

1 (3) by redesignating subparagraph (C) as sub-
2 paragraph (B);

3 (4) by inserting after subparagraph (B), as re-
4 designated by paragraph (3) of this Act, the fol-
5 lowing new subparagraph:

6 “(C) STATE FIRE TRAINING ACADEMIES.—

7 “(i) IN GENERAL.—To the extent that
8 there are eligible applicants and in accord-
9 ance with clause (ii), the Director shall
10 award not more than 3 percent of the
11 amounts made available under subsection
12 (e) for grants under this subsection for
13 State fire training academies.

14 “(ii) LIMITATION.—The Director shall
15 not make a grant to a State fire training
16 academy in excess of \$1,000,000 and shall
17 ensure that any grant awarded to a State
18 fire training academy shall be used for the
19 purposes described in paragraphs 3(G),
20 3(H), and 3(I).”;

21 (5) in subparagraph (E)—

22 (A) in the heading, by striking “NON-
23 AFFILIATED EMS” and inserting “VOLUNTEER,
24 NON-FIRE SERVICE EMS AND RESCUE ORGANI-
25 ZATIONS”; and

1 (B) in the text, by striking “nonaffiliated
2 EMS” and inserting “volunteer, non-fire service
3 EMS and rescue”;

4 (6) in subparagraph (F)—

5 (A) in the heading, by striking “NON-
6 AFFILIATED EMS” and inserting “VOLUNTEER,
7 NON-FIRE SERVICE EMS AND RESCUE”; and

8 (B) in the text, by striking “nonaffiliated
9 EMS” and inserting “volunteer, non-fire service
10 EMS and rescue”; and

11 (7) by adding at the end the following:

12 “(G) CONSENSUS STANDARDS.—Any grant
13 amounts used to obtain training under this sec-
14 tion shall be limited to training that complies
15 with applicable national voluntary consensus
16 standards (if applicable national voluntary con-
17 sensus standards have been established).”.

18 (h) ECONOMIC HARDSHIP WAIVER.—Section
19 33(b)(11) is amended to read as follows:

20 “(11) ECONOMIC HARDSHIP WAIVER.—

21 “(A) IN GENERAL.—In exceptional cir-
22 cumstances, the Director may waive or reduce
23 the matching requirement under paragraph (6)
24 and the maintenance of expenditures require-

1 ment under paragraph (7) for applicants facing
2 demonstrated economic hardship.

3 “(B) CRITERIA DEVELOPMENT.—The cri-
4 teria under which the Director may waive or re-
5 duce such requirements shall be developed in
6 consultation with individuals who are—

7 “(i) recognized for expertise in fire-
8 fighting, emergency medical services pro-
9 vided by fire services, or the economic af-
10 fairs of State and local governments; and

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

15 “(C) PUBLIC AVAILABILITY.—Criteria de-
16 veloped under subparagraph (B) shall be made
17 publicly available.”.

18 (i) GUIDELINES.—Section 33(b)(14)(A) is amend-
19 ed—

20 (1) in clause (i), by striking “and” after the
21 semicolon;

22 (2) in clause (ii), by striking the period at the
23 end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(iii) the criteria developed under
2 paragraph (11) which the Director will use
3 to evaluate applicants for waivers from
4 program requirements.”.

5 (j) DEFINITIONS.—Section 33(d) is amended—

6 (1) in paragraph (2), by striking “and” after
7 the semicolon;

8 (2) in paragraph (3), by striking the period at
9 the end and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(4) the term ‘career fire department’ means a
12 firefighting department that has an all professional
13 force of firefighting personnel;

14 “(5) the term ‘combination fire department’
15 means a firefighting department that has a com-
16 bined force of professional and volunteer firefighting
17 personnel; and

18 “(6) the term ‘volunteer fire department’ means
19 a firefighting department that has an all volunteer
20 force of firefighting personnel.”.

21 (k) AUTHORIZATION OF APPROPRIATIONS.—Section
22 33(e) is amended to read as follows:

23 “(e) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) IN GENERAL.—There are authorized to be
25 appropriated for the purposes of this section

1 \$1,000,000,000 for each of the fiscal years 2010
2 through 2014.

3 “(2) ADMINISTRATIVE EXPENSES.—

4 “(A) IN GENERAL.—Of the funds appro-
5 priated pursuant to paragraph (1) for a fiscal
6 year, the Director may use not more than 3
7 percent of the funds to cover salaries and ex-
8 penses and other administrative costs incurred
9 by the Director to make grants and provide as-
10 sistance under this section.

11 “(B) FORMULA.—The Director shall sub-
12 tract the amount to be used for subparagraph
13 (A) from the amount appropriated pursuant to
14 paragraph (1) before making any allocations or
15 apportioning any funds under subsection (b).”.

16 **SEC. 4. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE**
17 **GRANT PROGRAM.**

18 (a) AMENDMENTS TO SUBSECTION (a).—Section
19 34(a) is amended—

20 (1) in paragraph (1)—

21 (A) in subparagraph (B)—

22 (i) in clause (i), by striking “4 years”
23 and inserting “3 years”;

24 (ii) in clause (ii), by striking “1 year
25 beyond the termination of their grants”

1 and inserting “the entire 3 years of the
2 grant period”; and

3 (iii) by adding at the end the fol-
4 lowing new clause:

5 “(iii) The portion of the cost of hiring
6 firefighters provided by a grant under this
7 paragraph may not exceed 80 percent of
8 such cost for each fiscal year.”;

9 (B) in subparagraph (C), by striking “sub-
10 subparagraph (E)” and inserting “subparagraph
11 (B)(iii)”;

12 (C) by striking subparagraph (E); and

13 (D) by redesignating subparagraphs (F)
14 through (H) as subparagraphs (E) through (G),
15 respectively; and

16 (2) in paragraph (2)—

17 (A) by striking “paragraph (1)(H)” and
18 inserting “paragraph (1)(G)”;

19 (B) by striking “departments, and organi-
20 zations on a local or statewide” and inserting
21 “departments and organizations on a local,
22 statewide, or national”.

23 (b) AMENDMENT TO SUBSECTION (b).—Section
24 34(b)(3)(B) is amended by striking “subsection

1 (a)(1)(B)(ii) and (F)” and inserting “subparagraphs
2 (B)(ii) and (E) of such subsection”.

3 (c) AMENDMENT TO SUBSECTION (c).—Section
4 34(c)(4) is amended to read as follows:

5 “(4) WAIVER.—In exceptional circumstances,
6 the Administrator may waive the requirements of
7 subsections (a)(1)(B)(ii), (a)(1)(B)(iii), and para-
8 graphs (1) and (2) of this subsection if the Adminis-
9 trator determines that the jurisdiction is facing dem-
10 onstrated economic hardship in accordance with sec-
11 tion 33(a)(11).”.

12 (d) AMENDMENT TO SUBSECTION (e).—Section 34(e)
13 is amended by striking “of this section” each place it ap-
14 pears and by inserting “of the Fire Grants Reauthoriza-
15 tion Act of 2009”.

16 (e) AMENDMENT TO SUBSECTION (i).—Section 34(i)
17 is amended by striking “this section” and all that follows
18 through the period at the end and inserting “this section
19 \$1,194,000,000 for each of fiscal years 2010 through
20 2014.”

21 (f) TECHNICAL AND CONFORMING AMENDMENT.—
22 Section 34 is amended—

23 (1) by striking “Administrator” each place it
24 appears and inserting “Director”; and

25 (2) in subsection (h)—

1 (A) by redesignating paragraphs (1) and
2 (2) as paragraphs (2) and (3), respectively; and

3 (B) by inserting before paragraph (2) (as
4 so redesignated) the following:

5 “(1) ‘Director’ means the Director, acting
6 through the Administrator;”.

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