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108TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { REPORT 108–245

UNITED STATES FIRE ADMINISTRATION AUTHORIZATION ACT OF 2003

AUGUST 4, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BOEHLERT, from the Committee on Science, submitted the following

R E P O R T

[To accompany H.R. 2692]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (H.R. 2692) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 for fiscal years 2004 through 2006, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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I. AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Fire Administration Authorization Act of 2003".

SEC. 2. UNITED STATES FIRE ADMINISTRATOR.

Notwithstanding section 1513 of the Homeland Security Act of 2002 (6 U.S.C. 553), the Administrator of the United States Fire Administration shall continue to be appointed and compensated as provided under section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)).

SEC. 3. NATIONAL RESIDENTIAL FIRE SPRINKLER STRATEGY.

Section 30 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2226) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Director, acting"; and

(2) by adding at the end the following new subsection:

"(b) NATIONAL RESIDENTIAL FIRE SPRINKLER STRATEGY.—The Administrator shall develop and implement a strategy for promoting the installation and use of residential fire sprinklers. The strategy shall include—

"(1) advocacy and informational support to relevant stakeholders, including builders, insurers, and State and local decisionmakers;

"(2) promotion of residential sprinklers in residences supported by the Federal Government;

"(3) a particular focus on residences—

"(A) at high risk to fire hazards; and

"(B) with occupants at high risk to fire hazards, such as senior citizens and persons with disabilities; and

"(4) a particular focus on localized fire suppression in high-risk areas of residences.".

SEC. 4. SUPPORT FOR TRAINING TO FIGHT MARITIME FIRES.

Subsection (b)(3)(B) of the first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)(B)) is amended by inserting "maritime firefighting," after "arson prevention and detection,".

SEC. 5. FIREFIGHTER ASSISTANCE GRANTS PROGRAM.

The first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by striking "Director" each place it appears and inserting "Administrator";

(2) by amending subsection (b)(2) to read as follows:

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

(3) in subsection (e)(2), by striking "operate the office established under subsection (b)(2) and".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended by striking "to carry out the purposes" and all that follows through the end of subparagraph (K) and inserting "to the Administrator to carry out the purposes of this Act, other than the firefighter assistance program under section 33—

"(A) $58,928,000 for fiscal year 2004;

"(B) $60,700,000 for fiscal year 2005; and

"(C) $62,520,000 for fiscal year 2006.".

SEC. 7. COURSES AND TRAINING ASSISTANCE.

Section 7(l) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(l)) is amended by adding at the end the following: "The Superintendent shall offer, at the Academy and at other sites, courses and training assistance as necessary to accommodate all geographic regions and needs of career and volunteer firefighters.".

SEC. 8. NEW FIREFIGHTING TECHNOLOGY.

(a) IN GENERAL.—Section 8 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) DEVELOPMENT OF NEW TECHNOLOGY.—

"(1) IN GENERAL.—In addition to, or as part of, the program conducted under subsection (a), the Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties, shall—

"(A) develop new, and utilize existing, measurement techniques and testing methodologies for evaluating new firefighting technologies, including—

"(i) personal protection equipment;

"(ii) devices for advance warning of extreme hazard;

"(iii) equipment for enhanced vision;

"(iv) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;

"(v) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;

"(vi) equipment and methods for training, especially for virtual reality training; and

"(vii) robotics and other remote-controlled devices;

"(B) evaluate the compatibility of new equipment and technology with existing firefighting technology; and

"(C) support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies based on techniques and methodologies described in subparagraph (A).

"(2) STANDARDS FOR NEW EQUIPMENT.—(A) The Administrator shall, by regulation, require that new equipment or systems purchased through the assistance program established by section 33 meet or exceed applicable voluntary consensus standards for such equipment or systems for which applicable voluntary consensus standards have been established. The Administrator may waive the requirement under this subparagraph with respect to specific standards.

"(B) If an applicant for a grant under section 33 proposes to purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that do meet or exceed such standards.

"(C) In making a determination whether or not to waive the requirement under subparagraph (A) with respect to a specific standard, the Administrator shall, to the greatest extent practicable—

"(i) consult with grant applicants and other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

"(ii) take into consideration the explanation provided by the applicant under subparagraph (B); and

"(iii) 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.

"(D) Applicants that apply for a grant under the terms of subparagraph (B) may include a second grant request in the application to be considered by the Administrator in the event that the Administrator does not approve the primary grant request on the grounds of the equipment not meeting applicable voluntary consensus standards.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended by adding at the end the following:

"(i) DEVELOPMENT OF NEW TECHNOLOGY.—In addition to sums otherwise authorized under this Act, there are authorized to be appropriated to the Administrator to carry out section 8(e)—

"(1) $2,200,000 for fiscal year 2004;

"(2) $2,250,000 for fiscal year 2005; and

"(3) $2,300,000 for fiscal year 2006.".

SEC. 9. COORDINATION OF RESPONSE TO NATIONAL EMERGENCY.

(a) IN GENERAL.—Section 10 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2209) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) MUTUAL AID SYSTEMS.—

"(1) IN GENERAL.—The Administrator, after consultation with the Director of the Federal Emergency Management Agency, shall provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies that—

"(A) include threat assessment and equipment deployment strategies;

"(B) include means of collecting asset and resource information to provide accurate and timely data for regional deployment; and

"(C) are consistent with the Federal Emergency Management Agency's Federal Response Plan.

"(2) MODEL MUTUAL AID PLANS.—The Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance.".

(b) REPORT ON STRATEGIC NEEDS.—Within 90 days after the date of enactment of this Act, the Administrator of the United States Fire Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the need for a strategy concerning deployment of volunteers and emergency response personnel (as defined in section 6 of the Firefighters' Safety Study Act (15 U.S.C. 2223e), including a national credentialing system, in the event of a national emergency.

(c) UPDATE OF FEDERAL RESPONSE PLAN.—Within 180 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall—

(1) revise that Agency's Federal Response Plan to incorporate plans for responding to terrorist attacks, particularly in urban areas, including fire detection and suppression and related emergency services; and

(2) transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing the action taken to comply with paragraph (1).

SEC. 10. TRAINING.

(a) IN GENERAL.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by striking "and" after the semicolon in subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (N); and

(3) by inserting after subparagraph (E) the following:

"(F) strategies for building collapse rescue;

"(G) the use of technology in response to fires, including terrorist incidents and other national emergencies;

"(H) response, tactics, and strategies for dealing with terrorist-caused national catastrophes;

"(I) use of and familiarity with the Federal Emergency Management Agency's Federal Response Plan;

"(J) leadership and strategic skills, including integrated management systems operations and integrated response;

"(K) applying new technology and developing strategies and tactics for fighting forest fires;

"(L) integrating terrorism response agencies into the national terrorism incident response system;

"(M) response tactics and strategies for fighting fires at United States ports, including fires on the water and aboard vessels; and".

(b) CONSULTATION ON FIRE ACADEMY CLASSES.—The Superintendent of the National Fire Academy may consult with other Federal, State, and local agency officials in developing curricula for classes offered by the Academy.

(c) COORDINATION WITH OTHER PROGRAMS TO AVOID DUPLICATION.—The Administrator of the United States Fire Administration shall, where appropriate, coordinate training provided under section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the heads of other Federal agencies—

(1) to ensure that such training does not duplicate existing courses available to fire service personnel; and

(2) to establish a mechanism for eliminating duplicative training programs.

II. Purpose of the Bill

The purpose of the bill is to reauthorize the programs of the United States Fire Administration (USFA).

III. Background and Need for the Legislation

GENERAL

In the early 1970s, a report by the President's National Commission on Fire Prevention and Control entitled America Burning presented a dismal assessment of fire safety in the United States. The report found that nearly 12,000 citizens and 250 firefighters were lost to fire annually, in addition to approximately 300,000 injuries.

In response to the report, Congress created the USFA and the National Fire Academy. The USFA, housed within the Federal Emergency Management Agency (FEMA) and located in Emmitsburg, Maryland, is charged with helping to prevent and limit fire-related losses. Its activities revolve around four primary areas: training, public education, research, and data collection and analysis. On March 1, 2003, USFA and FEMA officially became part of the Emergency Preparedness and Response Directorate of the Department of Homeland Security (DHS).

When the USFA was established in 1974, its goal was to reduce by half the number of fire-related fatalities in the nation—bringing the number to approximately 6,000 or less per year within a generation. The agency met this goal, and by 1998 civilian fire deaths were at their lowest level. Additionally, using nearly any measure—number of fires, deaths, injuries, or property losses—the statistics also reflect a declining trend.

Despite this significant progress, the United States still has one of the worst fire safety records in the industrialized world. The per capita death rate remains two to three times that of several European nations and at least 20 percent higher than most developed countries. Fire remains the cause of approximately 3,700 deaths and $11 billion in economic damages each year, and every 18 seconds a fire department responds to a call somewhere in the United States.

USFA ORGANIZATION AND PROGRAMS

USFA's mission is to provide leadership, coordination, and support for the nation's fire prevention and control, fire training and education, and emergency medical services activities, particularly for America's 26,350 fire departments. USFA's five-year operational objectives, established in 2000, aim to reduce the loss of life from fire in the United States by 15 percent, through targeted reductions of 25 percent for high-risk populations: children 14 years and below, adults 65 years and above, and firefighters.

USFA programs include the following:

Assistance to Firefighters Grant Program.—The Assistance to Firefighters Grant Program (Also known as the FIRE Act Grant Program) at USFA was established by Congress in 2000 (P.L. 106–398) to provide, through competitively awarded matching grants, direct financial assistance to local fire departments for basic equipment and training needs. The following year, the fiscal year (FY) 2002 Defense Authorization bill (P.L. 107–107) reauthorized the

program through FY 2004 at a level of $900 million. The FY 2004 budget request for the program is $500 million.

Data Collection.—USFA's National Fire Data Center (NFDC) administers a national system for collecting, analyzing and disseminating data and information on fire and other emergency incidents to State and local governments and the fire community. The NFDC provides a national analysis of the fire problem, identifying problem areas for which prevention and mitigation strategies are needed.

Public Education and Awareness.—Through partnerships and special initiatives, USFA involves the fire service, the media, other federal agencies and safety interest groups in the development and delivery of fire safety awareness and education programs. These programs are targeted at those groups most vulnerable to the hazards of fire, including the young, elderly, and disabled. For example, USFA recently announced the development of an aggressive plan to advocate increased use of residential fire sprinklers, which have become significantly more effective and less costly due to new technology, but which are utilized in only a very small percentage of homes.

Training.—USFA's National Fire Academy offers educational opportunities for the advanced professional development of mid-level and senior fire and emergency medical service officers and allied professionals involved in fire prevention and life safety activities. The Academy develops and delivers educational and training programs with a national focus that is aimed at supplementing and supporting State and local fire service training. In 2002, the Academy trained almost 8,000 firefighters in various courses at Academy headquarters in Emmitsburg, 86,000 firefighters through off-campus training programs (primarily administered through support of state training programs), and 195,000 through its distance-learning program. It is estimated that NFA has trained over 1.4 million students through on-campus and off-campus training programs since its establishment in 1975.

In 2003, an organizational change within FEMA as part of the agency's transfer into the Department of Homeland Security resulted in the transfer of FEMA's Emergency Management Institute (EMI) into USFA. Through a combination of on-campus, off-campus, and distance learning courses similar to those at NFA, EMI serves as the focal point for the development and delivery of emergency incident management training. Together, EMI and NFA now comprise USFA's National Emergency Training Center (NETC), also headquartered in Emmitsburg, Maryland.

Research.—Through research, testing and evaluation, USFA works with public and private entities to promote and improve fire and life safety. For FY 2003, USFA research activities were authorized at $3.5 million. These activities are administered in cooperation with the Building and Fire Research Laboratory (BFRL) at the National Institutes of Standards and Technology (NIST). For example, USFA–NIST cooperative research focusing on residential fire protection technologies successfully resulted in the development and enhancement of national consensus standards for sprinkler applications for residential occupancies—where most fire deaths occur.

The current USFA authorization legislation (P.L. 106–503) directs USFA to work with NIST, private organizations, and State and local government to develop a prioritized research agenda for the agency. The agenda, completed in 2001, identified as top priorities research projects that focus on improving the safety of high-risk populations such as children, senior citizens, and firefighters, reflecting USFA's agency-wide fire safety goals.

Budget.—The President's FY 2004 budget request for USFA "base" activities (those except for the Assistance to Firefighters Grant Program), is $58.9 million, a 47 percent increase above the FY 2003 request. The current authorization for USFA base activities is the U.S. Fire Administration Authorization Act of 2000 (P.L. 106–503), which was signed into law on November 13, 2000. It authorizes $44.75, $47.80, and $50.0 million for USFA activities in fiscal years 2001 through 2003, respectively.

IV. Summary of Hearings

On Thursday, July 17, 2003, the Research Subcommittee of the House Science Committee held a hearing to examine United States Fire Administration (USFA) programs and activities. Witnesses provided comments on, and recommendations for additions to, H.R. 2692, the U.S. Fire Administration Authorization Act of 2003, introduced by Chairman Smith of Michigan and Representative Johnson of Texas on July 10, 2003.

The Committee heard testimony from Representative Camp of Michigan on the need for performance measures for firefighting equipment and his legislation, H.R. 545, the Firefighting Research and Coordination Act. The Committee also heard testimony from the U.S. Fire Administrator, Mr. David Paulison, who is also Director of the Preparedness Division of the Emergency Preparedness & Response Directorate in the Department of Homeland Security; Dr. Arden Bement, the Director of the National Institute of Standards and Technology; Mr. Dennis Compton, the immediate past Chair of the Board for the International Fire Service Training Association; and Dr. John Hall, the Assistant Vice-President for Fire Analysis and Research at the National Fire Protection Association (NFPA). Witnesses described the status of traditional USFA activities, such as public education and outreach, fire research and data analysis, and emergency responder training programs; the status of the USFA Assistance to Firefighters Grant Program and any suggestions for modifications to this program; the need for development of testing methodologies and standards for new firefighting technologies; and the status of USFA-supported fire research programs.

V. Committee Actions

On July 10, 2003, Science Committee Research Subcommittee Chairman Nick Smith and Ranking Member Eddie Bernice Johnson introduced H.R. 2692, the U.S. Fire Administration Authorization Act of 2003, a bill to reauthorize the programs of the U.S. Fire Administration.

The Research Subcommittee of the Committee on Science met on Thursday, July 17, 2003, to consider the bill.

• An Amendment in the nature of a substitute was offered by Chairman Smith, which made technical changes to the bill and

added provisions from H.R. 545 to (1) provide support for development of voluntary consensus standards for firefighting equipment and technology; (2) establish nationwide and State mutual aid systems for dealing with national emergencies, and (3) authorize the National Fire Academy to train firefighters to respond to acts of terrorism and other national emergencies. The amendment was adopted by a voice vote.

Ms. Johnson moved that the Subcommittee favorably report the bill, H.R. 2692, as amended, to the Full Committee on Science with the recommendation that it be in order for the amendment, in the nature of a substitute adopted by the Subcommittee, to be considered as an original bill for the purpose of amendment under the five minute rule at Full Committee, and that staff be instructed to make technical and conforming changes to the bill as amended. With a quorum present, the motion was agreed to by a voice vote.

The Full Committee on Science met on Tuesday, July 22, 2003, to consider the bill.

• An Amendment was offered by Research Subcommittee Chairman Smith, which made technical changes to the bill and revised the provisions related to the need for equipment purchased through the Assistance to Firefighters Grant Program to meet or exceed applicable voluntary consensus standards. The revision provides the U.S. Fire Administrator with the authority to waive the requirement if he deems grant applicants may benefit more from the purchase of equipment that does not meet or exceed the standards. The amendment was adopted by a voice vote.

Mr. Hall moved that the Committee favorably report the bill, H.R. 2692, as amended, to the House with the recommendation that the bill as amended do pass, and that the staff be instructed to make technical and conforming changes to the bill as amended and prepare the legislative report and that the Chairman take all necessary steps to bring the bill before the House for consideration. With a quorum present, the motion was agreed to by a voice vote.

VI. Summary of Major Provisions of the Bill

• Authorizes appropriations for base activities at the U.S. Fire Administration of $58.928, $60.7, and $62.52 million annually for fiscal years 2004 through 2006, respectively. The base activities revolve around four primary areas: training, public education, research, and data collection and analysis. When the Assistance to Firefighters Grant Program was established in 2001, it was authorized through 2004, and thus this program is not included in these reauthorized appropriations amounts.

• Reinstates the position of U.S. Fire Administrator as a Presidentially-appointed, Senate-confirmed position, which was eliminated by a provision in last year's legislation establishing the Department of Homeland Security (P.L 107–296).

• Transfers ultimate responsibility for administration of the Assistance to Firefighters Grant Program from the Director of FEMA to the U.S. Fire Administrator.

• Directs the U.S. Fire Administrator, in consultation with other agencies and groups, to use existing, and develop new standards for and ways to evaluate the performance of firefighting technologies. Requires the U.S. Fire Administrator to support the development of new voluntary consensus standards for such tech-

nologies. Requires that new equipment or systems purchased through the Assistance to Firefighters Grant Program meet or exceed applicable voluntary consensus standards. Provides the U.S. Fire Administrator with the authority to waive this requirement with respect to specific standards. Authorizes appropriations of $2,200,000, $2,250,000, and $2,300,000 for fiscal years 2004 through 2006 to carry out these standards-related efforts. (These appropriations are in addition to those authorized for USFA base activities.)

• Requires the U.S. Fire Administrator to establish nationwide and State mutual aid systems for dealing with national emergencies, addressing problems associated with the self-dispatching of firefighters and fire departments.

• Authorizes the National Fire Academy to develop more training courses and curriculum for preparing firefighters to respond to terrorist attacks.

VII. Section-by-Section Analysis (by Title and Section)

SECTION 1. SHORT TITLE

"United States Fire Administration Authorization Act of 2003".

SECTION 2. UNITED STATES FIRE ADMINISTRATOR

Preserves the position of U.S. Fire Administrator as a Presidentially-appointed, Senate-confirmed position.

SECTION 3. NATIONAL RESIDENTIAL FIRE SPRINKLER STRATEGY

Requires the Administrator to develop and implement a strategy for promoting the installation and use of residential fire sprinklers. Requires strategy to include advocacy and informational support to relevant stakeholders, with a particular focus on residences at high risk to fire hazards and occupants at high risk to fire hazards (such as senior citizens and persons with disabilities).

SECTION 4. SUPPORT FOR TRAINING TO FIGHT MARITIME FIRES

Amends the Assistance to Firefighters Grant Program to allow support for training to fight maritime fires as an eligible grant activity.

SECTION 5. FIREFIGHTERS ASSISTANCE GRANTS PROGRAM

Transfers responsibility for administration of the program from the Director of the Federal Emergency Management Agency (FEMA) to the Administrator of the U.S. Fire Administration (USFA).

SECTION 6. AUTHORIZATION OF APPROPRIATIONS

Authorizes appropriations for USFA of $58,928,000, $60,700,000, and $62,520,000 annually for fiscal years 2004 through 2006, respectively.

SECTION 7. COURSES AND TRAINING ASSISTANCE

Clarifies that National Fire Academy Superintendent, in offering training courses, work to accommodate as many geographic areas and needs of firefighters as possible.

SECTION 8. NEW FIREFIGHTING TECHNOLOGY

Directs the U.S. Fire Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, national voluntary consensus standards development organizations, and other interested parties, to develop new, and utilize existing, measurement techniques and testing methodologies for evaluating the performance of new firefighting technology.

Requires the U.S. Fire Administrator to evaluate the compatibility of new equipment and technology with existing firefighter technology, and support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies.

Requires that new equipment or systems purchased through the Assistance to Firefighters Grant Program meet or exceed applicable voluntary consensus standards. For fire departments applying for grants to purchase equipment that does not meet applicable voluntary consensus standards, requires applicants to include in their applications an explanation of why the equipment will serve their needs better than equipment that does meet the standards. Provides the U.S. Fire Administrator with the authority to waive this requirement with respect to specific standards.

Authorizes appropriations of $2,200,000, $2,250,000, and $2,300,000 for fiscal years 2004 through 2006 to carry out this section. These appropriations are in addition to those authorized under section 6.

SECTION 9. COORDINATION OF RESPONSE TO NATIONAL EMERGENCY

Directs the U.S. Fire Administrator to provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies.

Directs the U.S. Fire Administrator to provide a report to Congress on the need for a strategy concerning deployment of volunteers and emergency response personnel, including a national credentialing system, in the event of a national emergency. Directs the Director of the Federal Emergency Management Agency to revise that Agency's Federal Response Plan to incorporate plans for responding to terrorist attacks, including fire detection and suppression and related emergency services.

SECTION 10. TRAINING

Authorizes the Superintendent of the National Fire Academy conduct training in a variety of additional areas related to responding to terrorist events, fighting forest fires, and fighting fires at ports, including fires on the water and aboard vessels.

Authorizes the Superintendent of the National Fire Academy to consult with other Federal, State, and local government officials in developing curricula for classes at the Academy. Requires the U.S. Fire Administrator to coordinate fire-fighter training with the heads of other Federal agencies, to ensure that such training does not duplicate existing courses available to fire service personnel and to establish a mechanism for eliminating duplicative training programs.

VIII. Committee Views

GENERAL VIEWS

USFA's mission is to reduce the loss of life and property because of fire and related emergencies. Each year, fire injures and kills more Americans than all natural disasters combined. Death rates by fire in the United States are among the highest in the industrialized world.

USFA, as the lead federal agency tasked with working with the fire services community, has supported public education, training, and technology initiatives to this end for almost 30 years. The Committee on Science believes that, in the post-9/11 environment and with the creation of the Department of Homeland Security, it is more important than ever that we commit the necessary resources to USFA for helping America's fire departments be prepared to respond to all types of emergencies.

The Committee wants to emphasize the importance of continuing programs at the National Fire Academy. In April of this year, the Department of Homeland Security (DHS) announced that 36 of the Academy's resident courses were being eliminated as a result of budget cuts. While those courses were restored shortly thereafter, the Committee recognizes the valuable and exclusive training services provided by the Academy, and advises USFA to make every effort to avoid any reduction of courses in the case of further budget cuts in the future.

The Committee has become increasingly frustrated with USFA's lack of responsiveness to Congressional requests. The Committee notes that it did not receive FY 2004 budget request numbers from USFA until the middle of July, and that those numbers were missing important details the Committee was interested in obtaining. While the Committee understands some of this is due to the complications associated with the agency becoming part of the new Department, it expects the problem to be remedied in the near future. Further, the Committee believes the Administration should include in its annual budget request a line for the total USFA request within the DHS Emergency Preparedness and Response Directorate's Preparedness Division.

UNITED STATES FIRE ADMINISTRATOR

Section 2 of this legislation reinstates the position of U.S. Fire Administrator as a Presidentially appointed, Senate-confirmed position. The law creating DHS eliminated this position (apparently inadvertently). The U.S. Fire Administrator plays an important role in the Nation's fire control policy by serving as the federal point of contact for the fire services, and also by contributing to broader homeland security initiatives within DHS. For these reasons, the Committee believes that it is vitally important that this position not be eliminated and that USFA retain its identity as FEMA transitions into DHS.

NATIONAL RESIDENTIAL FIRE SPRINKLER STRATEGY

Section 3 of this legislation authorizes the Fire Administrator to begin an aggressive strategy to advocate the use of residential fire sprinklers. Residential fires cause roughly 80 percent of all fire

deaths and all fire-related injuries each year. National Fire Protection Association statistics show that, equipped with automatic residential fire sprinklers and smoke detectors, survivability of a fire is elevated to 95 percent. There is not a single documented case of multiple person deaths from a residence with working fire sprinklers. Further, while the cost of installing sprinklers has dramatically declined in recent years to approximately just $0.50 per square foot for new construction, few residential owners, builders, or occupants are choosing to employ fire sprinklers. The Committee believes that an aggressive, targeted education and advocacy strategy could significantly increase the installation rates of fire sprinklers and consequently help reduce the loss of life and property due to fires.

The Committee is aware that high-pressure water mist systems can often provide equivalent levels of fire safety relative to a residential sprinkler system, however, typically at significantly higher costs. The Committee recognizes that, as these water mist systems become more economically competitive with more traditional sprinkler systems, the Administrator may incorporate advocacy of these systems into the broader overall strategy.

SUPPORT FOR TRAINING TO FIGHT MARITIME FIRES

Currently, training for maritime firefighting is not listed among the eligible activities for which fire departments may apply under the Assistance to Firefighters grant program. At the hearing before the Full Science Committee on October 2, 2002, witnesses testified to the need for this type of training, noting that the Coast Guard and Merchant Marine firefighting teams are not always responsible for fires on America's Coastal Waterways. With commerce and other traffic highly dependent on our waterways, it is important that local first responders are adequately trained to respond to maritime fires. The Committee believes that a need exists for this type of training, and that departments should be eligible for it through the section 33 grant program.

ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM

The Committee is concerned with the ongoing attempts to transfer the Assistance to Firefighters grant program out of USFA. The Committee understands and supports the notion that there is merit to consolidating duplicative programs for increased efficiency of our federal support for emergency responders. However, the Committee believes that the goals and objectives of the firefighters grant program—helping fire departments meet equipment and training needs for basic day-to-day firefighting—are quite different from other homeland security grant programs designed to better prepare first responders to defend against terrorism. The Committee strongly believes that the Assistance to Firefighters grant program should continue to be administered by those who best understand the needs of the fire services. To that end, the legislation transfers responsibility for administration of the program from the Director of FEMA to the U.S. Fire Administrator. This will not result in any functional changes to the grant program but instead clarifies the existing structure, and sends an important message that the Committee believes that the grant program's proper home is within USFA.

AUTHORIZATION OF APPROPRIATIONS

The authorized funding levels set in the legislation are intended to reflect the administration's fiscal year 2004 request for USFA "base" activities (those excluding the firefighters grants program) of $58.9 million, with approximately 3 percent increases in fiscal years 2005 and 2006. This request level includes authorized funding for USFA's Emergency Management Institute (EMI), which was transferred into USFA in early 2003 as part of a FEMA organizational change.

COURSES AND TRAINING ASSISTANCE

Section 7 of the legislation requires the Superintendent of the National Fire Academy (NFA) to, in developing and offering courses, work to accommodate as many geographic regions and needs of firefighters as possible. The Committee believes that it is important that NFA, as the premiere training academy for the fire services, ensure that firefighters from all the major geographic regions of the country have an opportunity to participate in NFA courses.

NEW FIREFIGHTING TECHNOLOGY

The fire services have identified the lack of available standards for an increasing amount of new equipment and systems as a growing problem for fire departments. Concerns have arisen that too many fire departments may be purchasing equipment that will not adequately satisfy their needs, or may even be faulty. Section 8 of the legislation directs USFA, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, national voluntary consensus standards development organizations, and other interested parties, to develop new, and utilize existing measurement techniques and testing methodologies for evaluating the performance of new firefighting technology.

Section 8 also requires that equipment purchased through the USFA Assistance to Firefighters grant program meet or exceed applicable voluntary consensus standards. While the Committee is in agreement on the benefits of standardizing new technologies and the importance of ensuring that federal funds do not go toward the purchase of faulty or defective equipment and systems, the Committee also agreed that situations might arise where fire departments needs could be met by equipment that does not meet the standards. To that end, the legislation allows fire departments applying for grants to purchase equipment that does not meet applicable voluntary consensus standards to provide an explanation of why the equipment will serve their needs better than equipment that does meet the standards. In situations where this does occur, the Committee expects the peer review panel assembled by the Administrator to review the grants to comment on the applicant's explanation. The Committee also expects the Administrator, to the extent practicable, to consult with grant applicants and other relevant experts to determine the impact of the standard on the applicant, and the legislation provides the U.S. Fire Administrator with the authority to waive this requirement with respect to specific standards and in specific cases. Lastly, because of concerns that

some departments may be hesitant to apply for equipment that does not meet standards even though they feel it meets their needs, the legislation provides that applicants may submit a second application in concert with their first application, to be considered by the Administrator only if the first application is rejected on the grounds of the equipment not meeting standards.

COORDINATION OF RESPONSE TO NATIONAL EMERGENCY

Another major obstacle facing the fire service concerns coordination. Many issues regarding coordination surfaced on September 11, 2001. On July 23, 2002, Titan Systems Corporation issued an after-action report, on behalf of the fire department of Arlington County, Virginia, which highlighted problems between the coordination of Washington, D.C., and Arlington County fire departments in responding to the attack on the Pentagon. The report also cited the confusion caused by a large influx of self-dispatched volunteers, and increased risks faced by the "bona fide responders." These conclusions are consistent with an article by the current U.S. Fire Administrator, R. David Paulison, in the June 1993 issue of Fire Chief magazine, where he described being overwhelmed by the number of uncoordinated volunteer efforts that poured into Florida after Hurricane Andrew. Additionally, many fire officials and the General Accounting Office have highlighted the duplicative nature of many Federal programs and the need for better coordination between Federal, State, and local officials.

To help address this issue, section 9 of the legislation directs the U.S. Fire Administrator to provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies. It also directs the Administrator to provide a report to Congress on the need for a strategy concerning deployment of volunteers and emergency response personnel, including a national credentialing system, in the event of a national emergency. Lastly, it directs the Director of the Federal Emergency Management Agency to revise that Agency's Federal Response Plan to incorporate plans for responding to terrorist attacks, including fire detection and suppression and related emergency services.

TRAINING

The events of September 11, 2001, also demonstrated a need for improved training, especially in the areas of building collapse rescue and tactics to respond to terrorist-caused catastrophes. While NFA currently offers a variety of courses in counter-terrorism training, including incident management training, the Committee believes it is important that this type of training is explicitly recognized in law as part of the Academy's functions and responsibilities. Section 10 achieves this.

IX. COST ESTIMATE

A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted to the Committee on Science prior to the filing of this report and is included in Section X of this report pursuant to House Rule XIII, clause 3(c)(3).

H.R. 2692 does not contain new budget authority, credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 2692 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section X of this report.

X. Congressional Budget Office Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 24, 2003.

Hon. Sherwood L. Boehlert,
Chairman, Committee on Science,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2692, the United States Fire Administration Authorization Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton.

Sincerely,

Douglas Holtz-Eakin,
Director.

Enclosure.

H.R. 2692—United States Fire Administration Authorization Act of 2003

Summary: H.R. 2692 would reauthorize the activities of the United States Fire Administration (USFA) for three years and would authorize the appropriation of $189 million over the 2004–2006 period. In addition, the bill would authorize the agency to undertake new research and development and training activities.

Assuming appropriation of the amounts authorized in H.R. 2692, CBO estimates that implementing the bill would cost $180 million over the 2004–2008 period and an additional $10 million after that period. Enacting H.R. 2692 would not affect direct spending or revenues.

H.R. 2692 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2692 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

For this estimate, CBO assumes that the amounts authorized by the bill will be appropriated for each fiscal year. Outlay estimates are based on historical spending patterns for this program.

	By fiscal year in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
U.S. Fire Administration spending under current law:						
Budget authority[1]	93	0	0	0	0	0
Estimated outlays	54	31	19	12	5	0
Proposed changes:						
Authorization level	0	61	68	65	0	0

	By fiscal year in millions of dollars—					
	2003	2004	2005	2006	2007	2008
Estimated outlays	0	28	44	54	35	19
U.S. Fire Administration spending under H.R. 2692:						
Authorization level [1]	93	61	68	65	0	0
Estimated outlays	54	59	68	66	40	19

[1] The 2003 level is the amount appropriated for that year.

Intergovernmental and private-sector impact: H.R. 2692 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous estimate: On July 8, 2003, CBO transmitted a cost estimate for S. 1152, a similarly titled bill, as ordered reported by the Senate Committee on Commerce, Science, and Transportation on June 19, 2003. S. 1152 would reauthorize the USFA for five years at an estimated cost of $262 million over the 2004–2008 period. This bill would reauthorize the USFA for three years at an estimated cost of $180 million over the same period.

Estimate prepared by: Federal Costs: Julie Middleton. Impact on State, Local, and Tribal Governments: Greg Waring. Impact on the Private Sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

XI. Compliance With Public Law 104–4 (Unfunded Mandates)

H.R. 2692 contains no unfunded mandates.

XII. Committee Oversight Findings and Recommendations

The Committee on Science's oversight findings and recommendations are reflected in the body of this report.

XIII. Statement on General Performance Goals and Objectives

Pursuant to clause (3)(c) of House rule XIII, the goals of H.R. 2692 are to authorize appropriations for the base activities of the U.S. Fire Administration for fiscal years 2004 through 2006; to establish a National Residential Fire Sprinkler Strategy; to support the development of standards for firefighting equipment and promote the use of those standards; and to increase the training of firefighters in areas related to terrorism response.

XIV. Constitutional Authority Statement

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 2692.

XV. Federal Advisory Committee Statement

H.R. 2692 does not establish nor authorize the establishment of any advisory committee.

XVI. Congressional Accountability Act

The Committee finds that H.R. 2692 does not relate to the terms and conditions of employment or access to public services or accom-

modations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104–1).

XVII. Statement on Preemption of State, Local, or Tribal Law

This bill is not intended to preempt any state, local, or tribal law.

XVIII. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

* * * * * * *

NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL

SEC. 7. (a) * * *

* * * * * * *

(d) PROGRAM OF THE ACADEMY.—The Superintendent is authorized to—

(1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires, including, but not limited to—

(A) * * *

* * * * * * *

(E) tactical training in the specialized field of fire control and rescue aboard waterborne vessels; [and]

(F) strategies for building collapse rescue;

(G) the use of technology in response to fires, including terrorist incidents and other national emergencies;

(H) response, tactics, and strategies for dealing with terrorist-caused national catastrophes;

(I) use of and familiarity with the Federal Emergency Management Agency's Federal Response Plan;

(J) leadership and strategic skills, including integrated management systems operations and integrated response;

(K) applying new technology and developing strategies and tactics for fighting forest fires;

(L) integrating terrorism response agencies into the national terrorism incident response system;

(M) response tactics and strategies for fighting fires at United States ports, including fires on the water and aboard vessels; and

[(F)] *(N)* the training of present and future instructors in the aforementioned subjects;

* * * * * * *

(l) ADMISSION.—The Superintendent is authorized to admit to the courses and programs of the Academy individuals who are members of the firefighting, rescue, and civil defense forces of the Na-

tion and such other individuals, including candidates for membership in these forces, as he determines can benefit from attendance. Students shall be admitted from any State, with due regard to adequate representation in the student body of all geographic regions of the Nation. In selecting students, the Superintendent may seek nominations and advice from the fire services and other organizations which wish to send students to the Academy. *The Superintendent shall offer, at the Academy and at other sites, courses and training assistance as necessary to accommodate all geographic regions and needs of career and volunteer firefighters.*

FIRE TECHNOLOGY

SEC. 8. (a) * * *

* * * * * * *

(e) DEVELOPMENT OF NEW TECHNOLOGY.—

(1) IN GENERAL.—In addition to, or as part of, the program conducted under subsection (a), the Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties, shall—

(A) develop new, and utilize existing, measurement techniques and testing methodologies for evaluating new firefighting technologies, including—

(i) personal protection equipment;

(ii) devices for advance warning of extreme hazard;

(iii) equipment for enhanced vision;

(iv) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;

(v) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;

(vi) equipment and methods for training, especially for virtual reality training; and

(vii) robotics and other remote-controlled devices;

(B) evaluate the compatibility of new equipment and technology with existing firefighting technology; and

(C) support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies based on techniques and methodologies described in subparagraph (A).

(2) STANDARDS FOR NEW EQUIPMENT.—(A) The Administrator shall, by regulation, require that new equipment or systems purchased through the assistance program established by section 33 meet or exceed applicable voluntary consensus standards for such equipment or systems for which applicable voluntary consensus standards have been established. The Administrator may waive the requirement under this subparagraph with respect to specific standards.

(B) If an applicant for a grant under section 33 proposes to purchase, with assistance provided under the grant, new equip-

ment or systems that do not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that do meet or exceed such standards.

(C) In making a determination whether or not to waive the requirement under subparagraph (A) with respect to a specific standard, the Administrator shall, to the greatest extent practicable—

(i) consult with grant applicants and other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

(ii) take into consideration the explanation provided by the applicant under subparagraph (B); and

(iii) 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.

(D) Applicants that apply for a grant under the terms of subparagraph (B) may include a second grant request in the application to be considered by the Administrator in the event that the Administrator does not approve the primary grant request on the grounds of the equipment not meeting applicable voluntary consensus standards.

[(e)**]** *(f)* COORDINATION.—In establishing and conducting programs under this section, the Administrator shall take full advantage of applicable technological developments made by other departments and agencies of the Federal Government, by State and local governments, and by business, industry, and nonprofit associations.

* * * * * * *

MASTER PLANS

SEC. 10. (a) * * *

(b) MUTUAL AID SYSTEMS.—

(1) IN GENERAL.—The Administrator, after consultation with the Director of the Federal Emergency Management Agency, shall provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies that—

(A) include threat assessment and equipment deployment strategies;

(B) include means of collecting asset and resource information to provide accurate and timely data for regional deployment; and

(C) are consistent with the Federal Emergency Management Agency's Federal Response Plan.

(2) MODEL MUTUAL AID PLANS.—The Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance.

[(b)**]** *(c)* DEFINITION.—For the purposes of this section, a "master plan" is one which will result in the planning and implementation

in the area involved of a general program of action for fire prevention and control. Such master plan is reasonably expected to include (1) a survey of the resources and personnel of existing fire services and an analysis of the effectiveness of the fire and building codes in such area; (2) an analysis of short and long term fire prevention and control needs in such area; (3) a plan to meet the fire prevention and control needs in such area; and (4) an estimate of cost and realistic plans for financing the implementation of the plan and operation on a continuing basis and a summary of problems that are anticipated in implementing such master plan.

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. (a) * * *

(g)(1) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, there are authorized to be appropriated [to carry out the purposes of this Act—

[(A) $17,039,000 for the fiscal year ending September 30, 1989;

[(B) $17,737,000 for the fiscal year ending September 30, 1990;

[(C) $18,464,000 for the fiscal year ending September 30, 1991;

[(D) $25,550,000 for the fiscal year ending September 30, 1992;

[(E) $26,521,000 for the fiscal year ending September 30, 1993;

[(F) $27,529,000 for the fiscal year ending September 30, 1994;

[(G) $29,664,000 for the fiscal year ending September 30, 1998;

[(H) $30,554,000 for the fiscal year ending September 30, 1999;

[(I) $44,753,000 for fiscal year 2001, of which $3,000,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $6,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel;

[(J) $47,800,000 for fiscal year 2002, of which $3,250,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $7,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

[(K) $50,000,000 for fiscal year 2003, of which $3,500,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $8,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel.] *to the Administrator to carry*

out the purposes of this Act, other than the firefighter assistance program under section 33—

(A) $58,928,000 for fiscal year 2004;

(B) $60,700,000 for fiscal year 2005; and

(C) $62,520,000 for fiscal year 2006.

* * * * * * *

(i) DEVELOPMENT OF NEW TECHNOLOGY.—In addition to sums otherwise authorized under this Act, there are authorized to be appropriated to the Administrator to carry out section 8(e)—

(1) $2,200,000 for fiscal year 2004;

(2) $2,250,000 for fiscal year 2005; and

(3) $2,300,000 for fiscal year 2006.

* * * * * * *

DISSEMINATION OF FIRE PREVENTION AND CONTROL INFORMATION

SEC. 30. *(a) IN GENERAL.*—The Director, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 29 and of the master list compiled under section 28(b) to Federal agencies, State and local governments, and fire services throughout the United States, and making copies of the master list compiled under section 28(b) available upon request to interested private organizations and individuals.

(b) NATIONAL RESIDENTIAL FIRE SPRINKLER STRATEGY.—The Administrator shall develop and implement a strategy for promoting the installation and use of residential fire sprinklers. The strategy shall include—

(1) advocacy and informational support to relevant stakeholders, including builders, insurers, and State and local decisionmakers;

(2) promotion of residential sprinklers in residences supported by the Federal Government;

(3) a particular focus on residences—

(A) at high risk to fire hazards; and

(B) with occupants at high risk to fire hazards, such as senior citizens and persons with disabilities; and

(4) a particular focus on localized fire suppression in high-risk areas of residences.

* * * * * * *

SEC. 33. FIREFIGHTER ASSISTANCE.

(a) * * *

(b) ASSISTANCE PROGRAM.—

(1) AUTHORITY.—In accordance with this section, the ⟦Director⟧ *Administrator* 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 against fire and fire-related hazards; and

* * * * * * *

[(2) OFFICE FOR ADMINISTRATION OF ASSISTANCE.—

[(A) ESTABLISHMENT.—Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency to administer the assistance under this section.

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

[(i) RECIPIENT SELECTION CRITERIA.—To establish specific criteria for the selection of recipients of the assistance under this section.

[(ii) GRANT-WRITING ASSISTANCE.—To provide grant-writing assistance to applicants.]

(2) ADMINISTRATIVE ASSISTANCE.—The Administrator 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] *Administrator* 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) * * *

(B) To train firefighting personnel in firefighting, 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.

* * * * * * *

(4) FIRE PREVENTION PROGRAMS.—

(A) IN GENERAL.—For each fiscal year, the [Director] *Administrator* shall use not less than 5 percent of the funds made available under subsection (e)—

(i) * * *

* * * * * * *

(B) PRIORITY.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the [Director] *Administrator* shall give priority to organizations that focus on prevention of injuries to children from fire.

(5) APPLICATION.—The [Director] *Administrator* may provide assistance to a fire department or organization under this subsection only if the fire department or organization seeking the assistance submits to the [Director] *Administrator* an application that meets the following requirements:

(A) FORM.—The application shall be in such form as the [Director] *Administrator* may require.

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

(i) * * *

* * * * * * *

(iv) OTHER INFORMATION.—Any other information that the [Director] *Administrator* may require.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the [Director] *Administrator* may provide assistance under this subsection only if the applicant for the assistance agrees to match with an equal amount of non-Federal funds 30 percent of the assistance received under this subsection for any fiscal year.

* * * * * * *

(7) MAINTENANCE OF EXPENDITURES.—The [Director] *Administrator* 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 the average level of such expenditures in the two fiscal years preceding the fiscal year for which the assistance will be received.

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

(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS.—The [Director] *Administrator* shall ensure that grants under paragraph (1)(A) for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants—

(A) * * *

* * * * * * *

(11) RESERVATION OF GRANT FUNDS FOR VOLUNTEER DEPARTMENTS.—In making grants to firefighting departments, the [Director] *Administrator* shall ensure that those firefighting departments that have either all-volunteer forces of firefighting personnel or combined forces of volunteer and professional firefighting personnel receive a proportion of the total grant funding that is not less than the proportion of the United States population that those firefighting departments protect.

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) * * *

(2) ADMINISTRATIVE EXPENSES.—Of the funds appropriated pursuant to paragraph (1) for a fiscal year, the [Director] *Administrator* may use not more than three percent of the funds to cover salaries and expenses and other administrative costs incurred by the [Director] *Administrator* to [operate the office established under subsection (b)(2) and] make grants and provide assistance under this section.

* * * * * * *

XIX. Committee Recommendations

On July 22, 2003, a quorum being present, the Committee on Science favorably reported H.R. 2692, the U.S. Fire Administration Authorization Act of 2003, by a voice vote, and recommended its enactment.

XX. PROCEEDINGS OF THE MARKUP BY THE SUBCOMMITTEE ON RESEARCH ON H.R. 2692, UNITED STATES FIRE ADMINISTRATION AUTHORIZATION ACT OF 2003

THURSDAY, JULY 17, 2003

House of Representatives,
Subcommittee on Research,
Committee on Science,
Washington, DC.

The Subcommittee met, pursuant to other business, at 11:30 a.m., in Room 2318 of the Rayburn House Office Building, Hon. Nick Smith [Chairman of the Subcommittee] presiding.

Chairman SMITH. The Subcommittee will be in order. Pursuant to notice, the Subcommittee on Research is meeting today to consider the following measures: H.R. 2692, the United States Fire Administration Authorization Act of 2003.

I ask unanimous consent for the authority to recess the Subcommittee at any point, and without objection, hearing none, it is so ordered.

Of course, we have just discussed this legislation in the proceeding hearing, so members and staff should be familiar with the provisions of the legislation. However, I will take a moment to briefly summarize a couple of provisions that are in the base bill. The bill would authorize appropriations for base activities at the U.S. Fire Administration through fiscal year 2006. That is, all traditional USFA activities, except the Assistance to Firefighters Grant Program that was established in fiscal year 2001, is currently authorized through the end of fiscal year 2004. The legislation reinstates the position of the U.S. Fire Administration as a Presidentially-appointed Senate-confirmed position, and that reacts to our effort to make sure that it is separate and distinct. It reverses what we believe was an inadvertent elimination of the position by language that was part of last year's bill establishing the Department of Homeland Security.

It also transfers ultimate responsibility for administration of the Assistance to Firefighters Grant Program from the Director of FEMA to the U.S. Fire Administrator. This will not result in any functional changes to the Grant Program, but instead clarifies the existing structure and sends somewhat of a symbolic message, at least I believe, as does the fire service community that the Grant Program's proper home is within USFA.

This is a bipartisan legislation. I am pleased that we were able to put this together in this fashion. I believe we will have a smooth markup of the legislation today, and next—again next week at Full Committee so that the bill can make its way to the House floor.

And we will pass it hopefully when we return to—from the August recess. The Chair now recognizes Mrs. Eddie Bernice Johnson, the Ranking Minority Member of the Subcommittee, for an opening statement.

Ms. Johnson.

Ms. JOHNSON. Thank you, Mr. Chairman. As cosponsor of this legislation, I speak in support of its favorable consideration by the Research Subcommittee today. The Fire Administration has long enjoyed bipartisan support because of its vital mission to improve the safety of all of our citizens. I would like to commend you, Mr. Chairman, for working with me in a collegial way in developing H.R. 2692, and I also thank you for bringing the bill before the Subcommittee for its consideration today.

H.R. 2692 will help maintain the visibility of the Fire Administration and its vital programs within the new Department of Homeland Security. It reestablishes the position of Fire Administrator as a Presidentially-appointed and Senate-confirmed post, and it formally places the Fire Grants Program under the Fire Administration, which has had an excellent record to date in running the Grants Program. I believe the resources authorized for the Fire Administration will allow the Agency to meet its critical responsibilities for firefighter and first responder training, for gathering fire data and for fire research, and for public education programs.

I'd like to do more, except that this may not be possible under the current Federal Budget climate. Mr. Chairman, I know that you will offer a substitute to the bill to incorporate provisions from H.R. 545, which are now included in the Senate's version of the Fire Administration Authorization Bill. I generally support this substitute, although I am not yet convinced that the weakening of the requirements in H.R. 545 regarding standards for firefighting equipment obtained under the Fire Grants Program is a good idea. I would much prefer a requirement that new equipment meet existing consensus standards where they exist. I would not, however, object to providing some flexibility to this requirement.

For example, the Fire Administrator could be given the authority to waive the requirements of a grantee, if a grantee could show a good reason to do so. I will defer to Full Committee any proposal for alternative language to this provision. I am pleased to recommend H.R. 2692 to my colleagues, and seek their approval to favorably report the legislation to Full Committee. Thank you.

Chairman SMITH. We will now consider H.R. 2622, and without objection, all members may place opening statements into the record.

[The prepared statement of Ms. Johnson follows:]

PREPARED STATEMENT OF REPRESENTATIVE EDDIE BERNICE JOHNSON

Mr. Chairman, as the co-sponsor of this legislation, I speak in support of its favorable consideration by the Research Subcommittee today. The Fire Administration has long enjoyed bipartisan support because of its vital mission to improve the safety of all our citizens.

I would like to commend you, Chairman Smith, for working with me in a collegial way in developing H.R. 2692, and I also thank you for bringing the bill before the Subcommittee for its consideration today.

H.R. 2692 will help maintain the visibility of the Fire Administration and its vital programs within the new Department of Homeland Security. It reestablishes the position of Fire Administrator as a Presidentially appointed and Senate confirmed

post, and it formally places the FIRE Grants program under the Fire Administration, which has had an excellent record to date in running the grants program.

I believe the resources authorized for the Fire Administration will allow the agency to meet its critical responsibilities for firefighter and first responder training, for gathering fire data, for fire research, and for public education programs. I would like to do more, but accept that this may not be possible under the current federal budget climate.

The Chairman will offer a substitute to the bill to incorporate provisions from H.R. 545, which are now included in the Senate's version of the Fire Administration authorization bill. I generally support this substitute, although I am not yet convinced that the weakening of the requirement in H.R. 545 regarding standards for firefighting equipment obtained under the FIRE Grants program is a good idea.

I would much prefer a requirement that new equipment meet existing consensus standards where they exist. I would not, however, object to providing some flexibility to this requirement.

For example, the Fire Administrator could be given the authority to waive the requirement if, a grantee could show a good reason to do so. I will defer to Full Committee any proposal for alternative language to this provision.

Mr. Chairman, I am pleased to recommend H.R. 2692 to my colleagues and seek their approval to favorably report the legislation to Full Committee.

Chairman SMITH. I ask unanimous consent that the bill be considered as read and opening amendments at any point. I ask the Members to proceed with the amendments in the order on the roster, and without objection, so ordered. It is so ordered.

I move—let us see. The—we will move to what is now the only amendment on the roster, which is an amendment in the nature of a substitute offered by the Chairman. I ask unanimous consent that the amendment be considered in block. Without objection, it is so ordered.

The Clerk will report the amendment.

The CLERK. Amendment in the nature of a substitute offered by Mr. Smith of Michigan.

Chairman SMITH. I ask unanimous consent that we dispense with the total reading of the amendment that essentially has the existing language of the bill, and includes Mr. Camp's bill at the end, essentially. Without objection, it is so ordered.

[*Note: The Amendment is located in the Appendix.*]

Chairman SMITH. I recognize myself for a few minutes to explain what the amendment is. The amendment in the nature of a substitute being considered is essentially the language of H.R. 545, added at the end of H.R. 2692. A few of the provisions include improving the support for the Fire Services through three primary provisions. One, providing support for the development of voluntary consensus standards for firefighting equipment and technology. Two, establishment of a nationwide and state mutual aid system for dealing with the national emergencies; and three, authorizing the National Fire Academy to train firefighters to respond to acts of terrorism and other national emergencies.

In addition to making a couple of minor technical and conforming changes, the sub-suit amendment modifies the provisions we discussed during the hearing, requiring equipment purchased through Assistant Fire Grant Program to meet applicable voluntary consensus standards. The language in the substitute replaces this requirement with language requiring applicants applying for grants to purchase equipment, and Madam Vice-Chairman, Ranking Member will work on this and come to hopefully some agreement that still allows the flexibility that was called for by the Administrator and the Chief, and the sponsor of the bill, Mr. Camp, as we proceed to Full Committee.

Is there further discussion on the amendment? If not, the vote occurs on the amendment. All in favor will say aye. Those opposed say no. The ayes have it, and the amendment in the nature of substitute is agreed to.

After the motion to report the bill, does the Ranking Member or do I do this? Oh, are there any further amendments? Hearing none, the questions on the bill H.R. 2692, as amended, the United States Fire Administration Authorization Act, all those in favor will say aye. All those opposed say no. And in the opinion of the Chair, the ayes have it.

And the Ranking Member.

Ms. JOHNSON. Thank you, Mr. Chairman. I move that the Subcommittee favorably report the bill H.R. 2692, as amended, to the Full Committee, with the recommendation that it be an order for the bill as amended by the Subcommittee to be incorporated into an amendment in the nature of a substitute for consideration as an original bill for the purpose of amendment under the 5-minute rule at Full Committee.

Further, I ask unanimous consent that the staff be instructed to make all necessary technical and conforming changes to the bill, as amended, in accordance with the recommendations of the Subcommittee.

Chairman SMITH. The Subcommittee has heard the motion. Is there any further discussion? All those in favor will say aye. Those opposed will say no. The ayes have it, and the motion is agreed to, and without objection, the motion to consider is laid upon the table.

This concludes our subcommittee markup. I thank the members, certainly again thank the witnesses and staff before us today. Dan, you did an excellent job, if you are still here. And with that, the Subcommittee is adjourned.

[Whereupon, at 11:40 a.m., the Subcommittee was adjourned.]

Appendix:

ROSTER, AMENDMENT, H.R. 2692, SECTION-BY-SECTION ANALYSIS

COMMITTEE ON SCIENCE

SUBCOMMITTEE ON RESEARCH

July 17, 2003

AMENDMENT ROSTER

H.R. 2692, United States Fire Administration Authorization Act of 2003

No.	Sponsor	Description	Results
1	Mr. Smith (MI)	Manager's Amendment	Adopted by voice vote

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SMITH OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "United States Fire
3 Administration Authorization Act of 2003".

4 **SEC. 2. UNITED STATES FIRE ADMINISTRATOR.**

5 Notwithstanding section 1513 of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 553), the Administrator of the
7 United States Fire Administration shall continue to be ap-
8 pointed and compensated as provided under section 5(b)
9 of the Federal Fire Prevention and Control Act of 1974
10 (15 U.S.C. 2204(b)).

11 **SEC. 3. NATIONAL RESIDENTIAL FIRE SPRINKLER STRAT-**
12 **EGY.**

13 Section 30 of the Federal Fire Prevention and Con-
14 trol Act of 1974 (15 U.S.C. 2226) is amended—

15 (1) by inserting "(a) IN GENERAL.—" before
16 "The Director, acting"; and

17 (2) by adding at the end the following new sub-
18 section:

19 "(b) NATIONAL RESIDENTIAL FIRE SPRINKLER
20 STRATEGY.—The Administrator shall develop and imple-

1 ment a strategy for promoting the installation and use of
2 residential fire sprinklers. The strategy shall include—
3 "(1) advocacy and informational support to rel-
4 evant stakeholders, including builders, insurers, and
5 State and local decisionmakers;
6 "(2) promotion of residential sprinklers in resi-
7 dences supported by the Federal Government;
8 "(3) a particular focus on residences—
9 "(A) at high risk to fire hazards; and
10 "(B) with occupants at high risk to fire
11 hazards, such as senior citizens; and
12 "(4) a particular focus on localized fire suppres-
13 sion in high-risk areas of residences, such as kitch-
14 ens.".

15 **SEC. 4. SUPPORT FOR TRAINING TO FIGHT MARITIME**
16 **FIRES.**

17 Subsection (b)(3)(B) of the first section 33 of the
18 Federal Fire Prevention and Control Act of 1974 (15
19 U.S.C. 2229(b)(3)(B)) is amended by inserting "maritime
20 firefighting," after "arson prevention and detection,".

21 **SEC. 5. FIREFIGHTER ASSISTANCE GRANTS PROGRAM.**

22 The first section 33 of the Federal Fire Prevention
23 and Control Act of 1974 (15 U.S.C. 2229) is amended—
24 (1) by striking "Director" each place it appears
25 and inserting "Administrator";

1 (2) by amending subsection (b)(2) to read as
2 follows:
3 "(2) ADMINISTRATIVE ASSISTANCE.—The Ad-
4 ministrator shall establish specific criteria for the se-
5 lection of recipients of assistance under this section
6 and shall provide grant-writing assistance to appli-
7 cants."; and
8 (3) in subsection (e)(2), by striking "operate
9 the office established under subsection (b)(2) and".
10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**
11 Section 17(g) of the Federal Fire Prevention and
12 Control Act of 1974 (15 U.S.C. 2216(g)) is amended by
13 striking "to carry out the purposes" and all that follows
14 through the end of subparagraph (K) and inserting "to
15 the Administrator to carry out the purposes of this Act,
16 other than the firefighter assistance program under sec-
17 tion 33—
18 "(A) $58,928,000 for fiscal year 2004;
19 "(B) $60,700,000 for fiscal year 2005; and
20 "(C) $62,520,000 for fiscal year 2006.".
21 **SEC. 7. COURSES AND TRAINING ASSISTANCE.**
22 Section 7(l) of the Federal Fire Prevention and Con-
23 trol Act of 1974 (15 U.S.C. 2206(l)) is amended by adding
24 at the end the following: "The Superintendent shall offer,
25 at the Academy and at other sites, courses and training

1 assistance as necessary to accommodate all geographic re-
2 gions and needs of career and volunteer firefighters.".

3 **SEC. 8. NEW FIREFIGHTING TECHNOLOGY.**

4 (a) IN GENERAL.—Section 8 of the Federal Fire Pre-
5 vention and Control Act of 1974 (15 U.S.C. 2207) is
6 amended—

7 (1) by redesignating subsection (e) as sub-
8 section (f); and

9 (2) by inserting after subsection (d) the fol-
10 lowing:

11 "(e) DEVELOPMENT OF NEW TECHNOLOGY.—

12 "(1) IN GENERAL.—In addition to, or as part
13 of, the program conducted under subsection (a), the
14 Administrator, in consultation with the National In-
15 stitute of Standards and Technology, the Inter-
16 Agency Board for Equipment Standardization and
17 Inter-Operability, national voluntary consensus
18 standards development organizations, interested
19 Federal, State, and local agencies, and other inter-
20 ested parties, shall—

21 "(A) develop new, and utilize existing,
22 measurement techniques and testing methodolo-
23 gies for evaluating new firefighting tech-
24 nologies, including—

25 "(i) personal protection equipment;

1 "(ii) devices for advance warning of
2 extreme hazard;
3 "(iii) equipment for enhanced vision;
4 "(iv) devices to locate victims, fire-
5 fighters, and other rescue personnel in
6 above-ground and below-ground structures;
7 "(v) equipment and methods to pro-
8 vide information for incident command, in-
9 cluding the monitoring and reporting of in-
10 dividual personnel welfare;
11 "(vi) equipment and methods for
12 training, especially for virtual reality train-
13 ing; and
14 "(vii) robotics and other remote-con-
15 trolled devices;
16 "(B) evaluate the compatibility of new
17 equipment and technology with existing fire-
18 fighting technology; and
19 "(C) support the development of new vol-
20 untary consensus standards through national
21 voluntary consensus standards organizations for
22 new firefighting technologies based on tech-
23 niques and methodologies described in subpara-
24 graph (A).

1 "(2) STANDARDS FOR NEW EQUIPMENT.—If an
2 applicant for a grant under section 33 proposes to
3 purchase, with assistance provided under the grant,
4 equipment or systems that do not meet or exceed ap-
5 plicable voluntary consensus standards, the applicant
6 shall include in the application an explanation of
7 why such equipment or systems will serve the needs
8 of the applicant better than equipment or systems
9 that do meet or exceed such standards.".
10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
11 17 of the Federal Fire Prevention and Control Act of 1974
12 (15 U.S.C. 2216) is amended by adding at the end the
13 following:
14 "(i) DEVELOPMENT OF NEW TECHNOLOGY.—There
15 are authorized to be appropriated to the Administrator to
16 carry out section 8(e)—
17 "(1) $2,200,000 for fiscal year 2004;
18 "(2) $2,250,000 for fiscal year 2005; and
19 "(3) $2,300,000 for fiscal year 2006.".
20 **SEC. 9. COORDINATION OF RESPONSE TO NATIONAL EMER-**
21 **GENCY.**
22 (a) IN GENERAL.—Section 10 of the Federal Fire
23 Prevention and Control Act of 1974 (15 U.S.C. 2209) is
24 amended—

1 (1) by redesignating subsection (b) as sub-
2 section (c); and
3 (2) by inserting after subsection (a) the fol-
4 lowing:
5 "(b) MUTUAL AID SYSTEMS.—
6 "(1) IN GENERAL.—The Administrator, after
7 consultation with the Director of the Federal Emer-
8 gency Management Agency, shall provide technical
9 assistance and training to State and local fire serv-
10 ice officials to establish nationwide and State mutual
11 aid systems for dealing with national emergencies
12 that—
13 "(A) include threat assessment and equip-
14 ment deployment strategies;
15 "(B) include means of collecting asset and
16 resource information to provide accurate and
17 timely data for regional deployment; and
18 "(C) are consistent with the Federal
19 Emergency Management Agency's Federal Re-
20 sponse Plan.
21 "(2) MODEL MUTUAL AID PLANS.—The Admin-
22 istrator, in consultation with the Director of the
23 Federal Emergency Management Agency, shall de-
24 velop and make available to State and local fire serv-

1 ice officials model mutual aid plans for both intra-
2 state and interstate assistance.".
3 (b) REPORT ON STRATEGIC NEEDS.—Within 90 days
4 after the date of enactment of this Act, the Administrator
5 of the United States Fire Administration shall report to
6 the Senate Committee on Commerce, Science, and Trans-
7 portation and the House of Representatives Committee on
8 Science on the need for a strategy concerning deployment
9 of volunteers and emergency response personnel (as de-
10 fined in section 6 of the Firefighters' Safety Study Act
11 (15 U.S.C. 2223c), including a national credentialing sys-
12 tem, in the event of a national emergency.
13 (c) UPDATE OF FEDERAL RESPONSE PLAN.—Within
14 180 days after the date of enactment of this Act, the Di-
15 rector of the Federal Emergency Management Agency
16 shall—
17 (1) revise that Agency's Federal Response Plan
18 to incorporate plans for responding to terrorist at-
19 tacks, particularly in urban areas, including fire de-
20 tection and suppression and related emergency serv-
21 ices; and
22 (2) transmit a report to the Senate Committee
23 on Commerce, Science, and Transportation and the
24 House of Representatives Committee on Science de-

1 scribing the action taken to comply with paragraph
2 (1).

3 **SEC. 10. TRAINING.**

4 (a) IN GENERAL.—Section 7(d)(1) of the Federal
5 Fire Prevention and Control Act of 1974 (15 U.S.C.
6 2206(d)(1)) is amended—

7 (1) by striking "and" after the semicolon in
8 subparagraph (E);

9 (2) by redesignating subparagraph (F) as sub-
10 paragraph (N); and

11 (3) by inserting after subparagraph (E) the fol-
12 lowing:

13 "(F) strategies for building collapse rescue;

14 "(G) the use of technology in response to
15 fires, including terrorist incidents and other na-
16 tional emergencies;

17 "(H) response, tactics, and strategies for
18 dealing with terrorist-caused national catas-
19 trophes;

20 "(I) use of and familiarity with the Fed-
21 eral Emergency Management Agency's Federal
22 Response Plan;

23 "(J) leadership and strategic skills, includ-
24 ing integrated management systems operations
25 and integrated response;

1 "(K) applying new technology and devel-
2 oping strategies and tactics for fighting forest
3 fires;
4 "(L) integrating terrorism response agen-
5 cies into the national terrorism incident re-
6 sponse system;
7 "(M) response tactics and strategies for
8 fighting fires at United States ports, including
9 fires on the water and aboard vessels; and".
10 (b) CONSULTATION ON FIRE ACADEMY CLASSES.—
11 The Superintendent of the National Fire Academy may
12 consult with other Federal, State, and local agency offi-
13 cials in developing curricula for classes offered by the
14 Academy.
15 (c) COORDINATION WITH OTHER PROGRAMS TO
16 AVOID DUPLICATION.—The Administrator of the United
17 States Fire Administration shall coordinate training pro-
18 vided under section 7(d)(1) of the Federal Fire Prevention
19 and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the
20 Attorney General, the Secretary of Health and Human
21 Services, and the heads of other Federal agencies—
22 (1) to ensure that such training does not dupli-
23 cate existing courses available to fire service per-
24 sonnel; and

1 (2) to establish a mechanism for eliminating
2 duplicative training programs.

108TH CONGRESS
1ST SESSION

H. R. 2692

To authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 for fiscal years 2004 through 2006, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2003

Mr. SMITH of Michigan (for himself and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Science

---

A BILL

To authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974 for fiscal years 2004 through 2006, and for other purposes.

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 "United States Fire Administration Authorization Act of 2003".

SEC. 2. UNITED STATES FIRE ADMINISTRATOR.

Notwithstanding section 1513 of the Homeland Security Act of 2002 (6 U.S.C. 553), the Administrator of the United States Fire Administration shall continue to be appointed and compensated as provided under section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)).

SEC. 3. NATIONAL RESIDENTIAL FIRE SPRINKLER STRATEGY.

Section 30 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2226) is amended——

(1) by inserting "(a) IN GENERAL.—" before "The Director, acting"; and

(2) by adding at the end the following new subsection:

"(b) NATIONAL RESIDENTIAL FIRE SPRINKLER STRATEGY.—The Administrator shall develop and implement a strategy for promoting the installation and use of residential fire sprinklers. The strategy shall include——

"(1) advocacy and informational support to relevant stakeholders, including builders, insurers, and State and local decisionmakers;

"(2) promotion of residential sprinklers in residences supported by the Federal Government;

"(3) a particular focus on residences——

"(A) at high risk to fire hazards; and

"(B) with occupants at high risk to fire hazards, such as senior citizens; and

"(4) a particular focus on localized fire suppression in high-risk areas of residences, such as kitchens.".

SEC. 4. SUPPORT FOR TRAINING TO FIGHT MARITIME FIRES.

Subsection (b)(3)(B) of the first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)(B)) is amended by inserting "maritime firefighting," after "arson prevention and detection,".

SEC. 5. FIREFIGHTER ASSISTANCE GRANTS PROGRAM.

The first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended——

(1) by striking "Director" each place it appears and inserting "Administrator";

(2) by amending subsection (b)(2) to read as follows:

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

(3) in subsection (e)(2), by striking "operate the office established under subsection (b)(2) and".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)) is amended by striking "to carry out the purposes" and all that follows through the end of subparagraph (K) and inserting "to the Administrator to carry out the purposes of this Act, other than the firefighter assistance program under section 33——

"(A) $61,000,000 for fiscal year 2004;

"(B) $62,830,000 for fiscal year 2005; and

"(C) $65,000,000 for fiscal year 2006.".

SEC. 7. COURSES AND TRAINING ASSISTANCE.

Section 7(l) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(l)) is amended by adding at the end the following: "The Superintendent shall offer, at the Academy and at other sites, courses and training assistance as necessary to accommodate all geographic regions and needs of career and volunteer firefighters.".

SECTION-BY-SECTION ANALYSIS OF
H.R. 2692, AS AMENDED BY THE RESEARCH SUBCOMMITTEE
INTRODUCED BY MR. SMITH OF MICHIGAN AND MS. JOHNSON OF TEXAS

Section 1. Short Title.

"United States Fire Administration Authorization Act of 2003".

Section 2. United States Fire Administrator.

Preserves the position of U.S. Fire Administrator as a Presidentially-appointed, Senate-confirmed position.

Section 3. National Residential Fire Sprinkler Strategy.

Requires the Administrator to develop and implement a strategy for promoting the installation and use of residential fire sprinklers. Requires strategy to include advocacy and informational support to relevant stakeholders, with a particular focus on residences at high risk to fire hazards and occupants at high risk to fire hazards (such as senior citizens).

Section 4. Support for Training to Fight Maritime Fires.

Amends the Assistance to Firefighters Grant Program to allow support for training to fight maritime fires as an eligible grant activity.

Section 5. Firefighters Assistance Grants Program.

Transfers responsibility for administration of the program from the Director of the Federal Emergency Management Agency (FEMA) to the Administrator of the U.S. Fire Administration (USFA).

Section 6. Authorization of Appropriations.

Authorizes appropriations for USFA of $58.928, $60.7, and $62.52 million annually for fiscal years FY 2004 through FY 2006, respectively.

Section 7. Courses and Training Assistance.

Clarifies that National Fire Academy Superintendent, in offering training courses, work to accommodate as many geographic areas and needs of firefighters as possible.

Section 8. New firefighting technology.

Subsection (a) would establish a new section 8(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207). This new subsection would direct the Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, national voluntary consensus standards development organizations, and other interested parties, to develop new, and utilize existing, measurement techniques and testing methodologies for evaluating the performance of new firefighting technology, including:

- personal protection equipment;
- devices for advance warning of extreme hazard;
- equipment for enhanced vision;
- devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;
- equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;
- equipment and methods for training, especially for virtual reality training; and
- robotics and other remote-controlled devices.

The Administrator would also be required to evaluate the compatibility of new equipment and technology with existing firefighter technology, and support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies.

For fire departments applying for equipment under the Assistance to Firefighters grant program that does not meet applicable voluntary consensus standards, applicants must include in their applications an explanation of why the equipment will serve their needs better than equipment that does meet the standards.

Authorizes appropriations of $2.2, $2.25, and $2.3 million for fiscal years 2004 through 2006 to carry out this section.

Section 9. Coordination of response to national emergency.

Subsection (a) would create a new section 10(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2209). New subsection (b) would require the Administrator, after consultation with the Director of FEMA, to provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies. These mutual aid systems would include threat assessment and equipment deployment strategies, and include means of collecting asset and resource information to provide accurate and timely data for regional deployment. These mutual aid systems also would have to be consistent with FEMA's Federal Response Plan. The Administrator, in consultation with the Director of FEMA, would be required to develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance.

Subsection (b) would require the Administrator to report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, within 90 days after the date of enactment of this Act, on the need for a strategy concerning the deployment of volunteers and emergency response personnel (as defined in section 6 of the Firefighters' Safety Study Act (15 U.S.C. 2223e)), including a national credentialing system, in the event of a national emergency.

Subsection (c) would require the Director of FEMA to revise the Federal Response Plan within 180 days after the date of enactment of this Act to incorporate plans for responding to terrorist attacks, particularly in urban areas, including fire detection and suppression and related emergency services. The Director of FEMA would also be required to transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on these revisions.

Section 10. Training.

Subsection (a) would amend section 8(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1) to authorize the Superintendent of the National Fire Academy to conduct training in the following areas:

(i) strategies for building collapse rescue;

(ii) the use of technology in response to fires, including terrorist incidents and other national emergencies;

(iii) response, tactics, and strategies for dealing with terrorist- caused national catastrophes;

(iv) use of and familiarity with FEMA's Federal Response Plan;

(v) leadership and strategic skills, including integrated management systems operations and integrated response;

(vi) applying new technology and developing strategies and tactics for fighting forest fires;

(vii) integrating terrorism response agencies into the national terrorism incident response system; and

(viii) response tactics and strategies for fighting fires at United States ports, including fires on the water and aboard vessels.

Subsection (b) would authorize the Superintendent of the National Fire Academy to consult with other Federal, State, and local government officials in developing curricula for classes at the Academy.

Subsection (c) would require the Administrator to coordinate the training provided under section 8(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the Attorney General, the Secretary of Health and Human Services, and the heads of other Federal agencies, to ensure that such training does not duplicate existing courses available to fire service personnel and to establish a mechanism for eliminating duplicative training programs.

XXI. Proceedings of the Full Committee Markup on H.R. 2692, United States Fire Administration Authorization Act of 2003, July 22, 2003

The Committee met, pursuant to call, in Room 2318 of the Rayburn House Office Building, Hon. Sherwood D. Boehlert [Chairman of the Committee] presiding.

Chairman BOEHLERT. Now, your patience is rewarded. This is the last bill of the markup. We will now consider the Bill H.R. 2692, the United States Fire Administration Authorization Act of 2003 as amended. I now recognize our Research Subcommittee Chairman, the distinguished gentleman from Michigan, Mr. Smith, for 5 minutes for any comments he may have on the bill.

Mr. SMITH of Michigan. Well, Mr. Chairman, on the general proceedings today, it would be my recommendation that the bills coming from Research Committee be the first two instead of the last two, and that possibly, the Chairman provide lunch for these kind of extended meetings, but other than that——

Chairman BOEHLERT. Remember your Bible, the last shall be first.

Mr. SMITH of Michigan. Other than that, I would move that my full total comments be included in the record——

Chairman BOEHLERT. Without objection, so ordered.

Mr. SMITH of Michigan. Description of the bill.

What we tried to do in this legislation is to make sure that the U.S. Fire Administration be continued to be in control of what happens with our fire services and our first responders throughout the country. So we did change the language that was in the Homeland Security Bill that says the Director of FEMA would be responsible. We changed that to having the Director of the U.S. Fire Administration, a Presidential appointee confirmed by the Senate and reinstate his power to control the U.S. Fire Administration as well as the Section 33 FIRE Grant program. It was also our goal to make sure that the FIRE Grant program remain with the Director of the U.S. Fire Administration, rather than the Director of FEMA. So with that, Mr. Chairman, I ask for my colleagues to vote this bill out.

[Statement of Nick Smith follows:]

STATEMENT OF HON. NICK SMITH OF MICHIGAN

The bill would authorize appropriations for "base activities" at the U.S. Fire Administration through fiscal year 2006—that is, all traditional USFA activities, except the Assistance to Firefighters grant program that was established in fiscal year 2001 and is currently authorized through the end of fiscal year 2004. The authorization level is set at the Administration request level of $58.9 million for fiscal year 2004, with 3 percent increases in the out-years.

The legislation reinstates the position of U.S. Fire Administrator as a Presidentially-appointed, Senate-confirmed position, reversing what we believe was an inadvertent elimination of the position by language that was part of last year's bill establishing the Department of Homeland Security.

It also transfers ultimate responsibility for administration of the Assistance to Firefighters grant program from the Director of FEMA to the U.S. Fire Administrator. This will not result in any functional changes to the grant program but instead clarifies the existing structure, and sends a symbolic but important message that we believe—as does the fire services community—that the grant program's proper home is within USFA.

Another important objective of the bill is to provide support for the development of voluntary consensus standards for new firefighting equipment and technology. The fire services have identified the prevalence of un-standardized equipment and systems as a growing problem for fire departments needing guidance when making new purchases, and this bill will attempt to address that.

The bill also requires the U.S. Fire Administrator to establish nationwide and State mutual aid systems for dealing with national emergencies, addressing problems associated with the self-dispatching of firefighters and fire departments such as that which presented some problems on 9/11.

Lastly, the bill authorizes the National Fire Academy—with its excellent reputation of delivering top-notch training to over 90,000 mid and senior level senior firefighters each year—to develop more training courses and curriculum for preparing firefighters to respond to terrorist attacks.

USFA, as the lead federal agency tasked with working with the fire services community, has supported public education, training, and technology initiatives to this end for almost 30 years. Now, in the post-9/11 environment and with the creation of the Department of Homeland Security, it is more important than ever that we commit the necessary resources to USFA for helping America's fire departments be prepared to respond to all types of emergencies.

This bill will help ensure that. I'm pleased that this is bipartisan legislation and I want to commend Representative Johnson for working with us to put this together in this fashion.

Chairman BOEHLERT. Thank you so very much, and thank you for your hard work and leadership in this very important area. The Chair now recognizes the distinguished gentleman from Texas, Mr. Hall.

Mr. HALL. Mr. Chairman, I ask my colleagues to support and approve H.R. 2692. Yield—and ask that my very valuable and informative statement——

Chairman BOEHLERT. And I might add eloquent.

Mr. HALL. Eloquent, be put in the record, and then I may get a chance to read it in full some time.

Chairman BOEHLERT. Without objection, so ordered.

[Statement of Ralph M. Hall follows:]

STATEMENT OF HON. RALPH HALL

Mr. Chairman, I ask my colleagues for their support in approving H.R. 2692, which reauthorizes the activities at the U.S. Fire Administration. This is a small agency with a big mission to train firefighters, to help provide needed equipment for the fire services, and to help inform the public of ways to improve fire safety.

This is a bipartisan bill developed by Research Subcommittee Chairman Nick Smith and Ranking Democratic Member Eddie Bernice Johnson. I want to congratulate them on their good work.

The bill seeks to reinforce the role and function of the Fire Administration in its new position within the Department of Homeland Security. It is important that the vital mission of the Fire Administration to reduce fire deaths and improve fire safety not be lost in the anti-terrorism focus of the new Department.

I understand Mr. Smith will offer an amendment to make a few additional changes to the bill. The amendment was worked out with the minority, and I recommend its approval.

Mr. Chairman, I yield back the balance of my time.

Chairman BOEHLERT. All members may place opening statements in the record at this point. Without objection, so ordered. I ask unanimous consent that the bill be considered as read and opened to amendment at any point, and that the members proceed with the amendments in the order of the roster. Without objection, so ordered. The Chair recognizes amendment #1 offered by Mr. Smith from Michigan. I ask unanimous consent that the amendment be considered en bloc. Without objection, so ordered. Are you ready to proceed, Mr. Smith?

Mr. SMITH of Michigan. I am.

Chairman BOEHLERT. The Clerk will report the amendment.

The CLERK. Amendment to H.R. 2692 offered by Mr. Smith of Michigan.

Chairman BOEHLERT. I ask unanimous consent to dispense with the reading. Without objection, so ordered.

STATEMENT OF HON. JERRY F. COSTELLO

Good morning. Today, the House Science Committee is considering six bills for mark-up. Most are non-controversial and receive wide bipartisan support.

However, I have strong reservations regarding H.R. 1085, the NASA Flexibility Act of 2003. I believe we must wait for recommendations and guidance from the Gehman Commission that will address management issues. If we are going to address the problems concerning NASA, we need to take into account the goals and vision of NASA and manned space flight. I understand that NASA needs to do more to attract and retain the best possible workforce; however, I believe we can assist NASA by waiting to hear what recommendations the Gehman Commission makes so we can address all the management problems affecting NASA and its workforce. I believe we must also continue to review NASA's existing workforce authority and why it is underutilized.

Mr. Chairman, instead of rushing to complete this significant legislation, I believe we must take a step back and review all our options before moving forward on legislation that does not address the problem.

Aside from H.R. 1085, I believe the other pieces of legislation have been considered in a bipartisan fashion and expand programs in numerous agencies. For example, H.R. 2692, the United States Fire Administration (USFA) Authorization Act of 2003, authorizes funding for USFA activities, such as training, fire research and public education over the next three years. Over the last three decades, America's fire safety record has significantly improved. However, there are still opportunities for further improvements in our fire safety record, such as encouraging the use of sprinkler systems in homes. H.R. 2692 will lead us in the right direction. As a member of the Congressional Fire Services Caucus, I am proud to support this legislation.

Further, I am glad the House Science Committee is moving forward on the FAA Research and Development Reauthorization Act of 2003. As a conferee to the FAA bill for the Science Committee, I look forward to working with my colleagues to enhance the research and development programs as laid out in the legislation before this committee.

Mr. Chairman, I want to thank the committee for all their hard work on these important issues and look forward to today's proceedings.

STATEMENT OF HON. EDDIE BERNICE JOHNSON

Mr. Chairman, as the cosponsor of this legislation, I speak in support of its favorable consideration by the Committee today.

I would like to commend Research Subcommittee Chairman Smith for working with me in a collegial way in developing H.R. 2692, and Chairman Boehlert for expeditiously bringing the bill to markup.

H.R. 2692 will help maintain the visibility of the Fire Administration and its vital programs within the new Department of Homeland Security. It reestablishes the position of Fire Administrator as a Presidentially appointed and Senate confirmed post, and it formally places the FIRE Grants program under the Fire Administration, which has had an excellent record to date in running the grants program.

I support the amendment Mr. Smith will offer to make some minor changes to improve the bill and to require that equipment provided under the FIRE Grants program conform to consensus standards, where they exist. The Fire Administrator is given flexibility in applying the standards requirement, in accordance with recommendations received during the Research Subcommittee's hearing on the legislation.

Mr. Chairman, I am pleased to recommend H.R. 2692 to my colleagues and seek their approval to favorably report the legislation to the House.

Chairman BOEHLERT. Mr. Smith is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Chairman, again I would move that my full statement on the—my amendment be included in the record.

Chairman BOEHLERT. Without objection, so ordered.

Mr. SMITH of Michigan. The Manager's amendment does two things, one it makes some very minor changes to the residential fire sprinkler strategy to try to maximize the use that fire sprinkler systems can have in residential dwellings, and also, we set up standards, which is the incorporation of my colleague David

Camp's bill on establishing standards. Since the advent of 9/11, there are a lot of companies out there trying to sell their new so-called technology to fire departments. This is—establishes standards that will give our fire departments around the country a chance to evaluate the kind of equipment that they are purchasing. Also, as the bill came out of committee, it said that the standards shall be considered by the applicants to the FIRE Grant program. There was a feeling that it needed to be stronger than that, and this substitute directs the Administrator to establish provisions where fire departments will be required to follow those standards, unless there are extenuating circumstances, then the Administrator would have the latitude to consider those circumstances in approving a grant for FIRE Grant program under the Section 33 provisions. With that, I yield back, Mr. Chairman.

[Statement of Nick Smith follows:]

STATEMENT OF HON. NICK SMITH OF MICHIGAN

MANAGER'S AMENDMENT DESCRIPTION

Mr. Chairman, this manager's amendment does two things. One, it makes some very minor changes to the Residential Fire Sprinkler Strategy we have authorized in H.R. 2692, adding "persons with disabilities" to the list of high-risk occupants the strategy shall focus on, and the amendment deletes "kitchens" as a specified focus of the strategy for targeting sprinkler installation and use in high-risk areas or residences.

Second, this amendment addresses an issue we deferred at the Subcommittee markup regarding the requirement that equipment purchased through the Assistance to Firefighters grant program meet applicable voluntary consensus standards. While everyone has maintained that standards are useful, and even necessary, we originally had some disagreement regarding the potential impact of such a requirement on fire departments purchasing equipment through USFA's grant program. However, we were able to work out a reasonable compromise that we believe will require the standards to be followed when it is practical, while providing the Administrator the authority to waive the requirement if he deems grant applicants may benefit more from the purchase of equipment that does not meet or exceed the standards. This provides important flexibility to ensure the requirement is not too prescriptive.

Mr. Chairman, this amendment strengthens our USFA reauthorization bill, and I urge all members to support.

Chairman BOEHLERT. Thank you. Is there any further discussion? If not, the vote occurs on the amendment. All in favor, say aye. Aye. Opposed, nay. Ayes have it, and the amendment is agreed to. Is there any further discussion? If not, the vote occurs on the final bill, H.R. 2692, the United States Fire Administration Authorization Act of 2003, as amended. All those in favor, say aye. Aye. Opposed, no. In the opinion of the Chair, the ayes have it. I now recognize Mr. Hall for a motion.

Mr. HALL. Mr. Chairman, I am finally happy to move that the Committee favorably report H.R. 2692, as amended, to the House with the recommendation that the bill, as amended, do pass. Furthermore, I move that the staff be instructed to prepare the legislative report and make necessary technical and conforming changes, and that the Chairman take all necessary steps to bring the bill before the House for consideration. Amen.

Chairman BOEHLERT. The question is on the motion to report the bill favorably. Those in favor of the motion will signify by saying aye. Aye. Opposed, no. The ayes appear to have it, and the bill is favorably reported. Without objection, the motion to reconsider is

laid upon the table. I move that members have two subsequent calendar days in which to submit supplemental, minority, or additional views on the measure. I move pursuant to Clause 1 of Rule 22 of the Rules of the House of Representatives that the Committee authorize the Chairman to offer such motions as may be necessary in the House to go to conference with the Senate on the bill H.R. 2692 or a similar Senate bill. Without objection, so ordered. This concludes the markup. Thank you very much for your patience and your indulgence.

[Whereupon, at 4:40 p.m., the Committee was adjourned.]

COMMITTEE ON SCIENCE

FULL COMMITTEE MARKUP

July 22, 2003

AMENDMENT ROSTER

H.R. 2692, United States Fire Administration Authorization Act of 2003

--Motion to adopt the bill, as amended: agreed to by a voice vote.
--Motion to report the bill, as amended: agreed to by a voice vote.

No.	Sponsor	Description	Results
1.	Mr. Smith, MI	Manager's Amendment	--Adopted by a voice vote.

AMENDMENT TO H.R. 2692

OFFERED BY MR. SMITH OF MICHIGAN

Page 2, line 13, insert "and persons with disabilities" after "senior citizens"

Page 2, line 15, strike ", such as kitchens".

Page 6, lines 3 through 11, amend paragraph (2) to read as follows:

1 "(2) STANDARDS FOR NEW EQUIPMENT.—(A)
2 The Administrator shall, by regulation, require that
3 new equipment or systems purchased through the
4 assistance program established by section 33 meet or
5 exceed applicable voluntary consensus standards for
6 such equipment or systems for which applicable vol-
7 untary consensus standards have been established.
8 The Administrator may waive the requirement under
9 this subparagraph with respect to specific standards.
10 "(B) If an applicant for a grant under section
11 33 proposes to purchase, with assistance provided
12 under the grant, new equipment or systems that do
13 not meet or exceed applicable voluntary consensus
14 standards, the applicant shall include in the applica-
15 tion an explanation of why such equipment or sys-
16 tems will serve the needs of the applicant better

than equipment or systems that do meet or exceed such standards.

"(C) In making a determination whether or not to waive the requirement under subparagraph (A) with respect to a specific standard, the Administrator shall, to the greatest extent practicable—

"(i) consult with grant applicants and other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

"(ii) take into consideration the explanation provided by the applicant under subparagraph (B); and

"(iii) 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.

"(D) Applicants that apply for a grant under the terms of subparagraph (B) may include a second grant request in the application to be considered by the Administrator in the event that the Administrator does not approve the primary grant request on the grounds of the equipment not meeting applicable voluntary consensus standards.".

3

Page 6, line 16, strike "There" and insert "In addition to sums otherwise authorized under this Act, there".

Page 10, line 20, insert ", where appropriate," after "Fire Administration shall".

Page 10, lines 23 and 24, strike "Attorney General, the Secretary of Health and Human Services, and the".

H.R. 2692, AS REPORTED BY THE SUBCOMMITTEE ON RESEARCH ON JULY 17, 2003

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "United States Fire
3 Administration Authorization Act of 2003".

4 **SEC. 2. UNITED STATES FIRE ADMINISTRATOR.**

5 Notwithstanding section 1513 of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 553), the Administrator of the
7 United States Fire Administration shall continue to be ap-
8 pointed and compensated as provided under section 5(b)
9 of the Federal Fire Prevention and Control Act of 1974
10 (15 U.S.C. 2204(b)).

11 **SEC. 3. NATIONAL RESIDENTIAL FIRE SPRINKLER STRAT-**
12 **EGY.**

13 Section 30 of the Federal Fire Prevention and Con-
14 trol Act of 1974 (15 U.S.C. 2226) is amended—

15 (1) by inserting "(a) IN GENERAL.—" before
16 "The Director, acting"; and

17 (2) by adding at the end the following new sub-
18 section:

"(b) NATIONAL RESIDENTIAL FIRE SPRINKLER STRATEGY.—The Administrator shall develop and implement a strategy for promoting the installation and use of residential fire sprinklers. The strategy shall include—

"(1) advocacy and informational support to relevant stakeholders, including builders, insurers, and State and local decisionmakers;

"(2) promotion of residential sprinklers in residences supported by the Federal Government;

"(3) a particular focus on residences—

"(A) at high risk to fire hazards; and

"(B) with occupants at high risk to fire hazards, such as senior citizens; and

"(4) a particular focus on localized fire suppression in high-risk areas of residences, such as kitchens."

SEC. 4. SUPPORT FOR TRAINING TO FIGHT MARITIME FIRES.

Subsection (b)(3)(B) of the first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)(B)) is amended by inserting "maritime firefighting," after "arson prevention and detection,".

SEC. 5. FIREFIGHTER ASSISTANCE GRANTS PROGRAM.

The first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by striking "Director" each place it appears and inserting "Administrator";

(2) by amending subsection (b)(2) to read as follows:

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

(3) in subsection (e)(2), by striking "operate the office established under subsection (b)(2) and".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)) is amended by striking "to carry out the purposes" and all that follows through the end of subparagraph (K) and inserting "to the Administrator to carry out the purposes of this Act, other than the firefighter assistance program under section 33—

"(A) $58,928,000 for fiscal year 2004;

"(B) $60,700,000 for fiscal year 2005; and

"(C) $62,520,000 for fiscal year 2006.".

SEC. 7. COURSES AND TRAINING ASSISTANCE.

Section 7(l) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(l)) is amended by adding

1 at the end the following: "The Superintendent shall offer,
2 at the Academy and at other sites, courses and training
3 assistance as necessary to accommodate all geographic re-
4 gions and needs of career and volunteer firefighters.".

5 **SEC. 8. NEW FIREFIGHTING TECHNOLOGY.**

6 (a) IN GENERAL.—Section 8 of the Federal Fire Pre-
7 vention and Control Act of 1974 (15 U.S.C. 2207) is
8 amended—

9 (1) by redesignating subsection (e) as sub-
10 section (f); and

11 (2) by inserting after subsection (d) the fol-
12 lowing:

13 "(e) DEVELOPMENT OF NEW TECHNOLOGY.—

14 "(1) IN GENERAL.—In addition to, or as part
15 of, the program conducted under subsection (a), the
16 Administrator, in consultation with the National In-
17 stitute of Standards and Technology, the Inter-
18 Agency Board for Equipment Standardization and
19 Inter-Operability, national voluntary consensus
20 standards development organizations, interested
21 Federal, State, and local agencies, and other inter-
22 ested parties, shall—

23 "(A) develop new, and utilize existing,
24 measurement techniques and testing methodolo-

1 gies for evaluating new firefighting tech-
2 nologies, including—
3 "(i) personal protection equipment;
4 "(ii) devices for advance warning of
5 extreme hazard;
6 "(iii) equipment for enhanced vision;
7 "(iv) devices to locate victims, fire-
8 fighters, and other rescue personnel in
9 above-ground and below-ground structures;
10 "(v) equipment and methods to pro-
11 vide information for incident command, in-
12 cluding the monitoring and reporting of in-
13 dividual personnel welfare;
14 "(vi) equipment and methods for
15 training, especially for virtual reality train-
16 ing; and
17 "(vii) robotics and other remote-con-
18 trolled devices;
19 "(B) evaluate the compatibility of new
20 equipment and technology with existing fire-
21 fighting technology; and
22 "(C) support the development of new vol-
23 untary consensus standards through national
24 voluntary consensus standards organizations for
25 new firefighting technologies based on tech-

1 niques and methodologies described in subpara-
2 graph (A).
3 "(2) STANDARDS FOR NEW EQUIPMENT.—If an
4 applicant for a grant under section 33 proposes to
5 purchase, with assistance provided under the grant,
6 equipment or systems that do not meet or exceed ap-
7 plicable voluntary consensus standards, the applicant
8 shall include in the application an explanation of
9 why such equipment or systems will serve the needs
10 of the applicant better than equipment or systems
11 that do meet or exceed such standards.".
12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
13 17 of the Federal Fire Prevention and Control Act of 1974
14 (15 U.S.C. 2216) is amended by adding at the end the
15 following:
16 "(i) DEVELOPMENT OF NEW TECHNOLOGY.—There
17 are authorized to be appropriated to the Administrator to
18 carry out section 8(e)—
19 "(1) $2,200,000 for fiscal year 2004;
20 "(2) $2,250,000 for fiscal year 2005; and
21 "(3) $2,300,000 for fiscal year 2006.".

1 **SEC. 9. COORDINATION OF RESPONSE TO NATIONAL EMER-**
2 **GENCY.**

3 (a) IN GENERAL.—Section 10 of the Federal Fire
4 Prevention and Control Act of 1974 (15 U.S.C. 2209) is
5 amended—

6 (1) by redesignating subsection (b) as sub-
7 section (c); and

8 (2) by inserting after subsection (a) the fol-
9 lowing:

10 "(b) MUTUAL AID SYSTEMS.—

11 "(1) IN GENERAL.—The Administrator, after
12 consultation with the Director of the Federal Emer-
13 gency Management Agency, shall provide technical
14 assistance and training to State and local fire serv-
15 ice officials to establish nationwide and State mutual
16 aid systems for dealing with national emergencies
17 that—

18 "(A) include threat assessment and equip-
19 ment deployment strategies;

20 "(B) include means of collecting asset and
21 resource information to provide accurate and
22 timely data for regional deployment; and

23 "(C) are consistent with the Federal
24 Emergency Management Agency's Federal Re-
25 sponse Plan.

1 "(2) MODEL MUTUAL AID PLANS.—The Admin-
2 istrator, in consultation with the Director of the
3 Federal Emergency Management Agency, shall de-
4 velop and make available to State and local fire serv-
5 ice officials model mutual aid plans for both intra-
6 state and interstate assistance.".

7 (b) REPORT ON STRATEGIC NEEDS.—Within 90 days
8 after the date of enactment of this Act, the Administrator
9 of the United States Fire Administration shall report to
10 the Senate Committee on Commerce, Science, and Trans-
11 portation and the House of Representatives Committee on
12 Science on the need for a strategy concerning deployment
13 of volunteers and emergency response personnel (as de-
14 fined in section 6 of the Firefighters' Safety Study Act
15 (15 U.S.C. 2223e), including a national credentialing sys-
16 tem, in the event of a national emergency.

17 (c) UPDATE OF FEDERAL RESPONSE PLAN.—Within
18 180 days after the date of enactment of this Act, the Di-
19 rector of the Federal Emergency Management Agency
20 shall—

21 (1) revise that Agency's Federal Response Plan
22 to incorporate plans for responding to terrorist at-
23 tacks, particularly in urban areas, including fire de-
24 tection and suppression and related emergency serv-
25 ices; and

1 (2) transmit a report to the Senate Committee
2 on Commerce, Science, and Transportation and the
3 House of Representatives Committee on Science de-
4 scribing the action taken to comply with paragraph
5 (1).

6 **SEC. 10. TRAINING.**

7 (a) IN GENERAL.—Section 7(d)(1) of the Federal
8 Fire Prevention and Control Act of 1974 (15 U.S.C.
9 2206(d)(1)) is amended—

10 (1) by striking "and" after the semicolon in
11 subparagraph (E);

12 (2) by redesignating subparagraph (F) as sub-
13 paragraph (N); and

14 (3) by inserting after subparagraph (E) the fol-
15 lowing:

16 "(F) strategies for building collapse rescue;

17 "(G) the use of technology in response to
18 fires, including terrorist incidents and other na-
19 tional emergencies;

20 "(H) response, tactics, and strategies for
21 dealing with terrorist-caused national catas-
22 trophes;

23 "(I) use of and familiarity with the Fed-
24 eral Emergency Management Agency's Federal
25 Response Plan;

1 "(J) leadership and strategic skills, includ-
2 ing integrated management systems operations
3 and integrated response;
4 "(K) applying new technology and devel-
5 oping strategies and tactics for fighting forest
6 fires;
7 "(L) integrating terrorism response agen-
8 cies into the national terrorism incident re-
9 sponse system;
10 "(M) response tactics and strategies for
11 fighting fires at United States ports, including
12 fires on the water and aboard vessels; and".
13 (b) CONSULTATION ON FIRE ACADEMY CLASSES.—
14 The Superintendent of the National Fire Academy may
15 consult with other Federal, State, and local agency offi-
16 cials in developing curricula for classes offered by the
17 Academy.
18 (c) COORDINATION WITH OTHER PROGRAMS TO
19 AVOID DUPLICATION.—The Administrator of the United
20 States Fire Administration shall coordinate training pro-
21 vided under section 7(d)(1) of the Federal Fire Prevention
22 and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the
23 Attorney General, the Secretary of Health and Human
24 Services, and the heads of other Federal agencies—

1 (1) to ensure that such training does not dupli-
2 cate existing courses available to fire service per-
3 sonnel; and
4 (2) to establish a mechanism for eliminating
5 duplicative training programs.

SECTION-BY-SECTION ANALYSIS OF

H.R. 2692, AS AMENDED BY THE RESEARCH SUBCOMMITTEE

INTRODUCED BY MR. SMITH OF MICHIGAN AND MS. JOHNSON OF TEXAS

Section 1. Short Title.

"United States Fire Administration Authorization Act of 2003".

Section 2. United States Fire Administrator.

Preserves the position of U.S. Fire Administrator as a Presidentially-appointed, Senate-confirmed position.

Section 3. National Residential Fire Sprinkler Strategy.

Requires the Administrator to develop and implement a strategy for promoting the installation and use of residential fire sprinklers. Requires strategy to include advocacy and informational support to relevant stakeholders, with a particular focus on residences at high risk to fire hazards and occupants at high risk to fire hazards (such as senior citizens).

Section 4. Support for Training to Fight Maritime Fires.

Amends the Assistance to Firefighters Grant Program to allow support for training to fight maritime fires as an eligible grant activity.

Section 5. Firefighters Assistance Grants Program.

Transfers responsibility for administration of the program from the Director of the Federal Emergency Management Agency (FEMA) to the Administrator of the U.S. Fire Administration (USFA).

Section 6. Authorization of Appropriations.

Authorizes appropriations for USFA of $58.928, $60.7, and $62.52 million annually for fiscal years FY 2004 through FY 2006, respectively.

Section 7. Courses and Training Assistance.

Clarifies that National Fire Academy Superintendent, in offering training courses, work to accommodate as many geographic areas and needs of firefighters as possible.

Section 8. New firefighting technology.

Subsection (a) would establish a new section 8(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207). This new subsection would direct the Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, national voluntary consensus standards development organizations, and other interested parties, to develop new, and utilize existing, measurement techniques and testing methodologies for evaluating the performance of new firefighting technology, including:

- personal protection equipment;
- devices for advance warning of extreme hazard;
- equipment for enhanced vision;
- devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;
- equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;
- equipment and methods for training, especially for virtual reality training; and
- robotics and other remote-controlled devices.

The Administrator would also be required to evaluate the compatibility of new equipment and technology with existing firefighter technology, and support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies.

For fire departments applying for equipment under the Assistance to Firefighters grant program that does not meet applicable voluntary consensus standards, applicants must include in their applications an explanation of why the equipment will serve their needs better than equipment that does meet the standards.

Authorizes appropriations of $2.2, $2.25, and $2.3 million for fiscal years 2004 through 2006 to carry out this section.

Sec. 9. Coordination of response to national emergency.

Subsection (a) would create a new section 10(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2209). New subsection (b) would require the Administrator, after consultation with the Director of FEMA, to provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies. These mutual aid systems would include threat assessment and equipment deployment strategies,

and include means of collecting asset and resource information to provide accurate and timely data for regional deployment. These mutual aid systems also would have to be consistent with FEMA's Federal Response Plan. The Administrator, in consultation with the Director of FEMA, would be required to develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance.

Subsection (b) would require the Administrator to report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, within 90 days after the date of enactment of this Act, on the need for a strategy concerning the deployment of volunteers and emergency response personnel (as defined in section 6 of the Firefighters' Safety Study Act (15 U.S.C. 2223e)), including a national credentialing system, in the event of a national emergency.

Subsection (c) would require the Director of FEMA to revise the Federal Response Plan within 180 days after the date of enactment of this Act to incorporate plans for responding to terrorist attacks, particularly in urban areas, including fire detection and suppression and related emergency services. The Director of FEMA would also be required to transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on these revisions.

Sec. 10. Training.

Subsection (a) would amend section 8(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1) to authorize the Superintendent of the National Fire Academy to conduct training in the following areas:

(i) strategies for building collapse rescue;

(ii) the use of technology in response to fires, including terrorist incidents and other national emergencies;

(iii) response, tactics, and strategies for dealing with terrorist-caused national catastrophes;

(iv) use of and familiarity with FEMA's Federal Response Plan;

(v) leadership and strategic skills, including integrated management systems operations and integrated response;

(vi) applying new technology and developing strategies and tactics for fighting forest fires;

(vii) integrating terrorism response agencies into the national terrorism incident response system; and

(viii) response tactics and strategies for fighting fires at United States ports, including fires on the water and aboard vessels.

Subsection (b) would authorize the Superintendent of the National Fire Academy to consult with other Federal, State, and local government officials in developing curricula for classes at the Academy.

Subsection (c) would require the Administrator to coordinate the training provided under section 8(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the Attorney General, the Secretary of Health and Human Services, and the heads of other Federal agencies, to ensure that such training does not duplicate existing courses available to fire service personnel and to establish a mechanism for eliminating duplicative training programs.

○