

1 **TITLE XXXVI—ASSISTANCE TO**
2 **FIREFIGHTERS**

Sec. 3601. Short title.

Sec. 3602. Amendments to Federal Fire Prevention and Control Act of 1974.

Sec. 3603. Report on assistance to firefighters.

3 **SEC. 3601. SHORT TITLE.**

4 This title may be cited as the “Assistance to Fire-
5 fighters Grant Program Reauthorization Act of 2004”.

6 **SEC. 3602. AMENDMENTS TO FEDERAL FIRE PREVENTION**
7 **AND CONTROL ACT OF 1974.**

8 Section 33 of the Federal Fire Prevention and Con-
9 trol Act of 1974 (15 U.S.C. 2229) is amended—

10 (1) in subsection (b)(1)(A)—

11 (A) by inserting “throughout the Nation”
12 after “personnel”; and

13 (B) by striking “and” at the end;

14 (2) in subsection (b)(1)(B)—

15 (A) by inserting “and firefighter safety re-
16 search and development” after “fire preven-
17 tion”; and

18 (B) by striking the period and inserting “;
19 and”;

20 (3) by adding at the end of subsection (b)(1)
21 the following new subparagraph:



36-2

1 “(C) provide assistance for nonaffiliated
2 EMS organizations for the purpose of para-
3 graph (3)(F).”;

4 (4) in subsection (b)(3)(F), by inserting “and
5 nonaffiliated EMS organizations” after “fire depart-
6 ments”;

7 (5) in subsection (b)(4)—

8 (A) by inserting “AND FIREFIGHTER SAFE-
9 TY RESEARCH AND DEVELOPMENT” after “PRE-
10 VENTION” in the paragraph heading;

11 (B) in subparagraph (A)(ii)—

12 (i) by inserting “that are not fire de-
13 partments and” after “community organi-
14 zations”;

15 (ii) by inserting “and firefighter re-
16 search and development programs,” after
17 “fire safety programs and activities,”; and

18 (iii) by inserting “and research to im-
19 prove firefighter health and life safety”
20 after “fire prevention programs”;

21 (C) in subparagraph (B), by striking “to
22 children from fire” and inserting “to high risk
23 groups from fire, as well as research programs
24 that demonstrate the potential to improve fire-
25 fighter safety”; and

1 (D) by adding at the end the following new
2 subparagraph:

3 “(C) GRANT LIMITATION.—A grant under
4 this paragraph shall not be greater than
5 \$1,000,000 for a fiscal year.”;

6 (6) in subsection (b)(5)(B)—

7 (A) by redesignating clause (iv) as clause
8 (v); and

9 (B) by inserting after clause (iii) the fol-
10 lowing new clause:

11 “(iv) OTHER FEDERAL SUPPORT.—A
12 list of other sources of Federal funding re-
13 ceived by the applicant. The Director, in
14 coordination with the Secretary of Home-
15 land Security, shall use such list to prevent
16 unnecessary duplication of grant funds.”.

17 (7) in subsection (b)(6), by striking subpara-
18 graphs (A) and (B) and inserting the following:

19 “(A) IN GENERAL.—Subject to subpara-
20 graphs (B) and (C), the Director may provide
21 assistance under this subsection only if the ap-
22 plicant for such assistance agrees to match 20
23 percent of such assistance for any fiscal year
24 with an equal amount of non-Federal funds.



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

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

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

12 “(C) FIRE PREVENTION AND FIREFIGHTER
13 SAFETY GRANTS.—There shall be no matching
14 requirement for a grant described in paragraph
15 (4)(A)(ii).”;
16 (8) in subsection (b)(10)—

17 (A) by amending subparagraph (A) to read
18 as follows:

19 “(A) RECIPIENT LIMITATIONS.—A grant
20 recipient under subsection (b)(1)(A)—

21 “(i) that serves a jurisdiction with
22 500,000 people or less may not receive
23 grants in excess of \$1,000,000 for any fis-
24 cal year;



1 “(ii) that serves a jurisdiction with
 2 more than 500,000 but not more than
 3 1,000,000 people may not receive grants in
 4 excess of \$1,750,000 for any fiscal year;
 5 and

6 “(iii) that serves a jurisdiction with
 7 more than 1,000,000 people may not re-
 8 ceive grants in excess of \$2,750,000 for
 9 any fiscal year.

10 The Director may award grants in excess of the
 11 limitations provided in clause (i) and (ii) if the
 12 Director determines that extraordinary need for
 13 assistance by a jurisdiction warrants a waiver.”;

14 (B) by redesignating subparagraph (B) as
 15 subparagraph (C);

16 (C) by inserting after subparagraph (A)
 17 the following new subparagraph:

18 “(B) DISTRIBUTION.—Notwithstanding
 19 subparagraph (A), no single recipient may re-
 20 ceive more than the lesser of \$2,750,000 or one
 21 half of one percent of the funds appropriated
 22 under this section for a single fiscal year.”; and

23 (D) by adding at the end the following new
 24 subparagraphs:



1 “(D) REQUIREMENTS FOR GRANTS FOR
2 EMERGENCY MEDICAL SERVICES.—Subject to
3 the restrictions in subparagraph (E), not less
4 than 3.5 percent of the funds appropriated
5 under this section for a fiscal year shall be
6 awarded for purposes described in paragraph
7 (3)(F).

8 “(E) NONAFFILIATED EMS LIMITATION.—
9 Not more than 2 percent of the funds appro-
10 priated to provide grants under this section for
11 a fiscal year shall be awarded to nonaffiliated
12 EMS organizations.

13 “(F) APPLICATION OF SELECTION CRI-
14 TERIA TO GRANT APPLICATIONS FROM NON-
15 AFFILIATED EMS ORGANIZATIONS.—In review-
16 ing applications submitted by nonaffiliated
17 EMS organizations, the Director shall consider
18 the extent to which other sources of Federal
19 funding are available to provide assistance re-
20 quested in such grant applications.”;

21 (9) in subsection (b), by adding at the end the
22 following new paragraphs:

23 “(13) ANNUAL MEETING.—The Director shall
24 convene an annual meeting of individuals who are
25 members of national fire service organizations and



36-7

1 are recognized for expertise in firefighting or emer-
2 gency medical services provided by fire services, and
3 who are not employees of the Federal Government,
4 for the purpose of recommending criteria for award-
5 ing grants under this section for the next fiscal year
6 and recommending any necessary administrative
7 changes to the grant program.

8 “(14) GUIDELINES.—(A) Each year, prior to
9 making any grants under this section, the Director
10 shall publish in the Federal Register—

11 “(i) guidelines that describe the process for
12 applying for grants and the criteria for award-
13 ing grants; and

14 “(ii) an explanation of any differences be-
15 tween the guidelines and the recommendations
16 made pursuant to paragraph (13).

17 “(B) The criteria for awarding grants under
18 subsection (b)(1)(A) shall include the extent to
19 which the grant would enhance the daily operations
20 of the applicant and the impact of such a grant on
21 the protection of lives and property.

22 “(15) PEER REVIEW.—The Director shall, after
23 consultation with national fire service organizations,
24 appoint fire service personnel to conduct peer review
25 of applications received under paragraph (5). In



1 making grants under this section, the Director shall
2 consider the results of such peer review evaluations.

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

7 “(17) ACCOUNTING DETERMINATION.—Not-
8 withstanding any other provision of law, rule, regu-
9 lation, or guidance, for purposes of receiving assist-
10 ance under this section, equipment costs shall in-
11 clude, but not be limited to, all costs attributable to
12 any design, purchase of components, assembly, man-
13 ufacture, and transportation of equipment not other-
14 wise commercially available.”;

15 (10) by amending subsection (d) to read as fol-
16 lows:

17 “(d) DEFINITIONS.—In this section—

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

20 “(2) the term ‘nonaffiliated EMS organization’
21 means a public or private nonprofit emergency med-
22 ical services organization that is not affiliated with
23 a hospital and does not serve a geographic area in
24 which the Director finds that emergency medical



1 services are adequately provided by a fire depart-
2 ment; and

3 “(3) the term ‘State’ includes the District of
4 Columbia and the Commonwealth of Puerto Rico.”;
5 and

6 (11) in subsection (e)(1), by striking the first
7 sentence and inserting “There are authorized to be
8 appropriated for the purposes of this section
9 \$900,000,000 for fiscal year 2005, \$950,000,000 for
10 fiscal year 2006, and \$1,000,000,000 for each of the
11 fiscal years 2007 through 2009.”.

12 **SEC. 3603. REPORT ON ASSISTANCE TO FIREFIGHTERS.**

13 (a) **STUDY AND REPORT ON ASSISTANCE TO FIRE-**
14 **FIGHTERS.—**

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

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

22 (B) identify the equipment, staffing, and
23 training required to fulfill the roles and activi-
24 ties defined under subparagraph (A);



1 (C) conduct an assessment to identify gaps
2 between what fire departments currently pos-
3 sess and what they require to meet the equip-
4 ment, staffing, and training needs identified
5 under subparagraph (B) on a national and
6 State-by-State basis; and

7 (D) measure the impact of the Assistance
8 to Firefighters Grant program under section 33
9 of the Federal Fire Prevention and Control Act
10 of 1974 (15 U.S.C. 2229) in meeting the needs
11 of the fire services identified in the report sub-
12 mitted to Congress under section 1701(b) of
13 the Floyd D. Spence National Defense Author-
14 ization Act for Fiscal Year 2001 and filling the
15 gaps identified under subparagraph (C).

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

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the United States



36-11

- 1 Fire Administration \$300,000 for fiscal year 2005 to
- 2 carry out the study required by subsection (a).

And the Senate agree to the same.

