

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3791) TO AMEND SECTIONS 33 AND 34 OF THE FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974, AND FOR OTHER PURPOSES

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NOVEMBER 17, 2009.—Referred to the House Calendar and ordered to be printed

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Ms. PINGREE, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 909]

The Committee on Rules, having had under consideration House Resolution 909, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3791, the “Fire Grants Reauthorization Act of 2009,” under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Science and Technology modified by the amendment printed in part A of this report shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution makes in order only those amendments printed in part B of this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments made in order except those arising under clause 9 or 10 of rule XXI. The resolution provides one motion to recommit

with or without instructions. The resolution provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or a designee. Finally, the resolution provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill (except those arising under clause 9 or 10 of rule XXI) and all points of order against the amendment in the nature of a substitute (except those arising under clause 10 of rule XXI), the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

#### SUMMARY OF AMENDMENT IN PART A TO BE CONSIDERED AS ADOPTED

Would prohibit the Director from denying an applicant solely based on the applicant failing to demonstrate that the grant will be used to prepare for or respond to a terrorism incident or use of a weapon of mass destruction. It would require the Director to publish Federal Register notices prior to accepting any grant applications instead of prior to making any grants. It also would require that reports be submitted to Congress instead of specified committees.

#### SUMMARY OF AMENDMENTS IN PART B TO BE MADE IN ORDER

1. Titus (NV): Would expand the scope of the Assistance to Firefighter Grants program to allow the purchase of equipment that reduces the use of water in fighting fires and training firefighters. (10 minutes)

2. Perlmutter (CO): Would authorize a nationwide survey to assess compliance of fire departments with certain best practices on firefighter safety. Establishes a task force of fire service industry to make recommendations to Congress on ways to increase compliance with those firefighter safety standards. (10 minutes)

3. Flake, Jeff (AZ): Would prohibit earmarking of funds appropriated under the Act. (10 minutes)

4. Holden (PA): Would make river rescue organizations eligible for funding under the definition of a rescue organization. (10 minutes)

5. Cardoza (CA): Would require the Director to consider unemployment rates when awarding grants. (10 minutes)

#### PART A—TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Page 13, after line 6, insert the following new clause:

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

Page 19, line 15, strike “making any grants” and insert “accepting any application for a grant under each program”.

Page 36, lines 16 through 19, strike “the Committee on Commerce, Science, and Transportation of the Senate and the Com-

mittee on Science and Technology of the House of Representatives” and insert “Congress”.

PART B—TEXT OF AMENDMENTS TO BE MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TITUS, DINA OF NEVADA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, after line 19, insert the following:

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

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PERLMUTTER, ED OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 5. NATIONAL VOLUNTARY CONSENSUS STANDARDS.**

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

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

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

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

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

(C) fire departments in each of the States.

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

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

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

(2) MEMBERSHIP.—

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

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

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

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

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

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

(3) RESPONSIBILITIES.—The Task Force shall—

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

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

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

(ii) considering ways in which the Federal Government, States, and localities can promote or encourage fire departments to comply with national voluntary consensus standards.

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

(c) DEFINITIONS.—

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

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

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums

as may be necessary to carry out this section for each of fiscal years 2010 through 2013.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE, JEFF OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 5. PROHIBITION ON EARMARKS.**

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

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLDEN, TIM OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

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

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

“(i) is not affiliated with a hospital;

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

“(iii) is staffed primarily by volunteers.

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

Page 25, after line 7, insert the following:

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

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARDOZA, DENNIS OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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