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Legislative Bulletin.....November 18, 2009

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H.R. 3791—Fire Grants Reauthorization Act of 2009

H.R. 3791—Fire Grants Reauthorization Act of 2009 (*Mitchell, D-AZ*)

Order of Business: The bill is expected to be considered on Wednesday, November 18, 2009, under a structured rule ([H.Res.909](#)) providing for one hour of general debate, making in order one amendment that self-executes upon adoption of the rule and five additional amendments under regular order. The rule waives all points of order against consideration of the bill, except the earmark rule and “pay-go” violations. The rule allows one motion to recommit with or without instructions. The RSC will summarize each amendment made in order in a separate document.

Summary: H.R. 3791 would authorize a total of approximately \$9.8 billion over five years to reauthorize both the Assistance to Firefighters Grant Program (AFG) and the Staffing for Adequate Fire and Emergency Response (SAFER) grant program. The bill expands program eligibility, increases minimum funding for fire prevention and safety programs, changes state and federal matching requirements, and reduces recruitment and retainment grants from four to three years. Additionally, Representative Broun (G-GA) was able to pass an amendment in Committee to prohibit the Association of Community Organizations for Reform Now (ACORN) from receiving any funding from the bill. Specific highlights of the bill by section include:

Assistance to Firefighters Grant Program: The bill authorizes the Director of the Federal Emergency Management Agency (FEMA) to make grants on a competitive basis directly to fire departments of a State for purpose of protecting the health and safety of the public and firefighting personnel, state fire training academies, fire prevention safety and research programs, and EMS or rescue organizations. The legislation authorizes \$1 billion per year for the FY 2010 through FY 2014 for these purposes. This is the same amount in the previous authorization.

- **Fire Prevention and Research & Development Programs:** H.R. 3791 requires that no less than 10% of funds may be used for general fire prevention programs at departments and limits grants to a \$1.5 million maximum. The grantee must match at 10% of federal levels (5% for cities with a population less than 20,000). This is down from the previous 15% requirement. The bill also provides economic hardship waivers for communities, limits the aggregate amount of total grants for each jurisdiction, and requires that volunteer, career, and combination facilities receive 25% of the grants each. The remaining 25% is split between them on a competitive basis.

- **Grant Limits:** The legislation limits the amount each grant can spend on the purchase of vehicle to 25% of the total. The Director is limited to allowing no more than three percent of the total grants in the AFG system to state fire training academies and a maximum of \$1 million each. Grants are now available to institutions of higher education, a national fire service organization, or a national fire safety organization to establish and operate a fire safety research center. The bill allows the Director to establish up to three fire safety research centers.

Staffing for Adequate Fire and Emergency Response (SAFER) Program: The bill authorizes the Director to provide grants to all fire departments with the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards and to fulfill traditional missions of fire departments. The legislation authorizes \$1.194 billion per year for the FY 2011 through FY 2014 period for these purposes. These are same levels as currently authorized. The bill changes the grant limit from four to three years and limits the maximum cost of the grant to 80% to cover recruitment and retention.

- **Hiring Grants:** The bill changes the grant limit from four to three years and increases the maximum federal share of the grant to 80% (from 70%) to cover recruitment and retention. Additionally, the bill provides a set aside for 10 percent of funds to departments with a majority of volunteer personnel.
- **Recruitment and Retention Grants:** Requires at least 10% of the grants apply to the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. The director can provide a jurisdiction facing an economic hardship with a waiver.

Study: The final provision of the bill requires a two year study costing \$600,000 from the Administrator of the United States Fire Administration to report to Congress on the current roles and activities associated with the fire services, identifying equipment, staffing, training needs, and measure the impact of the grant program.

Additional Background: For a detailed overview of the AFG and SAFER programs, see this October [General Accountability Office](#) report.

- **Assistance to Firefighters Grant Program (AFG):** The grant program was originally established in 2000 to help provide funding with the purpose of assisting local fire departments to purchase firefighting and emergency response training and equipment to expand emergency response capabilities. Since 2001, the AFG program has awarded approximately \$4.8 billion in Federal grants to hire additional personnel, modify facilities, and obtain equipment, protective gear, emergency vehicles, training, and other resources. In 2009, Congress provided \$565 million for the program. According to the Committee, the Federal Emergency Management Agency (FEMA) received over 20,000 applications from fire departments for AFG funds, requesting over \$3 billion in FY 2008.
- **Staffing for Adequate Fire and Emergency Response (SAFER):** The program was originally established in 2003 with the purpose of providing funding to assist communities with hiring additional firefighters and to recruit and retain volunteer firefighters. Since 2003, SAFER has awarded approximately \$700 million. In 2009, Congress provided \$210 million for this program. According to the Committee, FEMA

received over one thousand SAFER applications with requests totaling over \$500 million in FY 2008.

- **ACORN:** The Committee adopted an amendment to prohibit ACORN from receiving funding under the bill. On September 4, 2009, it was reported that FEMA has issued a \$1 million fire prevention grant to ACORN with the purpose of installing fire alarms in low-income areas of New Orleans. With the reputation this organization has developed, language was inserted to state “Limitation – None of the funds made available under this paragraph may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.”

Conservative Concerns: Some conservatives have expressed concerns regarding the authorization levels of the bill totaling nearly \$10 billion over five years (while authorization levels remain the same, they are nearly double the amount currently being appropriated). Some conservatives have also expressed concern how the legislation increases the reliance of local fire departments on federal dollars. Some conservatives have also expressed concern that this reauthorization reduces state matching requirements and eliminates a \$100,000 federal expenditure cap on spending per firefighter.

Additionally, some conservatives have questioned the effectiveness of these programs because they have [arguably failed to reduce fire-related deaths](#) and injuries of firefighters and civilians. The Heritage Foundation released an additional [Web Memo](#) in which they argue H.R. 3791 is simply a grant program subsidizing the routine operations of basic fire services.

However, some conservative may feel those concerns are outweighed by their desire to support programs that promote homeland security in their community.

Committee Action: On October 13, 2009, the bill was introduced and referred to the Committee on Science and Technology. On October 14, 2009, the subcommittee on Technology and Innovation held a mark-up and reported the bill to the full committee by voice vote. On October, 21, 2009, the full committee held a mark-up and ordered the bill to be reported, as amended, by a voice vote.

Administration Position: A Statement of Administration Policy (SAP) is unavailable at press time.

Cost to Taxpayers: According to CBO, H.R. 3791 authorizes \$9.777 billion in spending from FY2010 through FY2014. \$600,000 is authorized to conduct a two year study on the resources and needs of fire services at the national, regional, and local level, and the impact that grant programs have had on those areas.

Accordingly, CBO estimates the cost of the Assistance to Firefighters Grant (AFG) program to “cost about \$3.3 billion over the 2010-2014 period and about \$1.7 billion thereafter, assuming appropriation of the specified amounts.” CBO estimates the Staffing for Adequate Fire and Emergency Response (SAFER) to “cost about \$2.7 billion over the 2010-2014 period and about \$2.1 billion thereafter, assuming appropriation of the specified amounts.” This is a ***total of \$6 billion over the 2010-2014 period and \$3.8 billion thereafter***, assuming appropriation of the specified amounts.

Does the Bill Expand the Size and Scope of the Federal Government? : No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? : No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to Committee Report 111-333, H.R. 3791 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in House Rule XXI, clause 9(d), 9(e), and 9(f).

Constitutional Authority: The committee report for H.R. 3791 cites Constitutional Authority in Article I, Section 8, but *fails* to cite a foregoing power to what this clause reflects.

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