
MEMORANDUM

TO: STEVE EDWARDS; NORTH AMERICAN FIRE TRAINING DIRECTORS

FROM: SEAN CARROLL; DIRECTOR OF GOVERNMENT AFFAIRS, CFSI

SUBJECT: LEGISLATIVE UPDATE ON THE 111TH CONGRESS

DATE: APRIL 16, 2010

The following memo is a synopsis of the government affairs issues the Congressional Fire Services Institute (CFSI) has been concentrating on in the second session of the 111th Congress. This is not a comprehensive list, only those issues which we have been most involved. Throughout the year, the CFSI Legislative Resources website is continually updated with a list of fire service legislation currently before Congress.

CONGRESSIONAL FIRE SERVICES CAUCUS

The Congressional Fire Services Caucus saw a high turnover in membership in both the 110th and 111th Congresses. At its height, the caucus was comprised of more than 360 members of Congress. Today, there are just over 320 members. CFSI has undertaken an aggressive campaign not only to increase membership in the Caucus, but to encourage more members of Congress to become actively engaged in advocating for the fire and emergency services.

The caucus welcomed a new co-chair in the 111th Congress. Senator Tom Carper (DE) was chosen by the leadership of the caucus to replace Vice President Joe Biden. The leadership of the caucus also selected Congressman Peter King (NY-3) as chair of the caucus during the 111th Congress. A full list of current members of the caucus can be found at: http://www.cfsi.org/govt_affairs/caucus.asp.

LEGISLATIVE ISSUES

Assistance to Firefighters Grant Program: The application period for Fiscal Year 2009 Assistance to Firefighters Grant Program closed on Wednesday, May 20, 2009. The latest round of grant awards was announced on April 2, 2010. Nearly all of the \$510 million available for grants have been awarded (Congress appropriated \$565 million, but DHS set aside some money for the Fire Prevention and Safety Grants and administrative costs as mandated by Congress). DHS is in the process of sending out the last of the turnaround letters to the FY09 unsuccessful applicants. Shortly afterwards, DHS plans to release the guidance for the FY10 FIRE grants.

On Monday, February 1, 2010, the White House released the Obama Administration's Fiscal Year 2011 budget proposal, detailing requested funding levels for programs and offices in the federal budget. The approximately \$3.8 trillion budget includes \$45.6 billion for homeland security spending. Although the proposal increases funding in some areas, it contains significant cuts to firefighter grant programs. The Administration has proposed funding the State Homeland Security Grant Program at \$1.05 billion, an increase of \$100 million over FY2010. The budget request also contains an increase of \$223 million for the Urban Area Security Initiative (UASI), bringing that program to a proposed funding level of \$1.1 billion. The United States Fire Administration (USFA) received a modest increase of approximately \$342,000 over Fiscal Year 2010.

Unfortunately the Administration has proposed cuts to the popular and successful Assistance to Firefighters (FIRE) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs. The FIRE grant program, which received approximately \$3.1 billion in requests in Fiscal Year 2009, provides funding for critical equipment, training, and apparatus directly to local fire departments. The program also provides grants for fire prevention and safety programs and firefighter health and safety research. Congress funded the program at \$390 million in FY2010 after the Administration proposed funding the program at only \$170 million. The current budget proposal from the White House would only fund the program at \$305 million.

The SAFER grant program was funded at \$420 million in FY2010. This critical program combats staffing shortages by providing grants for hiring firefighters. The SAFER program also provides grants to volunteer fire departments to assist with recruitment and retention of volunteer firefighting personnel. The Administration proposed a \$115 million cut to this program, bringing the funding level down to \$305 million.

PROGRAM	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011 – Administration’s Request
Assistance to Firefighters Grant Program	\$775,000,000.00	\$810,000,000.00	\$610,000,000.00
FIRE grants	\$565,000,000.00	\$390,000,000.00	\$305,000,000.00
SAFER grants	\$210,000,000.00	\$420,000,000.00	\$305,000,000.00
State Homeland Security Grant Program (SHSGP)	\$950,000,000.00	\$950,000,000.00	\$1,050,000,000.00
Urban Area Security Initiative (UASI)	\$837,000,000.00	\$887,000,000.00	\$1,100,000,000.00
United States Fire Administration (USFA)	\$44,979,000.00	\$45,588,000.00	\$45,930,000.00

While the Administration's budget proposal is meant to serve as a guideline for federal spending, it is important to note that Congress will ultimately determine funding levels for these programs. The House and Senate Appropriations Committees will now begin work on crafting Fiscal Year 2011 spending bills. CFSI will continue to work with members of Congress on funding for these important programs and will continue to provide updates as the appropriations process moves forward.

Reauthorization of the Assistance to Firefighters Grant Program: The authorizing legislation for the Assistance to Firefighters Grant Program (popularly known as the FIRE Act) expired at the end of Fiscal Year 2009, meaning the program has to be reauthorized this year. In addition, authorization for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program expires at the end of Fiscal Year 2010. On Wednesday, November 18, 2009, the House of Representatives approved H.R. 3791, legislation that will reauthorize both programs.

The bill now goes to the Senate for consideration. While no bill has been introduced in the Senate, the staff of the Senate Committee on Homeland Security and Governmental Affairs has expressed their intent to move a bill through committee at the end of April.

Fire Sprinkler Incentive Act: On February 25, 2009, Congressman Jim Langevin (RI-2) was joined by 55 members of the House of Representatives in reintroducing the Fire Sprinkler Incentive Act, H.R. 1194. The legislation creates tax incentives for property owners to retrofit buildings with automatic fire sprinkler

systems. The legislation would reduce the tax depreciation on the sprinkler systems in nonresidential property from 39 years to only five years. This would lead to other benefits, including lower local fire department costs, enhanced public safety, increased loan activity, reduced insurance claims and premium costs, and increased retrofitting and installation jobs.

On January 22, 2010, Senators Thomas Carper (DE) and Susan Collins (ME) introduced S. 2947, a companion bill, in the Senate. Senate Carper has express his intent to possibly attach the Fire Sprinkler Incentive Act to one of the several jobs bills the Senate will be considering when they return from the Easter recess.

CFSI's National Advisory Committee passed a unanimous resolution in support of a tax incentive for the retrofit of fire sprinklers at the fall meeting of 2002. Legislation to achieve this objective was first introduced in Congress in April of 2003.

Volunteer Fire and Emergency Services Job Protection Act: The Volunteer Fire and Emergency Services Job Protection Act, S. 1025, is intended to protect the employment status of volunteer emergency services personnel responding to a Presidentially-declared national disaster for up to 14 days per calendar year. The legislation is based on similar protections provided to members of the National Guard. Currently, volunteer firefighters and emergency medical services personnel are not protected against termination or demotion by their employers should they miss work when called upon to respond to a Presidentially-declared emergency. Under the bill, employers would not be required to compensate employees for time missed due to responding, but they would have to let them keep their jobs when they return. Employees would likewise be required to make a reasonable effort to notify their employers that they will miss work and continue to provide reasonable updates over the course of their absence. Furthermore, the bill only applies to emergency responders who are acting in an official capacity. "Self-responders" would not be eligible for job protection under this bill and employers would have the right to ask for documentation from the official supervising the response stating that the employee was indeed involved in an official capacity.

The legislation, S. 1025, was been introduced in the Senate by Senator Thomas Carper (DE) and Senator Susan Collins (ME) on May 12, 2009. While Congressman Rob Andrews (NJ-1) has expressed his intent to introduce companion legislation in the House, a bill has yet to be introduced.

Volunteer Responder Incentive Protection Reauthorization Act: On Thursday, March 18, 2010, Senators Chris Dodd (CT) and Susan Collins (ME) introduced S. 3136, legislation to reauthorize the Volunteer Responder Incentive Protection Act. The legislation will reauthorize certain provisions in the tax code providing volunteer firefighters limited protection from taxation by the federal government. The current provisions, which expire at the end of 2010, were included as part of the Mortgage Forgiveness Debt Relief Act of 2007 (H.R. 3648). Specifically, S. 3136 contains a provision excluding from taxable income any property tax benefit for volunteer firefighters and EMS personnel. The legislation also allows volunteer firefighters to receive as much as \$500 annually in other benefits without being subject to federal taxation, an increase above the \$360 eligible under current law.

Similar legislation (H.R. 3666) was introduced by Congresswoman Tammy Baldwin (WI-2) and in the House on September 29, 2009.

American Recovery and Reinvestment Act of 2009: On Tuesday, February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009. The bill, popularly known at the

“Stimulus Bill”, was passed by both houses of Congress on Friday, February 13, 2009. Congressional leaders have stated the \$787 billion spending package is intended to jumpstart the economy and create jobs.

Among the provisions in the bill are several programs that will benefit the fire service. The legislation includes \$210 million for competitive grants to upgrade, modify or construct fire stations. Under this program, grants would be capped at \$15 million. The application period for the Fire Station Construction (FSC) grants closed on Friday, July 10, 2009. DHS received over 6,000 applications totaling approximately \$10 billion in requested assistance. Nearly all of the awards have been made, with 109 applicants receiving grants. DHS estimates the final awards should be made in the coming weeks.

Public Safety Employer-Employee Cooperation Act: On January 9, 2009, Congressman Dale Kildee (MI-5) introduced H.R. 413, the Public Safety Employer-Employee Cooperation Act. The legislation would grant collective bargaining rights to firefighters and law enforcement officers by establishing minimum standards for state collective bargaining laws. On August 8, 2009, Senator Judd Gregg (NH) introduced companion legislation, S. 1611.

The House overwhelmingly approved the legislation in the 110th Congress by a vote of 314-97. While the bill had significant support in the Senate, the session ended before the full Senate was able to vote on the legislation.

Federal Fire Fighters Fairness Act: On February 10, 2009, Congresswoman Lois Capps (CA-23) introduced H.R. 948, the Federal Fire Fighters Fairness Act, to create a rebuttable presumption that cardiovascular disease, certain cancers and certain infectious diseases contracted by federal firefighters are job-related for purposes of workers' compensation and disability retirement. The legislation currently has 139 co-sponsors.

Senator Thomas Carper (DE) and Senator Susan Collins (ME), both co-chairs of the Congressional Fire Services Caucus, introduced the legislation in the Senate on March 16, 2009. The Senate bill, S. 599, was approved by the Senate Homeland Security and Governmental Affairs Committee on May 20, 2009.

Honorable Stephanie Tubbs Jones College Fire Prevention Act: On April 28, 2009, Congresswoman Marcia Fudge (OH-11) introduced H.R. 2136, the Honorable Stephanie Tubbs Jones College Fire Prevention Act. The legislation creates grants for institutes of higher education to install fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories. On October 15, 2009, Senator Sherrod Brown (OH) introduced a companion bill, S. 1791, in the Senate.

H.R. 2136 is awaiting action by the House Education and Labor Committee. S. 1791 is being considered by the Senate Committee on Health, Education, Labor, and Pensions (HELP).

Campus Fire Safety Education Act of 2010: On March 18, 2010, Senator Frank Lautenberg (NJ) introduced S. 3142, the Campus Fire Safety Education Act. Congressman Bill Pascrell, Jr. (NJ-8) introduced a companion bill, H.R. 4908, on March 22nd. The bill creates a competitive grant program for colleges and universities to establish fire prevention and education programs. The program would be administered by the Department of Education in conjunction with the U.S. Fire Administration.

S. 3142 and H.R. 4908 have been referred to the Senate HELP Committee and the House Education and Labor Committee respectively.

Protect Children from Dangerous Lighters Act: On Thursday, March 26th, Senator Ron Wyden (OR) introduced S. 723, the Protect Children from Dangerous Lighters Act. The legislation bans cigarette lighters manufactured to look like toys or regular household items. Commonly referred to as "novelty lighters," the lighters pose a serious threat to the safety of children. Senator Susan Collins (ME), Senator Thomas Carper (DE), and Senator Christopher Dodd (CT), all co-chairs of the Congressional Fire Services Caucus, joined Senator Wyden as original co-sponsors of the bill. On April 22nd, Congressman Michael Michaud (ME) introduced H.R. 2050, a companion bill.

The legislation would require the Consumer Product Safety Commission (CPSC) to treat novelty lighters as a banned hazardous substance, prohibiting the manufacture, importation, or sale of the lighters anywhere in the country. Several states have recently passed novelty lighter-ban legislation and a number of the states are considering taking similar action.

In October of 2007, the National Association of State Fire Marshals introduced a resolution before CFSI's National Advisory Committee (NAC) calling for a ban on novelty lighters. The resolution was unanimously approved.