
MEMORANDUM

TO: CFSI NATIONAL ADVISORY COMMITTEE

FROM: SEAN CARROLL, DIRECTOR OF GOVERNMENT AFFAIRS

SUBJECT: CFSI ACTIVITIES DURING THE 112TH CONGRESS

DATE: OCTOBER 24, 2012

The following memo is a brief summary of the government affairs activities the Congressional Fire Services Institute (CFSI) has undertaken during the second session of the 112th Congress.

CONGRESSIONAL FIRE SERVICES CAUCUS

Membership in the Congressional Fire Services Caucus has dropped significantly over the past six years. The 2006, 2008, and 2010 elections all saw significant turnover in Congress, especially in the House of Representatives. The Fire Caucus has traditionally been the largest caucus in Congress, but the results of recent elections have caused membership to drop significantly. At the beginning of the 112th Congress, there were 270 members of the Fire Caucus; this was down from 325 in the 111th Congress. We have increased our outreach and recruitment efforts this Congress. We currently have 293 members of the Fire Caucus and new members are signing up on a regular basis.

A full list of the current leadership and members of the caucus can be found at http://www.cfsi.org/govt_affairs/caucus.asp.

LEGISLATIVE ISSUES

Funding for the Assistance to Firefighters Grant Program: On February 13, 2012, the White House released its Fiscal Year 2013 budget proposal detailing requested funding levels for programs and offices in the federal government. The approximately \$3.8 trillion budget includes \$39.5 billion for homeland security spending, a decrease of 0.5% below the enacted Fiscal Year 2012 level.

The Administration's budget proposal recommends slight reductions to the Assistance to Firefighters (FIRE) Grant Program and the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program. The Administration requested \$335 million for FIRE grants and \$335 million for SAFER grants in FY13. Congress appropriated \$337.5 million for each program in FY12. In addition, the Administration proposed decreasing the budget for the United States Fire Administration (USFA) to \$42,520,000. USFA was funded at \$44,038,000 in Fiscal Year 2012.

Under the Administration's budget proposal, several grant programs, including the Urban Area Security Initiative and the State Homeland Security Grant Program, would have been consolidated as part of the new National Preparedness Grant Program. The Administration requested \$1,540,908,000.00 for the program. Fire service grants (FIRE and SAFER) and the Emergency Management Performance Grants (EMPG) were not included in this

proposed consolidation. CFSI joined a number of fire, law enforcement, and local government associations in expressing concern with the proposal. As a result of a letter CFSI and the other organizations sent to Congressional appropriators outlining our concerns, FEMA convened a stakeholders meeting on April 16th to further discuss the proposal. Following the meeting, both the House and Senate Appropriations Committees released statements rejecting the Administration's proposal.

On June 7th, the House approved H.R. 5855, the Fiscal Year 2013 Homeland Security Appropriations Act, by a vote of 234-182. The bill, as originally introduced, made a slight cut to the Assistance to Firefighters (FIRE) Grant Program and the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program. Initially the measure allocated \$5 million less than the Fiscal Year 2012 level of \$675 million (split equally between the two programs). An amendment to restore the programs to the FY12 level was offered by Congressman Jon Runyan (NJ-3) and Congressman Larry Kissell (NC-8) and approved by the House by voice vote on June 6th.

The House approved an amendment by voice vote offered by Congressman Michael Grimm (NY-13) and Congressman Gerald Connolly (VA-11) to restore a portion of the funding cut from the Urban Search and Rescue Response System (US&R), bringing the funding level up to \$35,180,000. The bill originally allocated \$27,513,000 for this program (in FY12, the program was funded at \$41,250,000).

Unfortunately, H.R. 5855 funds the United States Fire Administration (USFA) at \$42,460,000, a reduction of \$1.578 million below the FY12 level of \$44,038,000.

Additionally, the bill provides \$1.76 billion to be distributed at the discretion of the Secretary of Homeland Security between several programs, including:

- State Homeland Security Grant Program
- Urban Area Security Initiative (UASI)
- Metropolitan Medical Response System
- Citizen Corps
- Public Transportation Security Assistance and Railroad Security Assistance
- Over-the-Road Security Assistance
- Port Security Grants
- Driver's License Security Grant Program
- Interoperable Emergency Communications Grant Program

While this provision in the House bill seems similar to the Administration's proposed National Preparedness Grant Program, the committee report did contain strong language rejecting the Administration's proposal, echoing some of the criticisms from the public safety community.

On May 22nd, Senator May Landrieu (LA) introduced S. 3216, the Senate version of the FY13 DHS spending bill. The Senate bill funds the FIRE and SAFER grant programs at the same level as enacted in FY 2012. Additionally, the Senate bill funds USFA at \$44,020,000, nearly the same amount as the current fiscal year. The Urban Search and Rescue System is funded at \$35,180,000 in the Senate bill.

Unfortunately, the Senate adjourned for recess before considering S. 3216, and will not be returning until after the general election. The House of Representatives approved H.J. Res. 117, the Continuing Resolutions Act, on

September 13, 2012. This bill will provide continued funding for the federal government through March 27, 2013. The Senate approved the continuing resolution on September 22, 2012.

PROGRAM	Fiscal Year 2012 – Enacted	Fiscal Year 2013 – Administration’s Request
Assistance to Firefighters Grant Program	\$675,000,000.00	\$670,000,000.00
FIRE grants	\$337,500,000.00	\$335,000,000.00
SAFER grants	\$337,500,000.00	\$335,000,000.00
United States Fire Administration (USFA)	\$44,038,000.00	\$42,520,000.00

Reauthorization of the Assistance to Firefighters Grant Program: The authorizing legislation for the FIRE Grant Program expired at the end of Fiscal Year 2009. In addition, authorization for the SAFER Grant Program expired at the end of Fiscal Year 2010. On November 18, 2009, the House of Representatives approved H.R. 3791, legislation that would have reauthorized both programs. Unfortunately, the Senate never acted on the legislation and the 111th Congress ended without the programs being reauthorized.

On March 10, 2011, Senator Joseph Lieberman (CT) introduced S. 550, the Fire Grants Reauthorization Act. The legislation would reauthorize FIRE and SAFER through FY16. Senator Susan Collins (ME), Senator Tom Carper (DE), and Senator Scott Brown (MA) all joined as original co-sponsors of the legislation. S. 550 is similar to legislation introduced in the Senate during the 111th Congress; however the bill does contain several provisions that differ from the recommendations of the national fire service organizations. The Senate Homeland Security and Governmental Affairs Committee (HSGAC) approved the bill on May 18, 2011. During consideration of the bill, the Senate committee approved a sunset amendment sponsored by Senator Tom Coburn (OK) that would eliminate the programs effective October 1, 2016. CFSI is currently working with our Senate allies on a strategy to preserve these grant programs.

Congresswoman Eddie Bernice Johnson (TX-30) introduced the House reauthorization legislation on June 22, 2011. The Johnson bill, H.R. 2269, is identical to legislation approved by the House Science Committee in the 111th Congress. The measure has been referred to the House Science, Space and Technology Committee and the House Homeland Security Committee.

On September 13, 2012, Senator Lieberman introduced an amendment to S. 3457, the Veterans Jobs Corps Act. The Lieberman amendment would reauthorize both the FIRE and SAFER grant programs through FY17 and represents a compromise between the Senate and House authorizers, as well as the national fire service organizations. Unfortunately, S. 3457 stalled in the Senate when it failed to overcome a procedural vote on budget limitations. CFSI is currently working with our Congressional allies on alternative strategies to reauthorize the programs during the upcoming “lame-duck” session.

United States Fire Administration Reauthorization Act: On March 21, 2012, Senator Joseph Lieberman (CT) introduced S. 2218, the United States Fire Administration Reauthorization Act. The legislation would reauthorize the activities and programs of the United States Fire Administration through Fiscal Year 2017. Senators Scott Brown (MA), Thomas Carper (DE), Susan Collins (ME), and John McCain (AZ) all joined Senator Lieberman as

original co-sponsors. The bill was approved by the Senate Homeland Security and Governmental Affairs Committee on May 16, 2012.

On July 30, 2012, Congresswoman Judy Biggert (IL-13) introduced H.R. 6229, the House version of the USFA reauthorization bill. The House bill is very similar to S. 2218 and has been referred to the House Committee on Science, Space and Technology.

Fire Sprinkler Incentive Act: Congressman Aaron Shock (IL-8) introduced the Fire Sprinkler Incentive Act (H.R. 1792) on May 5, 2011 with Congressman James Langevin (RI-02) serving as an original co-sponsor. The legislation was referred to the House Ways and Means Committee. Senator Thomas Carper (DE) introduced identical legislation on May 19, 2011. The Carper bill (S. 1035) was referred to the Senate Finance Committee.

The original measure was introduced in 2004 following the tragic nightclub fire in West Warwick, RI that claimed the lives of 100 victims. Since then, the legislation has been reintroduced in subsequent Congresses with various changes made to address concerns raised by members of Congress regarding cost estimates.

Under the current version of the bill, automatic sprinklers would be treated as Section 179 property under the tax code. Section 179 allows small and medium sized businesses to write-off the full cost of equipment purchases, up to \$125,000 in a single year. While automatic fire sprinklers are not currently classified as a Section 179 property, passage of the legislation would allow property owners to retrofit a large majority of high fire-risk properties, such as certain off-campus housing, night clubs, nursing homes and assisted living facilities.

The legislation would also create a financial incentive for high-rise building owners to install sprinkler systems by reducing the depreciation schedule to 15 years. Currently the depreciation schedule is 39 years for commercial properties and 27.5 years for residential properties. This reduction will also put sprinkler improvements more in line with the current tax code that allows 15-year depreciation for leasehold improvements.

Safe Building Codes Incentive Act: The Safe Building Codes Incentive Act, H.R. 2069, was introduced by Congressman Mario Diaz-Balart (FL-21) on June 1, 2011. The legislation would create a financial incentive for states that have adopted and enforced statewide building codes. Under the proposed law, states that adopt and enforce nationally recognized model building codes for residential and commercial structures would qualify for an additional 4% of funding available for post-disaster grants. The program would be administered by FEMA.

Currently 16 states would qualify under the legislation, including California, the District of Columbia, Florida, Louisiana, Michigan, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, South Carolina, Utah, Virginia, Washington and the Great State of Maine. Another 15 states could qualify with minor changes to state laws and regulations. These states include Arkansas, Connecticut, Delaware, Georgia, Indiana, Kentucky, Maryland, Massachusetts, North Carolina, Ohio, Oregon, Rhode Island, Tennessee, West Virginia, and Wisconsin. The legislation has been referred to the House Committee on Transportation and Infrastructure.

Public Safety Officers' Benefits Improvements Act of 2011: On October 12, 2011, Senator Patrick Leahy (VT) introduced S. 1696, the Public Safety Officers' Benefits Improvements Act. The legislation would make several changes to the Public Safety Officers' Benefits (PSOB) program, intended to strengthen the program. Included in the changes are:

- Providing mandatory funding for disability benefits;

- Expanding coverage to certain non-profit EMS providers; and
- Including vascular rupture under the causes of death covered by the Hometown Heroes provisions.

Congressman Michael Fitzpatrick (PA-8) introduced similar legislation, H.R. 4018, on February, 14, 2012. The House approved the legislation on June 27th.

Campus Fire Safety Legislation: Several pieces of legislation focusing on campus fire safety have been introduced in the 112th Congress. On March 17, 2011, Congressman Bill Pascrell, Jr. (NJ-8) introduced H.R. 1199, the Campus Fire Safety Education Act. The legislation, which would establish a grant program at the U.S. Department of Education to make awards to institutes of higher education for fire prevention and education programs, has been referred to the House Committee on Education and Workforce. Senator Frank Lautenberg (NJ) introduced companion legislation, S. 620, the same day. The Senate bill was referred to the Senate Committee on Health, Education, Labor and Pensions.

Senator Lautenberg also introduced a resolution designating September as “Campus Fire Safety Month.” S. Res. 549, which was introduced on September 11, 2012, was approved by the Senate on the same day.

Additionally, Congresswoman Marcia Fudge (OH-11) reintroduced the Honorable Stephanie Tubbs Jones College Fire Prevention Act (H.R. 3250). The legislation, introduced on October 24, 2011, directs the Secretary of Education to make competitive demonstration grants to institutions of higher education, fraternities, and sororities for up to half the cost of installing fire sprinkler systems, or other fire suppression or prevention technologies, in student housing and dormitories. Senator Sherrod Brown (OH) introduced companion legislation in the Senate. The bill number is pending at the time of this publication.

During the 111th Congress, the House approved H.R. 3250 by voice vote. Unfortunately, the Senate never considered the companion bill introduced by Senator Sherrod Brown (OH).

Volunteer Responder Incentive Protection Reauthorization Act: In 2007, Congress passed the Volunteer Responder Incentive Protection Act (VRIPA), which exempted from federal income tax any property tax benefit and up to \$360 per year of any other type of benefit that a state or local unit of government provides to volunteer emergency responders as a recruitment or retention incentive. Unfortunately, the tax provision expired in 2010. Senator Charles Schumer (NY) and Senator Susan Collins introduced S. 933 on May 10, 2011. The legislation, which was referred to the Senate Committee on Finance, restores the tax exemptions and increases the amount to \$600 annually.

Congressman John Larson (CT-1) introduced companion legislation in the House on June 24, 2011. H.R. 2353 was referred to the House Committee on Ways and Means.

Carbon Monoxide Poisoning Prevention Act: On March 29, 2012, Congressman Jim Matheson (UT-2) introduced H.R. 4326, the Carbon Monoxide Poisoning Prevention Act. The legislation requires the Consumer Product Safety Commission (CPSC) to adopt the American National Standards Institute/Underwriters Laboratories (ANSI/UL) Standard 2034 (Standard for Single and Multiple Station Carbon Monoxide Alarms), and UL 2075 (Standard for Gas and Vapor Detectors and Sensors), as mandatory consumer product safety rules. Additionally, the legislation establishes a federal grant program in the amount of \$10 million total over a period of five years to provide assistance to these states to carry out a CO education program.

The bill has been referred to the House Committee on Energy and Commerce.