

HOMELAND SECURITY ACTS

PUBLIC LAW 108–169—DEC. 6, 2003

Public Law 108–169
108th Congress

An Act

To reauthorize the United States Fire Administration, and for other purposes.

Dec. 6, 2003
[S. 1152]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—UNITED STATES FIRE
ADMINISTRATION REAUTHORIZATION**

United States
Fire
Administration
Reauthorization
Act of 2003.
15 USC 2201
note.

SEC. 101. SHORT TITLE.

This title may be cited as the “United States Fire Administration Reauthorization Act of 2003”.

SEC. 102. RE-ESTABLISHMENT OF POSITION OF UNITED STATES FIRE ADMINISTRATOR.

15 USC 2204
note.

Section 1513 of the Homeland Security Act of 2002 (6 U.S.C. 553) does not apply to the position or office of Administrator of the United States Fire Administration, who shall continue to be appointed and compensated as provided by section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)).

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)) is amended by striking subparagraphs (A) through (K) and inserting the following:

“(A) \$63,000,000 for fiscal year 2005, of which \$2,266,000 shall be used to carry out section 8(f);

“(B) \$64,850,000 for fiscal year 2006, of which \$2,334,000 shall be used to carry out section 8(f);

“(C) \$66,796,000 for fiscal year 2007, of which \$2,404,000 shall be used to carry out section 8(f); and

“(D) \$68,800,000 for fiscal year 2008, of which \$2,476,000 shall be used to carry out section 8(f).”.

**TITLE II—FIREFIGHTING RESEARCH
AND COORDINATION**

Firefighting
Research and
Coordination Act.

SEC. 201. SHORT TITLE.

This title may be cited as the “Firefighting Research and Coordination Act”.

15 USC 2201
note.

SEC. 202. NEW FIREFIGHTING TECHNOLOGY.

Section 8 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207) is amended—

- (1) by redesignating subsection (e) as subsection (g); and
- (2) by inserting after subsection (d) the following:

“(e) ASSISTANCE TO OTHER FEDERAL AGENCIES.—At the request of other Federal agencies, including the Department of Agriculture and the Department of the Interior, the Administrator may provide assistance in fire prevention and control technologies, including methods of containing insect-infested forest fires and limiting dispersal of resultant fire particle smoke, and methods of measuring

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and tracking the dispersal of fine particle smoke resulting from fires of insect-infested fuel.

“(f) TECHNOLOGY EVALUATION AND STANDARDS DEVELOPMENT.—

“(1) IN GENERAL.—In addition to, or as part of, the program conducted under subsection (a), the Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, the National Institute for Occupational Safety and Health, the Directorate of Science and Technology of the Department of Homeland Security, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties, shall—

“(A) develop new, and utilize existing, measurement techniques and testing methodologies for evaluating new firefighting technologies, including—

“(i) personal protection equipment;

“(ii) devices for advance warning of extreme hazard;

“(iii) equipment for enhanced vision;

“(iv) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;

“(v) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;

“(vi) equipment and methods for training, especially for virtual reality training; and

“(vii) robotics and other remote-controlled devices;

“(B) evaluate the compatibility of new equipment and technology with existing firefighting technology; and

“(C) support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies based on techniques and methodologies described in subparagraph (A).

Regulations.

“(2) STANDARDS FOR NEW EQUIPMENT.—(A) The Administrator shall, by regulation, require that new equipment or systems purchased through the assistance program established by the first section 33 meet or exceed applicable voluntary consensus standards for such equipment or systems for which applicable voluntary consensus standards have been established. The Administrator may waive the requirement under this subparagraph with respect to specific standards.

“(B) If an applicant for a grant under the first section 33 proposes to purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that do meet or exceed such standards.

“(C) In making a determination whether or not to waive the requirement under subparagraph (A) with respect to a specific standard, the Administrator shall, to the greatest extent practicable—

“(i) consult with grant applicants and other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

“(ii) take into consideration the explanation provided by the applicant under subparagraph (B); and

“(iii) seek to minimize the impact of the requirement to meet or exceed the specific standard on the applicant,

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particularly if meeting the standard would impose additional costs.

“(D) Applicants that apply for a grant under the terms of subparagraph (B) may include a second grant request in the application to be considered by the Administrator in the event that the Administrator does not approve the primary grant request on the grounds of the equipment not meeting applicable voluntary consensus standards.”.

SEC. 203. COORDINATION OF RESPONSE TO NATIONAL EMERGENCY.

(a) **IN GENERAL.**—Section 10 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2209) is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following:

“(b) **MUTUAL AID SYSTEMS.**—

“(1) **IN GENERAL.**—The Administrator shall provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies that—

“(A) include threat assessment and equipment deployment strategies;

“(B) include means of collecting asset and resource information to provide accurate and timely data for regional deployment; and

“(C) are consistent with the Federal Response Plan.

“(2) **MODEL MUTUAL AID PLANS.**—The Administrator shall develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance.”.

(b) **REPORT ON STRATEGIC NEEDS.**—Within 90 days after the date of enactment of this Act, the Administrator of the United States Fire Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the need for a strategy concerning deployment of volunteers and emergency response personnel (as defined in section 6 of the Firefighters’ Safety Study Act (15 U.S.C. 2223e)), including a national credentialing system, in the event of a national emergency.

Deadline.

(c) **REPORT ON FEDERAL RESPONSE PLAN.**—Within 180 days after the date of enactment of this Act, the Department of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Governmental Affairs, and the House of Representatives Committee on Science describing plans for revisions to the Federal Response Plan and its integration into the National Response Plan, including how the revised plan will address response to terrorist attacks, particularly in urban areas, including fire detection and suppression and related emergency services.

Deadline.

SEC. 204. TRAINING.

(a) **IN GENERAL.**—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

- (1) by striking “and” after the semicolon in subparagraph (E);
- (2) by redesignating subparagraph (F) as subparagraph (N); and
- (3) by inserting after subparagraph (E) the following:

“(F) strategies for building collapse rescue;

“(G) the use of technology in response to fires, including terrorist incidents and other national emergencies;

“(H) response, tactics, and strategies for dealing with terrorist-caused national catastrophes;

“(I) use of and familiarity with the Federal Response Plan;

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“(J) leadership and strategic skills, including integrated management systems operations and integrated response;

“(K) applying new technology and developing strategies and tactics for fighting forest fires;

“(L) integrating the activities of terrorism response agencies into national terrorism incident response systems;

“(M) response tactics and strategies for fighting fires at United States ports, including fires on the water and aboard vessels; and”.

15 USC 2206
note.

(b) **CONSULTATION ON FIRE ACADEMY CLASSES.**—The Superintendent of the National Fire Academy may consult with other Federal, State, and local agency officials in developing curricula for classes offered by the Academy.

15 USC 2206
note.

(c) **COORDINATION WITH OTHER PROGRAMS TO AVOID DUPLICATION.**—The Administrator of the United States Fire Administration shall coordinate training provided under section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the Attorney General, the Secretary of Health and Human Services, and the heads of other Federal agencies—

(1) to ensure that such training does not duplicate existing courses available to fire service personnel; and

(2) to establish a mechanism for eliminating duplicative training programs.

(d) **COURSES AND TRAINING ASSISTANCE.**—Section 7(l) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(l)) is amended by adding at the end the following: “The Superintendent shall offer, at the Academy and at other sites, courses and training assistance as necessary to accommodate all geographic regions and needs of career and volunteer firefighters.”.

SEC. 205. FIREFIGHTER ASSISTANCE GRANTS PROGRAM.

(a) **ADMINISTRATION.**—The first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by striking subsection (b)(2) and inserting the following:

“(2) **ADMINISTRATIVE ASSISTANCE.**—The Director shall establish specific criteria for the selection of recipients of assistance under this section and shall provide grant-writing assistance to applicants.”; and

(2) by striking “operate the office established under subsection (b)(2) and” in subsection (e)(2).

(b) **MARITIME FIREFIGHTING.**—Subsection (b)(3)(B) of the first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)(B)) is amended by inserting “maritime firefighting,” after “arson prevention and detection,”.

(c) **FIREFIGHTING IN REMOTE AREAS.**—The first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by inserting “equipment for fighting fires with foam in remote areas without access to water, and” after “including” in subsection (b)(3)(H); and

(2) by inserting “Of the amounts authorized in this paragraph, \$3,000,000 shall be made available each year through fiscal year 2008 for foam firefighting equipment.” at the end of subsection (e)(1).

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SEC. 206. NATIONAL FALLEN FIREFIGHTERS FOUNDATION.

(a) MEMBERS.—Section 151303(b) of title 36, United States Code, is amended—

(1) by striking “9” in paragraph (2) and inserting “12”;

(2) by striking “six” in subparagraph (D) of paragraph (2) and inserting “nine”; and

(3) by striking “3 members” in paragraph (3) and inserting “4 members”.

(b) COMPENSATION.—Section 151304(b)(3) of title 36, United States Code, is amended by inserting “15 percent above” after “more than”.

(c) PERIOD OF AUTHORIZED ASSISTANCE.—Section 151307 of title 36, United States Code, is amended in subsection (a)(1), by striking “During the 10-year period beginning on the date of the enactment of the Fire Administration Authorization Act of 2000, the” and inserting “The”.

Approved December 6, 2003.

LEGISLATIVE HISTORY—S. 1152 (H.R. 2692):

HOUSE REPORTS: No. 108–245 accompanying H.R. 2692 (Comm. on Science).

SENATE REPORTS: No. 108–126 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Nov. 20, considered and passed Senate.

Nov. 21, considered and passed House.