

S. 2411, THE ASSISTANCE TO FIREFIGHTERS ACT OF 2004

HEARING BEFORE THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE ONE HUNDRED EIGHTH CONGRESS SECOND SESSION

JULY 8, 2004

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ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

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CONTENTS

Hearing held on July 8, 2004	Page 1
Statement of Senator McCain	1

WITNESSES

DeWine, Hon. Mike, U.S. Senator from Ohio	24
Prepared statement	
Dodd, Hon. Christopher J., U.S. Senator from Connecticut	20
Prepared statement	20
Mencer, C. Suzanne, Executive Director, Office for State and Local Govern- ment Coordination and Preparedness, U.S. Department of Homeland Secu- rity	2
Prepared statement	4
Mitchell, Ernest, Chief (Ret.), Pasadena, California Fire Department and President, International Association of Fire Chiefs (IAFC)	13
Prepared statement	15
Monihan, E. James, Past Chairman and Delaware State Director, National Volunteer Fire Council	26
Prepared statement	29
Paulison, R. David, Director, Preparedness Division and United States Fire Administrator, Federal Emergency Management Agency, Department of Homeland Security	7
Prepared statement	9
Shannon, James M., President and CEO, National Fire Protection Association (NFPA)	33
Prepared statement	36
Shields, Billy, President, United Phoenix Fire Fighters and Vice President, Professional Fire Fighters of Arizona	38
Prepared statement	43

APPENDIX

Hollings, Hon. Ernest F., U.S. Senator from South Carolina, prepared state- ment	53
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S. 2411, THE ASSISTANCE TO FIREFIGHTERS ACT OF 2004

THURSDAY, JULY 8, 2004

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 9:30 a.m. in room SR-253, Russell Senate Office Building, Hon. John McCain, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA

The CHAIRMAN. Good morning. The Committee meets today to examine S. 2411, the Assistance to Firefighters Act of 2004. This legislation was introduced by Senators Dodd and DeWine, along with myself and 37 cosponsors, to reauthorize the Assistance to Firefighters Grant Program. Over the years, the Assistance to Firefighters Grant Program has gained a reputation for being an effective way to help local fire departments meet their basic needs for responding to all hazards. These grants, known as Firefighter Investment and Response Enhancement Grants, FIRE, are made directly to local jurisdictions. Applications undergo a competitive, merit-based process, which helps to ensure that the funding is spent responsibly and productively.

The grant program includes a matching requirement to ensure that the local community is committed to using the grant to fulfill a specific purpose. These grants are used for a variety of purposes, including personal protection and firefighting equipment, training, firefighting vehicles, fire-prevention campaigns, fire-code enforcement, and arson prevention and detection.

I'd like to emphasize that these grants are dedicated to improving the local response to, quote, "all hazards," including natural disasters, structural fires, and acts of terrorism.

For Fiscal Year 2004, the program received over 20,000 applications from local fire departments around the country. These requests totaled approximately \$2.3 billion in Federal spending. The program received a similar number of applications in each of Fiscal Years 2001, 2002, and 2003, which clearly demonstrates the continued need and importance of this program to the firefighting community.

Last year, the Office for Domestic Preparedness replaced the U.S. Fire Administration as the agency tasked with administering the FIRE Grant Program. This has raised some concerns in the fire

service community that the focus of the program would be changed from responding to all hazards to only anti-terrorism preparedness.

In addition, concerns have been raised that the peer-review process would eventually be dropped, and that the FIRE Grant Programs would be combined with existing state block grant programs. I look forward to hearing how the Department of Homeland Security is addressing these concerns. In addition, I look forward to hearing any recommendations that the witnesses may have regarding this legislation. S. 2411 would make a number of reforms to the existing program in addition to reauthorizing the program through Fiscal Year 2010. It will be helpful to know how these reforms will affect the administration of the program and the local fire departments that benefit from it.

It's my intention to mark up this legislation, in the hope that it can be included as part of the National Defense Authorization Act for Fiscal Year 2005. I believe we should work to pass this legislation this year in order to ensure that our Nation's firefighters continue to have access to this critical grant program.

As is demonstrated by their ongoing efforts to control the wildfires around Mount Graham, in Southern Arizona, our Nation's firefighters face a myriad of threats. We should ensure that they are adequately equipped and trained to meet them.

And I welcome all of our witnesses today. And since Senator DeWine and Senator Dodd are fashionably late, we will ask the first panel, Ms. Suzanne Mencer, the Director of Office of State and Local Government Coordination and Preparedness; and the Honorable David Paulison, Director of Preparedness Division and U.S. Fire Administrator, Emergency Preparedness and Response Directorate of the U.S. Department of Homeland Security—would you please come forward, and we'll begin with you, Ms. Mencer. Welcome to both of you.

**STATEMENT OF C. SUZANNE MENCER, EXECUTIVE DIRECTOR,
OFFICE FOR STATE AND LOCAL GOVERNMENT
COORDINATION AND PREPAREDNESS,
U.S. DEPARTMENT OF HOMELAND SECURITY**

Ms. MENCER. Thank you very much, Mr. Chairman.

The CHAIRMAN. Your complete statements will be made part of the record.

Ms. MENCER. Chairman McCain and Ranking Member Hollings, in absentia, and members of the Committee, I am pleased to have this opportunity to discuss the current status of the Assistance to Firefighters Grant Program and legislation before this Committee to reauthorize the program.

I first want to assure you, Mr. Chairman, that the Department supports the FIRE Act Grant Program and is committed to continuing the critical support it provides to our Nation's firefighters. We look forward to working with the Committee on the reauthorization of this important program.

Over the past Fiscal Year, we have been working closely with the United States Fire Administration to ensure a smooth transition of this program and to award FIRE Act grants quickly and efficiently. At the same time, we have been working to improve overall Federal preparedness assistance to the public-safety community.

As you know, Secretary Ridge recently directed the consolidation of the Office for Domestic Preparedness with the Office of State and Local Government Coordination to create a one-stop-shop of Federal assistance for America's first responders. The Secretary's consolidation decision places administration of the FIRE Act program within the new Office of State and Local Government Coordination and Preparedness, or SLGCP.

While we may be a new consolidated entity within the Department of Homeland Security, as you know, Mr. Chairman, SLGCP's predecessor offices have a long and successful history of working closely with the fire service community to ensure that its members are fully prepared to prevent and respond to terrorism and other emergency incidents. For example, several years ago we provided funding to the United States Fire Administration to develop terrorism emergency response training for firefighters. More recently, we worked with the USFA administrator, David Paulison, to develop courses for delivery with our State Homeland Security and Urban Areas Security Initiative program funds. And we continue to work with Chief Paulison to coordinate the review of course materials developed by USFA's Emergency Management Institute and National Fire Academy.

To ensure the seamless delivery of the almost \$746 million in Fiscal Year 2004 funding appropriated for the FIRE Act Grants Program, we have maintained our close coordination with USFA and the Department's Emergency Preparedness and Response Directorate. For example, to better serve the fire-service community, FIRE Act Grant application materials, as well as additional information and resource materials, were posted on both the DHS and USFA Websites. We have continued the use of peer-review panels for FIRE Act grant applications. As in past years, peer reviews were conducted at the National Fire Academy, in Emmitsburg, Maryland, in coordination with the USFA and members of the fire service. We also developed a CD-ROM that contains all pertinent 2004 program information, including a self-study tutorial on the grant application process. And, together with EP&R and USFA, we continued the successful practice of holding local workshops for fire departments across the country in order to provide valuable information and guidance on the application process. During the FY-2004 application period, working with USFA and FEMA regional offices, we conducted nearly 400 workshops that were attended by almost 10,000 fire department officials throughout the country.

We also worked with the fire-service representatives to select the three areas for which the 2004 FIRE Act grants may be used. On their recommendation, the Emergency Medical Services Program area was consolidated under the Fire Operations and Safety, in an effort to increase the number of requests for EMS equipment and training. As a result, we have seen a twelvefold increase in EMS-related applications this year, from 216 in FY-2003 to over 2,500 in the current application cycle. We've also increased our efforts to make local fire departments aware that they may use FIRE Act grant funds to purchase equipment related to WMD response, and to coordinate those funding requests with the state's homeland-security strategy.

As a result of these and other efforts, the transfer of the FIRE Act Grant Program has been highly successful. This year, we received 20,348 applications, slightly more than the number received last year. Sixty-six percent of these applications requested funds for the Fire Operations and Fire Safety Program-Firefighter Safety Program, 33 percent were for firefighting vehicles, and 1 percent were for fire prevention.

I would like to clarify, for the Committee, this last figure. As you know, the authorizing statute allows the Department to make grants for fire prevention to organizations that are not fire departments, provided that these organizations are recognized for their work in fire prevention. This fall, we will open an additional application period for both fire department and nonfire department organizations that wish to pursue fire-prevention activities.

Let me assure you, Mr. Chairman, that we, at SLGCP, recognize the importance of continued support for the fire service through the Assistance to Firefighters Grant Program. We know that the funds provided through this program are critical to the operations of many fire departments, particularly in rural and volunteer departments, but also in urban and suburban departments, as well.

The Department of Homeland Security supports your effort, Mr. Chairman, to reauthorize this important program. And we especially appreciate the legislation before this Committee, the Assistance to Firefighter Act of 2004. It will allow Secretary Ridge the discretion he will need to ensure a streamlined and well-administered Assistance to Firefighter Grant Program throughout the years to come.

Detailed Department comments on this bill will be provided to the Committee in the near future. We at SLGCP look forward to continuing to providing the fire service with the valuable resources available through this grant program.

The President's FY05 budget request is \$500 million. This is the first time funds for this program have been requested as a separate request from other first responder programs.

On behalf of all of us at the Department of Homeland Security, I want to thank this Committee and the other Members of Congress for your ongoing support for the Department, for SLGCP, and for the Assistance to Firefighter Grant Program. We recognize that you have entrusted us with a great deal of responsibility, and I want to assure you that we will continue to meet that responsibility with the utmost diligence. Working with you and your colleagues in the Fire service, we will make this an even more successful program in the future.

And this concludes my statement, Mr. Chairman, and I would be happy to answer any questions that you may have.

[The prepared statement of Ms. Mencer follows:]

PREPARED STATEMENT OF C. SUZANNE MENCER, EXECUTIVE DIRECTOR, OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, U.S. DEPARTMENT OF HOMELAND SECURITY

Chairman McCain, Ranking Member Hollings and members of the Committee, my name is Sue Mencer. I serve as the Executive Director of the Department of Homeland Security's (DHS) Office for State and Local Government Coordination and Preparedness (OSLGCP). On behalf of Secretary Ridge, it is my pleasure to appear be-

fore you today to discuss the current status of the Assistance to Firefighters Grant Program and the legislation before the Committee to reauthorize the program.

Mr. Chairman, the Department supports the Committee's effort with respect to the Assistance to Firefighters Grant Program and we look forward to working with you to provide critical support to the Nation's fire service. As you know, the State and local first responder community has for some time been calling for consolidation of, and better accountability for, Federal preparedness assistance to the public safety community. Secretary Ridge's recent consolidation of the Office for Domestic Preparedness (ODP) with the Office of State and Local Government Coordination is an important step and demonstrates the Secretary's commitment toward creation of a "one-stop-shop" for America's first responders.

As the Committee is aware, the Secretary's consolidation decision places administration of the Assistance to Firefighters Grant Program within OSLGCP. OSLGCP administers this program in full coordination with the United States Fire Administration (USFA). As the Committee is also aware, the Secretary's assignment of the Assistance to Firefighters Grant Program to OSLGCP follows action taken by the Congress with the passage of the Department's Fiscal Year 2004 Appropriations Act, which provided for OSLGCP administration of the program beginning in the current Fiscal Year. I am happy to report that the administration of this critical program under OSLGCP is moving forward with great success.

On behalf of all of us at DHS, I want to thank this Committee, and the Congress, for your ongoing support for the Department, OSLGCP and the Assistance to Firefighters Grant Program. The Congress has entrusted us with a great responsibility, and we are meeting that responsibility with the utmost diligence.

OSLGCP is responsible for preparing our Nation against terrorism by assisting States, local jurisdictions, regional authorities, and tribal governments with building their capacity to prepare for, prevent, and respond to acts of terrorism. Through its programs and activities, ODP equips, trains, exercises, and supports State and local homeland security personnel—our nation's first responders—who may be called upon to prevent and respond to terrorist attacks.

OSLGCP has established an outstanding track record of capacity building at the State, local, territorial, and tribal levels, by combining subject matter expertise, grant-making know-how, and establishing strong and long-standing ties to the Nation's public safety community. Since its creation in 1998, as the Office for State and Local Domestic Preparedness Support, this office has established strong ties to the emergency response community, including the fire service community. And since its inception, the importance of the fire service to our Nation's preparedness has been recognized by this office. One of the first training initiatives undertaken by what is now OSLGCP was the provision of direct funding to the United States Fire Administration for the development of a train-the-trainer course entitled Emergency Response to Terrorism: Basic Concepts, a course specifically developed to support the fire service. Additional funding was provided by this office to expand this first-of-its-kind, train-the-trainer awareness course to the more advanced operations level.

More recently, we have worked closely with U.S. Fire Administrator David Paulison to review USFA-developed courses for delivery with our State Homeland Security and Urban Areas Security Initiative program funds. Through this effort, several USFA courses are eligible for delivery with these OSLGCP program funds, including attendant support costs that include overtime and backfill costs for trainees. We continue to work with Chief Paulison to review additional course materials developed by USFA's Emergency Management Institute and National Fire Academy.

OSLGCP has provided assistance to all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories. Through its programs and initiatives ODP has trained nearly 550,000 emergency responders from more than 5,000 jurisdictions and conducted more than 380 exercises. And, by the end of Fiscal Year 2004, we will have provided States and localities with more than \$8.1 billion in assistance and direct support.

OSLGCP's support to State and local public safety comes through a number of different programs, including the Assistance to Firefighters Grant Program, commonly known as the Fire Act program. Fiscal Year 2004 funding available for the program is \$745,575,000. The President's FY 2005 budget request for the Assistance to Firefighters Grant Program will focus on those authorized program categories that support the homeland security role of America's fire service. The administration will continue to prioritize this mission in the future.

As part of the transfer of the Fire Act grants to OSLGCP, and to ensure a smooth and seamless transition, we have worked very closely with DHS' Emergency Preparedness and Response Directorate (EP&R) and the United States Fire Administration. We have conducted regular meetings and had continuous contact with

EP&R and the United States Fire Administration's financial, information technology, regional, program, and legislative affairs staffs.

This year, the Application Kit and Guidance for the Fiscal Year 2004 grant funds opened on March 1, and closed on April 2. To better serve the fire service community, application materials, as well as additional information and resource materials, were posted on the Department and USFA Websites.

The FY 2004 Fire Act Grants will provide funding in three program areas, which were selected based on discussions with the fire services community. These areas are: Firefighting Operations and Safety (which includes Training, Equipment, Personal Protective Equipment, Wellness and Fitness Programs, and Modification of Facilities); Fire Prevention; and Firefighting Vehicles.

In administering the FY 2004 Assistance to Firefighters Grant Program, OSLGCP, in consultation with fire service organizations, consolidated the Emergency Medical Services (EMS) program area into the Fire Operations and Safety program category. This change was made because, in most fire departments, firefighters have multiple roles, including suppressing fires, performing rescues, and providing EMS services. The Department anticipated that this change would increase the number of requests for EMS equipment and training, since it permits departments to request EMS funding without excluding funding from other support areas. We believe this change has been successful. We have seen a twelve-fold increase in EMS-related applications—from 216 in FY 2003 to over 2,500 in the current Fiscal Year 2004 application cycle. Funding requests for EMS-related purposes increased from \$14 million in FY 2003 to over \$66 million in the current application cycle.

Additionally, in FY 04, in an effort to provide local fire departments with greater flexibility and discretion to meet their equipment needs, they may also use Fire Act Grant funds to purchase additional equipment related to WMD response similar to what may be purchased under OSLGCP's State Homeland Security and Urban Area Security Initiative grant programs. This type of equipment has always been eligible for funding under the Fire Act Grants, but, given the dual-use nature equipment, the Department believes it important to highlight the acquisition of this type of equipment. In instances where a fire department is requesting equipment or training that is related to chemical, biological, radiological, nuclear, and explosives, (CBRNE), the Department asked the state's homeland security office to review the application to ensure that it is consistent with the state's homeland security strategy. Each State was asked to provide the Fire Act program office with a representative to carry out a technical review of applications from the State that include CBRNE-related requests and that had been rated as fundable by OSLGCP's peer review panelists. During this technical review, the State homeland security representative attested to, and certified that, any CBRNE-related requests were consistent with the State's homeland security plan, and that the requests did not duplicate Department assistance already provided or about to be provided.

The transfer of the Fire Act Grant Program has been highly successful. This year, OSLGCP received 20,348 applications, which is slightly more than the number received last year.

- 66 percent of these applications requested funds for the "Fire Operations and Firefighter Safety program;"
- 33 percent were for Firefighting Vehicles; and
- 1 percent were for Fire Prevention.

I would like to clarify for the Committee this last figure. The authorizing statute allows the Department to make grants for fire prevention to organizations that are not fire departments, provided, that these organizations are recognized for their work in fire prevention. The Department will open an additional application period this fall for both fire department and non-fire department organizations that may wish to pursue fire prevention activities. This second application period will surely bolster fire prevention activities under the Fire Act Grant program.

During the current year's application cycle, the Department received applications from different types of fire departments, including:

- 67 percent from "volunteer" fire departments;
- 19 percent from "combination" departments; that is, departments whose members are comprised of both volunteer and career firefighters;
- 9 percent from "career" departments; and
- 5 percent from "paid on call" departments, whose members are available in an emergency but are paid only when called upon to respond.

Through these applications, fire departments across the country requested more than \$2.3 billion in Federal support. The average request for funds varied according to the type of department. For instance, the average request for funds from urban fire departments was \$180,991. Suburban fire departments requested on average \$155,439, while rural fire departments requested on average \$107,445.

The Department fully supports the use of peer-review panels for reviewing Fire Act Grant applications. This year's panels were convened on April 13 and finished their reviews on May 7. As in past years, the panel sessions were conducted at the National Fire Academy in Emmitsburg, Maryland, in coordination with USFA and members of the fire service. Based on the work of the panelists, and the number of applications that we received, the Department anticipates that the awards, begun in early June, will continue through the calendar year.

Throughout the FY 2004 application period, the Department was committed to a successful program. In an effort to better prepare the fire service, we provided new resources that were not available in the past. We developed a CD-ROM that contains all pertinent FY '04 program information, including a self-study tutorial on the grant application process. The on-line tutorial received over 80,000 unique visits.

OSLGCP, along with EP&R and USFA, continued the successful practice of holding local workshops for fire departments across the country in order to provide valuable information and guidance on the application process. These workshops provide invaluable assistance to fire departments as they complete and submit their funding applications. During the FY 2004 application period, OSLGCP, in coordination with USFA and the FEMA Regional Field Offices, conducted nearly 400 workshops, which were attended by almost 10,000 fire department officials.

Let me assure you that we at OSLGCP recognize the importance that continued support for the fire service through the Assistance to Firefighters Grant Program represents, particularly to rural and volunteer fire departments, as well as to urban and suburban departments. Funds provided through this program are critical to the operations of many fire departments.

The Department of Homeland Security supports your effort, Mr. Chairman, to reauthorize this important program. And we especially appreciate that the legislation before this Committee, the Assistance to Firefighters Act of 2004, will allow Secretary Ridge the discretion he will need to ensure a streamlined and well-administered Assistance to Firefighters Grant Program over the years to come. Detailed Department comments on S. 2411 will be provided to the Committee in the near future.

We at OSLGCP look forward to continuing to provide the fire service with the valuable resources available through the Assistance to Firefighters Grant Program. The President's FY 2005 budget request includes \$500 million specifically for the Assistance to Firefighters program for the first time as a request separate from other "first responder" programs. The President's budget request for FY 2005 focuses Assistance to Firefighters grant funds on those categories of equipment and training meant to better assist fire departments respond to terrorist incidents. These categories of equipment and training, much of which are dual use in nature, were initially authorized by Congress in an amendment to the Assistance Firefighters Grant Program passed in late 2001. The administration will continue to emphasize the provision of homeland security-related assistance to our Nation's "first responders" as we move forward.

I am confident that by working with you and with our colleagues in the fire service, we will make this an even more successful program in the future. This concludes my statement, Mr. Chairman, and I would be happy to answer any questions the Committee may have.

The CHAIRMAN. Thank you very much.
Welcome back, Chief Paulison.

**STATEMENT OF R. DAVID PAULISON, DIRECTOR,
PREPAREDNESS DIVISION AND UNITED STATES FIRE
ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT
AGENCY, DEPARTMENT OF HOMELAND SECURITY**

Chief PAULISON. Good to see you again, Mr. Chair. Good morning.

I'm David Paulison, the Director of Preparedness for FEMA, and also the United States Fire Administrator, and I do appreciate the

opportunity to appear before you again on behalf of Secretary Ridge.

As you're aware, each year, fire injures and kills more Americans than all other hazards, natural hazards, combined. And the death rates in the United States from fire per capita are almost the highest in the industrialized world. Our mission at the Fire Administration is to reduce loss of life and property due to fire, and we work to prevent fire deaths, fire injuries, and property loss through leadership advocacy, and coordination.

And we support the fire service in four mission areas. We support it in fire service training, public education and awareness, technology and research, and data analysis. And to accomplish our mission, we have to partner with several groups of people in the fire service, other emergency responders, state and local governments, other Federal agencies. And, also, recently we've been working with private industry to provide standardized compatible equipment, and that has been going very well. The industry has responded very well to some of our needs.

But today I want to focus my remarks on the Assistance to Firefighters Grant Program, known as the FIRE Act, and that the USFA has had the privilege of administering from its inception, in Fiscal Year 2001, until Fiscal Year 2003, while we also continue to partner with Sue Mencer's group in managing this program.

The Firefighter Assistance Grant Program provides competitive grants to address training, safety, prevention, fire apparatus, personal protective gear, equipment needs, and also a health and wellness program. One of the big successes of this is our peer-review progress that allows more than 400 fire service members to play a significant role in making award recommendations. It allows those who know best to have a substantive role in the decision-making process. The peer-review process and the presence of outside groups and firefighter involvement enhances this entire program, and we encourage its continuation.

Also, in an effort to offer one-stop shopping, the Secretary, with support from Congress, consolidated all first responder grant award programs within the Office of State and Local Government Coordination and Preparedness. In 2004, the Office of State and Local Government Coordination and Preparedness, along with the Fire Administration, managed the Fire Grant Program together. I would have to make a personal comment on the professionalism of this office, working together with Sue Mencer and making this program transfer very, very successful. I'm very pleased with the outcome and how the grant program has been managed so far. We will continue to work closely with the Office of State and Local Government Coordination and Preparedness to ensure that the program's a continued success. And I offer my personal commitment to make sure that happens, also.

One of the examples of this cooperation is the joint discussions that we're conducting to study the—to quantify the program's impact. At present, there has been no evaluation of the program's impact on the local fire departments and fire safety. We believe such a study is necessary and will yield valuable information as the Department continues its effort to support the Nation's fire service. This program has provided a tremendous amount of equipment,

training, and educational programs across this country. But, at present, there has not been an evaluation of this grant program's impact because of the nature in which these projects were undertaken, completed, and the resulting impact on public safety. We are going to continue with this process and make sure we put this evaluation program in place.

In conclusion, it has been exciting to have managed this program for the last 3 years. I look forward to continue in assisting in any way possible, with the Office of State and Local Government Coordination and Preparedness, with this grant process.

Mr. Chair, I personally think you for the opportunity to appear before you today. Your continued support is greatly appreciated. And, believe me, it does not go unnoticed by this office or the fire service.

And I'll be glad to answer any questions at this time.

[The prepared statement of Chief Paulison follows:]

PREPARED STATEMENT OF R. DAVID PAULISON, DIRECTOR, PREPAREDNESS DIVISION AND UNITED STATES FIRE ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

Good Morning, Mr. Chairman and Members of the Committee. My name is R. David Paulison. I am the Director of the Preparedness Division and the United States Fire Administrator in the Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS). I appreciate the opportunity to appear before you today on behalf of Secretary Ridge.

Each year, fire injures and kills more Americans than the combined losses of all other natural disasters. Death rates by fire in the United States are among the highest in the industrialized world. The U.S. Fire Administration's (USFA) mission to reduce loss of life and property because of fire and related emergencies is a sobering challenge, but also a hopeful challenge, since most of these deaths are preventable.

As a part of DHS, the USFA staff works diligently to prevent deaths, injuries, and the damage to property through leadership, advocacy, coordination and support in four basic mission areas: fire service training, public education and awareness, technology and research, and data analysis.

To accomplish this mission, USFA works with the fire service, other emergency responders and State, local, and tribal governments to better prepare them to respond to all hazards, including acts of terrorism. USFA also listens to State, local, and tribal governments and works with private industry to provide standardized, practical, and compatible emergency response equipment. USFA assists first responders and emergency managers at the local, State and Federal level as they practice and refine their response plans. USFA continues to provide training and education programs to prepare for all routine hazards as well as the emergent threats posed by weapons of mass destruction and terrorism incidents.

USFA Accomplishments

USFA is a national leader in fire safety and prevention and in preparing communities to deal with fires and other hazards. USFA works to support the efforts of local communities to reduce the number of fires and fire deaths, champions Federal fire protection issues, and coordinates information about fire programs.

In terms of our preparedness programs, USFA recognizes the importance of training as a vital step toward establishing a first responder community that is prepared to respond to any kind of emergency, ranging from a small fire to a terrorist attack involving a large number of victims. We continue to administer training and education programs for community leaders and first responders to help them prepare for and respond to emergencies regardless of cause or magnitude. FEMA provides training in emergency management to firefighters, law enforcement, emergency managers, healthcare workers, public works, personnel, and State and local officials at our Emergency Management Institute.

DHS provides equipment, vehicles, and training and wellness programs through the Assistance to Firefighter Grant program to help first responders perform their duties. For FY 2004, Congress appropriated over \$745 million for DHS to provide

grants directly to fire departments to build their basic response capabilities for all types of emergencies, including suppressing fires. This brings total funding for this grant program to over \$2 billion since the program began three years ago. This program benefits communities as a whole and benefits other first responder entities by building the base capabilities of local fire departments to respond to all types of incidents.

Today, I will focus my remarks on the Assistance to Firefighters Grant Program, known as FIRE Act grants, which USFA had the privilege of administering from its inception in Fiscal Year (FY) 2001 through FY 2003.

Assistance to Firefighters Grants Program

The Assistance to Firefighters Grant program provides competitive grants to address training, safety, prevention, apparatus, personal protective gear and other firefighting equipment needs as well as wellness and fitness issues of local fire departments. DHS has streamlined the online application process for fire grants and sped up the flow of resources to first responders, while ensuring that the funds are used effectively and appropriately. In 2001, 2002, and 2003, FEMA's U.S. Fire Administration received over 20,000 applications each year, from fire departments across the country.

In an effort to offer "One Stop Shopping" to the applicants for FIRE Act grants—local fire departments—the Secretary of Homeland Security, with support from the Congress, consolidated all first responder grant award programs within the Office for State and Local Government Coordination and Preparedness (OSLGCP). This created a single point of entry for States and localities into the Federal Government seeking first responder assistance. In 2004, OSLGCP, with USFA assistance and subject matter expertise, managed the FIRE Act grants program within DHS. USFA continues to work closely with OSLGCP to ensure the continued success of this vital program. In addition, DHS is contributing to government wide efforts to facilitate the Federal grants application process by posting summaries of grant announcements on the Federal Government's *Grants.gov* website.

As an example of the cooperation between OSLGCP and USFA, for FY 2004 and FY 2005, we have discussed the need to undertake a study to attempt to quantify the program's impact on local fire departments and fire safety. Both USFA and OSLGCP believe such a study is necessary and will yield valuable information as the Department continues its efforts to support the Nation's fire service.

Beginning with the 2001 Grant Program, the Emergency Education NETwork (EENET), a satellite-based distance learning system used by FEMA to bring interactive training programs into virtually any community nationwide, broadcast valuable information on the grant programs and process. Prior to the application period in FY2003, EENET broadcast an actual applicant workshop, which was rebroadcast several times during the application period. FEMA heard from many organizations that this eased the application process. We began announcing the FY 2003 awards to successful applicants in June 2003 and completed them three months ahead of schedule in February of 2004.

The Assistance to Firefighters Grant program in its short three-year existence has provided a tremendous amount of equipment, training and educational programs across the Nation. At present, there has not been an evaluation of this grant program's impact because of the nature in which these projects are undertaken, completed, and the resulting impact on public safety. In many cases the vehicles purchased are just coming on line, the training provided is just now being internalized, and the public education campaigns are underway.

Lauded by many, the peer-review process for the fire grants process has been a tremendous success. The process allows a diverse sample of the national fire services community to review and rank the applications. It allows over 400 fire services members, both career and volunteer, from large and small communities, from rural, suburban, and urban areas to play a significant role in making award recommendations. This allows the fire services, who best know the needs of their communities, to have a substantive role in the decision making process. The present process of outside groups and individual firefighter involvement significantly enhances the entire grant program.

Currently, S. 2411, the "Assistance to Firefighters Act of 2004," has been introduced and would reauthorize the Assistance to Firefighters (Fire Act) grant program for the Fiscal Years 2005 through 2010. The Department is reviewing this proposed legislation and looks forward to providing the Committee with comments on the bill in the near future.

Conclusion

Thank you, Mr. Chairman, for giving me this opportunity to appear before you today. Your continued support is greatly appreciated. I will be glad to answer any questions you and other Members of the Committee may have.

The CHAIRMAN. Thank you very much. And thank you both of you for being here.

For both of you, we continue to see press reports that—anti-terrorism funds going to buy new equipment, including fire equipment in sparsely populated parts of the country, while densely populated areas, such as New York City, are not receiving adequate funding to prepare for a response. First of all, is that—are you bound, by legislation, to a certain formula? And if not—if you are, what do you suggest? And if not, then what do you think we ought to be doing?

I'll begin with you, Ms. Mencer.

Ms. MENCER. Thank you.

Mr. Chairman, I think we should be mindful that the—particularly in the urban areas, such as New York City or Phoenix or Los Angeles—that they have the opportunity in the firefighting community to apply for the FIRE Act grants, and they also can receive funding, as well, under the Urban Area Security Initiative and the Homeland Security Grant, as well. So they have three places to look for funding for equipment and other needs they may have.

I think we also need to remember that this is a dual-use kind of issue. When they purchase equipment on behalf of terrorism response, it also helps with their everyday responses. So I think we need to keep that in mind, as well.

The CHAIRMAN. Chief?

Chief PAULISON. The legislation does dictate to us how we distribute the funds across—from rural, suburban, and urban departments, and we are—we did that; and, also, the Office of State and Local Government is doing the same.

There is an issue that we do need to deal with. Ms. Mencer is correct, there are other funds for them to gather, to apply for, for some of these major cities. Having been out of the program for a year, as far as officially handling it, and stepping back and looking at it, I think that maybe what we want to look down the road is maybe increasing the amount of funds that some of the bigger cities can gather, because there is an issue there where \$750,000 max does not have a big impact on departments like New York or L.A., or Houston or some of the other big cities around the country.

Obviously, this is a legislative issue, just a recommendation that I think that maybe we need to—I would ask you all to look at very closely.

The CHAIRMAN. Well, I agree, Chief. And, Ms. Mencer, I understand—I don't disagree with anything you've said, but if I had an anti-terrorism expert here on this panel, he would tell you—because I've heard their testimony—that there are certain areas of the country—*i.e.*, large urban areas—that are more likely targets than rural areas are. I mean, it's just a fact. And I can't guarantee that they won't go to the remotest part of America to seek to harm America, but it's pretty obvious that any terrorist is going to go where they can inflict the most damage. And so I hope that you

all will work up the courage to take on rural legislators and go with the opinions of the experts on how we can best combat terrorism in this country, and that, I think, probably argues at least for a thorough examination of this formula.

I've always been somewhat opposed to sending so much money to the East Coast, certainly in the form of Amtrak funds, but I do believe that you should make recommendations to the Congress based on the best opinions you can get, as far as the anti-terrorism experts are concerned. And I hope you will undertake to get that input from various agencies of government.

So I think it's an important issue, because funds are not unlimited. We are going to face some kind of fiscal crunch here in America, given the burgeoning deficits, and cuts are going to be made, even in the Department of Homeland Security, I'm sorry to say.

Finally, Ms. Mencer, concerns have been raised by some of the fire-service's organizations that the President's budget would not fund grant applications to support fire-prevention education, EMS, and firefighter wellness and fitness initiatives. Can you respond to that?

Ms. MENCER. Yes, sir.

As I mentioned in my opening statement, we do have a separate application process, beginning in September of this year, for fire prevention. So it is about, I believe, 78 million for fire prevention. So we are looking at doing that in the fall of this year.

The CHAIRMAN. Chief?

Chief PAULISON. And I have to support exactly what she said. When the—we allowed the departments to apply for what they wanted to apply for, and the bulk of the applications come in for operational needs. Very little of the moneys—I think it's less than 1 percent—are actually asked for fire-prevention programs. So we do have a separate fire-prevention program set-aside, and we've done that for the entire length of the grant process, and it works very well. We have some really unique programs that are happening out there.

State of Delaware, for instance, Delaware Firefighters Association received a grant to put a smoke alarm in every home in the state of Delaware. Quite a task they took on. Did a great job at it.

The CHAIRMAN. Thank you.

Since we have inaugurated a lot of new programs, I hope that you will continue to audit each for its effectiveness and best use of the taxpayers' dollar. The one thing we don't want to see is to hear about X millions of dollars that have been spent on a program that was wasted. And when we're talking about the kinds of money you will continue to receive, I would strongly recommend you keep a close eye on which programs, and have a system in place so that you can gauge the effectiveness or lack of effectiveness of various programs. Many of these are new, as we all know.

I thank you. Thank you for your testimony here this morning. And we will, as I mentioned, hold a markup next week, and try and get this done. I know that the House is eager to get it done, as well.

Thank you very much.

Chief PAULISON. Thank you, Mr. Chairman.

Ms. MENCER. Thank you, Mr. Chairman.

The CHAIRMAN. Our next panel is Chief Ernest Mitchell, the President of the International Association of Fire Chiefs; Mr. James Monihan—he's the Legislative Committee Chairman of the National Volunteer Fire Council; the Honorable James M. Shannon, who is the President and Chief Executive Office of the National Fire Protection Association; and Mr. Billy Shields, who is the President of the United Phoenix Firefighters, and Vice President of the Professional Firefighters of Arizona.

Please come forward. Welcome to the witnesses. And, Chief Mitchell, we'll begin with you, and thank you for your appearance here today.

**STATEMENT OF CHIEF ERNEST MITCHELL, (RET.), PASADENA,
CALIFORNIA FIRE DEPARTMENT AND PRESIDENT,
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS (IAFC)**

Chief MITCHELL. Well, thank you, Mr. Chairman and Members of the Committee. And thank you for holding this hearing on this very important Federal grant program.

I'm Ernest Mitchell, recently retired Fire Chief of the City of Pasadena, California, and I appear today as President of the International Association of Fire Chiefs, which represents the leadership and management of America's fire and emergency services.

America's fire service is the only entity that is locally situated, staffed, and equipped to respond to all types of emergencies across our country. America's fire service is an all-risk, all-hazard response entity. The FIRE Act helps raise the level of capability for all departments for all hazards. For that reason, the FIRE Act is one of the most important relationships between the Federal Government and the fire service.

Mr. Chairman, the FIRE Act works. It works because of the notion of local control. Local fire chiefs, in consultation with their firefighters and community leaders, decide what is most important to the community. These requests are then competitively reviewed by the people that are most familiar with the needs, local fire-service representatives from across the country. Finally, the local community must buy into the grant by providing matching funds and agreeing that Federal dollars will not supplant regular local funding to the fire department. This consistent level of local involvement and control lies at the very heart of the FIRE Act's sustained success.

Mr. Chairman, I have submitted a written statement for the record today. I would like to highlight two key points of the statement.

The CHAIRMAN. All written statements will be made part of the record.

Chief MITCHELL. First, I respectfully ask the Members of this Committee to amend this bill and restore jurisdiction over the FIRE Act to the U.S. Fire Administration. The IAFC supported placing the U.S. Fire Administration in charge of the FIRE Act in the initial authorization, and we support it in the House version of this bill. We remain concerned that the Office of Domestic Preparedness is turning the FIRE Act into a terrorism-based program. This is despite ODP's assurances that the FIRE Act would remain

an all-hazards program, and despite explicit directions from Congress that it remain an all-hazards program.

In my written testimony, I describe the experience of one of my colleagues, Chief Ben Estes, retired chief of the Pocatello, Idaho, fire department, and current president of the Idaho Fire Chiefs Association. ODP invited representatives from several state homeland security departments, including Chief Estes, to come to Washington, D.C. this past May to participate in the review of FIRE Act grant applications that request equipment or training related to chemical, biological, radiological, nuclear, or explosive threat. And this is a new level of review instituted by ODP. Unlike the peer-review process in place for the remainder of the FIRE Act applications, the reviewers were almost exclusively employees of state homeland security departments. Very few had any fire service experience. Chief Estes was the rare exception.

As I describe in my written testimony, the questions this panel asked gave the state officials effective veto power over a fire department's funding request if the state intended to provide the training or equipment. This means that legitimate fire department needs could be vetoed if the state even had the vaguest intention of providing the training or equipment.

And, Mr. Chairman, as I'm sure you are well aware, government agencies often intend to do things that, in reality, are often long delayed, if ever actually delivered.

Chief Estes also gathered, during the group's discussions, that they would like to exert significantly more control over the fire—over all FIRE Act funding. If that were to happen, one of the reasons the FIRE Act is success a success, the element of peer review, would be lost. Also lost would be the crucial focus on all hazards.

My second request of this Committee, Mr. Chairman, is to strike the provision in this bill that would make volunteer EMS organizations eligible to receive grants. The FIRE Act is meant to improve the readiness and response of local fire departments. Opening up the program to non-fire-service recipients would erode this singular focus. Once the door has been opened to expand the list of eligible agencies, Congress would get requests to further expand the program from EMS agencies affiliated with hospitals, third-service career agencies, and from private for-profit corporations. The FIRE Act would then cease to be a core fire service program.

Also, please bear in mind that EMS is an integral part of local fire services, and one that currently benefits from the FIRE Act, particularly under changes made in Fiscal Year 2004. In order to increase the amount of funding directed toward the EMS program category, EMS was incorporated into the operations and firefighter safety category. By doing so, grant requests for EMS training and equipment have increased, because fire chiefs are able to work them into larger requests that address other fire department functions.

To give one example of the success of this change, the total dollar amount requested for EMS increased from less than \$17 million in Fiscal Year 2003 to more than \$66 million in Fiscal Year 2004. This is close to a four-fold increase.

The fact that this bill will place a special priority on automatic external defibrillators is also a benefit to fire-based EMS services.

While we generally do not endorse favoring one piece of equipment over another in the FIRE Act grant process, we do endorse this provision, because heart attacks are consistently the number one cause of firefighter fatalities. I'm convinced that if more emergency-response vehicles had AEDs available, we could save more firefighter lives.

And, finally, Mr. Chairman, it is important to recognize that volunteer EMS agencies have significant EMS-specific funding streams available to them that are not available to many fire departments—most significantly, third-party reimbursement for ambulance transport.

Pre-hospital emergency medical care is composed two distinct services: first responder, and ambulance transport. The fire service is the overwhelming provider of EMS first response across the United States. This service is very expensive, and local taxpayers are responsible for it.

The other component of EMS is ambulance transportation. A much wider variety of providers are available for this service, including for-profit corporations, hospitals, government third-service, and volunteer EMS agencies. This broader mix is likely explained by the fact that ambulance transport is eligible for third-party reimbursement. As a result, most ambulance transport providers bill patients and their insurance companies for every ambulance response. Medicare alone reimburses more than \$3 billion for ambulance transportation annually. Additional reimbursement comes from Medicaid, private insurers, and the patients themselves. As I noted earlier, first response services are not eligible for any of this funding. The financial burden falls almost exclusively on the fire service.

I want to thank you for this opportunity to testify, Mr. Chairman, and I look forward to answering any questions you may have. [The prepared statement of Chief Mitchell follows:]

PREPARED STATEMENT OF CHIEF ERNEST MITCHELL, (RET.), PASADENA, CALIFORNIA FIRE DEPARTMENT; AND PRESIDENT, INTERNATIONAL ASSOCIATION OF FIRE CHIEFS (IAFC)

Mr. Chairman and members of the Committee, I am Ernest Mitchell, recently retired Chief of the Pasadena (CA) Fire Department. I appear today as President of the International Association of Fire Chiefs (IAFC), which represents the leadership and management of America's fire and emergency service.

America's fire and emergency service reaches every community across the nation, protecting urban, suburban, and rural neighborhoods. Nearly 1.1 million men and women serve in more than 30,000 career, volunteer, and combination fire departments across the United States. The fire service is the only entity that is locally situated, staffed, and equipped to respond to all types of emergencies. Members of the fire service respond to natural disasters such as earthquakes, tornadoes, and floods as well as to manmade catastrophes, both accidental and deliberate. As such, America's fire service is an all-risk, all-hazard response entity.

The FIRE Act Grant Program Works

Mr. Chairman, in your invitation you asked witnesses to address S. 2411, the bill to reauthorize the Assistance to Firefighters Grant Program, better known as the FIRE Act. The FIRE Act is one of the most important relationships between the Federal government and the fire service. On behalf of the members of the IAFC, I thank you for holding this hearing.

We consistently hear from our members that they have a great number of needs to be met, ranging from fire apparatus to self-contained breathing apparatus to training. We are pleased to note, Mr. Chairman, that this bill would authorize a new survey to determine the current level of need in America's fire service. We are

also very pleased that this bill would reauthorize a highly effective Federal grant program.

Congressional, administration, and fire service officials alike have called the FIRE Act one of the very best Federal grant programs. The U.S. Department of Agriculture (USDA) issued a program analysis in 2003, proclaiming that *the FIRE Act works*. In USDA's own words, the FIRE Act "has been *highly effective* in increasing the safety and effectiveness of grant recipients . . . 99 percent of program participants are satisfied with the program's ability to meet the needs of their department . . . [and] 97 percent of program participants reported positive impact on their ability to handle fire and fire-related incidents."¹

There are good reasons for the FIRE Act's success, and they are the five pillars of the program.

First, funds go *directly* to local fire departments for the purposes intended. There is no opportunity for the money to get bottlenecked at intermediate levels as is the case with so much other first responder funding.

Second, grants are awarded on a *competitive basis*, and not based on a pre-determined formula. We cannot equip this Nation's fire service with a one-size-fits-all formula. Formulas cannot account for whether a particular community is a city with mostly high-rise buildings, or whether it is an area out west that is more susceptible to wildland fires. Formulas cannot account for local budgets, or the age and level of use of the equipment in each of this Nation's 30,000-plus fire departments. If a fire chief can make a good case for a grant, the competitive process will acknowledge that.

The third pillar of the FIRE Act is that grant applications are *peer-reviewed*. That means fire service people are looking at fire service grants. Experienced and informed members of the fire service community know what kinds of equipment and training we really need.

The fourth point is that grants are *supplemental only*; they may not supplant local funds. The point of the FIRE Act is to raise the capability of fire departments across the country, *not* to replace line items in local budgets. A local community may not reduce the department's budget to offset a FIRE Act grant.

The fifth and final pillar of the FIRE Act's success is that it requires a *co-payment* by the community. This is really a requirement of community "buy-in" to the idea of improving the fire service and, therefore, advancing public safety. It is a clear demonstration of a community's partnership with the Federal government to increase the capability of protecting this Nation's critical infrastructure.

Local Control Must Be Maintained

Perhaps the most prominent theme that unifies the five pillars of the FIRE Act is local control. Local fire chiefs, in consultation with their firefighters and community leaders, decide what is most important to the community. These requests are then competitively reviewed by the people that are most familiar with the needs: local fire service representatives from across the country. Finally, the local community must "buy-in" to the grant by providing matching funds and agreeing that Federal dollars will not supplant regular local funding to the fire department. I submit to you, Mr. Chairman, that this consistent level of local involvement and control lies at the very heart of the FIRE Act's sustained success.

We are concerned that this local control is being eroded. One example is the fact that the Office for Domestic Preparedness (ODP), which is now in charge of administering the FIRE Act, for the most part administers grants that go through the states. FIRE Act grants, on the other hand, go directly to local fire departments.

Another example is the current emphasis by ODP on the fire service's response to chemical, biological, radiological, nuclear and explosive (CBRNE) incidents. As you are aware, formal management of the FIRE Act was transferred this fiscal year from the U.S. Fire Administration (USFA) to ODP. While ODP has committed to running this program in substantially the same manner as the USFA, we are concerned about the strong emphasis on terrorism response. Acts of terrorism are just some of the many hazards to which America's fire service responds. Congress has made it clear that the FIRE Act is intended to build the basic tools of firefighting in order to enhance our *all-hazards* response². We are concerned that ODP's empha-

¹U.S. Department of Agriculture Executive Potential Program Team 6, *Survey, Assessment, and Recommendations for the Assistance to Firefighters Grant Program*, Final Report, prepared for the U.S. Fire Administration, Federal Emergency Management Agency, January 31, 2003, p. 40 (emphasis removed).

²See, for example, appropriations report language for FY2003: "The conferees have agreed to establish this new appropriations account for firefighter assistance grants [the Emergency Management Planning and Assistance account] so that there will be no doubt as to the importance

sis on terrorism might undermine this overarching goal and begin the transformation of the FIRE Act into a terrorism response program.

To illustrate this point, I would like to talk about the experience of one of my colleagues, Chief Ben Estes, retired chief of the Pocatello (ID) Fire Department and current president of the Idaho Fire Chiefs Association. ODP invited representatives from several state homeland security departments to come to Washington, DC this past May to participate in the review of FIRE Act grant applications that request CBRNE-related equipment or training. The state of Idaho asked Chief Estes to attend on its behalf. This is a new level of review instituted by ODP. I believe it is meant to ensure that money is not duplicative and is spent in a coordinated fashion, both of which are important goals for any Federal program.

However, unlike the peer-review process in place for the remainder of the FIRE Act applications, the reviewers were almost exclusively employees of state homeland security departments. Very few had any fire service experience; Chief Estes was the rare exception.

Chief Estes said that the panel asked three main questions of grant applications:

1. Is the application consistent with the state's homeland security plan?
2. Does the requested training duplicate anything the state has provided, *or intends to provide*, the applicant?
3. Are there any specific items that you recommend *not* receive FIRE Act grant money?

Chief Estes thought that question one was within the appropriate scope of this group's review, although he expressed concern that this particular group of individuals had little understanding of what fire departments do and how they do it. Chief Estes had serious concerns with questions two and three.

Question two allowed state officials to effectively veto a fire department's funding request if the state "intended" to provide the training or equipment. This question means that legitimate fire department needs could be vetoed if the state had only the vaguest of intentions to provide the training or equipment. Mr. Chairman, as you are well aware, government agencies often *intend* to do things that in reality are often long-delayed, if ever actually delivered.

Question three is problematic because it allowed state officials effective veto power over particular classes of equipment or training that departments may request. Chief Estes was also concerned about the general discussions among this group that they wanted to exert significantly more control over all of the funding that went out through this program.

Mr. Chairman, I ask that you amend this bill to move the FIRE Act back within the jurisdiction of the USFA. The IAFC supported placing the USFA in charge of the FIRE Act in the initial authorization, and we support it in H.R. 4107, the companion reauthorization bill in the U.S. House of Representatives. The USFA has very successfully managed this program, and we commend Administrator David Paulison for his outstanding leadership.

The FIRE Act Should Remain a Fire Service Program

We are also concerned about the provision in this bill to make volunteer emergency medical service (EMS) organizations eligible to receive grants. Providing financial assistance to volunteer EMS organizations—indeed, any EMS organizations—is a laudable goal. However, modifying the FIRE Act is not the best way to accomplish that goal. The FIRE Act is meant to improve the readiness and response of local fire departments. Maintaining this clearly defined purpose is critical to the long-term success of the program. Opening up the program to non-fire service recipients would erode this singular focus. Once the door has been opened to expand the list of eligible agencies, Congress would get requests to further expand the program from EMS agencies affiliated with hospitals, third service career agencies, and from private, for-profit corporations. The FIRE Act would then cease to be a core fire service program.

Also, please bear in mind that EMS is an integral part of firefighting. In fact, the Bureau of Labor Statistics definition of firefighting is: "Control and extinguish fires or respond to emergency situations where life, property, or the environment is at risk. Duties may include fire prevention, *emergency medical service*, hazardous ma-

of this program and to protect this program from being lost in the morass of the Department of Homeland Security" (H.R. Rep. No. 108-010, Title III (2003)).

In report language for FY2004, Congress said: "This Committee . . . recommends the program remain in the Emergency Preparedness and Response Directorate in a separate appropriation so there is no doubt as to its importance, and to protect this program from being lost in the first responders grant programs" (H.R. Rep. No. 108-169, Title III (2004)).

terial response, search and rescue, and disaster management.”³ The Fair Labor Standards Act defines an “employee in fire protection activities” to include “a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker”⁴

The fire-based EMS community does benefit under the current version of the FIRE Act, particularly under changes made in Fiscal Year 2004. In order to increase the amount of funding directed toward the EMS program category, EMS was incorporated into the operations and firefighter safety category. Representatives from fire service organizations recognized that by incorporating EMS funds into this larger category, grant requests for EMS training or equipment would increase because fire chiefs could work them into larger requests that addressed other fire department functions. Preliminary data from the USFA, which is listed below, indicates that this administrative change has significantly increased both the number of applications and the total dollar amount of funding requested in the EMS program area.⁵ For example:

- The number of EMS applications increased from 216 to 2,584. This is nearly an eleven-fold increase.
- The total dollar amount requested for EMS increased from less than \$17 million to more than \$66 million. This is close to a four-fold increase.
- As a percentage of total applications, requests for EMS funding increased from one percent to 12.7 percent.
- As a percentage of total funding requests, EMS increased from 0.7 percent to 2.5 percent.

We also note, with appreciation and support, that S. 2411 would allow applicants to request funds for automated external defibrillator (AED) devices, and that the bill would provide a match reduction incentive to apply for these devices. According to USFA statistics, the leading cause of fatal injuries to firefighters is heart attack. In fact, in a retrospective study of firefighter fatalities from 1984 to 2000, the proportion of firefighter fatalities from heart attacks remained constant over that 16 year period.⁶ I am convinced that if more emergency response vehicles had an AED available, we could save more firefighters’ lives. Therefore, while we generally do not endorse favoring one piece of equipment over another in the FIRE Act grant process, we do endorse this provision to promote the use of AEDs.

Finally, Mr. Chairman, it is important to recognize that volunteer EMS agencies have significant EMS-specific funding streams available to them that are not available to many fire departments, most significantly, third-party reimbursement for ambulance transport. Pre-hospital emergency medical care is composed of two distinct services: first response and ambulance transport. The fire service is the overwhelming provider of EMS first response across the United States. Strategically placed in the community for rapid response, fire departments quickly get trained medical personnel to a patient’s side after 9–1–1 is called. As you can imagine, sustaining this level of rapid response is very expensive and the burden of this cost falls *exclusively* on local taxpayers. Because of antiquated Federal Medicare laws, EMS first response is not eligible for third-party reimbursement.

The other component of EMS is ambulance transport. This service is provided by a much wider variety of providers, including for-profit corporations, hospitals, government third-service, and volunteer EMS agencies, as well as fire departments, which provide only one-third of ambulance transports.⁷ This broader mix of providers is explained by the fact that ambulance transport is eligible for third-party reimbursement. As a result, most ambulance transport providers bill patients and their insurance companies for every ambulance run. Medicare alone reimburses more than \$3 billion for ambulance transport annually. Additional reimbursement comes from Medicaid, private insurers, and the patients themselves. As noted earlier, EMS first response services are not eligible for any of this funding and this financial burden falls almost exclusively on the fire service. The FIRE Act is one

³ U.S. Department of Labor, Bureau of Labor Statistics, *Standard Occupational Classification 33–2011: Fire Fighters* (emphasis added).

⁴ 29 U.S.C. 203(y) (as amended by P.L. 106–151).

⁵ Since no awards have yet been made, only statistics for application requests are available.

⁶ TriData Corporation, *Firefighter Fatality Retrospective Study*, prepared for the Federal Emergency Management Agency, United States Fire Administration, National Fire Data Center, April 2002, pp. 23–24.

⁷ Findings from the 1999 National Survey of Ambulance Providers, Final Report, March 2000, p. 13. This report was conducted by Project HOPE Center for Health Affairs in conjunction with the negotiated rulemaking process that accompanied the development of the Medicare ambulance fee schedule.

of the only sources of funding—aside from local taxpayer dollars—for fire departments that provide this important, and expensive, service to their communities.

In light of the significant funding already available for ambulance transport, the administrative changes that are targeting more funding toward EMS, and the fact that S. 2411 would promote the use of AEDs, I urge you, Mr. Chairman, not to open this grant program beyond America's fire service. When we look at the potential number of increased applicants, the potential decrease in available appropriations over the next few years, and the significant number of basic unmet needs in the fire service, we remain very concerned about the impact of the EMS language in this bill.

Funding Caps Must Be in Place

The IAFC is concerned also about two provisions of the bill that deal with funding levels. The first is about the cap on grant funding. The bill would set a grant cap of the *greater* of \$2,250,000 or the amount equal to one-half of one percent of the total amount of appropriated funds. This formula could grant an unreasonable amount of money to any one jurisdiction. We support the grant cap language in the House bill (H.R. 4107), which simply says, "no single recipient may receive more than one half of one percent of the funds appropriated under this section for a single Fiscal Year." This language would ensure an equitable distribution of funds no matter what a particular year's appropriation may be.

The bill would also increase the funds available for fire prevention and firefighter safety programs from five percent to six percent. Five percent is the amount that we supported in the original law, and it is the amount that we support in the House bill. The IAFC is committed as much to preventing fires as we are to extinguishing them. We are also committed to promoting and ensuring firefighter safety. However, funds for those types of activities must be balanced against the dire need for improving emergency response equipment and training. Increasing the amount of funds available for fire prevention and firefighter safety would start us on a slippery slope of dedicating more of the funding that is needed to serve the FIRE Act's core purposes.

Technical Corrections

We suggest three technical corrections to this bill, which I will simply outline in bullet form below. The suggested changes are underlined>.

- Page 4, lines 16–21 should read: "(ii) ANNUAL REVIEW OF CRITERIA.—Not less often than once each year, the Secretary of Homeland Security, in consultation with the Administrator, shall convene a meeting of individuals who are members of *national fire service organizations*. . . [.]” The current wording—“members of a fire service”—would be overly vague.

We would also like to see the bill specify the organizations to be involved. In February of 2004, 10 major fire service organizations submitted to Congress a white paper detailing our requests for this reauthorization. In our suggested bill language, we specified the organizations that represent America's fire service experts in an effort to be as clear as possible about who should be involved in setting grant criteria.⁸ Congress often specifies organizations to be involved in particular studies or projects, and this should be no exception. The organizations we specified are longstanding and well-established, and are likely to still be in business in 2010, when this reauthorization is set to expire.

- Page 5, lines 5–12 should read: "(i) REQUIREMENT FOR REVIEW.—The Secretary of Homeland Security shall award grants under this section based on the review of applications for such grants by a panel of fire service personnel *appointed by national organizations* recognized for expertise in the operation and administration of fire services.” The current wording—“by a national organization”—would allow only one organization to select the reviewing panel.
- On pages 10–11, the term “first due emergency vehicles” should be replaced with “*emergency response vehicles*.” The term “first due” literally applies to the vehicle that arrives first on the scene. It is a term used by the fire service that the bill as currently written would incorrectly define.

⁸The organizations listed in the white paper are the Congressional Fire Services Institute, International Association of Arson Investigators, International Association of Fire Chiefs, International Association of Fire Fighters, International Fire Service Training Association, International Society of Fire Service Instructors, National Fire Protection Association, National Volunteer Fire Council, North American Fire Training Directors, and “any other non-federal fire service organization the Secretary deems necessary.”

Conclusion

In conclusion, I would like to thank you, Mr. Chairman, for cosponsoring this bill and for holding this hearing on a most important Federal grant program. The FIRE Act is an endeavor for which the taxpayers and the Federal government can—and should—be proud.

I will be happy to answer any of your questions.

The CHAIRMAN. Thank you very much.

We're joined by our Senate colleagues, Senator Dodd and Senator DeWine, who are the prime sponsors of this legislation. I'd like to welcome them.

And, Senator Dodd, if you'd like to begin any remarks, and then Senator DeWine—and we know you have a very heavy schedule, and we appreciate you coming by the Committee to discuss this important legislation with us.

STATEMENT OF HON. CHRISTOPHER J. DODD, U.S. SENATOR FROM CONNECTICUT

Senator DODD. Well, thank you very much, Mr. Chairman. And we apologize in arriving a bit late here. We're having this briefing up in room 407, and so please forgive us for coming a little bit late and interrupting the flow of your testimony here this morning.

And I'd ask unanimous consent that some opening comments that we have here be included in the record, if that's appropriate.

The CHAIRMAN. Without objection.

[The prepared statement of Senator Dodd follows:]

PREPARED STATEMENT OF HON. CHRISTOPHER J. DODD, U.S. SENATOR FROM CONNECTICUT

Thank you, Chairman McCain and Senator Hollings, for holding this hearing on the reauthorization of the Assistance to Firefighters Grant Initiative, or the FIRE Act. I also want to commend both of you for your outstanding leadership on behalf of firefighters in your state and across the Nation.

I am pleased to be joined by my friend and colleague Senator DeWine, who is the co-author of this important legislation. We worked together on the original FIRE Act four years ago when the world was a very different place.

In fact, I remember testifying before the Senate Commerce Committee in July 2000 on how local fire departments across America lacked the resources to handle such challenges as an interstate highway accident, an airplane crash, an incident involving hazardous materials, or a fire spread over a large area. The challenges associated with responding to an act of terrorism were mentioned, but few of us dared to imagine that a large-scale terrorist attack within the borders of the United States was an imminent possibility.

Of course, our worst fears became a reality on September 11, 2001. On that tragic day, 343 members of the New York Fire Department made the ultimate sacrifice in their efforts to save thousands of people trapped in the World Trade Center. Many firefighters in the Washington, D.C. area also demonstrated their heroism by rescuing people trapped in the burning ruins of the Pentagon.

In the aftermath of that terrible day, and nearly a year after the original FIRE Act was enacted, firefighters are facing new and profound challenges. In addition to their traditional responsibilities of extinguishing fires, promoting fire safety, and ensuring that fire codes are inspected, they have new homeland security responsibilities such as responding to chemical, biological, and nuclear threats. It is therefore not an exaggeration to say that the Nation's firefighters are literally serving on the front lines of the War on Terror, protecting the homeland from the real and present danger of future terrorist attacks.

According to a national Needs Assessment study of the U.S. Fire Service published in December 2002, most fire departments lack the necessary resources and training to properly handle acts of terrorism and large-scale emergencies. A June 2003 Council of Foreign Relations report authored by former Senator Warren Rudman further underscored this issue when it concluded that "if the Nation does not take immediate steps to better identify and address the urgent needs of emergency

responders, the next terrorist incident could have an even more devastating impact than the September 11 attacks.”

Since the original FIRE Act was enacted, firefighters *are* in fact able to do more. They can respond more quickly to the 21 million calls that come in each year to local fire departments. They can reduce the number of people who die or suffer injuries in fires each year. Furthermore, they are better prepared to handle what once seemed unthinkable, but what we now know after September 11 can happen anywhere at anytime. I know from speaking to firefighters in my home state of Connecticut what a difference the FIRE Act has made over the last four years. It has benefited fire departments large and small, paid and volunteer, urban and rural. Firefighters are able to purchase equipment they once could not afford, undergo training that they never had, and provide more effective protection to groups such as children and the elderly that have long been at high-risk for fire-related injuries. In fact, a report last year by the Federal government found that “overall, . . . the Assistance to Firefighters Grant Program was highly effective in improving the readiness and capabilities of firefighters across the Nation.” The FIRE Act grant initiative is truly a success story.

The reauthorization bill that Senator DeWine and I have introduced makes a number of significant improvements to the original FIRE Act. It builds on the recommendations given to us last February by the paid and volunteer fire services which know from first-hand experience the impact that these FIRE Act grants have had. For example, the reauthorization legislation makes the size of the FIRE Act grants and the local matching requirements more equitable. It also enhances fire safety and fire prevention programs, and it tackles the leading cause of death among firefighters in the line of duty—heart attacks—by creating an incentive for fire departments to acquire life-saving automated external defibrillator equipment for every first-due vehicle.

Mr. Chairman, I look forward to working with you, Senator Hollings, and the entire Senate Commerce Committee to ensure that this important initiative is quickly reauthorized. I am especially grateful to you, Chairman McCain, for your willingness to consider this bill as part of the FY2005 Department of Defense Reauthorization Act.

There is an immediate need for the Committee to act, given that the program expires at the end of the current Fiscal Year. The legislation that Senator DeWine and I have authored also has significant support among Senators from both sides of the aisle as well as from the fire services.

Again, thank you, Mr. Chairman, for holding this hearing, and for your commitment to the Nation’s firefighters.

Senator DODD. And let me begin by thanking both you and Senator Hollings for doing this. You and I have talked about this on numerous occasions, and no one has been more generous, in terms of Committee jurisdiction than allowing this measure to go forward in the manner it has over the last few years by being a part of the Defense Department authorization bill. And you’ve been tremendously understanding and tremendously forthcoming in your willingness to work on a bill that would—that we think makes a significant difference. And I think having this hearing and developing a piece of legislation out of the appropriate Committee of jurisdiction, to then become a part of whatever the DOD authorization conferences involves, is the proper way to go, and I’m particularly grateful to you for that.

The CHAIRMAN. Thank you.

Senator DODD. And I want to commend my colleague from Ohio. We work on a lot of legislation together, serve on committees together, and there’s no better partner to have in the U.S. Senate than Mike DeWine when you work on issues together. And so I’m pleased to be joined together with him this morning in making a few opening comments to you about all of this. Obviously, the—I remember testifying before the Commerce Committee in July 2000, about 4 years ago, on how local fire departments across the country lack the resources to handle such challenges as interstate highway

accidents, airplane catastrophes, incidents involving hazardous materials, and the like. The challenges associated with responding to the act of terrorism were mentioned. Few of us in the year 2000 would imagine that we'd be faced with the events that we faced on 9/11, where 343 firefighters paid the ultimate price on that horrible, horrible day. Many firefighters in Washington, D.C., have also demonstrated their heroism by rescuing trapped people in the burning ruins of the Pentagon.

In the aftermath of that terrible day, nearly a year after the original FIRE Act was enacted, firefighters are facing new and profound challenges. In addition to their traditional responsibilities of extinguishing fires and promoting fire safety, ensuring that fire codes are inspected, they have a new homeland security responsibility, such as responding to chemical, biological, and nuclear threats. It's, therefore, not an exaggeration to say that the Nation's firefighters, the 33,000 departments across this country who respond to 21 million calls every year, are literally serving on the front lines of the war on terror, protecting the homeland from real and present danger of future terrorist attacks.

According to the National Needs Assessment Study of the U.S. Fire Service published in 2002, most fire departments lack necessary resources and training to properly handle acts of terrorism and large-scale emergencies. A June 2003 Council of Foreign Relations Report authored by our former colleague, Warren Rudman, further underscored the issue when it concluded, and I quote, "If the Nation does not take the immediate steps to better identify and address the urgent needs of emergency responders, the next terrorist incident could have an even more devastating impact than the September 11 attacks."

Mr. Chairman, since the original FIRE Act was enacted, firefighters are, in fact, able to do more. They can respond more quickly, as I mentioned, to 21 million calls that come in each year to local departments across the country. They can reduce the number of people who die and suffer injuries in fires each year. And, furthermore, they are better prepared to handle what once seemed unthinkable, but we now know, after September 11, can happen anywhere at any time.

I know, from speaking to firefighters in my home state of Connecticut, what a difference the FIRE Act has made over last 4 years. It's benefited fire departments, large and small, paid and volunteer, urban and rural. Firefighters are able to purchase equipment they once could not afford, undergo training they never had, and provide more effective protection to groups such as children and elderly, who have long been at high risk for fire-related injuries. In fact, a report last year by the Federal Government found, and I quote, "Overall, the Assistance to Firefighters Grant Program is highly effective in improving the readiness and capabilities of firefighters across the Nation."

And the reauthorization bill that we've proposed in this hearing, which will further shape that legislation, we think will make some improvements to the original FIRE Act, including raising the caps, providing for additional resources to larger cities, recognizing the distinction between smaller towns, mid-sized cities, and larger ones, and not allowing an excessive amount to go to large urban

areas, but certainly getting above the 750,000 cap and recognizing that large cities, like New York, like Phoenix, like L.A., deserve far more consideration than the amounts they were getting before for the problems that they're likely to face; not to suggest that smaller communities don't face challenges and may not be on the front lines when emergencies occur, but certainly trying to take into consideration.

There have been other recommendations in the bill, and I won't go into all the details of it. I know the Chairman and others are familiar with them. Once again, I just want to express my gratitude to you. This has, I think, been a good program. I think it's made a difference. I think first responders certainly—and the fire-fighters are in that category, without any question—are deserving of some help in addition to the local and state support they get. And we're grateful to you, Mr. Chairman, for listening to these ideas.

The CHAIRMAN. Thank you, Senator Dodd. And I appreciate you bringing up the issue of this funding. I just brought it up with the previous panel. We're going to have to wrestle with that—

Senator DODD. Yes.

The CHAIRMAN.—issue, and my suggestion is that we get the input from the relative agencies of government—and maybe from outside government—that assess terrorist threats. It seems to me that that should have some impact on distribution of funds.

I represent a state that's both urban and rural, and I have no problem with trying to make sure that the fire station at Snowflake is well taken care of. But I think there is a general appreciation that the targets that terrorists would have as a priority are large areas of population. It just is a matter of logic. And I think it's—it's my understanding that the formula has been legislated as to how this distribution of funds—is that not correct, Mr. Shannon?

Mr. SHANNON. I believe that the authorization bill deals with the formula.

The CHAIRMAN. Well, I hope that, as we move this legislation forward quickly—and it needs to be done quickly, as we appreciate—that we at least include some provision for a way of hashing—resolving, I think, a very important issue; because, unfortunately, the funding is not unlimited. So I hope that you and Senator DeWine, as prime people involved—Senators involved in this issue, would take that on, as well as the rest of us.

Senator DODD. I thank you, Mr. Chairman. I don't think—I don't have any particular—wedded to a formula here. Initially, we had authored the bill—we were trying to get resources out. I don't disagree with you. Clearly, the larger areas are faced with more complicated issues that arise, and that certainly should be taken into consideration, which is, in part, what we try to do in the reformulation of this a bit.

And I would say, in defense, I guess, of smaller communities, that times can arise when they're called upon today. I presume, in Arizona, as in Connecticut, I have smaller communities along major interstate highways, for instance, where we just had a major problem on Route 95 in Connecticut, and it was some of the smaller departments that actually responded to that chemical spill on Route 95. So it's—your point is well taken, and I agree with it, and

I don't think you're going to argue with me that there are occasions when, obviously, smaller communities can be drawn into some pretty serious situations.

The CHAIRMAN. And it may not be necessary.

Senator DODD. Yes.

The CHAIRMAN. But there seems to be, at least emanating from some major cities, a lot of complaints. So it at least ought to be looked at.

I thank you, Senator Dodd. And I know you have a heavy schedule. I thank you for coming by.

Senator DODD. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator DODD. Appreciate it.

The CHAIRMAN. Senator DeWine?

**STATEMENT OF HON. MIKE DEWINE,
U.S. SENATOR FROM OHIO**

Senator DEWINE. Mr. Chairman, let me thank you for holding this hearing.

And let me also say what a pleasure it is to work with Senator Dodd. Senator Dodd and I originally wrote this bill, worked on it. And, frankly, the times have changed a little bit. We originally wrote this bill, and it passed, and our concern, I think, was that there were many jurisdictions in this country—and I'm sure the Senator has the same situation in Arizona as I do in Ohio and the Senator does in his state—that fire departments, who also are called upon, many times, to be the emergency response—there are many people in this country that, if you have a heart attack or if you break your arm, as my daughter did a couple of years ago, it was our local fire department that came out and transported her to the hospital. Many of these departments just did not have the resources to do the job they had to do. And because we found that as we traveled around our states, we introduced this legislation.

Based on that criteria, of trying to solve that problem, this bill has been stunningly successful. I've spent the last four or 5 years taking a week every summer, and my wife and I and our kids get in an RV, and we travel around the state. And one of the things that we do is stop at fire departments, after this bill passed.

The CHAIRMAN. That's a large RV?

Senator DEWINE. And we—pardon me?

The CHAIRMAN. It's large RV?

[Laughter.]

Senator DEWINE. It is a large RV, yes, sir, and it's—and, Senator, it's getting bigger, actually, and we're having to get a bigger one this year. It's one of the issues we're dealing with.

But we stop and see how this money is being spent. And with very, very little overhead, administrative costs from Washington, this money is working, and it's being spent for safety issues, local education programs in the communities run by the fire departments, EMS. It's being spent for much-needed equipment. So it's working. It's working very, very well.

We now are in an era where we are dealing with terrorism, and we are looking at these fire departments to deal with the spills, the

terrorism issues, and other things. And so maybe the way we look at this has changed a little bit.

When Senator Dodd and I, this year, started to put this bill together, we had heard the concerns that had been raised, that you're talking about, and by the cities, and we looked at this, and saw, yes, there is something wrong when Cleveland, Ohio, or Phoenix, under the old law, could only get up to \$750,000, the same cap that my home community of Cedarville, of 4,000, has. And they're not going to get \$750,000, but it's the same cap, and there's just something wrong with that. So when we wrote this legislation, we came up with a cap—any city over a million dollars—the way this bill is written right now, any city over a million dollars—or over a million population has a cap under this bill, per year, of \$2.25 million; any City of between a half a million and a million has a cap of \$1.5 million; and below \$500,000, it's a cap of a million. Now, those are arbitrary figures, and that may not—those may not be the right figures. But I think it's a fundamental—Senator Dodd and I think it's a fundamental change from what we have done in the past, and I think it's going to help a great deal to do what we know we have to do, is to target finite dollars that we have here in Washington to the places where it's needed the most, while, at the same time, trying to keep the original intent of the bill, which is also to worry about some of these remote jurisdictions, whether in Arizona or Connecticut or Ohio or wherever, that, frankly, just don't have the resources. And if my grandmother or my mother or someone is having a heart attack, they need to get out there and take care of them. So it's a balance, and I think I speak for Senator Dodd, we're certainly willing to work with this Committee and with your good guidance in trying to come up—we have to change these numbers and come up with something that works. But that was our intent, and that's what we're trying to do.

We did make, I think, one—another conceptual change in this bill, and that is, put more emphasis on safety. And it's already been addressed by the panel a little bit, and I think it's a movement in the right direction. The reality is, when you go around and talk to the fire departments, most of these fire departments are doing EMS, and they're doing a great job. Their runs—seven out of eight runs, seven of those runs are usually EMS runs. And that's not to say that fire runs are not important; they're vitally important. But the EMS runs are also there, and they're very, very significant. The way this bill is written, more of the dollars than in the past—under the old bill, only about 1 percent of the dollars went to EMS services—more of the dollars are going to go to EMS.

The only area that there has been a little bit of contention about has to do with the freestanding or independent EMS departments that are separate and apart from fire. We have written this bill so that they could get—share a limited amount of this money. That causes, frankly, as you have already heard, a little bit of concern from the fire departments. I don't think it should. Frankly, Senator Dodd and I, in future reauthorizations of this bill, if we are around, are not going to open this bill up. It's not our intent to do that. But there is a need. And, frankly, these freestanding, nonprofit—nonprofit—EMS services are the ones who are delivering the services to some of our citizens in this country. And it makes sense that they

get a small amount of the money coming from the taxpayers in this bill to provide some help to them, as well.

So I think we've got a very good bill here. We're open to suggestions from you, Mr. Chairman, and from the Committee. And we just look forward to working with you. And we thank you very much for the hearing.

The CHAIRMAN. Thank you for coming. Thank you for your long involvement in this issue. And, as I had mentioned earlier, we'll have this bill marked up next week and try to get it done in an expeditious fashion. I know the House shares our same sense of urgency for reauthorization.

Thank you both. Thanks for coming.

Mr. Monihan, I apologize for the delay. I'm sure you were illuminated and entertained by—during the delay.

Mr. MONIHAN. Yes, I must say, you three gentlemen are very impressive in your knowledge of this subject. You just about gave my testimony.

The CHAIRMAN. Well, then we'll move to Mr. Shannon.

[Laughter.]

Mr. MONIHAN. I said "just about."

[Laughter.]

**STATEMENT OF E. JAMES MONIHAN, PAST CHAIRMAN AND
DELAWARE STATE DIRECTOR, NATIONAL VOLUNTEER FIRE
COUNCIL**

Mr. MONIHAN. Good morning, Mr. Chairman. I am James Monihan. I'm Chairman of the Legislative Committee of the National Volunteer Fire Council, and a former Chairman of the Council. I've been a firefighter in Lewes, Delaware, EMT and fire officer for 47 years.

The Council provides a voice for the 800,000 men and women who staff some 27,000 departments across the Nation. In addition to their obvious contribution to their communities as first responding domestic defenders, these volunteers represent an estimated annual savings of \$37 billion. On behalf of these folks, I appreciate the opportunity to address the needs of the volunteer fire service, and to voice our strong support for Senate Bill 2411.

Passage of that bill is a top priority of the Council. The events of 9/11 were a stark reminder to all Americans that the fire service is the first responder to all emergencies and the first line of defense against terrorist attacks this Nation may face. However, we cannot lose sight of the 21 million calls we answer each year involving structural fires, wild-land fires, EMS responses, hazardous-materials incidents, et cetera—and, yes, the cat in the tree, the dog in the drain, and the horse in a well.

Often, local government alone is unable to afford the extensive training and equipment that these challenges require, and the program assists local fire departments by providing a percentage of the needed money, while not supplanting local responsibilities to provide adequate fire and emergency medical services.

The FIRE Act is proven to be the most effective program to date in providing all fire departments, large and small, volunteer, career, and combination, not only with the tools they need to perform

their day-to-day duties, but also enhances their ability to respond to large disasters, such as a terrorist incident.

As we move to prepare for terrorist events at home, we must first ensure that local departments have the basic tools they need. The program has been successful because it is the only Federal program that provides funds directly to the fire department, and the fact that the members of the fire service have been involved in almost every aspect of the program.

As written, the bill will codify many of the current program regulations that have made it so successful. It mandates the current peer-review process, guarantees national fire service organizations are represented in setting the criteria, and ensures that the program continues to address basic fire department needs. It reduces the current local fire department matching requirements from 30 to 20 percent for departments serving 50,000 or more; and from 10 to 5 percent for departments serving 20,000 or fewer. Also, as you mentioned, it also realigns the caps. And while we know that this is going to shift money to larger departments, the Council supports these changes, and we believe that this will target areas in need, while still ensuring that the program makes a wide impact across the country.

This legislation opens the program up to volunteer and nonprofit emergency medical services providers. And I must disagree with Chief Mitchell that, in many parts of the country, they are the only emergency medical service providers, and, in fact, do protect the fire department.

It creates an incentive for fire departments to acquire automatic external defibrillators—every first new piece of equipment. The Council has long advocated the wide proliferation of AEDs within the fire service, and this bill will help further our efforts.

I'd also like to address certain provisions which we support that are included in the House version, H.R. 4107, but not in this bill. In an effort to consolidate the first responder program, the FIRE Act, as you heard earlier, was transferred to the Office of Domestic Preparedness. However, the U.S. Fire Administration, under the leadership of Dave Paulison, has spent the last 4 years developing and refining the program, and has clearly demonstrated the capability to efficiently distribute these funds to local fire departments. This is no surprise to us, because the personnel of the Fire Administration have—many of them have backgrounds in the emergency services. By the way, I've never met a more dedicated, hardworking group of staff people.

In addition, there's a substantial concern within our organization that, because ODP's mission only deals with terrorism preparedness, and because the agency does not have experience working with local departments and jurisdictions, this shift could be detrimental to the program. Therefore, we also support all efforts to once again have the U.S. Fire Administration take the lead in administering this program.

The House version also includes important volunteer non-discrimination language prohibiting a fire department that receives grant funds from discriminating against, or prohibiting members from engaging in, volunteer activities in another jurisdiction during off-duty hours. This clause, similar to the language that was in-

cluded in the SAFER bill, passed in Congress last year, begins to address the growing concern we have about an individual's right to volunteer, since some cities currently prohibit their firefighters from volunteering.

I'd like to also stress that this clause does not affect union organization. It only applies to the jurisdictions applying for the grants. We understand—or, I'm sorry—I'd also like to take this time to encourage Members of Congress and your colleagues in the Senate to support the program in the upcoming fiscal year.

The President's budget came through at \$500 million. That's a \$250 million cut from last year's appropriation by Congress. Our anxiety level was further raised when we saw that, while the budget called for the grants to continue to be made directly to fire departments, and awarded through the competitive process, it dictated that preference be given to applications that enhanced terrorism preparedness. It also only requested funding, as you've said, for certain parts of the program. It leaves out funding for fire prevention, education, EMS, firefighter wellness and fitness, and station renovation. We're not only concerned about the cuts, but also the potential shift of the focus to terrorism.

The House appropriation bill, which has already been passed, increases homeland security by \$1.6 billion. It cuts the FIRE Act to \$600 million. The Senate Committee has reported the bill out with \$700 million, which is a cut of \$50 million from last year.

Many of the departments who are receiving the rural—are rural departments struggle the most to provide their members with adequate protective gear, safety devices, and training to protect their communities. The funding problems in America's volunteer service are not limited to rural areas. As suburbs continue to grow, so does the burden on the local fire and EMS departments. Even though many of these departments have the essentials, they're unable to gain access to new technologies.

At no other time in our history have advances been greater in equipment to protect firefighters and make their jobs safer. Yet because the new technology is so expensive, many volunteer and career departments, alike, are forced to forego the purchase of new technology.

In conclusion, Mr. Chairman, the Assistance to Firefighters Grant Program is one of the most effective programs in the Federal Government because it provides local fire departments with the tools they need to respond to any incident they may encounter, no matter what the origin. It ensures local support through a matching requirement, and allows firefighters themselves to play a role in the process. The program also provides a direct connection between the Federal Government and local fire departments without dollars being lost in administrative overhead.

Mr. Chairman, I want to thank you and your Committee for your time today, and also for your strong leadership in Congress. And, you, personally, sir, I want to thank for your time and attention, and also for your unwavering support.

I'll answer any questions you may have.

[The prepared statement of Mr. Monihan follows:]

PREPARED STATEMENT OF E. JAMES MONIHAN, PAST CHAIRMAN AND DELAWARE
STATE DIRECTOR, NATIONAL VOLUNTEER FIRE COUNCIL

Mr. Chairman and members of the Committee, my name is E. James Monihan and I am the former Chairman of the National Volunteer Fire Council (NVFC) and currently serve as the Delaware State Director and Chairman of the Legislative Committee. The NVFC represents the interests of the Nation's more than 800,000 volunteer firefighters, who staff over 90 percent of America's fire departments. I currently serve as a volunteer firefighter with the Lewes Fire Department in Lewes, Delaware. I have served as a firefighter for 44 years and still respond regularly to calls. I have had experience in all phases of the life of a first responder, including chemical and hazardous materials incidents, EMS, rescue and fire.

In addition to serving as Chairman of the NVFC's Legislative Committee, I have represented the NVFC on a variety of panels and committees, including the 1998 Blue Ribbon Panel, which provided recommendations on improving the operation of the U.S. Fire Administration (USFA). I earn my livelihood in hospital administration, which has allowed me to get a unique view of the emergency services from both the medical and fire service perspectives.

According to the National Fire Protection Association (NFPA), nearly 75 percent of all firefighters are volunteers. In most years, more than half of the firefighters that are killed in the line of duty are volunteers. In addition to the obvious contribution that volunteer firefighters lend to their communities as the first arriving domestic defenders, these brave men and women represent a significant cost saving to taxpayers, a savings sometimes estimated to be as much as \$37 billion annually.

On behalf of our membership, I appreciate the opportunity to comment on the needs of America's volunteer fire service. More specifically, I would like to express our strong support for S. 2411, the Assistance to Firefighters Act of 2004, which will reauthorize the Assistance to Firefighters Grant Program, also known as the FIRE Act, through Fiscal Year 2010. In addition, this bipartisan legislation will make some changes to the program, which will build upon its tremendous effectiveness and success.

The events of September 11, 2001 was a stark reminder to all Americans that the fire service is the first responder to all terrorist attacks this country may face. As America's domestic first responders, the fire service will be on the front lines of any incident and must be prepared to respond to and defend our citizens from a terrorist attack involving conventional weapons or weapons of mass destruction.

However, we cannot lose sight of the 21 million calls the fire service responds to annually involving structural fire suppression, emergency medical response, hazardous materials incidents, clandestine drug labs, search and rescue, wildland fire protection and natural disasters. Many of these emergencies occur at Federal facilities and buildings and on Federal lands. In addition, these incidents can damage America's critical infrastructure, including our interstate highways, railroads, bridges, tunnels, financial and agriculture centers, power plants, refineries, and chemical manufacturing and storage facilities. We as a fire service are sworn to protect these critical facilities and infrastructure.

Often, local governments alone are unable to afford the extensive training and equipment that these challenges require. The Assistance to Firefighters Grant program assists local fire departments by providing a percentage of the needed funds to pay for these necessities, while not supplanting local responsibility to provide adequate fire and emergency medical services.

The Assistance to Firefighters Grant program (AFGP) has proven to be the most effective program to date in providing all fire departments—both large and small, volunteer, career and combination—not only with the tools they need to perform their day-to-day duties, but it has also enhanced their ability to respond to large disasters as well. As we move to prepare for terrorist incidents at home, we must first ensure that local fire departments have the basic tools they need to do their jobs on a daily basis.

This legislation will address these concerns by continuing to ensure that the program will meet the basic firefighting and emergency response needs of our fire departments, rather than becoming an additional anti-terrorism grant program. The Federal government must not forgo its commitment to the basic needs of America's fire service in the name of Homeland Security.

The program has been successful because it is the only Federal program that provides funding directly to fire departments. In addition, the program's success is directly attributed to the fact that members of the fire service have been involved in nearly every aspect of the program to ensure that it addresses our current needs. We have helped to set the criteria for each funding category, and have staffed panels to grade the applications through an excellent peer-review process.

Program Reauthorization

As I stated earlier, passage of S. 2411, the Assistance to Firefighters Act of 2004, is a top priority for our organization. The bill authorizes \$900 million for Fiscal Year 2005, \$950 million in Fiscal Year 2006, and \$1 billion annually in Fiscal Years 2007 through 2010 for the grant program, for a total six-year authorization of \$5.85 billion.

As written, the bill codifies many of the current program regulations that have made it so successful. The legislation would mandate the current peer-review process, guarantee national fire service organizations are represented in setting the criteria, and ensure that the program continues to address basic fire department needs.

In addition, it improves access to the program for departments serving rural communities, and eliminates barriers to participation faced by departments serving heavily populated jurisdictions. Specifically, the bill would:

- Reduce the current local fire department matching requirements from 30 percent to 20 percent for departments serving communities of 50,000 or more. For departments serving 20,000 or fewer residents, the local match is reduced from 10 percent to 5 percent in order to address extreme budgetary difficulties and encourage increased participation by such departments.
- The current FIRE Act caps grant amounts at \$750,000, regardless of the size of the fire department. The reauthorization bill re-structures these caps so that they better reflect the needs and the size of the department. The bill has a ceiling of \$2,250,000 for departments serving one million or more, \$1,500,000 for departments serving between 500,000 and one million, and \$1,000,000 for departments serving fewer than 500,000 residents.

While we feel that the cap increases will clearly result in a shift of funds from smaller departments to larger ones, the NVFC supports these changes and we believe that these figures will help target the areas most in need while still ensuring that the program makes a wide impact across the country.

The legislation also opens the program up to volunteer, non-profit emergency medical service (EMS) providers. Although many jurisdictions maintain separate fire and EMS departments, under current law, only emergency medical services that are part of fire departments are eligible for funding. To ensure that these agencies do not siphon off too much funding, the legislation caps the amount these entities may collectively receive to 3.5 percent of appropriated funds. The bill also creates an incentive for fire departments to acquire automated external defibrillator (AEDs) for every first-due emergency vehicle. The NVFC has been a long-time advocate for wide proliferation of AEDs within the fire service and this bill will help further our efforts.

Finally, the legislation commissions a comprehensive assessment by the National Fire Protection Association to help identify the areas of greatest need among departments nationwide and requires the Government Accounting Office to report to Congress regarding the effectiveness of the program.

I would also like to address certain provisions, which we support, that were included in the House version (H.R. 4107) of this legislation, but were omitted from this bill.

In an effort to consolidate first responder grant programs, the AFGP was transferred to the Office for Domestic Preparedness (ODP) in FY 2004. However, the U.S. Fire Administration (USFA), under the leadership of Chief R. David Paulison, has spent the last four years developing and refining the program and has clearly demonstrated the capability to efficiently distribute these funds to local fire departments. This is no surprise to us because the personnel at USFA know the fire service like no other agency and many of their personnel have emergency services backgrounds themselves.

In addition, there is a substantial concern within our organization that because ODP's mission only deals with terrorism preparedness and because the agency does not have experience working with local fire departments or local jurisdictions, this shift could be detrimental to the program. Therefore, we support all efforts to once again have USFA administer the program.

The House version also includes important volunteer non-discrimination language prohibiting a fire department that receives grant funds from discriminating against, or prohibiting its members from engaging in volunteer activities in another jurisdiction during off-duty hours. This clause, similar to the language that was included in the SAFER Bill passed in Congress last year, begins to address the growing concern we have about an individual's right to volunteer. Cities such as Hartford, West Hartford, East Hartford, Waterbury, Fairfield, New Britain, Connecticut, West Allis,

Wisconsin and Ft. Wayne, Indiana currently prohibit their firefighters from volunteering.

We feel that these types of provisions are a violation of the basic First Amendment right of free association. It is very alarming that any city would try to tell a firefighter how they should or should not spend their off-duty time, especially when they are spending that time doing good in their community. This comes at the same time there is a revived push for volunteerism across our country led by President Bush.

Moreover, many career firefighters who work in larger cities often live in smaller communities and belong to their local volunteer fire departments at their choice. These individuals should be able to provide their invaluable skills, knowledge and expertise to their local departments, which are responsible for protecting their own homes and family, without harassment and retribution from employers.

Some proponents of this type of prohibition contend that it is a health and safety issue and that firefighters must be given time off to recoup and relax. However, we have not heard anything about fire departments that bar their firefighters from strenuous and equally hazardous second jobs in construction and other trades. In addition, there appears to be no fire departments that prohibit their firefighters from partaking in potentially dangerous hobbies like skiing or skydiving. Volunteer fire and EMS are the only activities that appear to be singled out.

I would like to also stress that this clause does not affect any local unions who may attempt to prevent their members from volunteering. It simply would give incentives to municipalities to allow their employees to volunteer in their hometown fire departments.

We understand that S. 2411, the Assistance to Firefighters Act of 2004, has been attached as an amendment to the Senate version of the National Defense Authorization Act for Fiscal Year 2005 (S. 2400). We look forward to quickly passing this bill and working in Conference to craft final legislation that will benefit the entire fire service in its efforts to protect our Nation and its citizens.

FY 2005 Appropriations

I would also like to take this time to encourage members of the Committee and your colleagues in the Senate to support the program in the upcoming Fiscal Year. On February 2nd of this year, President Bush sent Congress his FY 2005 budget, which requested only \$500 million for the Assistance to Firefighters Grant Program. Although this was the same amount the Administration requested in the FY 2004 budget, it represented a cut of \$250 million (33 percent) from the final amount that was appropriated by Congress.

While the budget called for the grants to continue to be made directly to fire departments and awarded through a competitive, peer-review process, priority was to be given to applications that enhance terrorism preparedness. It also only requests funding for the training, apparatus and equipment sections of the FIRE Act, leaving out funding initiatives for fire prevention and education, EMS, firefighter wellness/fitness and station renovation.

The NVFC is not only concerned about the proposed cut from FY 2004 funding levels, but we are also worried about the potential shift in focus of the program exclusively to terrorism. This program, which was created before September 11, 2001, maintains its objective to bring every fire department up to a base-line level of readiness, which in turn will prepare them for large-scale incidents. This budget request only strengthens our argument that Congress needs to take action to ensure the program is protected. Quick passage of the reauthorization bill will once again reiterate to the Administration that the Assistance to Firefighters grant program is intended to address basic fire service needs and enhance the capability to respond to all hazards.

On June 18, the U.S. House of Representatives passed their FY 2005 House Homeland Security Appropriations Bill (H.R. 4567). While providing a \$1.6 billion (5.3 percent) overall increase for the Department of Homeland Security (DHS), the bill reduces Assistance to Firefighters Grant program funding to \$600 million for FY 2005, down from nearly \$750 million.

The Senate version of the Homeland Security Appropriations Bill (S. 2537) passed out of the Senate Appropriations Committee on June 17. The Senate bill funds the Assistance to Firefighters Grant program at \$700 million for FY 2005, \$100 million more than the House but still a cut over FY 2004 levels.

Considering that nearly \$3 billion in applications were submitted for the current program year and while also taking into account a variety of recent reports outlining the tremendous needs of America's emergency services, including the NFPA Needs Assessment Survey, the NVFC requests that Congress work to fund the program at or near the fully authorized amount of \$900 million.

A History of Success

After this current grant cycle (FY 2004), the Assistance to Firefighters Grant program will have distributed nearly \$2 billion to almost 16,000 fire departments across the country for apparatus, personal protective equipment, hazmat detection devices, improved breathing apparatus, wellness and fitness programs, fire prevention and education programs and interoperable communication systems. This is the basic equipment our fire departments need to effectively respond to all hazards.

In FY 2003, the program received \$750 million and awarded nearly 8,700 grants to fire departments. There are no discrepancies as to the location of this funding. It is all in the hands of local fire departments. The Federal government is not blaming the state government. The state government is not blaming the county and local governments. The program simply works.

Many of these departments who are receiving aid are rural volunteer fire departments that struggle the most to provide their members with adequate protective gear, safety devices and training to protect their communities. In these difficult times, while volunteer fire departments are already struggling to handle their own needs and finances, they are now forced to provide more services.

The funding problems in America's volunteer fire service are not just limited to rural areas. As suburbs continue to grow, so does the burden on the local fire and EMS department. Even though many of these departments have the essentials, they are unable to gain access to new technologies. At no other time have advances been greater in equipment to protect them and make their jobs safer. Yet because the newer technology is so expensive, many volunteer and career fire departments are forced to forgo the purchase of the new technology or use outdated equipment.

Conclusion

The Assistance to Firefighters Grant program is one of the most effective programs in the Federal government because it provides local fire departments with the tools they need to respond to any incident they may encounter, no matter what the origin of the emergency. It ensures local support through a matching requirement and allows firefighters themselves to play a large role in the process.

I would like to take this opportunity to thank you Chairman McCain, Ranking Member Hollings, Senators Dodd and DeWine and all of the fire service's supporters in the U.S. Senate for their strong leadership on this issue as well as other issues important to the fire service.

Mr. Chairman, I thank you for your time and your attention to the views of America's fire service, and I would be happy to answer any questions you may have.

E. James Monihan, FACHE

Professional

- Graduated from Philadelphia College of Pharmacy and Science in Philadelphia
 - Degree: Bachelor of Science in Pharmacy
 - Post-graduate studies in Pharmacy at Philadelphia College of Pharmacy and Science
 - Registered Pharmacist—State of Delaware
- Residency in Hospital Pharmacy—Memorial Hospital, Wilmington, Delaware
- Staff Pharmacist—Memorial Hospital, Wilmington, Delaware
- Director of Pharmacy and Supply Services
 - Beebe Hospital, Lewes, Delaware
 - Emily P. Bissell Hospital, Wilmington, Delaware
- Assistant Administrator/Vice President, Operations
 - Beebe Hospital Beebe Medical Center
- Acting Administrator/Interim President
 - Beebe Medical Center, Lewes
- Vice President, Professional Affairs & Quality Commitment
 - Beebe Medical Center, Lewes
- Currently Vice President, Administration/CCO (Chief Compliance Officer)
 - Beebe Medical Center, Lewes
- Fellow and Past Regent for Delaware—American College of Healthcare Executives
- Member and Past Delegate to the House of Delegates—American Society of Hospital Pharmacists.

- Founding Secretary, Vice President and President
Delmarva Council of Hospital Executives

Fire Service

- President and Deputy Chief—Lewes Fire Department
- President Sussex County Volunteer Firemen's Association
- President, Delaware Volunteer Firemen's Association
- Chairman, National Volunteer Fire Council (12 years)
- Chairman, Joint Council of National Fire Service Organizations
- United States Director, Federation of World Volunteer Firefighters Association
- Currently Delaware Director, National Volunteer Fire Council and Chairman, Legislative Committee

Associations

- Represent Delaware Healthcare Association (appointed by Governor)
Delaware Emergency Medical Services Advisory Council (DEMSAC)
Delaware Paramedic Advisory Council
- Founding Chairman, Association of Delaware Hospital
Committed Group Purchasing Program (10 years)
- Chairman, City of Lewes (Delaware) Project Impact Hazard Mitigation Steering Committee

Publications

"Improved Productivity through Cooperative Planning," Published in the International City Management Association's publication, *Fire Management*.

Awards

- "Board of Hygeia," 1975, Delaware Pharmaceutical Association for Community Service
- American Red Cross Service Award
- Personality of the Year, 1994, *The Coast Press*
- Regent's Award, 1998, American College of Healthcare Executives
- First Annual Mason Lankford Award for Fire Service Leadership from the Congressional Fire Services Institute, April 1999.

The CHAIRMAN. Thank you very much, Mr. Monihan.
Welcome, my former colleague in the House, Mr. Shannon.

**STATEMENT OF JAMES M. SHANNON, PRESIDENT AND CEO,
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)**

Mr. SHANNON. Thank you, Mr. Chairman. Thank you for inviting me to appear before this Committee today. My name is Jim Shannon, and I'm President and Chief Executive Officer of the National Fire Protection Association.

NFPA is a nonprofit organization founded more than a hundred years ago with a mission to save lives through consensus codes and standards, fire and life safety education and training, and fire research and analysis. NFPA consensus codes and standards were adopted by state and local jurisdictions throughout the United States and widely used by the Federal Government. Just a few months ago, the Department of Homeland Security adopted five of our standards for personal protective equipment for use in the Fiscal Year 2005 State and Urban Area Security Grant Programs. And this past May, Secretary Ridge, in testimony before the 9/11 Commission, cited NFPA's national preparedness standard, NFPA 1600, as the foundation that the private sector can use to improve readiness, and we hope and expect that that will be a recommendation of the 9/11 Commission when that report is released.

Now, as you consider the reauthorization of the Assistance to Firefighters Grant Program, the FIRE Grant Program, I want to testify in support of S. 2411. This legislation ensures that the work the United States Fire Administration has done in administering this crucial grant program to best meet the critical fire protection needs of the Nation will continue.

Now, first, let me state emphatically that the reauthorization of the FIRE Grant Program is extremely important to the effectiveness of the fire service throughout the United States. This program addresses every element of the fire service, including fire suppression, prevention, code enforcement, and emergency medical response. And while it's not specifically a terrorism program, the FIRE Grant Program provides the foundation on which terrorism preparedness must be built. These basic levels of preparedness, which we know so many departments lack, must be adequately met.

In 1973, the National Commission on Fire Prevention and Control transmitted to President Nixon its final report, "America Burning." And in that report, the Commission recommended establishment of the Fire Administration to, among many other functions, provide grants to state and local governments. Before Congress created the FIRE Grant Program, USFA was unable to perform that key function with the scale and breadth needed to help America's fire service achieve full effectiveness in its role of protecting the public. And now, with this continuing support of Congress and with diligent administration by USFA, the program is addressing the needs of the fire service and promoting public safety. And I think that staff at the USFA has done a tremendous job in administering this program.

The program, since Fiscal Year 2001, has provided more than a billion dollars in financial resources directly to fire departments. Fire departments, however, have applied for more than seven billion. And, as I shall discuss, the real needs of the fire service are even greater. It is crucial that the FIRE Grant Program be maintained as a separate and distinct funding source where fire departments can receive direct funding from the Federal Government and avoid unnecessary red tape. And I would also urge the Congress to fund the program at a level no less than its authorized amount of \$900 million.

Now, when I said that the needs are much greater than the currently authorized and appropriated amounts for the FIRE Grant Program, I was speaking about the needs-assessment survey of the fire service which was commissioned by Congress as part of the FIRE Act, and published by NFPA in cooperation with FEMA and the Fire Administration in 2002. This survey, Mr. Chairman, preceded—or at least the authorization for the survey preceded the events of 9/11/2001. But I think it sheds considerable light on the deficiencies post-9/11, and the work was done post-9/11. The NFPA needs assessment shows deficiencies in almost every role that the fire service plays, and across all community sizes.

Later this summer, NFPA will release a needs assessment for each of the 50 states based on further analysis of the data collected from the National Fire Service Needs Assessment, and we fully expect these reports to demonstrate that fire departments in every

part of the Nation share in the national needs and require the help that this grant program has been providing. And, as I said, that needs assessment began before September 11, but because of the foresight of the Fire Administration and the people who worked on the assessment, the survey includes extensive attention to terrorism preparedness.

Mr. Chairman, this legislation takes the next appropriate step, and that is to provide the resources to update the original needs assessment. Now that the FIRE Grant Program is in its fourth year, it is important to have the empirical data to show how this program is addressing the needs documented in the original assessment. This updated study will measure the impact of the FIRE Grant Program on the shortfalls identified by NFPA's original assessment.

And S. 2411 continues the fire prevention and education portion of the FIRE Grant Program. Although it's only 5 percent of the total funding, fire prevention and education activities conducted by our fire departments, our educators, and other community leaders address a pressing need. These programs often reach out to high-risk groups who disproportionately die in fires—children, older adults, and the disadvantaged.

And just a couple of statistics about these groups. Children five and younger and adults 65 and older have a death rate from fire and burns that is roughly twice the rate of the population as a whole. And these two groups account for over 40 percent of all civilian fatalities. And fire risk is highest in rural areas and large urban areas, the same communities where poverty and other high-risk conditions are most widespread.

Fire protection has always been, and I think always will be, primarily a local responsibility. And the FIRE Grant Program doesn't change this. However, our firefighters, who are nearly always the first responders in any crisis, need more help. And when we're telling the Nation's fire departments to prepare and be ready for attacks on our homeland, whether initiated from abroad or domestically, we can't expect them to pay for sophisticated equipment and training by relying solely on local taxes and fundraisers. There are those that have called for the establishment of national preparedness standards for our first responders. Surely, meeting the basic needs of our fire departments is one standard we can't afford to leave unfulfilled. The Federal Government must continue to provide adequate resources through this program and to support our firefighters to meet the many challenges they face every day. This legislation will help to ensure that the program does that.

I want to thank you, Mr. Chairman.

If I could just make one comment on something that you said earlier, I just want to say that NFPA fully supports trying to ally the resources that are available for our first responder community, generally, to the threat that we have to face. I am deeply concerned that we haven't done nearly enough to address this serious threat. You talk to a lot more people who assess these threats than I do, but they all come to the same conclusion, and I'm deeply concerned that we haven't adequately addressed these questions.

I want to say that I understand the budget concerns completely. I think that we should target the resources where we think the

threat is greatest. But I also think we have to keep in the back of our minds two things. One is that the needs assessment shows that the needs are everywhere in this country, and, at some point, they have to be addressed. And the second, I would remind you, Mr. Chairman—and I know I don't have to remind you—is that on September 11, 2001, one of the fire departments that was asked to respond to that terrorist threat on that horrible day was the volunteer fire departments in Shanksville, Pennsylvania, that had to address one of the plane crashes. And so that when we look at this whole question of how we're going to allocate these resources, we have to keep that in mind, as well.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Shannon follows:]

PREPARED STATEMENT OF JAMES M. SHANNON, PRESIDENT AND CEO,
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)

Chairman McCain, Ranking Member Hollings and members of the Committee, I am honored to appear before this Committee today. My name is James M. Shannon, and I am President and Chief Executive Officer of the National Fire Protection Association (NFPA). NFPA is a non-profit organization; founded more than 100 years ago, with a mission to save lives through scientifically based consensus codes and standards, fire and life safety education and training, and fire research and analysis. NFPA consensus codes and standards are adopted by state and local jurisdictions throughout the United States and widely used by the Federal government.

Today NFPA has nearly 300 codes and standards addressing safety, each accredited by the American National Standard Institute (ANSI) and developed by technical experts, the fire service, and others participating as volunteers in a consensus process. This process ensures that all interested parties have a say in developing standards. Congress affirmed its support for voluntary consensus standards in the National Technology Transfer and Advancement Act of 1995 (P.L. 104-113) and reaffirmed that support in the Homeland Security Act of 2002, the law that created the new department. Just a few months ago, the Department of Homeland Security adopted five of our standards for personal protection equipment for use in the FY 2005 state and urban area security grant programs, and this past May Secretary Ridge in testimony before the 9/11 Commission cited NFPA's national preparedness standard (NFPA 1600) as the foundation that the private sector can use to improve readiness.

As Congress considers the reauthorization of the Assistance to Firefighters Grant Program, known at the FIRE Grant Program, I wish to testify in support of S. 2411, the "Assistance to Firefighters Act of 2004." This legislation ensures that the work the United States Fire Administration (USFA) has done in administering this crucial grant program to best meet the critical fire protection needs of the Nation will continue.

First, let me state emphatically that the reauthorization of FIRE Grant Program is extremely important to the effectiveness of the fire service throughout the United States. This program addresses every element of the fire service including fire suppression, prevention, code enforcement, and emergency medical response. While it is not specifically a terrorism program, the FIRE Grant program provides the foundation on which terrorism preparedness must be built. These basic levels of preparedness, which we know so many departments lack, must be adequately met.

In 1973, the National Commission on Fire Prevention and Control, transmitted to President Nixon its final report "America Burning." In that report the Commission recommended establishment of the United States Fire Administration to, among many other functions, provide grants to state and local governments. Before Congress created the FIRE Grant Program, USFA was unable to perform that key function with the scale and breadth needed to help America's fire service achieve full effectiveness in its role of protecting the public. Now, with the continuing support of Congress, and with diligent administration by USFA, this program is addressing the needs of the fire service and promoting public safety.

The staff at USFA has done a tremendous job in administering the FIRE Grant Program. Since its creation in FY 2001, this program has provided more than \$1 billion in financial resources directly to fire departments. Fire departments, however, have applied for more than \$7 billion, and, as I shall discuss, the real needs

are even greater. It is crucial that the FIRE Grant Program be maintained as a separate and distinct funding source where fire departments can receive direct funding from the Federal government and avoid unnecessary red tape. I would also urge the Congress to fund the program at a level no less than its authorized amount of \$900 million dollars.

When I said the needs are much greater than the currently authorized and appropriated amounts for the FIRE Grant program, I was speaking on the basis of the "Needs Assessment Survey" of the fire service, which was commissioned by Congress as part of the FIRE Act and published by NFPA in cooperation with FEMA/USFA in 2002. Let me share with you a few of the major findings from that survey.

- Only one in every 10 fire departments has the local personnel and equipment required to respond effectively to a building collapse or the release of chemical or biological agents with even minimal to moderate casualties;
- 50 percent of our firefighters involved in "technical rescue" lack formal training, but technical rescue involving unique or complex conditions is precisely the skill they would need to respond to a terrorist attack;
- There are other huge gaps in training—there has been no formal training for 21 percent of those involved in structural firefighting; for 27 percent of those involved in EMS work; and for 40 percent who are sent in to deal with hazardous materials;
- And we don't protect our firefighters as we should. One third of the protective clothing worn by firefighters sent into a burning building is more than 10 years old, and an estimated 57,000 firefighters lack any protective clothing at all;
- On a typical fire department shift, 45 percent of first responding firefighters lack portable radios; 36 percent lack self-contained breathing apparatus; and 42 percent answer an emergency call without a Personal Alert Safety System (PASS) device that is critical in locating an injured or trapped firefighter;
- Finally, at least 65 percent of cities and towns nationwide don't have enough fire stations to achieve widely recognized response-time guidelines. Those guidelines recommend that firefighters be on the scene of any situation within 4 minutes, 90 percent of the time.

There are those that have called for the establishment of national preparedness standards for our first responders; surely meeting the basic needs of our fire departments is one standard we can't afford to leave unfulfilled.

Later this summer, NFPA will release a needs assessment for each of the 50 states, based on further analysis of the data collected for the national fire service needs assessment. We fully expect these reports to demonstrate that fire departments in every part of the Nation share in the national needs and require the help this grant program has been providing.

The Needs Assessment began before the horrific events of September 11, 2001, but because of the foresight of USFA and our fire service advisors, the survey included extensive attention to terrorism preparedness. When the Council on Foreign Relations began an exercise, under former Senator Warren Rudman, to develop cost estimates of terrorism preparedness for the entire first responder community at all levels of government, the Needs Assessment permitted NFPA to develop and substantiate the fire service portion of these cost estimates with unusual detail.

In its report released last year, the Council estimated that it would take \$98.4 billion in additional funds above current spending (estimated at \$26–76 billion) over the next 5 years, or \$19.7 billion per year, to meet the needs of our first responders to handle the additional responsibilities of homeland security. The fire service portion of this, based on the Council's use of NFPA's analysis of the Needs Assessment Survey, was \$26.5 billion in initial costs and \$7.1 billion per year in ongoing costs.

Chairman McCain, this legislation takes the next, appropriate step, and that is to provide the resources to update the original needs assessment. Now that the FIRE Grant Program is in its fourth year, it is important to have the empirical data to show how this program is addressing the needs documented in the original assessment. This updated study will measure the impact of the FIRE Grant program on the shortfalls identified by NFPA's original assessment.

S. 2411 continues the fire prevention and education portion of the FIRE Grant program. Although, it is only five percent of the total funding, fire prevention and education activities conducted by our fire departments, educators, and other community leaders address a pressing need. These programs often reach out to high-risk groups who disproportionately die in fires: children, older adults and the disadvantaged. Some disturbing statistics about these groups:

- Children five and younger and adults sixty-five and older have a death rate from fire and burns that is roughly twice the rate of the population as a whole
- These two groups account for over 40 percent of all civilian fatalities
- Fire risk is highest in rural areas and large urban areas-the same communities where poverty and other high-risk conditions are most widespread

Fire protection has always been and always will be primarily a local responsibility. The FIRE Grant program does not change this. However, our firefighters, who are nearly always the first responders in any crisis, need more help. When we're telling the Nation's fire departments to prepare and be ready for attacks on our homeland, whether initiated from abroad or domestically, we can't expect them to pay for sophisticated equipment and training by relying solely on local taxes and fundraisers.

The Federal Government must continue to provide adequate resources through the Assistance to Firefighters Grant Program and to support our firefighters to meet the many challenges they face every day. This legislation will help to ensure that this program does just that. Thank you again for the opportunity to testify here today. I am happy to answer any questions you have.

The CHAIRMAN. Thank you very much.
Welcome, Mr. Shields.

**STATEMENT OF BILLY SHIELDS, PRESIDENT,
UNITED PHOENIX FIRE FIGHTERS AND VICE PRESIDENT,
PROFESSIONAL FIRE FIGHTERS OF ARIZONA**

Mr. SHIELDS. Thank you, Mr. Chairman.

My name's Billy Shields. I serve as President of the United Phoenix Fire Fighters, Local 493 of the International Association of Fire Fighters. I appear before you today on behalf of General President Harold Schaitberger and the 263,000 men and women of the IAFF. The IAFF is, by far, the largest fire service organization in the nation, and our members protect over 80 percent of the United States population.

I will, with your permission, depart from my oral comments at junctures to try and address some of the specific questions and issues you've raised today from the participants.

And I do appreciate this opportunity to share our views on reauthorizing the Assistance to Firefighters Grant Program, more commonly known as the FIRE Act.

Before beginning, Mr. Chairman, I must take a moment to comment you and your staff on your long history of championing fire-service issues. We are especially appreciative of your leadership on improving fire-technology standards and better coordination among fire departments. Your authorship of the Firefighting Research and Coordination Act has not gone unnoticed within the IAFF, and it goes hand in hand with the FIRE Act, in terms of bringing the best-quality equipment to local fire departments and helping to achieve a coordinated response.

In Arizona, we have worked feverishly since October of 2001 to try and build a response capability to these incidents; and not just terrorist incidents, but major catastrophic incidents that we face, as first responders. Anticipating the arrival of UASE monies and these sorts of things, we have put together a statewide response plan I have shared and briefed your staff with last March, and I know you're aware of, that is essentially a system of heavy rescue units with cross-trained firefighters in hazardous materials expertise, technical-rescue expertise, as well as the standard firefighter, EMS, and paramedic training. We see this as a way that all of

these things come together. The FIRE Act assists the fire departments around the country in developing a basic level of response based on what they locally have identified as their needs, and whether that be Bisbee or Nogales or Lake Havasu or Phoenix.

These UASE moneys, I think, help to determine and develop a larger response to these threats, and there are issues with how departments design and develop an approach to these. In the case of Phoenix, as the central receiving point of the UASE moneys, we have shared them with the Metro Phoenix area, and purchased—with the 2003 monies we just received, we've ordered five heavy-rescue units; three to go in Phoenix, one to go in Tempe, one to go in Glendale. In the 2004 moneys, we would provide an additional five that get placed around in Tucson, Flagstaff, and Nogales and Mesa. In the coordination of this—and I think back to the Act that you authored—it assumes some mutual cooperation and basic standards and mutual aid. And the Governor in Arizona did sign a mutual-aid agreement statewide between all the fire departments.

But these things come together in a very complex way, and I'd like to just say that I'm proud of the way, in Arizona, we have worked together with all of the organized fire-service agencies, including the volunteers, the fire districts, the fire chiefs—both rural and metro fire chiefs—and the fire unions, to create this strategic approach to try and meet these needs.

Today, I'm here to testify specifically on S. 2411 and the reauthorization of the FIRE Act. As I appeared before you before, 4 years ago, to testify about the challenges faced by the fire service and the millions of calls to help the fellow Americans, today I can testify that, Arizona and nationwide, the FIRE Act has provided directly needed funds for equipment and training to local fire departments. It has been a model of efficiency. And by sending funds directly to local fire departments using a peer-review process, the FIRE Act has distributed over a billion dollars. More than 15,000 grants have been awarded.

There is a distinct difference in the effectiveness of the FIRE Act and, I believe, the way that the statewide homeland defense and security monies are distributed. The larger monies that come down to states, as you know, the state can first take 20 percent from the top, and then distribute the balance, typically through counties. The counties then have an extraordinary say. This becomes, as you might guess, a very politicized process.

And to develop the intensive statewide coordinated response system I described to you, it is very difficult to navigate this process of the state and of the counties and of all of the entities. And then you have fire and police response—police more concerned with protection and preparedness and identification prior to; fire clearly identifying with response afterwards. And so there is this melee in and about these moneys. And I think, in Arizona, we are far ahead of the curve on trying to get a handle and prepare ourselves, in a way that we weren't before September 11. I think, in many other states, they are caught in this, sort of, quagmire and, sort of, old parochial fighting based on the percentages and how these monies should be doled out, honestly, politically.

Arizona, alone, in the FIRE Act, has received over \$12.5 million in grants. In the last fiscal year, our departments received \$7.6 million. And all over the state—there are over 60 fire departments—Ak-Chin Fire Department, Alpine Valley, Apache Junction, Avondale, Beaver Dam-Littlefield Fire District, the Beaver Valley Fire District, Benson Volunteer Fire Department, Bisbee—the list goes on and on. And in each one of these cases, the specific fire department has identified their specific need, and these monies have gone, I think, to the greater good.

Nevertheless, there are still large needs and areas that can be improved. Since 2000, the population in Arizona has increased by over 9 percent. During the same period, the income to the state's general fund has fallen by slightly more than 13 percent. This results in a greater demand on our fire departments, and our firefighters are protecting more people with fewer resources. Also, I think, it explains why you see larger cities not applying for these FIRE Act grants based on the 30 percent match.

One of the issues that isn't addressed in either form of the bill—the House or the Senate—is the timing of the grants. The grants are—they are rated in May and distributed thereafter. The budgeting process of local governments typically runs in a fiscal-year process, and so they start their budgeting process in January. And so for a fire department of a large city, like Phoenix, to ask for a—even under the new formula, a 20 percent match of a—let's say, a \$750,000 grant in a budgeting process that is concluded, typically, by May, and saying that, "We would like to have this money in case we get this grant," typically doesn't fall well on the ears of the people making the budgeting decisions who have, in all cases—the five cities I directly represent—cut the fire departments' budgets in the last—each of the last 2 years.

Many departments in Arizona are still plagued with problems of the more than 60 professional departments, appear to be deficient in an essential area, such as a minimum-staffing levels, apparatus, equipment maintenance, and training provided to new-hires. New problems continue to present themselves. The transportation of thousands of tons of hazardous materials every day through ports of entry in Nogales, San Luis, and Douglas, the major forest fires driven by the extreme drought and the bark beetles, the emerging public-health issues, such as West Nile virus and anthrax scares, are just a few examples.

Mr. Chairman, let me discuss how these grants have helped these two cities in Arizona. And I won't dwell on it long. But, in Bisbee, I did mention, 4 years ago they were wearing 10-year-old protective clothing, and they did receive a \$40,000 FIRE Act grant, and today have new turnouts and gloves and rescue ropes and all the things that it takes to do their job. Additionally, Bisbee received \$138,000 grant that actually helped them purchase a piece of fire apparatus that was sorely needed in that community.

Nogales had the issue of this burgeoning population. During business hours and holidays, the town population swells from 40,000 to a quarter of a million, and they were really being taxed, in terms of their EMS capabilities, to provide these services. And, many times, people come over for emergency treatment and med-

ical treatments. And so they received a significant FIRE Act grant that went toward their training and equipment toward EMS.

And while the program has been very beneficial, we believe it can be improved. When it was first developed, there was a fear that smaller communities and volunteer fire departments would not be able to compete with larger municipalities for grants. As a result, several provisions were added to the legislation to ensure that small jurisdictions received a fair share of the funding. The IAFF fully endorsed these provisions and worked with the National Volunteer Fire Council to address issues of fairness.

We now know that these initial fears were unwarranted, and the protections added to the legislation have had a detrimental impact on larger municipalities. The fire departments that are composed entirely of professional firefighters protect roughly half the U.S. population, yet last year they received only 17 percent of the funding. In Arizona, 55 percent of all fire grants were approved for volunteer fire departments, even though they protect only 15 percent of the population.

And, again, to your question, the nature of this thing is that you could have a county entirely protected by small volunteer groups in, say, 20 different volunteer groups in fire stations, and a county next door with one fire department that has 20 fire stations. So the fire department in the county with 20 fire stations can apply for one grant. The county protected by 20 different volunteer organizations can apply for 20 different grants, which would be \$15 million under today's Act, and \$750,000 for the county with the professional fire department. So the changes being recommended in these bills, I think are highly called for.

Fortunately, the number of other national fire-service organizations are joining us in suggesting these improvements. Many suggested improvements were included in S. 2411, and we are pleased to endorse that bill. We support the language in the bill lifting the cap of \$750,000 per grant and linking it to population served. As currently written, the cap discriminates against larger departments. We are appreciative of the language which increases the cap and creates three levels of grants, linked to population, with the largest cities eligible for up to \$2.25 million. Nevertheless, we would support raising the cap even higher. The House bill, for example, raises the cap to \$3 million.

Another issue that has hindered participation by larger departments, as I said earlier, is the matching request. Currently, the larger jurisdictions must pay 30 percent, even under the proposed changes. The City of Flagstaff, which I'll pull out as an example, has never applied for a FIRE Act grant. They are around 60,000 to 70,000 in population, and so they meet that 30 percent match requirement just by a hair. Even under the proposed changes, they would meet the 20 percent, because the, sort of, threshold is 50,000 population. In a suffering economy, based largely on the university, government, and tourism, they have had severe budget cutbacks in the last 2 years, and the city manager and the mayor have forbidden them from even applying for a FIRE Act grant.

And so S. 2411 begins to address the match problems by reducing the match to 20 percent. And while we thank you and applaud this step, we encourage further reduction to create parity and to

place all departments on a level playing field. I guess there is an assumption that small communities have less resources and income and revenues than larger cities. And if we, you know, sort of, think that through, we can realize that it is not always true.

Another improvement contained in 2411 are provisions that will measure the program's effectiveness. And, as the others have stated, there are many anecdotal reports on the success of this program, but we would wholeheartedly support the measurements and studies in this legislation.

The IAFF also supports the provision which leaves to the Secretary of Homeland Security the decision regarding which agency should administer the FIRE Act. The USFA did an exemplary job of administering—administrating the program since its creation, and we believe the procedures developed in the USFA should be retained, regardless of which agency has authority over the program.

Mr. Chairman, there is one issue that we feel compelled to raise, even though it is not in S. 2411. The House version of the legislation contains an unfortunate provision that dramatically alters the very essence of this program and which has caused us to oppose the House bill, as currently drafted. The provision would bar a fire department from receiving FIRE Act funding if it contains in its collective bargaining agreement a clause prohibiting paid firefighters from serving as volunteer firefighters in another jurisdiction. While perhaps well-intentioned in this effort to increase the number of volunteer firefighters, the actual impact of this proposal would be detrimental and far-reaching.

There are very local and cultural and economic issues related to, obviously, any jurisdiction. In some localities, the government, the city, the town councils, the managers, mayors, fire chiefs, or the unions may determine that they are not willing to accept the risk, in terms of disability and workers compensation, presumptive cancer laws in some states, and heart-and-lung presumption bills, for their firefighters going and working, paid or otherwise, in another jurisdiction. And we would just submit that that really is a local issue.

In Arizona, it is not, and has not been, a problem. As I say, we work very closely together with all the fire service entities. There was a case where this was happening in Arizona. We simply asked the fire department to stop doing that, and we worked that out, and they did. And, honestly, that is the best fix of all, is just to work these things out at a local level.

In Arizona, like in most of America—

The CHAIRMAN. If I could ask you to summarize, Mr. Shields—

Mr. SHIELDS. OK, I'm sorry. Let me just cut to the chase.

In summary, let me say that the FIRE Act program is a good one, and that it's making a difference in Arizona. I am hopeful, Mr. Chairman, that our suggestions for improvement will become part of the final bill.

[The prepared statement of Mr. Shields follows:]

PREPARED STATEMENT OF BILLY SHIELDS, PRESIDENT, UNITED PHOENIX FIRE
FIGHTERS AND VICE PRESIDENT, PROFESSIONAL FIRE FIGHTERS OF ARIZONA

Mr. Chairman. My name is Billy Shields and I serve as President of the United Phoenix Fire Fighters, Local 493 and Vice President of the Professional Fire Fighters of Arizona, both affiliates of the International Association of Fire Fighters.

I appear before you today on behalf of General President Harold A. Schaitberger, and the 263,000 men and women of the IAFF. The IAFF is by far the largest fire service organization in the nation, and our members protect over 80 percent of the United States population.

Before beginning my statement, Mr. Chairman, I would be remiss if I did not take a moment to commend you and thank you for your long history of championing fire service issues. Many of us will never forget the invaluable contributions you made to the legislation that originally created the FIRE Act. Your support of the SAFER Fire Fighters Act was crucial to its passage. And, perhaps most important, every fire fighter in this Nation owes you a debt of gratitude for the leadership and diligence you displayed in passing the Firefighting Research and Coordination Act. I personally believe that ten years from now we will look back on that achievement as one of the most significant enhancements in public safety our government has ever undertaken.

I appreciate this opportunity to share our views on reauthorizing the Assistance to Firefighters Grant program, more commonly known as the FIRE Act. The FIRE Act was a true landmark in the history of the fire service. Prior to its passage, the Federal Government had never fully acknowledged a responsibility to help protect the health and safety of its citizens from fires and other emergencies. With this initiative, the Federal Government for the first time became a partner with localities and with America's fire service.

Mr. Chairman, four years ago I appeared before you and testified about the great challenges our fire fighters face in responding to millions of calls for help from our fellow Americans. These calls range from fires to hazardous materials incidents to search and rescue operations to emergency medical care. In my previous testimony, I stated the job of fire fighting was the most dangerous in the world and we continue to accept that. I also told you we could not accept that our safety was being recklessly and needlessly endangered because too many fire departments were unable to provide the most basic training, equipment and staffing.

Today, four years later, I am here to say the FIRE Act has made a difference. I can testify that in Arizona and nationwide, the FIRE Act has provided directly needed funds for equipment and training to local fire departments. It has been a model of efficiency. By sending funds directly to the local fire departments using a peer-review process, the FIRE Act has distributed over \$1 billion in just three years. There have been more than 15,000 grants awarded to fire departments across the Nation. Arizona alone has received over \$12.5 million in grants. In the last Fiscal Year, our departments received over \$7.6 million. These grants have purchased equipment, provided desperately needed training, enhanced fire fighter wellness, and educated children and others about fire safety. Americans are safer today as a result of this program.

Nevertheless, there are still large needs and areas that can be improved. Just as in 2000, Arizona today remains a state that is unique. Its varied demographics and geography make it a microcosm of almost every region of our Nation.

In addition to Phoenix, which is now the fifth largest city in the country, Arizona is home to mountain forests with significant wildland/urban interface dangers and shares hundreds of miles of border with our Mexican neighbors.

The Colorado River which is the single most important source of fresh water in the western states, the Palo Verde Nuclear Generating Plant with its three reactors, and one of our Nation's greatest treasures, the Grand Canyon, all belong in whole or part to our state.

While we are proud of our state's resources, we are also cognizant, as fire fighters, of the response problems as well as the threats to the safety of our communities that come hand in hand with these important state and national assets. Arizona, like every other state, is dotted with cities and towns, farms, highways and railroads.

As you know, Mr. Chairman, since 2000, the population of Arizona has increased by over 9 percent. During the same period, income to the State's General Fund has fallen by more than 13 percent. This results in a greater demand on our fire departments. We have more people to protect with less local resources.

While the FIRE Act has most definitely made a difference, many of our fire departments in Arizona are still plagued by the kind of problems they faced at the time of my appearance in front of this committee in 2000. Most of our 60 full-time

professional departments are deficient in one or more essential areas, such as minimum safe staffing levels, apparatus and equipment maintenance, and training provided to new hires. Our trucks are going out without sufficient personnel on them, and without adequate back up support. Most of our departments cannot provide new hires with the basic level of training identified by the National Fire Protection Association (NFPA) as necessary to perform the job of a fire fighter safely and effectively. These jurisdictions lack funds for instructors, training equipment and training facilities.

National and local issues such as the transportation of thousands of tons of hazardous materials every day through our ports of entry at Nogales, San Luis and Douglas, major forests fires driven by extreme drought, and emerging public health issues such as the West Nile Virus and Anthrax scares continue to be national and local concerns for all of us.

And added to these ongoing threats are the additional responsibilities we face in the wake of September 11, 2001. Next to our Armed Forces, the greatest impact of 9/11 has been on our public safety providers—our police officers and fire fighters.

Understandably there has been a considerable focus on preventing terrorist attacks in Arizona and nationwide. But despite our best efforts at prevention whether it is in the field of public health, fire prevention or international peace treaties, emergencies will occur. And when emergencies occur, a response is required. Fire departments must be prepared to respond to the emergency with proper equipment and trained staff regardless of the cause.

Mr. Chairman, I would like to go back for a moment now if I may and discuss the impact FIRE Act grants made to two of the Arizona cities that I discussed in my testimony before you in 2000.

Bisbee

Four years ago, I testified that the historic, mountainous copper and silver mining town of Bisbee had a fire department with no ladder truck and fire fighters wearing ten year old personal protective equipment. Today I am pleased to report that Bisbee has used a \$130,000 FIRE grant to help them purchase a piece of fire fighting apparatus. This previously unaffordable fire truck will be used to protect one of Arizona's most historic cities.

A second grant for \$41,000 was used to upgrade personal protective equipment for fire fighters. This grant helps replace the decade old coats, helmets, gloves, safety ropes and other critical gear that is crucial to fighting fires.

While these grants are indispensable, the department still has major problems due to a century plus old water system, narrow winding streets and aging buildings.

A new opportunity for one of Bisbee's neighbors and a challenge for Bisbee's understaffed fire department is the likely re-opening of an old mine where newly found ore deposits will likely make it one of the most productive copper mines in the world.

Research for redeveloping the mine is ongoing, yet the Bisbee Fire Department cannot afford to train or equip a hazardous materials team that will be needed.

Nogales

As I pointed out in 2000, Nogales is one of the busiest ports of entry on the U.S.-Mexican border for the shipment of hazardous materials. Millions of tons of dangerous cargo pass through Nogales every year. Nogales highlights how the risk to a local community is impacted by Federal policy and national issues.

Thanks to the FIRE Act, Nogales received an Emergency Medical Services grant for \$82,050. This award has already proven critical for equipping the fire department with the necessary emergency needs in case of accident.

While the Nogales Fire Department also obtained some hazardous materials training funds from the state of Arizona, their hazmat needs are still enormous. Every member of the department was trained to the Technician level in Hazardous Materials, yet its effectiveness is limited by the fact that the department cannot afford ongoing training or the advanced tools, apparatus and protective suits that match the hazards which are constantly in their community.

FIRE Act program

While the FIRE grants program has been successful we believe the program can be improved. When the program was first developed, there was a fear that smaller communities and volunteer fire departments would not be able to compete with large municipalities for grants. As a result, several provisions were added to the legislation to ensure that small jurisdictions received a fair share of the funding. The IAFF fully endorsed these provisions, and worked with other fire service organizations to address issues of fairness.

Based on the experience of the last four years, we now know that those initial fears were unwarranted, and the protections added to the legislation have had a detrimental impact on larger municipalities. Fire departments that are composed entirely of professional fire fighters protect roughly half of the U.S. population, yet last year they received only 17 percent of the funding. In Arizona, 55 percent of all FIRE grants were approved for volunteer departments even though they protect only 15 percent of the population.

Together with the other national fire service organizations, we put together a proposal to begin to address some of these inequities. We are grateful that a number of those proposals were included in S. 2411, the bill authored by Senators Dodd and DeWine to reauthorize the FIRE Act.

While we believe some fine tuning is warranted, the IAFF supports the FIRE Act improvements contained in S. 2411, and we are pleased to endorse the bill. Let me discuss some of the key subject areas of the FIRE grant, and the adjustments proposed in S. 2411.

Size of Grants

One of the most important provisions designed to protect smaller jurisdictions in the original law was a cap placed on the size of grants. By limiting the size of any single grant to \$750,000, the authors hoped to increase the number of grants that would be awarded. Many smaller grants were viewed as better than a few larger ones.

There were two flaws in this reasoning. The first is simply the notion that the same cap should apply to all jurisdictions regardless of size. Larger fire departments require more funds, and the cap proved to be a disincentive for major cities to participate in the program.

The second flaw is that the cap fails to consider the differences in organizational structure between volunteer fire departments and professional fire departments. Volunteer departments are often comprised of a single fire station, while professional departments are more likely to have multiple stations. As a result of these different systems, the FIRE Act has a built-in bias favoring volunteer fire companies.

Consider, for example, two counties of approximately equal geographic size, both of which are protected by 20 fire stations. In the more populous, more industrialized of the two counties, the 20 stations are organized into a single fire department, while the less populated county has 20 separate volunteer fire companies.

Under the current formula which limits the amount a single fire department may receive, the larger of the two counties would be eligible for \$750,000, while the smaller one is eligible for a total of \$15 million. This is true regardless of the number of emergency calls that come in, population served or property protected.

The cap on the size of grants must be raised and linked to population served. We are appreciative of the language in S. 2411, which addresses this need by creating three levels of grants linked to population, with the largest cities eligible for up to \$2.25 million. Nevertheless, we would support raising the cap even higher. The House bill, for example, raises the cap to \$3 million, and even at this elevated level, we feel obliged to note that it is just a step.

The fire departments in America's largest cities protect millions of people, while some smaller fire departments number their constituencies in the hundreds. Allowing the largest areas to apply for less than 3 times more funding in the face of such vast disparities in need is a problem we believe will need further attention in the years ahead.

Local Match

Another provision of the law intended to protect smaller jurisdictions is a lower local match for communities of less than 50,000 people. Currently, larger jurisdictions must match 30 percent of the Federal funds, while smaller communities need only a 10 percent match. The 30 percent match has proven to be problematic for many communities.

In our own City of Flagstaff, Arizona, population 60,000, we have a perfect problem case. Earlier in my testimony, I highlighted two Arizona cities that benefited from FIRE grants. Unfortunately, another city whose problems I highlighted in my 2000 testimony, Flagstaff, has had quite another experience.

The fire department in Flagstaff has not received any FIRE Act funds because it is barred from applying. Flagstaff's mayor has simply forbidden the department to apply for funds because it cannot meet the local match.

Yet the city continues to have great challenges. It sits at the junction of two interstate highways, I-40, which is a nuclear waste transportation corridor, and I-17. The fire department is responsible not only for the safety of the citizens of the com-

munity, but also for the millions of travelers and commercial vehicles passing through to the Grand Canyon, historic Route 66 and Mexico. It has responded to everything from wildfires to blizzard rescues. And the fire department continues to be understaffed and underequipped.

While the Flagstaff Fire Department is protecting its forest community during our severe drought, it is also involved in planning preparations to treat the sick and injured should there be terrorist incidents on Interstate 40. And due to a shortage of funding for staff, one fire station has already been closed.

The city would be a perfect candidate for a FIRE grant, yet because of other budgetary constraints it simply cannot come up with the local matching funds.

And Flagstaff is not unique.

In Austin, Texas, the City Manager told the local fire fighters union that he will never apply for a FIRE grant because he views the 30 percent match as excessive. In Philadelphia, Pennsylvania, the city was forced to decline a FIRE grant it had already been awarded because it could not come up with the matching requirement.

In Cincinnati, Ohio, the city was only able to afford the 30 percent match for a flashover simulator it had requested by reducing funding for other fire service needs. As a result, the city has been unable to afford to use the simulator in training exercises. Tragically, a Cincinnati fire fighter lost his life in flashover while this technology sat idle in a nearby warehouse.

In Bethlehem, Pennsylvania, the City Council was poised to vote unanimously to decline a FIRE grant it had been awarded because it could not afford the 30 percent match. At the urging of the local fire fighter union, the Council agreed to postpone the vote to give the fire fighters a chance to find an alternative. Ultimately, the fire fighters were able to convince City Council to float a bond to pay the matching requirement. It was the second consecutive year a special bond was necessary to receive FIRE Act funding.

S. 2411 begins to address this problem by reducing the local match for larger areas from 30 percent to 20 percent. While we thank you and applaud this step, we encourage a further reduction to create parity and place all fire departments on a level playing field.

The rationale given for the lower match for smaller communities is that smaller communities have fewer resources. While that may be generally true, smaller communities also have fewer emergency response needs, and therefore apply for smaller grants. We are aware of no evidence that shows that smaller communities have fewer resources on a percentage basis when compared to larger areas.

Moreover, the notion that smaller means poorer is simply not true in many cases. There are affluent rural areas and very poor urban ones.

We are even aware of some volunteer fire departments that have more financial resources than urban professional fire departments. While they are likely the exception, some volunteer fire companies have proven extraordinarily adept at fundraising. Conversely, elected officials in some larger municipalities are either unable or unwilling to provide additional resources to fire departments due to severe budget shortages and demands for increased spending on a variety of other public needs.

Significantly, we have been unable to identify any other Federal grant program that has different matches based on population. Such a rigid formula has been deemed inapt for Federal assistance in other areas, and we urge that the FIRE Act similarly adopt the generally used practice of a single rate. If different matches are warranted, we urge that the distinction be based on more relevant criteria than population.

Expansion of the FIRE Act to EMS Providers

While the IAFF strongly supports the use of FIRE Act funds to improve emergency medical services, we nevertheless have reservations about expanding the FIRE Act to agencies other than fire departments. While we understand and appreciate the argument to include EMS providers in jurisdictions where fire departments do not provide EMS, we are concerned that expanding the program to non-fire departments will open the door for other public safety agencies, such as police departments and private sector response organizations.

The majority of emergency medical services in our Nation are provided by fire departments, and we believe that enabling fire departments to apply for EMS grants is the best way to improve pre-hospital patient care in our Nation.

If you choose to retain this language in the bill, the one amendment we urge you to consider is to remove the limitation that only volunteer EMS providers are eligible. While not many in number, there are public, professional, single role EMS agencies, and there simply is no reason to deny them access to this funding solely because they choose to hire and pay professional paramedics rather than ask people to work for free.

Measuring Effectiveness

While the anecdotal reports on the effectiveness of the FIRE Act have been overwhelmingly positive, we are mindful that anecdotes alone do not warrant continuation of a program. For this reason, we support two provisions in S.2411 that will help us more accurately measure the true value of the program.

The first provision is an update of the Needs Assessment authorized under the original FIRE Act legislation. While the first Needs Assessment clearly demonstrated the need for Federal assistance to local fire departments, we believe a second survey will enable us to measure the progress that has been made in the four years since the FIRE Act was created.

Second, S.2411 contains language requiring that the General Accounting Office (GAO) report to Congress on the effectiveness of the program. We are optimistic that GAO will be able to identify clear measurements and specific benefits of the FIRE Act.

Administering Agency

We note that, unlike the House bill, S. 2411 formalizes the role of the Secretary of Homeland Security in administering the FIRE Act in consultation with the U.S. Fire Administrator. We are aware that many organizations and Members of Congress strongly support returning authority to administer this program to USFA. Other Members of Congress and the Bush Administration want the program administered by a different office in the Department of Homeland Security to create a one-stop-shop for all grants.

While we concur with USFA supporters that the agency has done an extraordinary job of running this program to date, we disagree that only USFA is capable of administering the FIRE Act effectively and efficiently. We believe the model and procedures developed by USFA can be replicated, and we have received repeated assurances from Secretary Tom Ridge, ODP Director Suzanne Mencer and others that whatever agency runs the FIRE Act will do so in the same manner as USFA. We have no reason to doubt their word.

We therefore concur with authors of S.2411 that the Secretary should be granted the authority to determine which agency within the Department of Homeland Security is best suited to administer the program. We also support the inclusion of language guaranteeing that USFA will continue to play a role in the program, regardless of which agency has formal authority over it. This will ensure that DHS will make full use of the fire service expertise housed at USFA.

Non-Discrimination Against Volunteer Fire Fighters

Mr. Chairman, there is one issue that we feel compelled to raise even though it is not contained in S.2411. The House version of the legislation contains an unfortunate provision which dramatically alters the very essence of this program, and which has caused us to oppose the House bill as currently drafted.

The provision would bar a fire department from receiving FIRE Act funding if it contains in its collective bargaining agreement a clause prohibiting paid fire fighters from serving as volunteer fire fighters in another jurisdiction. While a perhaps well-intentioned effort to increase the number of volunteer fire fighters, the actual impact of this proposal would be detrimental and far-reaching.

I would like to begin my discussion of this issue by offering some background. First, it is important to note that very few fire departments in the nation, perhaps one percent or two percent, have such clauses in their contracts. Most of them have been in place for several years, and have never been a source of any controversy. There is no controversy about this in Arizona that I am aware of.

Why would a fire department have such a clause in their bargaining agreements? While the issues may vary from place to place, I believe the most typical answer can be found in the agreement between the City of West Allis, Wisconsin and the fire fighters union in the city. The West Allis example is especially helpful to understand this issue because the contract language includes a clear explanation of the provision's intent. Allow me to quote from it:

"For the reasons stated below the Chief of the West Allis Fire Department shall prohibit employees of the West Allis Fire Department from performing fire fighting duties for municipalities operating a paid or volunteer fire department other than the City of West Allis.

1. The provision of fire protection services to the public is a dangerous occupation requiring highly trained, capable personnel using appropriate methods and equipment under the direction of experienced supervisors. As such, the performance of fire protection duties without the requisite training, methods, equipment

or supervision may threaten the health and well being of employees and the public.

2. Employees who perform fire protection duties on a voluntary basis or as the result of outside employment are subject to increased exposure to hazardous conditions that may result in a greater incidence of illness or injury. Consequently, the performance of such duties for other municipalities may have a direct bearing on employee's ability to perform fire protection duties for the City of West Allis.

3. State statute has established a presumptive relationship between an employee's fire suppression duties and heart and lung disability the employee may develop. The City of West Allis and its taxpayers are financially liable for the employee's duty disability benefits, and must be confident that such disabilities are the result of the employee's work for the City of West Allis and not for other municipalities."

In short, the City of West Allis has chosen to bar its fire fighters from serving as fire fighters in other jurisdictions—either on a paid or volunteer basis—to protect the health and safety of the fire fighters and protect the city's taxpayers against unnecessary financial liabilities. For similar reasons, the City of West Allis also prohibits fire fighters from smoking off duty.

While I am not entirely clear why the city's desire to protect its fire fighters and taxpayers is so objectionable, from our perspective whether such a prohibition is good public policy or not is beside the point. There are much broader issues at stake, and we ask that you oppose including it in the FIRE Act reauthorization.

First and foremost, the language would mark the first time Congress has attempted to use the FIRE Act to dictate local fire department policies. To date, the only requirement is that a department has a legitimate need. Once we begin the process of placing restrictions on how fire departments choose to manage themselves, we are leading down a very thorny path.

I do not mean to imply that the Federal Government has no legitimate interest in fire department policies. Indeed, there are many, many fire department policies that we believe may warrant Federal oversight. Our question, however, is whether the FIRE Act is the appropriate venue to address these issues.

For example, many fire departments fail to comply with OSHA standards for safe fireground operation. This failure clearly jeopardizes the lives of fire fighters, and we believe every department should come into compliance with these basic safety standards. Many fire stations have bars that serve alcohol to fire fighters and others. We believe alcohol should never be present in a working fire station. Hundreds of fire departments in this Nation refused to grant rank and file fire fighters the opportunity to discuss with management their concerns about their own health and safety.

We believe all of these issues are as important, if not more so, than whether a handful of fire departments have clauses barring people from volunteering in other jurisdictions. We have not, however, previously advocated using the FIRE Act to address these important matters because the program was never intended to compel changes in local Fire Department policies.

Singling out this one restriction for inclusion in the FIRE Act opens a door that invites Federal micromanaging of fire departments. Does this extraneous issue truly warrant a radical redefinition of the FIRE Act's purpose?

Second, the language establishes a precedent with implications far beyond the FIRE Act. Since this issue arose, we have been researching other Federal grant programs, and we have yet to find a single instance in which a limitation was imposed on a Federal grant based on language contained in collective bargaining agreements. While there are numerous limitations placed on Federal grants, we are not aware of any other attempts to redefine the scope of bargaining.

The potential implications for this precedent are staggering. Shall Congress address the complex issue of health insurance coverage by denying Federal funds to employers whose health benefits are deemed inadequate? Shall we compel more teacher involvement in student activities by cutting off education funding because a teacher contract limits the number of evening events teachers can be required to attend without additional compensation?

The issue of how to define the scope of permissible bargaining is extraordinarily controversial, and the debate has raged for decades. The notion of removing that debate from the context of labor law and addressing it through grant limitations is a breathtaking reach. I can only conclude that the advocates of this language do not fully comprehend the magnitude and unprecedented nature of the proposal.

I hope you agree, Mr. Chairman, that this issue is far more complex than merely protecting the rights of people to volunteer. It is for these reasons, that when the

national fire service organizations met to discuss a draft version of the House bill, we unanimously agreed to request that the provision be stricken. Even the National Volunteer Fire Council joined in expressing opposition to the proposal.

Finally, placing a restriction on issues contained in collective bargaining agreements must be viewed as part of the larger issue of collective bargaining rights of the Nation's fire fighters. As you know, Mr. Chairman, the Federal Government does not grant fire fighters the right to bargain collectively. Where bargaining does occur, it exists because fire fighters have won the right at the state or local level.

The IAFF has for many years advocated a Federal right to bargain for public safety employees, but to date the Federal Government policy remains that such rights are outside the scope of Federal authority.

So the provision in the House bill contains something of a cruel paradox. On the one hand, the legislation retains the current position that the Federal Government does not have the authority to address bargaining rights of public employees, while on the other hand, the legislation would have the Federal Government restrict what we can bargain over in those places where we have won the right.

We have to ask: is fire fighter bargaining a Federal issue or not? The double standard inherent in restricting bargaining issues without also granting bargaining rights is egregious and unsupportable.

Mr. Chairman, for all the foregoing reasons, I urge you to oppose inclusion of this language as we move through the process.

Conclusion

The FIRE Act program is a good one, one that is making a difference in Arizona and in communities across the Nation. I am hopeful, Mr. Chairman, that our suggestions for improvement will become part of your final bill. I look forward to working with you on these and other fire service issues in the days ahead.

I will be happy to answer any questions you may have.

The CHAIRMAN. Thank you very much.

And on the issue of the match, I don't know exactly what it should be. I understand that smaller entities in towns and municipalities have a greater problem coming up with the money. But there is one thing I've learned here, and that is, when you don't require a match, the money is mismanaged. OK? There's a clear record of that. And so I am not prepared, in any way, to abandon the match idea. I'd be glad for us to fine-tune it. Obviously, the reduction from 30 to 20 percent is a step in the right direction. But to do away with it leads to enormous mischief, and many times with the best of intentions.

Chief Mitchell, I think you should be given the opportunity to, maybe, respond to Senator DeWine's comments about EMS.

Chief MITCHELL. Thank you. Thank you, Mr. Chairman.

I believe that, you know, this bill, fundamentally, is for the all-hazard, all-risk community, which is the fire service in this country. And we believe that the EMS funding should be to go to fire-based EMS. As I mentioned earlier, there are other revenue streams for third-party EMS, because they, for the most part, do the transportation end of it. They don't—we don't—we, the fire service, don't do all of the first responder, but we do in excess of 90 percent across the country. And pure first responder action does not lend itself to reimbursement. If you are, in fact, in the transportation end, then there is an opportunity to recover some of those expenses. About a third of the departments also do transportation. But over 90 percent, as I say, of the first responder work is done by local fire departments, with no opportunity for reimbursement to very many.

So it is just our contention that the tremendous need exists in the fire community. And I've personally participated in grant reviews this year—I spent a week doing that—and found there's still

a tremendous amount of need from the fire-service community. We believe that this needs to be maintained as a fire-based bill, and that is our reason for objecting to including others—EMS providers.

The CHAIRMAN. Thank you very much.

Mr. Monihan, the Assistant to Firefighters Grant Program was created, and it was desired to aid volunteer fire departments in rural areas. How effective has that been in responding to those concerns?

Mr. MONIHAN. It has been tremendously effective. Departments across the country have upgraded their—as my colleague was talking about—old turnout gear, and so forth, that they could not have begun to think about purchasing. And we're not talking about just ten-year-old gear; we're talking about duck coats, cotton duck coats. So it's been tremendously successful.

One thing about the match—and I agree with you, we need a match; it can't be a gift, can't be a giveaway—but in the—I'm sure the large communities have the same problem. I was talking to a fire chief in Florida. He had a grant for a mini-pumper; had to turn it back because he couldn't come up with the match to make the grant. And—

The CHAIRMAN. Well, in all due respect, he should complain to the mayor and the city council.

Mr. MONIHAN. There is no mayor and city council.

The CHAIRMAN. He should—

Mr. MONIHAN. Many volunteer—

The CHAIRMAN.—he should—there's bound to be a governing authority. He's not an autonomous organization, or shouldn't be.

Mr. MONIHAN. Well, it might be a county, but some of them are at a crossroads, and there is no—you know, two houses and a gas station. So—and the county doesn't listen to the crossroads, I guess. I don't know.

The CHAIRMAN. Then I'd throw them out.

Mr. MONIHAN. That's entirely possible.

The CHAIRMAN. Look, I just know from experience, whenever something is for free, there is not accountability. I mean, it's just a fact. As I say, I would be glad to try to adjust for those situations, but I keep hearing this, "Well, the match is too heavy." Well, if the match is too heavy, you've got your priorities wrong. And so—anyway. But I thank you, sir. But I'm very glad to hear about the success of this program. And I thank you for your—

Mr. MONIHAN. It's excellent.

The CHAIRMAN.—involvement in it.

Mr. Shannon, is there a way to develop a standard set of equipment and training requirements for every fire department, and use those requirements to determine weaknesses that should be addressed by the Assistance to Firefighters Grant Program?

Mr. SHANNON. A set of standards—well, I think that—I'm not sure that there's a way to develop a set of standards that you could apply "one size fits all" to every fire department in America, but I think that the needs assessment that has done—effectively does that, Mr. Chairman. And I think if you look that, we're going to—we've taken all of that data, and we've broken it down, state by state. I think if you take that data, when we release it later on, and apply it to the particular circumstances of a region or of an

area or of a type of fire department, there is a way of assessing whether the needs are being met and where the deficiencies are.

The CHAIRMAN. Thank you.

Mr. Shields, what impact has this Act had on enhancing our ability to prevent, detect, and mitigate destruction by forest fires, such as is going on as we speak in Arizona?

Mr. SHIELDS. Mr. Chairman, as you will see from the list of fire departments that have received grants in Arizona, there is, I think, a great disbursement of these funds in rural Arizona and these areas that I think are most subjected to the wildfire threats; and not just in terms of equipment, but in training. In addition to the mutual-aid agreement reached 2 years ago, statewide between all the fire departments, I think we have gone a far measure and improved greatly our abilities to handle the threat.

The CHAIRMAN. So you think it is has enhanced our ability to combat these forest fires.

Mr. SHIELDS. It has.

The CHAIRMAN. Does every fire department in Arizona have specific training on fighting forest fires?

Mr. SHIELDS. The rural fire departments do have specific training on fighting forest fires. Typically, the municipalities, the larger ones that are away from the forests, like the Phoenix area, don't. A lot of it is propagated through the state fire marshal's office and the Firefighter I and II training that is obtained by most firefighters in Arizona.

The CHAIRMAN. Could I recommend, without any particular amount of expertise, if one of these things gets really big we're going to call on everybody, and I would suggest that perhaps maybe even Phoenix, Tucson—as you know, last year we had one that came very close to Tucson, up in the mountain—

Mr. SHIELDS. Yes.

The CHAIRMAN.—there, next to it. So I hope that that would be looked at.

Mr. SHIELDS. If——

The CHAIRMAN. Go ahead.

Mr. SHIELDS.—I could respond, Mr. Chairman.

The CHAIRMAN. Yes.

Mr. SHIELDS. We do have a basic level of wild-land firefighting capabilities in these cities that are away from the large forests. And typically, in these mutual-aid scenarios, we're brought in to protect the cities that the firefighters from those cities are out protecting the forests.

The CHAIRMAN. Thank you.

Chief Mitchell, you wanted to comment on that?

Chief MITCHELL. I do—I would like to comment on that, Mr. Chairman. I've spent nearly 33 years in the fire service in Southern California, and——

The CHAIRMAN. So you know.

Chief MITCHELL. And so, yes, I know. And what I—and four of those was spent as President of the Los Angeles Area Fire Chiefs, which includes Los Angeles City and County and 33 other cities. The FIRE Act grants have helped tremendously in equipping the other fire departments in the region that don't have a specific wild-land fire threat. When it happens, everybody comes. And it was ex-

panded over the years from structural protection to actually wild-land firefighting. And people were responding without the proper gear, without the proper training. Water tankers were needed in areas that didn't have them. And this program has assisted greatly in remedying those shortfalls.

The CHAIRMAN. Well, I don't mean to sound parochial, but I think we all understand that the Southwest is in a horrific drought that's going to last for a long time, in the view of many experts. I think we have to plan on that. We pray that that's not the case. And I think we're going to have to focus a lot more of our firefighters' attention onto that, at least in the Southwest.

The bark beetle, as you mentioned, Mr. Shields, is killing off these trees, so, therefore, they've got more fuel; therefore, the fires are going to be worse. And so I hope that that would be given some priority.

Did you want to say something about that, Mr. Monihan?

Mr. MONIHAN. No, thank—

The CHAIRMAN. No?

Mr. MONIHAN. Well, I would say, you know, this is one of the strengths of the FIRE Act, because you're talking about wild-lands out there. We don't have too many wild-lands in Montgomery County, Maryland. But the departments are applying for the things they know they need. And somebody was talking about "one brush fits all"—that doesn't work. That's the reason the FIRE Act works, is because they know what they're deficient in.

The CHAIRMAN. Good. I thank the witnesses, and I appreciate the information. And we'll move forward quickly with the markup on this legislation. Thank you.

This hearing is adjourned.

[Whereupon, at 11 a.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. ERNEST F. HOLLINGS,
U.S. SENATOR FROM SOUTH CAROLINA

Thank you Mr. Chairman for holding this hearing on the needs of the fire service. Our nation's firefighters are really on the front lines—whether it's an auto accident, a house fire, a natural disaster, or an incident of terrorism, nine times out of ten, the first responders on the scene are fire fighters.

I am glad that the Committee is holding this hearing today, because the needs of the fire service are great. As our second panel will tell us, too often, fire fighters show up under manned and under equipped for the job at hand. The Fire Administration's December 2002 report, *A Needs Assessment of the U.S. Fire Service*, pointed out that in most small and medium-sized cities, the first trucks on the scene of a fire often lack the 4 fire fighters needed to safely mount an attack on an interior fire. Either the fire fighters are put at risk by disregarding safety guidelines or the fire is allowed to burn longer while the first crew waits for a second truck to arrive. When fire fighters have to wait for additional assets in order to enter a building, the fire burns longer and becomes more dangerous for the victims and the fire fighters.

We are off to a good start at getting the fire service some of the help it needs. Since the inception of the FIRE grant program, Congress has provided more than \$1 billion to fire departments for training, equipment, vehicles, fire prevention, and other needs. Yet demand for this funding still outstrips the amounts provided. I look forward to passing this S. 2411 and making it easier for large cities and small towns to gain access to this important funding source.

Again, thank you Mr. Chairman for holding this hearing. I appreciate the opportunity to examine these important issues and look forward to our witnesses' testimony.

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