

109TH CONGRESS
1ST SESSION

H. R. 128

To establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mrs. JONES of Ohio (for herself, Mr. WELDON of Pennsylvania, Mr. McHUGH, Mr. CONYERS, Mr. DICKS, Mr. PAYNE, Mr. JEFFERSON, Mr. GRIJALVA, Ms. LEE, Mr. GILLMOR, Mr. SHIMKUS, Mr. WHITFIELD, Mr. LATOURETTE, Mr. McDERMOTT, Mr. PORTMAN, Mr. WEINER, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, and Mr. ANDREWS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “College Fire Prevention Act”.

4 (b) FINDINGS.—The Congress finds the following:

5 (1) On November 9, 2003, an early morning
6 fire at the University of Connecticut destroyed a fra-
7 ternity. Five residents were in the building at the
8 time of the fire. There were no working fire alarms
9 in the building.

10 (2) On September 26, 2003, a fraternity fire at
11 the University of Wisconsin-Madison occurred in a
12 secret room. The entrance to the room was made to
13 look like a wall. Fire fighters were unable to locate
14 the source of the fire despite an extensive search of
15 the house. The fire was caused by a candle that ig-
16 nited some fabric and then spread to a chair. There
17 were no fire sprinklers present.

18 (3) On February 22, 2003, a fatal off-campus
19 house fire at Allegheny College in Meadville, Penn-
20 sylvania, occurred in a 3-story, wood frame house
21 that had been converted into apartments. There
22 were single-station, battery-operated smoke detectors
23 in the apartments. There were no sprinklers. The
24 victim, Raymond Tricomi, was 21.

25 (4) On January 1, 2003, a fire at Pennsylvania
26 State University displaced 11 Penn State students

1 from their off-campus rooming house. Activated
2 smoke detectors awakened 2 occupants who were
3 able to escape the building. The other occupants
4 were away for the holiday break. Fire loss was esti-
5 mated at \$40,000 damage, and the cause of the fire
6 is under investigation. The building was not
7 equipped with an automatic fire sprinkler system.

8 (5) On April 7, 2002, an early morning fire at
9 DePauw University in Greencastle, Indiana, caused
10 over \$1,000,000 in damage. The fire, which started
11 from an electrical appliance in a fourth floor room,
12 forced the evacuation of 116 students from the
13 building and more than 200 students from adjacent
14 buildings. The building was not equipped with an
15 automatic fire sprinkler system.

16 (6) On February 16, 2002, a halogen lamp at
17 Amherst College in Amherst, Massachusetts, started
18 a fire in a residence that had been converted into
19 student housing. According to fire officials, the fire
20 started in a second-floor room that was unoccupied
21 at the time of the fire. A halogen lamp fell over and
22 ignited combustibles in the area. The building's fire
23 alarm system was activated, and an occupant from
24 another room discovered the fire. He unsuccessfully
25 attempted to extinguish the fire using a dry chem-

1 ical fire extinguisher. Smoke and heat damage were
2 limited to the room of origin. Halogen lamps are
3 banned by Amherst College. The building is
4 unsprinklered, equipped with single-station smoke
5 detectors in the individual rooms and a building fire
6 alarm system.

7 (7) On January 19, 2000, a fire occurred at a
8 Seton Hall University dormitory. Three male fresh-
9 men, all 18 years of age, died. Fifty-four students,
10 2 South Orange firefighters, and 2 South Orange
11 police officers were injured. The dormitory was a 6-
12 story, 350-room structure built in 1952, that housed
13 approximately 600 students. It was equipped with
14 smoke alarms but no fire sprinkler system.

15 (8) On Mother's Day in 1996 in Chapel Hill,
16 North Carolina, a fire in the Phi Gamma Delta Fra-
17 ternity House killed 5 college juniors and injured 3.
18 The 3-story plus basement fraternity house was 70
19 years old. The National Fire Protection Association
20 identified several factors that contributed to the
21 tragic fire, including the lack of fire sprinkler pro-
22 tection.

23 (9) It is estimated that between 1980 and
24 1998, an average of 1,800 fires at dormitories, fra-
25 ternities, and sororities, involving 1 death, 70 inju-

1 ries, and \$8,000,000 in property damage were re-
2 ported to public fire departments.

3 (10) Within dormitories, fraternities, and so-
4 rorities the leading cause of fires is arson or sus-
5 pected arson. The second leading cause of college
6 building fires is cooking. The third leading cause is
7 smoking.

8 (11) New dormitories are generally required to
9 have advanced safety systems such as fire sprinklers.
10 But such requirements are rarely imposed retro-
11 actively on existing buildings.

12 (12) In 1998, 93 percent of the campus build-
13 ing fires reported to fire departments occurred in
14 buildings where there were smoke alarms present.
15 However, only 34 percent had fire sprinklers
16 present.

17 **SEC. 2. ESTABLISHMENT OF FIRE SUPPRESSION DEM-**
18 **ONSTRATION INCENTIVE PROGRAM.**

19 (a) GRANTS.—The Secretary of Education (in this
20 Act referred to as the “Secretary”), in consultation with
21 the United States Fire Administration, shall establish a
22 demonstration program to award grants on a competitive
23 basis to eligible entities for the purpose of installing fire
24 sprinkler systems, or other fire suppression or prevention

1 technologies, in student housing and dormitories owned or
2 controlled by such entities.

3 (b) ELIGIBLE ENTITY.—For purposes of this Act, the
4 term “eligible entity” means any of the following:

5 (1) An accredited public or private institution
6 of higher education (as that term is defined in sec-
7 tion 101 of the Higher Education Act of 1965 (20
8 U.S.C. 1001)).

9 (2) An accredited historically Black college or
10 university (as that term is used in section 322 of the
11 Higher Education Act of 1965 (20 U.S.C. 1061)).

12 (3) An accredited Hispanic-serving institution
13 (as that term is defined in section 502 of the Higher
14 Education Act of 1965 (20 U.S.C. 1101a)).

15 (4) An accredited tribally controlled college or
16 university (as that term is defined in section 2 of the
17 Tribally Controlled College or University Assistance
18 Act of 1978 (25 U.S.C. 1801)).

19 (5) A social fraternity or sorority exempt from
20 taxation under section 501(a) of the Internal Rev-
21 enue Code of 1986 (26 U.S.C. 501(a)), the active
22 membership of which consists primarily of students
23 in attendance at an accredited institution of higher
24 education.

1 (c) SELECTION PRIORITY.—In making grants under
2 subsection (a), the Secretary shall give priority to eligible
3 entities that demonstrate the greatest financial need.

4 (d) RESERVATIONS.—Of the amount made available
5 to the Secretary for grants under this section for each fis-
6 cal year, the Secretary shall award—

7 (1) not less than 10 percent to eligible entities
8 that are historically Black colleges and universities,
9 Hispanic-serving institutions, and tribally controlled
10 colleges and universities; and

11 (2) not less than 10 percent to eligible entities
12 that are social fraternities and sororities.

13 (e) APPLICATION.—To seek a grant under this sec-
14 tion, an eligible entity shall submit an application to the
15 Secretary at such time, in such manner, and accompanied
16 by such information as the Secretary may require.

17 (f) MATCHING REQUIREMENT.—As a condition on re-
18 ceipt of a grant under subsection (a), the applicant shall
19 provide (directly or through donations from public or pri-
20 vate entities) non-Federal matching funds in an amount
21 equal to not less than 50 percent of the cost of the activi-
22 ties for which assistance is sought.

23 (g) LIMITATION ON ADMINISTRATIVE EXPENSES.—
24 Not more than 10 percent of a grant made under sub-

1 section (a) may be expended for administrative expenses
2 with respect to the grant.

3 (h) REPORTS.—Not later than 12 months after the
4 date of the first award of a grant under this section and
5 annually thereafter until completion of the program, the
6 Secretary shall provide to the Congress a report that in-
7 cludes the following:

8 (1) The number and types of eligible entities re-
9 ceiving assistance under this section.

10 (2) The amounts of such assistance, the
11 amounts and sources of non-Federal funding lever-
12 aged for activities under grants under this section,
13 and any other relevant financial information.

14 (3) The number and types of student housing
15 fitted with fire suppression or prevention tech-
16 nologies with assistance under this section, and the
17 number of students protected by such technologies.

18 (4) The types of fire suppression or prevention
19 technologies installed with assistance under this sec-
20 tion, and the costs of such technologies.

21 (5) Identification of Federal and State policies
22 that present impediments to the development and in-
23 stallation of fire suppression or prevention tech-
24 nologies.

1 (6) Any other information determined by the
2 Secretary to be useful to evaluating the overall effec-
3 tiveness of the program established under this sec-
4 tion in improving the fire safety of student housing.

5 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this Act
7 \$100,000,000 for each of the fiscal years 2006 through
8 2009. At the end of fiscal year 2009, all unobligated ap-
9 propriations authorized under this subsection shall revert
10 to the general fund of the Treasury.

11 **SEC. 3. ADMISSIBILITY AS EVIDENCE.**

12 (a) PROHIBITION.—Notwithstanding any other provi-
13 sion of law and subject to subsection (b), any application
14 for assistance under this Act, any negative determination
15 on the part of the Secretary with respect to such applica-
16 tion, or any statement of reasons for the determination,
17 shall not be admissible as evidence in any proceeding of
18 any court, agency, board, or other entity.

19 (b) EXCEPTION.—This section does not apply to the
20 admission of an application, determination, or statement
21 described in subsection (a) as evidence in a proceeding to
22 enforce an agreement entered into between the Secretary
23 and an eligible entity under section 2.

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