

S. 531

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

SECTION 1. REPEAL OF THE BENNETT FREEZE.

Section 10(f) of Public Law 93-531 (25 U.S.C. 640d-9(f)) is repealed.

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 868, S. 2606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2606) to reauthorize the United States Fire Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Fire Administration Reauthorization Act of 2008".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2005, the National Fire Protection Association reported 3,675 civilian fire deaths, 17,925 civilian fire injuries, and \$10,672,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) The Federal Government should continue to work with State and local governments and the fire service community to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and non-governmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) Because of the essential role of the United States Fire Administration and the fire service community in preparing for and responding to national and man-made disasters, the United States Fire Administration should have a prominent place within the Federal Emergency Man-

agement Agency and the Department of Homeland Security.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following:

"(E) \$70,000,000 for fiscal year 2009, of which \$2,520,000 shall be used to carry out section 8(f);

"(F) \$72,100,000 for fiscal year 2010, of which \$2,595,600 shall be used to carry out section 8(f);

"(G) \$74,263,000 for fiscal year 2011, of which \$2,673,468 shall be used to carry out section 8(f); and

"(H) \$76,490,890 for fiscal year 2012, of which \$2,753,672 shall be used to carry out section 8(f)."

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) **AMENDMENTS TO FIRE ACADEMY TRAINING.**—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by amending subparagraph (H) to read as follows:

"(H) tactics and strategies for dealing with natural disasters, acts of terrorism, and other man-made disasters;";

(2) in subparagraph (K), by striking "forest" and inserting "wildland";

(3) in subparagraph (M), by striking "re-sponse";

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

"(I) tactics and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

"(J) tactics and strategies for fighting fires occurring at the wildland-urban interface;

"(K) tactics and strategies for fighting fires involving hazardous materials;

"(L) advanced emergency medical services training;".

(b) **ON-SITE TRAINING.**—Section 7 of such Act (15 U.S.C. 2206) is amended—

(1) in subsection (c)(6), by inserting "on-site training" after "United States";

(2) in subsection (f), by striking "4 percent" and inserting "7.5 percent"; and

(3) by adding at the end the following:

"(m) **ON-SITE TRAINING.**—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

"(2) **LIMITATION.**—

"(A) **IN GENERAL.**—The Administrator may not enter into a contract with an organization described in paragraph (1) unless such organization operates a fire service training program that—

"(i) is accredited by a nationally recognized accreditation organization experienced with accrediting such training; or

"(ii) the Administrator determines is of equivalent quality to a fire service training program described by clause (i).

"(B) **APPROVAL OF UNACCREDITED FIRE SERVICE TRAINING PROGRAMS.**—The Administrator may consider the fact that an organization has provided a satisfactory fire service training program pursuant to a cooperative agreement with

a Federal agency as evidence that such program is of equivalent quality to a fire service training program described by subparagraph (A)(i).

"(3) **RESTRICTION ON USE OF FUNDS.**—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 7.5 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17."

(c) **TRIENNIAL REPORTS.**—Such section 7 (15 U.S.C. 2206) is further amended by adding at the end the following:

"(n) **TRIENNIAL REPORT.**—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

"(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

"(2) the desired training outcome of all such changes."

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) **INCIDENT REPORTING SYSTEM DATABASE.**—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

"(d) **NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.**—

"(1) **IN GENERAL.**—The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

"(2) **LIMITATION.**—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of \$5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1)."

(b) **TECHNICAL CORRECTION.**—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking "assist State," and inserting "assist Federal, State,".

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) **ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.**—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

"(d) **RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.**—The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

"(1) the rural and remote areas of the United States; and

"(2) the wildland-urban interface."

(b) **TECHNOLOGY RESEARCH DISSEMINATION.**—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

"(h) **PUBLICATION OF RESEARCH RESULTS.**—

"(1) **IN GENERAL.**—For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

"(A) A description of such research program, including the scope, methodology, and goals thereof.

“(B) Information that identifies the individuals or institutions conducting the research program.

“(C) The amount of funding provided by the Administration for such program.

“(D) The results or findings of the research program.

“(2) DEADLINES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

“(i) The information described in subparagraphs (A), (B), and (C) of paragraph (1) with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

“(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

“(B) EXCEPTION.—No information shall be required to be published under this subsection before the date that is 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008.”.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

“SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

“The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

“(1) educating fire services about such standards;

“(2) encouraging the adoption at all levels of government of such standards; and

“(3) making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.”.

SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by inserting after section 22 the following:

“SEC. 23. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

“(a) ESTABLISHMENT OF POSITION.—The Secretary of Homeland Security shall, in consultation with the Administrator, establish a fire service position at the National Operations Center established under section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) (also known as the ‘Homeland Security Operations Center’) to ensure the effective sharing of information between the Federal Government and State and local fire services.

“(b) DESIGNATION OF POSITION.—The Secretary of Homeland Security shall designate, on a rotating basis, a State or local fire service official for the position described in subsection (a).

“(c) MANAGEMENT.—The Secretary of Homeland Security shall manage the position established pursuant to subsection (a) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.”.

SEC. 9. COORDINATION REGARDING FIRE PREVENTION AND CONTROL AND EMERGENCY MEDICAL SERVICES.

Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

“(e) COORDINATION.—

“(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs,

data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

“(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with Federal, State, and local government agencies and departments and non-governmental organizations concerned with any matter related to programs of fire prevention and control.

“(3) COORDINATION OF EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator related to emergency medical services provided by fire service-based systems with Federal, State, and local government agencies and departments and nongovernmental organizations so concerned, as well as those entities concerned with emergency medical services generally.”.

SEC. 10. DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking “Administration” and inserting “Administration, within the Federal Emergency Management Agency”;

(2) in paragraph (7), by striking the “and” after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(9) ‘wildland-urban interface’ has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).”.

Mr. CASEY. Mr. President, I ask unanimous consent that a Lieberman amendment, which is at the desk, be agreed to; that the committee substitute, as amended, be agreed to; that the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5631) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2606), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURES READ THE FIRST TIME—S. 3526, H.R. 6842, AND H.R. 6899

Mr. CASEY. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 3526) to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

A bill (H.R. 6842) to restore Second Amendment rights in the District of Columbia.

A bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

Mr. CASEY. Mr. President, I now ask for their second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDER FOR PRINTING—S. 3001

Mr. CASEY. Mr. President, I ask unanimous consent that S. 3001, as passed by the Senate on Wednesday, September 17, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6049

Mr. CASEY. Mr. President, I ask unanimous consent that the motion to proceed to H.R. 6049 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I further ask unanimous consent that with respect to the order governing the consideration of H.R. 6049, the votes with respect to the amendments occur upon the use or yielding back of time specified for debate with respect to each amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STIMULUS PACKAGE

Mr. REID. Mr. President, we are going to move to next week. We have business we need to conduct. We have had a very busy day. We have been at an event with the Secretary of Treasury and Chairman of the Fed and a number of others. Next week should be very interesting.

We have an agreement where we are going to finish the extenders now. We have a decision to be made on what we are going to do on the stimulus package but certainly, with what has gone