

117TH CONGRESS  
1ST SESSION

# H. R. 3728

To provide grants for fire station construction through the Administrator of the Federal Emergency Management Agency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

Mr. PASCRELL (for himself, Mr. FITZPATRICK, Mr. BOST, Mr. GARAMENDI, Ms. BROWNLEY, Mr. HUFFMAN, Mr. CARBAJAL, and Ms. SHERRILL) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide grants for fire station construction through the Administrator of the Federal Emergency Management Agency, 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,*

3 **SECTION 1. ASSISTANCE TO FIREFIGHTERS FIRE STATION**

4 **CONSTRUCTION GRANTS.**

5 (a) IN GENERAL.—The Administrator of the Federal  
6 Emergency Management Agency shall establish a grant

1 program to provide financial assistance to modify, up-  
2 grade, and construct fire and (EMS) department facilities.

3 (b) ELIGIBLE APPLICANTS.—The Administrator may  
4 make a grant under this section to the following:

5 (1) Career, volunteer, and combination fire de-  
6 partments.

7 (2) Fire training facilities.

8 (3) Nonaffiliated EMS organizations, combina-  
9 tion and volunteer emergency medical stations (ex-  
10 cept that for-profit EMS organizations are not eligi-  
11 ble for a grant under this section).

12 (c) APPLICATIONS.—To be eligible for a grant under  
13 this section, an entity specified in subsection (b) shall sub-  
14 mit to the Administrator an application in such form, at  
15 such time, and containing such information as the Admin-  
16 istrator determines is appropriate.

17 (d) MEETING FOR RECOMMENDATIONS.—

18 (1) IN GENERAL.—The Administrator shall con-  
19 vene a meeting of qualified members of national fire  
20 service organizations and, at the discretion of the  
21 Administrator, qualified members of emergency med-  
22 ical service organizations to obtain recommendations  
23 regarding the criteria for the awarding of grants  
24 under this section.

1           (2) QUALIFICATIONS.—For purposes of this  
2 subsection, a qualified member of an organization is  
3 a member who—

4           (A) is recognized for expertise in fire-  
5 fighting or emergency medical services;

6           (B) is not an employee of the Federal Gov-  
7 ernment; and

8           (C) in the case of a member of an emer-  
9 gency medical service organization, is a member  
10 of an organization that represents—

11           (i) providers of emergency medical  
12 services that are affiliated with fire depart-  
13 ments; or

14           (ii) nonaffiliated EMS providers.

15       (e) PEER REVIEW OF GRANT APPLICATION.—The  
16 Administrator shall, after consultation with national fire  
17 service and emergency medical services organizations, ap-  
18 point fire service personnel to conduct peer reviews of ap-  
19 plications received under subsection (c).

20       (f) PRIORITY OF GRANTS.—In awarding grants  
21 under this section, the Administrator shall consider the  
22 findings and recommendations of the peer reviews carried  
23 out under subsection (e).

24       (g) USES OF FUNDS.—

1           (1) IN GENERAL.—A recipient of a grant under  
2 this section may use funds received for the following:

3           (A) Build, rebuild, or renovate fire and  
4 EMS department facilities.

5           (B) Upgrade existing facilities to install  
6 exhaust emission control systems, install backup  
7 power systems, upgrade or replace environ-  
8 mental control systems (such as HVAC sys-  
9 tems), remove or remediate mold, and construct  
10 or modify living quarters for use by male and  
11 female personnel.

12           (C) Upgrade fire and EMS stations or  
13 build new stations.

14           (2) CODE COMPLIANT.—In using funds under  
15 paragraph (1), a grant recipient is required to meet  
16 1 of the 2 most recently published editions of build-  
17 ing codes and standards established by the National  
18 Fire Protection Association and International Code  
19 Council, including NFPA 101, Life Safety Code and  
20 NFPA 1581, Standard on Fire Department Infec-  
21 tion Control Program.

22 (h) GRANT FUNDING.—

23           (1) IN GENERAL.—The Administrator shall al-  
24 locate grant funds as follows:

1 (A) 25 percent for career fire and EMS  
2 departments.

3 (B) 25 percent for combination fire and  
4 EMS departments.

5 (C) 25 percent for volunteer fire and EMS  
6 departments.

7 (D) 25 percent to remain available for  
8 competition between the various department  
9 types.

10 (2) INSUFFICIENT APPLICATIONS.—If the Ad-  
11 ministrator does not receive sufficient funding re-  
12 quests from a particular department type specified  
13 in subparagraphs (A) through (C) of paragraph (1),  
14 the Administrator may make awards to other de-  
15 partments in such paragraphs.

16 (3) LIMITATION ON AWARDS AMOUNTS.—A  
17 grant recipient may not receive more than  
18 \$7,500,000 under this section.

19 (i) PREVAILING RATE OF WAGE AND PUBLIC CON-  
20 TRACTS.—

21 (1) IN GENERAL.—All laborers and mechanics  
22 employed by contractors or subcontractors in the  
23 performance of construction work financed with the  
24 assistance of any contribution of Federal funds  
25 made by the Administrator under this section shall

1 be paid wages at rates not less than those prevailing  
2 on similar construction in the locality as determined  
3 by the Secretary of Labor in accordance with sub-  
4 chapter IV of chapter 31 of title 40 (commonly  
5 known as the “Davis-Bacon Act”), and every such  
6 employee shall receive compensation at a rate not  
7 less than one and ½ times the basic rate of pay of  
8 the employee for all hours worked in any workweek  
9 in excess of eight hours in any workday or 40 hours  
10 in the workweek, as the case may be. The Adminis-  
11 trator shall make no contribution of Federal funds  
12 without first obtaining adequate assurance that  
13 these labor standards will be maintained upon the  
14 construction work. The Secretary of Labor shall  
15 have, with respect to the labor standards specified in  
16 this subsection, the authority and functions set forth  
17 in Reorganization Plan Numbered 14 of 1950 (5  
18 U.S.C. App.) and section 2 of the Act of June 13,  
19 1934 (40 U.S.C. 276(c)).

20 (2) PUBLIC CONTRACTS.—In addition to the  
21 wage rate set forth in paragraph (1), contractors  
22 and subcontractors performing construction work  
23 pursuant to this section shall follow the standards  
24 identified in chapter 83 of title 41, United States  
25 Code, including a requirement that all supplies and

1 construction materials purchased shall be produced  
2 in the United States, unless such materials are not  
3 reasonably available, or such a purchase would not  
4 be in the public interest.

5 (j) APPLICABILITY OF FACA.—The Federal Advisory  
6 Committee Act (5 U.S.C. App.) shall not apply to activi-  
7 ties carried out pursuant to this section.

8 (k) DEFINITIONS.—For purposes of this section, the  
9 following definitions apply:

10 (1) ADMINISTRATOR.—The term “Adminis-  
11 trator” means the Administrator of the Federal  
12 Emergency Management Agency.

13 (2) CAREER FIRE DEPARTMENT.—The term  
14 “career fire department” means a fire department  
15 that has an all-paid force of firefighting personnel  
16 other than paid-on-call firefighters.

17 (3) COMBINATION FIRE DEPARTMENT.—The  
18 term “combination fire department” means a fire  
19 department that has—

20 (A) paid firefighting personnel; and

21 (B) volunteer firefighting personnel.

22 (4) EMS.—The term “EMS” means emergency  
23 medical services.

24 (5) NONAFFILIATED EMS ORGANIZATION.—The  
25 term “nonaffiliated EMS organization” means a

1 public or private nonprofit emergency medical serv-  
2 ices organization that is not affiliated with a hospital  
3 and does not serve a geographic area in which the  
4 Administrator finds that emergency medical services  
5 are adequately provided by a fire department.

6 (6) VOLUNTEER FIRE DEPARTMENT.—The  
7 term “volunteer fire department” means a fire de-  
8 partment that has an all-volunteer force of fire-  
9 fighting personnel.

10 (1) REPORTING REQUIREMENTS.—

11 (1) ANNUAL REPORT TO ADMINISTRATOR OF  
12 FEMA.—Beginning 1 year after the date of enact-  
13 ment of this section and every year thereafter during  
14 the term of a grant awarded under this section, a  
15 recipient of the grant shall submit to the Adminis-  
16 trator an annual report describing how the recipient  
17 used such grant amounts.

18 (2) ANNUAL REPORT TO CONGRESS.—Begin-  
19 ning 1 year after the date of enactment of this sec-  
20 tion and every year thereafter until the rebuilding or  
21 renovation of fire facilities and stations are com-  
22 pleted using grant funds under this section, the Ad-  
23 ministrator shall submit to the Committee on Home-  
24 land Security and Governmental Affairs of the Sen-  
25 ate and the Committees on Transportation and In-



1        frastructure and Science, Space, and Technology of  
2        the House of Representatives a report that provides  
3        an evaluation of the effectiveness of the grants  
4        awarded under this section.

5        (m) AUTHORIZATION OF APPROPRIATIONS.—There is  
6        authorized to be appropriated \$1,000,000,000 for fiscal  
7        year 2022 to carry out this section. Such funds shall re-  
8        main available until expended.

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