

EMPOWERING THE U.S. FIRE
ADMINISTRATION ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 7077

TO REQUIRE THE UNITED STATES FIRE
ADMINISTRATION TO CONDUCT ON-SITE
INVESTIGATIONS OF MAJOR FIRES, AND FOR
OTHER PURPOSES



NOVEMBER 14, 2022.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

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EMPOWERING THE U.S. FIRE ADMINISTRATION ACT

NOVEMBER 14, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 7077]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 7077) to require the United States Fire Administration to conduct on-site investigations of major fires, and for other purposes, having considered the same, reports favorably without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

H.R. 7077, the *Empowering the U.S. Fire Administration Act*, authorizes the U.S. Fire Administration (USFA) to conduct on-site safety investigations after major fires. Upon concluding any such on-site investigation, the bill mandates that the USFA issue a public report—or collaborate with another investigating federal agency on that agency’s report—to local, state, and federal authorities on the investigation’s findings. The report issued following the investigation would be required to provide recommendations on improving response to similar fires, refining civilian safety practices, as

sessing the costs and benefits of adding fire safety features, and how to mitigate the cause of such fire.

II. BACKGROUND AND THE NEED FOR LEGISLATION

The USFA is an entity of the U.S. Department of Homeland Security’s Federal Emergency Management Agency (FEMA) whose mission is to support and strengthen fire and emergency medical services and stakeholders and to prepare for, prevent, mitigate and respond to all hazards.¹ A key objective of the USFA is to significantly reduce the nation’s loss of life from fire, while also achieving a reduction in property loss and nonfatal injury due to fire. Although fire loss harm has been reduced significantly over the past 25 years, the fire problem in the United States remains serious. The United States still has one of the highest fire death rates in the industrialized world.²

According to FEMA, between 2017 and 2019, an estimated 368,500 residential building fires were reported to fire departments within the U.S. each year. These fires caused an estimated 2,770 deaths, 11,650 injuries, and \$8.1 billion in property loss.³ The USFA currently does not have the formal authority to conduct on-site investigations of major fires.⁴ As a result, USFA is limited in its ability to fully utilize its public safety expertise following major fires in coordination with local, state and other federal authorities.

In order to better promote long-term fire safety, this bill supports fire departments and firefighters by authorizing USFA to send safety specialists, fire protection engineers, codes and standards experts, and fire training specialists to conduct fire safety investigations and issue reports for major fires. The reports shall assess broad systematic matters to include use of codes and standards, demographics, structural characteristics, smoke and fire dynamics during the event, and costs of associated injuries and deaths. This bill ensures communities have access to the key federal resources they need to analyze fires and understand how to improve safety practices and reduce loss of life in the future.

This bill does not authorize the USFA to open investigations that seek to determine the cause or origins of major fires or open criminal investigations as a result of a major fire, both of which are responsibilities of other federal agencies. In cases where a criminal investigation may be ongoing after a major fire, USFA should work closely in coordination with the lead investigative agency to ensure no report produced as a result of this bill undermines an ongoing criminal investigation.

III. LEGISLATIVE HISTORY

Rep. Ritchie Torres (D–NY) introduced H.R. 7077, the *Empowering the U.S. Fire Administration Act*, on March 15, 2022, with Rep. Haley Stevens (D–MI), Rep. Peter Meijer (R–MI), and Rep.

¹ U.S. Fire Administration, (<https://www.usfa.fema.gov/about/>) (accessed August 30, 2022).

² U.S. Federal Emergency Management Administration, Topical Fire Report Series Vol. 12 Iss. 8, *Fire Death Rate Trends: An International Perspective* (July, 2011) (<https://www.usfa.fema.gov/downloads/pdf/statistics/v12i8.pdf>).

³ Federal Emergency Management Administration, Topical Fire Report Series Vol. 21 Iss. 2, *Residential Building Fires 2017–2019* (February, 2022) (<https://www.usfa.fema.gov/downloads/pdf/statistics/v21i2.pdf>).

⁴ Federal Emergency Management Administration, Technical Report Series, *The After-Action Critique: Training Through Lessons Learned* (USFA–TR–159) (April 2008).

Anthony Gonzalez (R–OH). On April 5, 2022, the House Committee on Science, Space, and Technology met to consider the bill. Rep. Posey (R–FL) offered an amendment to ensure the U.S. Fire Administration coordinates and cooperates with Federal, State, and local authorities. The amendment was agreed to on a voice vote. The committee ordered the bill, as amended, reported favorably to the House by voice vote. The bill passed the House of Representatives under suspension of the rules on May 11, 2022 by a roll call vote of 379–37.

The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs. The Committee considered H.R. 7077 at a business meeting on August 3, 2022. The bill was ordered to be favorably reported without amendment by voice vote *en bloc*. Senators Peters, Hassan, Sinema, Rosen, Padilla, Ossoff, Lankford, Romney, Scott, and Hawley were present for the vote.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the “Empowering U.S. Fire Administration Act.”

Section 2. Fire investigations

This section amends the *Federal Fire Prevention and Control Act of 1974* to authorize the USFA Administrator to send investigators to the site of a major fire to conduct an investigation and requires that any investigation be conducted in coordination and cooperation with appropriate federal, state, and local authorities, including federal agencies that are authorized to investigate a major fire or an incident of which the major fire is a part. Additionally, this section outlines the specifics of USFA’s investigational authorities and requires USFA to issue a public report to local, State, and Federal authorities. The report would include the findings of the investigation as well as the recommendations generated by the investigation. Lastly, this section defines the term “major fire” and authorizes the USFA to send investigators to conduct investigations of fires with unusual or remarkable characteristics resulting in losses less severe than a major fire, in coordination with other Federal agencies.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 6, 2022.

Hon. GARY C. PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 7077, the Empowering the U.S. Fire Administration Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jon Sperl.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 7077, Empowering the U.S. Fire Administration Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on August 3, 2022			
By Fiscal Year, Millions of Dollars	2023	2023-2027	2023-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	3	17	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 7077 would authorize the U.S. Fire Administration (USFA) to conduct on-site investigations of major fires that result in deaths or economic damages above certain thresholds or fires with unusual or remarkable context. Upon concluding each investigation, the act would require the USFA to issue a public report on its findings to federal, state, and local authorities and make recommendations on how to mitigate future fires. The agency does not currently conduct these types of inspections.

CBO expects that the agency would promulgate regulations that define a major fire as one that causes 10 or more deaths or has damages greater than \$10 million. (Since 2015, an average of about 40 fires a year would meet that standard.)

Under the legislation, CBO expects that inspections of fires that meet this definition would be conducted by a team of subject-matter specialists under contract with the USFA, including fire protection engineers, research scientists, fire dynamics experts, building code specialists, building engineers, and other professionals. Using information from the USFA, including the labor costs for those specialists and the amount of time required for an investigation, CBO

expects that the agency would investigate an average of seven major fires annually, at an average cost of \$400,000 per investigation. In total, CBO estimates the USFA would incur costs of about \$3 million annually to pay inspectors, totaling \$15 million over the 2023–2027 period.

In addition, CBO expects that the agency would require two additional employees to manage those contracts, coordinate inspections, and fulfill reporting requirements, at a cost of \$2 million over the 2023–2027 period. In total, CBO estimates that implementing the bill would cost \$17 million over the 2023–2027 period. Any spending would be subject to the availability of appropriated funds.

The costs of the legislation, detailed in Table 1, fall within budget function 450 (community and regional development).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 7077

	By fiscal year, millions of dollars—					
	2023	2024	2025	2026	2027	2023–2027
Estimated Authorization	3	3	3	4	4	17
Estimated Outlays	3	3	3	4	4	17

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

* * * * *

SEC. 38. INVESTIGATION AUTHORITIES.

(a) *IN GENERAL.*—*In the case of any major fire, the Administrator may send incident investigators, which may include safety specialists, fire protection engineers, codes and standards experts, researchers, and fire training specialists, to the site of the fire to conduct an investigation as described in subsection (b).*

(b) *INVESTIGATION REQUIRED.*—*A fire investigation conducted under this section—*

(1) shall be conducted in coordination and cooperation with appropriate Federal, State, and local authorities, including Federal agencies that are authorized to investigate a major fire or an incident of which the major fire is a part; and

(2) shall examine the determined cause and origin of the fire and assess broader systematic matters to include use of codes and standards, demographics, structural characteristics, smoke and fire dynamics (movement) during the event, and costs of associated injuries and deaths.

(c) *REPORT.*—Upon concluding any fire investigation under this section, the Administrator shall issue a public report to local, State, and Federal authorities on the findings of such investigation, or collaborate with another investigating Federal agency on that agency’s report, including recommendations on—

- (1) any other buildings with similar characteristics that may bear similar fire risks;
- (2) improving tactical response to similar fires;
- (3) improving civilian safety practices;
- (4) assessing the costs and benefits to the community of adding fire safety features; and
- (5) how to mitigate the causes of such fire.

(d) *DISCRETIONARY AUTHORITY.*—In addition to investigations conducted pursuant to subsection (a), the Administrator may send fire investigators to conduct investigations at the site of any fire with unusual or remarkable context that results in losses less severe than those occurring as a result of a major fire, in coordination with appropriate Federal, State, and local authorities, including Federal agencies that are authorized to investigate a major fire or an incident of which the major fire is a part.

(e) *MAJOR FIRE DEFINED.*—For purposes of this section, the term “major fire” shall have the meaning given such term under regulations to be issued by the Administrator.

* * * * *