

To the office of U.S. Senator Cory A. Booker

Re: S 5261 (119th Congress), FIRE Cancer Act of 2026 • Latest action (2026-08-05): Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
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Firefighter Cancer Prevention Grant Eligibility Act of 2026

The measure, as described from the official record: Enable fire departments to use federal assistance-to-firefighters grants to establish cancer prevention programs, reducing occupational cancer risks for firefighters.

THE PROPOSAL

This Act amends the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) to add cancer prevention as an eligible use under the Assistance to Firefighters Grant (AFG) program. Eligible activities include: medical screenings for firefighters tailored to occupational cancer risks, purchase of decontamination equipment and supplies, funding for education and training on cancer prevention, and implementation of best practices for reducing carcinogen exposure. Grants may be used for up to 50% of the cost of these activities, with a maximum award of \$250,000 per grantee per fiscal year. The Federal Emergency Management Agency (FEMA) shall administer the program, giving priority to applications from fire departments with demonstrated high occupational cancer incidence or limited capacity to fund prevention programs. The program is subject to a five-year sunset, after which Congress may reauthorize based on performance data. FEMA shall submit an annual report to Congress documenting the number of grants awarded, types of activities funded, and preliminary health outcomes. Funding is provided through amounts already appropriated to AFG, with a total cap of \$25 million per fiscal year from existing AFG appropriations, not increasing the overall AFG budget. FEMA shall issue implementing regulations within 180 days of enactment. The program shall be enforced by FEMA's existing grant compliance mechanisms, including audits and recoupment of misspent funds. This Act shall take effect on October 1, 2026, and applies to grant applications submitted after that date.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Reallocation of existing Assistance to Firefighters Grant appropriations; no new appropriations authorized.
Funding Amount	\$25 million per fiscal year, capped, drawn from existing AFG funds.
Sunset Years	5 years
Oversight Body	Federal Emergency Management Agency (FEMA) with annual reporting to Congress and the Government Accountability Office (GAO) review.
Enforcement Mechanism	Existing AFG grant compliance and audit procedures; FEMA may recapture funds used outside statutory purposes.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Taxing and Spending for the general welfare)
- Article I, Section 8, Clause 3 (Commerce Clause - interstate commerce of firefighting services and equipment)
- Tenth Amendment (preserving state and local control over fire department operations)

Concerns with the measure as written:

- The bill may extend the grant program beyond its original scope (firefighting equipment and training) without explicit statutory limits, risking an open-ended expansion of federal spending under the Spending Clause.
 - No sunset or performance metrics are included, potentially violating principles of accountable federal spending under Article I, Section 8, Clause 1 (Spending for the general welfare).
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities: proactive public health investment in first responders, addressing occupational health disparities, and supporting working families. Honors Republican priorities: fiscal restraint via budget cap and sunset, federalism by allowing local control of how funds are used within eligible categories, and administrative accountability through existing oversight mechanisms.

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