To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2011

Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. PASCRELL, Mr. KING of New York, Mr. REICHERT, Mr. HOYER, Mr. LATOURETTE, Mr. ANDREWS, Mr. CRITZ, Mr. WU, Mr. LUJÁN, Mr. LIPINSKI, Mr. CLARKE of Michigan, Mr. SARBAINES, Mr. MICHAUD, and Mr. GRIMM) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Homeland Security, 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

A BILL

To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fire Grants Reauthorization Act of 2011”.

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SEC. 2. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

REAUTHORIZATION.

(a) In General.—Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

"SEC. 33. FIREFIGHTER ASSISTANCE.

"(a) Assistance Program.—

"(1) Authority.—In accordance with this section, the Director may—

"(A) make grants on a competitive basis directly to fire departments of a State, in consultation with the chief executive of the State, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the Nation against fire and fire-related hazards;

"(B) make grants on a competitive basis directly to State fire training academies, in consultation with the chief executive of the State, in accordance with paragraph (11)(C);

"(C) provide assistance for fire prevention and firefighter safety research and development programs and fire prevention or fire safety programs and activities in accordance with paragraph (4); and
“(D) provide assistance for volunteer, non-
fire service EMS and rescue organizations for
the purpose of paragraph (3)(F).

“(2) ADMINISTRATIVE ASSISTANCE.—The Di-
rector shall establish specific criteria for the selec-
tion of recipients of assistance under this section
and shall provide grant-writing assistance to appli-
cants.

“(3) USE OF FIRE DEPARTMENT GRANT
FUNDS.—The Director may make a grant under
paragraph (1)(A) only if the applicant for the grant
agrees to use the grant funds for one or more of the
following purposes:

“(A) To hire additional firefighting per-
sonnel.

“(B) To train firefighting personnel in
firefighting, emergency medical services and
other emergency response (including response
to a terrorism incident or use of a weapon of
mass destruction), arson prevention and detec-
tion, maritime firefighting, or the handling of
hazardous materials or to train firefighting per-
sonnel to provide any of the training described
in this subparagraph.
“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify fire and building inspectors employed by a fire department or serving as a volunteer building inspector with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and volunteer, non-fire service EMS and rescue organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks.

“(H) To acquire additional firefighting equipment, including equipment for communications, monitoring, and response to a terrorism incident or use of a weapon of mass destruction.

“(I) To acquire personal protective equipment required for firefighting personnel by the
Occupational Safety and Health Administration
and other personal protective equipment for
firefighting personnel, including protective
equipment to respond to a terrorism incident or
the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training
facilities, and other facilities to protect the
health and safety of firefighting personnel.

“(K) To enforce fire codes and standards.

“(L) To fund fire prevention programs.

“(M) To educate the public about arson
prevention and detection.

“(N) To provide incentives for the recruit-
ment and retention of volunteer firefighting
personnel for volunteer firefighting departments
and other firefighting departments that utilize
volunteers.

“(4) Fire prevention and firefighter
safety research and development pro-
grams.—

“(A) In general.—For each fiscal year,
the Director shall use not less than 10 percent
of the funds made available under subsection
(e)—
“(i) to make grants to fire departments for the purpose described in paragraph (3)(L);

“(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are not fire departments but—

“(I) that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and that partner with fire departments, for the purpose of carrying out such programs and activities;

“(II) engage in fire and life safety related activities as a primary purpose or function, for the purpose of carrying out fire prevention or fire safety programs and activities; or

“(III) that are recognized for their experience and expertise with respect to firefighter research and development programs, for the purpose of carrying out research on fire preven-
tion or fire safety programs and activ-
ties or to improve firefighter health
and life safety; and

“(iii) if the Director determines that
it is necessary, to make grants or enter
into contracts in accordance with sub-
section (c).

“(B) PRIORITY.—In selecting organiza-
tions described in subparagraph (A)(ii) to re-
ceive assistance under this paragraph, the Di-
rector shall give priority to organizations that
focus on prevention of injuries to high-risk
groups from fire, as well as research programs
that demonstrate the potential to improve fire-
fighter safety.

“(C) GRANT LIMITATION.—A grant under
this paragraph shall not exceed $1,500,000 for
a fiscal year.

“(D) LIMITATION.—None of the funds
made available under this paragraph may be
provided to the Association of Community Or-
organizations for Reform Now (ACORN) or any
of its affiliates, subsidiaries, or allied organiza-
tions.
“(5) APPLICATION.—The Director may provide assistance to a fire department or organization (including a State fire training academy) under this subsection only if the fire department or organization seeking the assistance submits to the Director an application that meets the following requirements:

“(A) FORM.—The application shall be in such form as the Director may require.

“(B) INFORMATION.—The application shall include the following information:

“(i) Information that demonstrates the financial need of the applicant for the assistance for which applied.

“(ii) An analysis of the costs and benefits, with respect to public safety, of the use of the assistance.

“(iii) An agreement to provide information to the national fire incident reporting system for the period covered by the assistance.

“(iv) A list of other sources of Federal funding received by the applicant.

“(v) Any other information that the Director may require.
“(C) UNNECESSARY DUPLICATION.—The Director, in coordination with the Secretary of Homeland Security, shall use the list provided under subparagraph (B)(iv) to prevent the unnecessary duplication of grant funds.

“(6) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and paragraph (8), the Director may provide assistance under this subsection only if the applicant for such assistance agrees to match 10 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

“(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.

“(C) FIRE PREVENTION AND FIREFIGHTER SAFETY GRANTS EXCEPTION.—There shall be no matching requirement for a grant described in paragraph (4).

“(7) MAINTENANCE OF EXPENDITURES.—Subject to paragraph (8), the Director may provide as-
assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant’s aggregate expenditures for the uses described in paragraph (3) or (4) at or above 80 percent of the average level of such expenditures in the 2 fiscal years preceding the fiscal year for which the assistance will be received.

“(8) Economic hardship waiver.—

“(A) In general.—In exceptional circumstances, the Director may waive or reduce the matching requirement under paragraph (6) and the maintenance of expenditures requirement under paragraph (7) for applicants facing demonstrated economic hardship.

“(B) Criteria development.—The criteria under which the Director may waive or reduce such requirements shall be developed in consultation with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations
representing the interests of State and local governments.

“(C) Public availability.—The Director shall make the criteria developed under sub-paragraph (B) publicly available.

“(9) Variety of fire department grant recipients.—

“(A) In general.—Of the amounts made available under subsection (e), the Director shall ensure that grants under paragraph (1)(A) for a fiscal year are allocated, to the extent that there are eligible applicants to carry out the activities under paragraph (3), as follows:

“(i) Twenty-five percent shall be made available to career fire departments.

“(ii) Twenty-five percent shall be made available to volunteer fire departments.

“(iii) Twenty-five percent shall be made available to combination fire departments.

“(B) Evaluation criteria.—

“(i) In general.—In awarding grants under paragraph (1)(A), the Direc-
tor shall, within each category of applicants under subparagraph (A), consider a broad range of factors important to the applicant’s ability to respond to fires and related hazards, such as population served, geographic response area, hazard vulnerability, call volume, financial situation, and need for training or equipment.

“(ii) High Population and Incident Response.—In considering such factors under clause (i), applicants serving areas with high population and with a high number of incidents requiring a response shall receive a higher level of consideration.

“(C) Remainder.—Of the amounts made available under subsection (e) that are not allocated for use and awarded under subparagraph (A) or designated for use under any other provision of this section, the Director shall provide for an open competition for grants among career fire departments, volunteer fire departments, and combination fire departments to carry out the activities under paragraph (3).

“(10) Report to the Director.—The Director may provide assistance under this subsection
only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

“(11) GRANT LIMITATIONS.—

“(A) RECIPIENT LIMITATIONS.—A grant recipient under paragraph (1)(A)—

“(i) that serves a jurisdiction with 100,000 people or less may not receive grants in excess of $1,000,000 for any fiscal year;

“(ii) that serves a jurisdiction with more than 100,000 people but less than 500,000 people may not receive grants in excess of $2,000,000 for any fiscal year;

“(iii) that serves a jurisdiction with 500,000 people or more but less than 1,000,000 people may not receive grants in excess of $3,000,000 for any fiscal year;

“(iv) that serves a jurisdiction with 1,000,000 people or more but less than 2,500,000 people may not receive grants in excess of $6,000,000 for any fiscal year;

and
“(v) that serves a jurisdiction with 2,500,000 people or more may not receive grants in excess of $9,000,000 for any fiscal year.

The Director may award grants in excess of the limitations provided in clauses (i), (ii), (iii), and (iv) if the Director determines that extraordinary need for assistance by a jurisdiction warrants a waiver.

“(B) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES.—Not more than 25 percent of the funds appropriated to provide grants under this section for a fiscal year may be used to assist grant recipients to purchase vehicles, as authorized by paragraph (3)(G).

“(C) STATE FIRE TRAINING ACADEMIES.—

“(i) IN GENERAL.—In accordance with clause (ii), the Director shall award not more than 3 percent of the amounts made available under subsection (e) for a fiscal year for grants under this subsection for State fire training academies.

“(ii) LIMITATION.—The Director shall—
“(I) award not more than 1 grant under this subparagraph per State in a fiscal year;

“(II) limit the amount of a grant to a State fire training academy to less than or equal to $1,000,000 in each fiscal year; and

“(III) ensure that any grant awarded to a State fire training academy shall be used for the purposes described in paragraphs 3(G), 3(H), or 3(I).

“(D) **Requirements for grants for emergency medical services.**—The Director shall award not more than 2 percent of the amounts made available under subsection (e) for a fiscal year to volunteer, non-fire service EMS and rescue organizations for the purposes described in paragraph (3)(F).

“(E) **Application of selection criteria to grant applications from volunteer, non-fire service EMS and rescue organizations.**—In reviewing applications submitted by volunteer, non-fire service EMS and rescue organizations, the Director shall consider
the extent to which other sources of Federal funding are available to provide the assistance requested in such grant applications.

“(F) Consensus standards.—

“(i) In general.—Any grant amounts used to obtain training under this section shall be limited to training that complies with applicable national voluntary consensus standards (if applicable national voluntary consensus standards have been established), unless a waiver has been granted under clause (ii).

“(ii) Waiver.—

“(I) Explanation for non-standard training.—If an applicant for a grant seeks to use the assistance provided under the grant to obtain training that does not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such training will serve the needs of the applicant better than training that does meet or exceed such standards.
“(II) PROCEDURES.—In making a determination whether or not to waive the requirement under clause (i) with respect to a specific standard, the Director shall, to the greatest extent practicable—

“(aa) consult with other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

“(bb) take into consideration the explanation provided by the applicant under subclause (I); and

“(cc) seek to minimize the impact of the requirement to meet or exceed the specific standard on the applicant, particularly if meeting the standard would impose additional costs.

“(III) ADDITIONAL REQUESTS.—Applicants that apply for a grant under the terms of subclause (I) may
include a second grant request in the application to be considered by the Director in the event that the Director does not approve the primary grant request on the grounds of the training not meeting applicable voluntary consensus standards.

“(12) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.

“(13) ANNUAL MEETING.—The Director shall convene an annual meeting of individuals who are members of national fire service organizations and are recognized for expertise in firefighting or emergency medical services provided by fire services, and who are not employees of the Federal Government, for the purpose of recommending criteria for awarding grants under this section for the next fiscal year and any necessary administrative changes to the grant program.

“(14) GUIDELINES.—
“(A) IN GENERAL.—Each year, prior to making any grants under this section, the Director shall publish in the Federal Register—

“(i) guidelines that describe the process for applying for grants and the criteria for awarding grants;

“(ii) an explanation of any differences between the guidelines and the recommendations made pursuant to paragraph (13); and

“(iii) the criteria developed under paragraph (8) which the Director will use to evaluate applicants for waivers from program requirements.

“(B) SPECIFIC REQUIREMENT.—The criteria for awarding grants under paragraph (1)(A) shall include the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property.

“(15) PEER REVIEW.—The Director, after consultation with national fire service organizations, shall appoint fire service personnel to conduct peer review of applications received under paragraph (5).

In making grants under this section, the Director
shall consider the results of such peer review evaluations.

“(16) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities under paragraphs (13) and (15).

“(17) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, rule, regulation, or guidance, for purposes of receiving assistance under this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(b) AUDITS.—A recipient of a grant under this section shall be subject to audits to ensure that the grant proceeds are expended for the intended purposes and that the grant recipient complies with the requirements of paragraphs (6) and (7) of subsection (a) unless the Director has granted a waiver under subsection (a)(8).

“(c) FIRE SAFETY RESEARCH CENTERS.—

“(1) IN GENERAL.—The Director may make a grant under subsection (a)(4)(A)(iii) to an institution of higher education, a national fire service orga-
nization, or a national fire safety organization to es-

tablish and operate a fire safety research center.

“(2) OBJECTIVES.—A grant received under this

subsection shall be used by such an institution or or-

ganization to advance significantly the Nation’s abil-

ity to reduce the number of fire-related deaths and

injuries among firefighters and the general public

through research, development, and technology

transfer activities.

“(3) LIMITATION.—The Director may establish

no more than 3 fire safety research centers. An in-

stitution of higher education, a national fire service

organization, or a national fire safety organization

may not directly receive a grant under this section

for a fiscal year for more than 1 fire safety research

center.

“(4) APPLICATION.—In order to be eligible to

receive a fire safety research center grant, an insti-

tution of higher education, a national fire service or-

ganization, or a national fire safety organization

shall submit to the Director an application that is in

such form and contains such information and assur-

ances as the Director may require.

“(5) GENERAL SELECTION CRITERIA.—The Di-

rector shall select each recipient of a grant under
this subsection through a competitive process on the basis of the following:

“(A) The demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities.

“(B) The capability of the recipient to provide leadership in making national contributions to fire safety.

“(C) The recipient’s ability to disseminate the results of fire safety research.

“(D) The strategic plan the recipient proposes to carry out under the grant.

“(6) CONSIDERATION.—The Director shall give special consideration under paragraph (5) to an applicant for a grant that consists of a partnership between a national fire service organization or a national fire safety organization and at least 1 of the following:

“(A) An institution of higher education.

“(B) A minority-serving institution (defined as an eligible institution under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))).
“(7) RESEARCH NEEDS.—Within 90 days after the date of enactment of the Fire Grants Reauthorization Act of 2011, the Director shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs. The results of the workshop shall be made public, and the Director shall consider such results in making awards under this section.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a firefighting department that has an all professional force of firefighting personnel.

“(2) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a firefighting department that has a combined force of professional and volunteer firefighting personnel.

“(3) DIRECTOR.—The term ‘Director’ means the Director, acting through the Administrator.

“(4) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire de-
partments, or emergency medical service personnel of fire departments.

“(5) Institution of Higher Education.—
The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(6) Volunteer, Non-Fire Service EMS and Rescue Organization.—The term ‘volunteer, non-fire service EMS and rescue organization’ means a public or private nonprofit emergency medical services organization that—

“(A) is not affiliated with a hospital;

“(B) does not serve a geographic area in which the Director finds that emergency medical services are adequately provided by a fire department; and

“(C) is staffed primarily by volunteers.

“(7) Volunteer Fire Department.—The term ‘volunteer fire department’ means a firefighting department that has an all volunteer force of firefighting personnel.

“(e) Authorization of Appropriations.—

“(1) In General.—There are authorized to be appropriated for the purposes of this section
$1,000,000,000 for each of the fiscal years 2012 through 2016.

“(2) Administrative expenses.—

“(A) In general.—Of the funds appropriated pursuant to paragraph (1) for a fiscal year, the Director may use not more than 3 percent of the funds to cover salaries and expenses and other administrative costs incurred by the Director to make grants and provide assistance under this section.

“(B) Formula.—The Director shall subtract the amount to be used for subparagraph (A) from the amount appropriated pursuant to paragraph (1) before making any allocations or apportioning any funds under subsections (a) or (e).”.

(b) Sense of Congress.—It is the sense of Congress that—

(1) from fiscal years 2003 through 2008—

(A) the funding appropriated for activities under section 33 of the Federal Fire Prevention and Control Act of 1974 declined by approximately 30 percent; and

(B) the number of fire departments receiving awards declined by nearly 40 percent, while
the number of applicants increased, resulting in a reduction in applicant success rates from over 43 percent to just 25 percent;

(2) the House-passed conference report for the Department of Homeland Security Appropriations Act, 2010 appropriates $390 million for activities under such section 33, a decrease of over 30 percent below that provided in fiscal year 2009;

(3) declining funding reduces the Director’s ability to successfully carry out the primary purpose of such section, which is to protect the health and safety of the public and firefighting personnel throughout the Nation against fire and fire-related hazards; and

(4) halting and reversing the decline in appropriations to ensure a high level of funding for the activities under such section 33 should be a top priority.

SEC. 3. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM REAUTHORIZATION.

Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) is amended to read as follows:
“SEC. 34. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE

GRANT PROGRAM.

“(a) Expanded Authority To Make Grants.—

“(1) Hiring grants.—

“(A) In general.—The Director shall make grants directly to career, volunteer, and combination fire departments, in consultation with the chief executive of the State in which the applicant is located, for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards and to fulfill traditional missions of fire departments that antedate the creation of the Department of Homeland Security.

“(B) Requirements.—

“(i) Duration and use.—Grants made under this paragraph shall be for 3 years and shall be used for programs to hire new, additional firefighters.

“(ii) Retention.—Grant recipients are required to commit to retaining for at least the entire 3 years of the grant period those firefighters hired under this paragraph.
“(iii) MAXIMUM.—The portion of the
cost of hiring firefighters provided by a
grant under this paragraph may not exceed
80 percent of such cost for each fiscal
year.

“(C) PREFERENCE.—In awarding grants
under this subsection, the Director may give
preferential consideration to applications that
involve a non-Federal contribution exceeding
the minimums under subparagraph (B)(iii).

“(D) TECHNICAL ASSISTANCE.—The Di-
rector may provide technical assistance to
States, units of local government, Indian tribal
governments, and other public entities in fur-
therance of the purposes of this section.

“(E) VOLUNTEER ACTIVITIES ALLOWED.—
Notwithstanding any other provision of law, any
firefighter hired with funds provided under this
subsection shall not be discriminated against
for, or be prohibited from, engaging in volun-
teer activities in another jurisdiction during off-
duty hours.

“(F) COMPETITIVE BASIS.—The Director
shall award all grants under this section on a
competitive basis through a neutral peer review process.

“(G) Set aside.—

“(i) In general.—At the beginning of the fiscal year, the Director shall set aside 10 percent of the funds made available for carrying out this paragraph for departments with majority volunteer or all volunteer personnel.

“(ii) Transfer.—After awards have been made, if less than 10 percent of the funds made available for carrying out this paragraph are not awarded to departments with majority volunteer or all volunteer personnel, the Director shall transfer from funds made available for carrying out this paragraph to funds made available for carrying out paragraph (2) an amount equal to the difference between the amount that is provided to such fire departments and 10 percent.

“(2) Recruitment and retention grants.—

“(A) In general.—In addition to any amounts transferred under paragraph
(1)(G)(ii), the Director shall direct at least 10 percent of the total amount of funds made available under this section annually to a competitive grant program for the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response.

“(B) ELIGIBILITY.—Eligible entities shall include volunteer or combination fire departments and organizations on a local, statewide, or national basis that represent the interests of volunteer firefighters.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—No grant may be made under this section unless an application has been submitted to, and approved by, the Director.

“(2) CONTENTS.—An application for a grant under this section shall be submitted in such form and contain such information and assurances as the Director may prescribe.

“(3) REQUIREMENTS.—At a minimum, each application for a grant under this section shall—

“(A) explain the applicant’s inability to address the need without Federal assistance;
“(B) in the case of a grant under subsection (a)(1), explain how the applicant plans to meet the requirements of subparagraphs (B)(ii) and (E) of such subsection;

“(C) specify long-term plans for retaining firefighters following the conclusion of Federal support provided under this section; and

“(D) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within firefighting.

“(e) LIMITATION ON USE OF FUNDS.—

“(1) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section to fire departments for salaries and benefits to hire new, additional firefighters shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this section, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.
“(2) Replacement Funding Prohibited.—
No grant shall be awarded pursuant to this section to a municipality or other recipient whose annual budget at the time of the application for fire-related programs and emergency response has been reduced below 80 percent of the average funding level in the 3 years prior to the date of application.

“(3) Indian Cost-Share.—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing firefighting functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.

“(d) Waiver.—In exceptional circumstances, the Director may waive the requirements of subsections (a)(1)(B)(ii), (a)(1)(B)(iii), (c)(1), and (c)(2) if the Director determines that the jurisdiction is facing demonstrated economic hardship in accordance with section 33(a)(8).

“(e) Performance Evaluation.—The Director may require a grant recipient to submit any information the Director considers reasonably necessary to evaluate the program.

“(f) Sunset; Reports.—
“(1) SUNSET.—The authority under this section to make grants shall lapse at the end of the 10-year period that begins on the date of enactment of the Fire Grants Reauthorization Act of 2011.

“(2) REPORT.—Not later than 6 years after such date of enactment, the Director shall submit to Congress a report concerning the experience with, and effectiveness of, such grants in meeting the objectives of this section. The report may include any recommendations the Director may have for amendments to this section and related provisions of law.

“(g) REVOCATION OR SUSPENSION OF FUNDING.—If the Director determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under this section, the Director may revoke or suspend funding of that grant, in whole or in part.

“(h) ACCESS TO DOCUMENTS.—

“(1) IN GENERAL.—The Director shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this section and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs,
projects, or activities for which assistance is provided under this section.

“(2) APPLICATION.—Paragraph (1) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

“(i) DEFINITIONS.—In this section, the term—

“(1) ‘Director’ means the Director, acting through the Administrator;

“(2) ‘firefighter’ has the meaning given the term ‘employee in fire protection activities’ under section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)); and

“(3) ‘Indian tribe’ means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of car-
ry out this section $1,194,000,000 for each of the fiscal years 2012 through 2016.”.

SEC. 4. STUDY AND REPORT.

(a) Study on Assistance to Firefighters Grant Program.—The Administrator of the United States Fire Administration, in conjunction with the National Fire Protection Association, is authorized to conduct a study to—

(1) define the current roles and activities associated with the fire services on a national, State, regional, and local level;

(2) identify the equipment, staffing, and training required to fulfill the roles and activities defined under paragraph (1);

(3) conduct an assessment to identify gaps between what fire departments currently possess and what they require to meet the equipment, staffing, and training needs identified under paragraph (2) on a national and State-by-State basis; and


(A) meeting the needs of the fire services identified in the report submitted to Congress under section 3603(a) of the Ronald W. Reagan
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Year 2005; and

(B) filling the gaps identified under para-
graph (3).

(b) REPORT.—Not later than 2 years after the date
of enactment of this Act, the Administrator shall submit
to the Committee on Commerce, Science, and Transpor-
tation of the Senate and the Committee on Science, Space,
and Technology of the House of Representatives a report
on the findings of the study described in subsection (a).