To improve the provision of assistance to fire departments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2011

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To improve the provision of assistance to fire departments, 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. SHORT TITLE.
4 This Act may be cited as the “Fire Grants Reauthor-
5 ization Act of 2011”.
6 SEC. 2. AMENDMENTS TO DEFINITIONS.
7 (a) IN GENERAL.—Section 4 of the Federal Fire Pre-
8 vention and Control Act of 1974 (15 U.S.C. 2203) is
9 amended—
(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “Agency,” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county,”; and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:
“(9) ‘Secretary’ means, except as otherwise pro-
vided, the Secretary of Homeland Security;”; and

(8) by amending paragraph (10), as redesig-
nated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in
section 2 of the Homeland Security Act of 2002 (6
U.S.C. 101).”.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal
2201 et seq.) is amended by striking “Director”
each place it appears and inserting “Administrator
of FEMA”.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Sec-
tion 15 of such Act (15 U.S.C. 2214) is amended by
striking “Director’s Award” each place it appears
and inserting “Administrator’s Award”.

SEC. 3. ASSISTANCE TO FIREFIGHTER GRANTS.

Section 33 of the Federal Fire Prevention and Con-
trol Act of 1974 (15 U.S.C. 2229) is amended to read
as follows:

“SEC. 33. FIREFIGHTER ASSISTANCE.

“(a) DEFINITIONS.—In this section:

“(1) AVAILABLE GRANT FUNDS.—The term
‘available grant funds’, with respect to a fiscal year,
means those funds appropriated pursuant to the au-

thorization of appropriations in subsection (p)(1) for
such fiscal year less any funds used for administra-
tive costs pursuant to subsection (p)(2) in such fis-
cal year.

“(2) Career fire department.—The term
‘career fire department’ means a fire department
that has an all-paid force of firefighting personnel
other than paid-on-call firefighters.

“(3) Combination fire department.—The
term ‘combination fire department’ means a fire de-
partment that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(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) Nonaffiliated EMS organization.—
The term ‘nonaffiliated EMS organization’ means a
public or private nonprofit emergency medical serv-
ices organization that is not affiliated with a hospital
and does not serve a geographic area in which the
Administrator of FEMA finds that emergency med-
ical services are adequately provided by a fire department.

“(6) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(7) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may, in consultation with the Administrator of the United States Fire Administration, award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and
“(B) provide assistance with application preparation to applicants for such grants.

“(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) MAXIMUM GRANT AMOUNTS.—

“(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded
to such recipient shall not exceed $1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.
“(B) STATE FIRE TRAINING ACADEMIES.—

The Administrator of FEMA may not award a grant under this subsection to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

“(C) AGGREGATE.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—
“(i) firefighting;

“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that
the firefighting personnel are able to carry out
their duties as firefighters.

“(F) To fund emergency medical services
provided by fire departments and nonaffiliated
EMS organizations.

“(G) To acquire additional firefighting ve-
hicles, including fire trucks and other appa-
ratus.

“(H) To acquire additional firefighting
equipment, including equipment for—

“(i) fighting fires with foam in remote
areas without access to water; and

“(ii) communications, monitoring, and
response to a natural disaster, act of ter-
rorism, or other man-made disaster, in-
cluding the use of a weapon of mass de-
struction.

“(I) To acquire personal protective equip-
ment, including personal protective equip-
ment—

“(i) prescribed for firefighting per-
sonnel by the Occupational Safety and
Health Administration of the Department
of Labor; or
“(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including 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 educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) FIRE PREVENTION AND SAFETY GRANTS.—

“(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;
“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to, or enter into contracts with, regionally accredited institutions of higher education and national fire service organizations or national fire safety organizations to support joint programs focused on reducing firefighter fatalities and non-fatal injuries, including programs for establishing fire safety research centers as the Administrator of FEMA determines appropriate.

“(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.
“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of—

“(i) a fire safety research center; or

“(ii) a program at such a center.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and
in such manner as the Administrator of FEMA de-
termines appropriate.

“(2) ELEMENTS.—Each application submitted
under paragraph (1) shall include the following:

“(A) A description of the financial need of
the applicant for the grant.

“(B) An analysis of the costs and benefits,
with respect to public safety, of the use for
which a grant is requested.

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

“(D) A list of other sources of funding re-
ceived by the applicant—

“(i) for the same purpose for which
the application for a grant under this sec-
tion was submitted; or

“(ii) from the Federal Government for
other fire-related purposes.

“(E) Such other information as the Ad-
ministrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities
may submit an application under paragraph (1)
for a grant under this section to fund a joint
program or initiative, including acquisition of
shared equipment or vehicles.

“(B) Nonexclusivity.—Applications
under this paragraph may be submitted instead
of or in addition to any other application sub-
mitted under paragraph (1).

“(C) Guidance.—The Administrator of
FEMA shall—

“(i) publish guidance on applying for
and administering grants awarded for joint
programs and initiatives described in sub-
paragraph (A); and

“(ii) encourage applicants to apply for
grants for joint programs and initiatives
described in subparagraph (A) as the Ad-
ministrator of FEMA determines appro-
priate to achieve greater cost effectiveness
and regional efficiency.

“(f) Peer Review of Grant Applications.—

“(1) In General.—The Administrator of
FEMA shall, after consultation with national fire
service and emergency medical services organiza-
tions, appoint fire service personnel and personnel
from nonaffiliated EMS organizations to conduct
peer reviews of applications received under subsection (e)(1).

“(2) ASSIGNMENT OF REVIEWS.—In administering the peer review process under paragraph (1), the Administrator of FEMA shall ensure that—

“(A) applications submitted by career fire departments are reviewed primarily by personnel from career fire departments;

“(B) applications submitted by volunteer fire departments are reviewed primarily by personnel from volunteer fire departments;

“(C) applications submitted by combination fire departments and fire departments using paid-on-call firefighting personnel are reviewed primarily by personnel from such fire departments; and

“(D) applications for grants to fund emergency medical services pursuant to subsection (e)(3)(F) are reviewed primarily by emergency medical services personnel, including—

“(i) emergency medical service personnel affiliated with fire departments; and

“(ii) personnel from nonaffiliated EMS organizations.
“(3) Review of applications for fire prevention and safety grants submitted by non-profit organizations that are not fire departments.—In conducting a review of an application submitted under subsection (e)(1) by a non-profit organization described in subsection (d)(1)(B), a peer reviewer may not recommend the applicant for a grant under subsection (d) unless such applicant is recognized for its experience and expertise with respect to—

“(A) fire prevention or safety programs and activities; or

“(B) firefighter research and development programs.

“(4) Applicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) Prioritization and Allocation of Grant Awards.—In awarding grants under this section, the Administrator of FEMA shall—

“(1) consider the findings and recommendations of the peer reviews carried out under subsection (f);

“(2) consider the degree to which an award will reduce deaths, injuries, and property damage by re-
duce the risks associated with fire-related and other hazards;

“(3) consider the extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole;

“(4) consider the number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant; and

“(5) ensure that of the available grant funds—

“(A) not less than 25 percent are awarded to career fire departments;

“(B) not less than 25 percent are awarded to volunteer fire departments; and

“(C) not less than 25 percent are awarded to combination fire departments and fire departments using paid-on-call firefighting personnel.

“(h) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).
“(2) Grant awards to nonaffiliated EMS organizations.—Not more than 2 percent of the available grant funds for a fiscal year shall be awarded under this section to nonaffiliated EMS organizations.

“(3) Funding for fire prevention and safety grants.—For each fiscal year, not less than 10 percent of the aggregate of grant amounts under this section in that fiscal year shall be awarded under subsection (d).

“(4) State fire training academies.—Not more than 3 percent of the available grant funds for a fiscal year shall be awarded under subsection (c)(1)(C).

“(5) Amounts for purchasing firefighting vehicles.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(i) Further Considerations.—

“(1) Assistance to firefighters grants to fire departments.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider 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.

“(2) Applications from nonaffiliated EMS organizations.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) Awarding fire prevention and safety grants to certain organizations that are not fire departments.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) Avoiding duplication.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.
“(j) Matching and Maintenance of Expenditure Requirements.—

“(1) Matching requirement for assistance to firefighters grants.—

“(A) In general.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) Exception for entities serving small communities.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 50,000 residents, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant award to such applicant under such subsection; or

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant award—
ed to such applicant under such sub-
section.

“(2) MATCHING REQUIREMENT FOR FIRE PRE-
VENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking
a grant to carry out an activity under sub-
section (d) shall agree to make available non-
Federal funds to carry out such activity in an
amount equal to not less than 5 percent of the
grant awarded to such applicant under such
subsection.

“(B) MEANS OF MATCHING.—An applicant
for a grant under subsection (d) may meet the
matching requirement under subparagraph (A)
through direct funding, funding of complemen-
tary activities, or the provision of staff, facili-
ties, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An
applicant seeking a grant under subsection (c) or (d)
shall agree to maintain during the term of the grant
the applicant’s aggregate expenditures relating to
the uses described in subsections (c)(3) and (d)(3)
at not less than 80 percent of the average amount
of such expenditures in the 2 fiscal years preceding
the fiscal year in which the grant amounts are received.

“(4) Waiver.—

“(A) In general.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) Guidelines.—

“(i) In general.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) Considerations.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently ex-
ceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(k) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and
“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and
“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(l) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of 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.

“(m) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.
“(n) Training Standards.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(o) Ensuring Effective Use of Grants.—

“(1) Audits.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (j).

“(2) Performance Assessment.—

“(A) In General.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, includ-
ing protecting the health and safety of the pub-
lic and firefighting personnel against fire and
fire-related hazards.

“(B) CONSULTATION.—The Administrator
of FEMA shall consult with fire service rep-
resentatives and with the Comptroller General
of the United States in developing the assess-
ment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF
FEMA.—The recipient of a grant awarded under this
section shall submit to the Administrator of FEMA
an annual report describing how the recipient used
the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than Sep-
tember 30, 2012, and each year thereafter
through 2016, the Administrator of FEMA
shall submit to the Committee on Homeland
Security and Governmental Affairs of the Sen-
ate and the Committee on Science and Tech-
nology of the House of Representatives a report
that provides—

“(i) information on the performance
assessment system developed under para-
graph (2); and
“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2015, shall also include recommendations for legislative changes to improve grants under this section, including recommendations as to whether the provisions described in section 5(a) of the Fire Grants Reauthorization Act of 2011 should be extended to apply on and after the date described in such section.

“(p) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) $950,000,000 for fiscal year 2012; and

“(B) for each of fiscal years 2013 through 2016, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds
“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) Administrative expenses.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) Congressionally directed spending.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as such term is defined in paragraph 5(a) of rule XLIV of the Standing Rules of the Senate).”.

SEC. 4. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) Improvements to Hiring Grants.—

(1) Term of grants.—Subsection (a)(1)(B) of section 34 of the Federal Fire Prevention and Con-
31

trol Act of 1974 (15 U.S.C. 2229a) is amended by
striking “4 years” and inserting “3 years”.

(2) LIMITATION ON PORTION OF COSTS OF HIR-
ing FIREFIGHTERS.—Subsection (a)(1)(E) of such
section 34 is amended by striking “not exceed—”
and all that follows through the period and inserting
“not exceed 75 percent in any fiscal year.”.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES
FOR RECRUITMENT AND RETENTION GRANTS.—The sec-
ond sentence of subsection (a)(2) of such section 34 is
amended by striking “organizations on a local or statewide
basis” and inserting “national, State, local, or tribal orga-
nizations”.

c) MAXIMUM AMOUNT FOR HIRING FIRE-
fighter.—Paragraph (4) of subsection (e) of such sec-
tion 34 is amended to read as follows:

“(4) The amount of funding provided under this sec-
tion to a recipient fire department for hiring a firefighter
in any fiscal year may not exceed 75 percent of the usual
annual cost of a first-year firefighter in that department
at the time the grant application was submitted.”.

d) WAIVERS.—Such section 34 is further amend-
ed—

(1) by redesignating subsections (d) through (i)
as subsection (e) through (j), respectively; and
(2) by inserting after subsection (e) the fol-
lowing:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated
economic hardship, the Administrator of FEMA
may—

“(A) waive the requirements of subsection
(a)(1)(B)(ii) or subsection (c)(1); or

“(B) waive or reduce the requirements in
subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of
FEMA shall establish and publish guidelines for
determining what constitutes economic hardship
for purposes of paragraph (1).

“(B) CONSIDERATIONS.—In developing
guidelines under subparagraph (A), the Admin-
istrator of FEMA shall consider, with respect to
relevant communities, the following:

“(i) Changes in rates of unemploy-
ment from previous years.

“(ii) Whether the rates of unemploy-
ment of the relevant communities are cur-
rently and have consistently exceeded the
annual national average rates of unemploy-
ment.

“(iii) Changes in percentages of indi-
viduals eligible to receive food stamps from
previous years.

“(iv) Such other factors as the Ad-
ministrator of FEMA considers appro-
priate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION
REQUIREMENTS.—Subsection (e) of such section 34, as
redesignated by subsection (d)(1) of this section, is
amended by inserting before the first sentence the fol-
lowing:

“(1) IN GENERAL.—The Administrator of
FEMA shall establish a performance assessment sys-

tem, including quantifiable performance metrics, to
evaluate the extent to which grants awarded under
this section are furthering the purposes of this sec-
tion.

“(2) SUBMISSION OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of such sec-
tion 34, as redesignated by subsection (d)(1) of this
section, is amended by striking “The authority” and
all that follows through “Congress concerning” and
inserting the following: “Not later than September 30, 2015, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for such subsection (f) is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of such section 34, as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘firefighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘career fire department’, ‘combination fire department’, and ‘volunteer fire depart-
ment' have the meaning given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Subsection (a)(1)(A) of such section 34 is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of such section 34, as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) $950,000,000 for fiscal year 2012; and

“(9) for each of fiscal years 2013 through 2016, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds
“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs
incurred by the Administrator of FEMA to make
grants and provide assistance under this section.”.

(3) Congressionally directed spending.—
Such subsection (j) is further amended by adding at
the end the following:

“(3) Congressionally directed spending.—Consistent with the requirement in subsection
(a) that grants under this section be awarded on a
competitive basis, none of the funds appropriated
pursuant to this subsection may be used for any
congressionally direct spending item (as defined in
paragraph 5(a) of Rule XLIV of the Standing Rules
of the Senate).”.

(i) Technical Amendment.—Such section 34 is
amended—

(1) in subsection (a), in paragraphs (1)(A) and
(2), by striking “Administrator shall” and inserting
“Administrator of FEMA shall, in consultation with
the Administrator,”; and

(2) by striking “Administrator” each place it
appears, other than in subsection (a)(1)(A) and
(a)(2), and inserting “Administrator of FEMA”.

(j) Clerical Amendment.—Section 34 of such Act
(15 U.S.C. 2229a) is amended by striking “EXPANSION
OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PRO-
GRAM” and inserting the following: “STAFFING FOR
ADEQUATE FIRE AND EMERGENCY RESPONSE”.

SEC. 5. SUNSET AND PRIOR PROVISIONS.

(a) SUNSET.—Section 3 and subsections (a), (c), (d),
(e), (f), (g), and (h) of section 4, and the amendments
made by such section and subsections shall not apply on
or after October 1, 2016.

(b) APPLICATION OF PRIOR LAW.—On and after Oc-
tober 1, 2016, sections 33 and 34 of the Federal Fire Pre-
vention and Control Act of 1974 (15 U.S.C. 2229 and
2229a) are amended to read as such sections read on the
day before the date of the enactment of this Act, except
that the amendments made by subsections (b), (i), and
(j) of section 4 shall continue to apply to such section 34.

SEC. 6. REPORT.

Not later than September 30, 2015, the Comptroller
General of the United States shall submit to the Com-
mittee on Homeland Security and Governmental Affairs
of the Senate and the Committee on Science and Tech-
nology of the House of Representatives a report on the
effect of the amendments made by this Act. Such report
shall include the following:

(1) An assessment of the effect of the amend-
ments made by sections 3 and 4 on the effectiveness,
relative allocation, accountability, and administration

(2) An evaluation of the extent to which the amendments made by sections 3 and 4 have enabled recipients of grants awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.