

Calendar No. 89

112TH CONGRESS
1ST SESSION

S. 550

[Report No. 112-28]

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, Mr. BROWN of Massachusetts, Mr. MCCAIN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JUNE 29, 2011

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

1 **SEC. 2. AMENDMENTS TO DEFINITIONS.**

2 (a) IN GENERAL.—Section 4 of the Federal Fire Pre-
 3 vention and Control Act of 1974 (15 U.S.C. 2203) is
 4 amended—

5 (1) in paragraph (3), by inserting “, except as
 6 otherwise provided,” after “means”;

7 (2) in paragraph (4), by striking “‘Director’
 8 means” and all that follows through “Agency;” and
 9 inserting “‘Administrator of FEMA’ means the Ad-
 10 ministrator of the Federal Emergency Management
 11 Agency;”;

12 (3) in paragraph (5)—

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

15 (B) by striking “and ‘firecontrol’” and in-
 16 serting “and ‘fire control’”;

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

19 (5) by inserting after paragraph (5), the fol-
 20 lowing:

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

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

4 (7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

6 “(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;” and

8 (8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

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

13 (b) CONFORMING AMENDMENTS.—

14 (1) ADMINISTRATOR OF FEMA.—The Federal
15 Fire Prevention and Control Act of 1974 (15 U.S.C.
16 2201 et seq.) is amended by striking “Director”
17 each place it appears and inserting “Administrator
18 of FEMA”.

19 (2) ADMINISTRATOR OF FEMA’S AWARD.—Section
20 15 of such Act (15 U.S.C. 2214) is amended by
21 striking “Director’s Award” each place it appears
22 and inserting “Administrator’s Award”.

1 **SEC. 3. ASSISTANCE TO FIREFIGHTER GRANTS.**

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

5 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) AVAILABLE GRANT FUNDS.—The term
8 ‘available grant funds’, with respect to a fiscal year,
9 means those funds appropriated pursuant to the au-
10 thorization of appropriations in subsection (p)(1) for
11 such fiscal year less any funds used for administra-
12 tive costs pursuant to subsection (p)(2) in such fis-
13 cal year.

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

18 “(3) COMBINATION FIRE DEPARTMENT.—The
19 term ‘combination fire department’ means a fire de-
20 partment that has—

21 “(A) paid firefighting personnel; and

22 “(B) volunteer firefighting personnel.

23 “(4) FIREFIGHTING PERSONNEL.—The term
24 ‘firefighting personnel’ means individuals, including
25 volunteers, who are firefighters, officers of fire de-

1 partments, or emergency medical service personnel
2 of fire departments.

3 “(5) ~~NONAFFILIATED EMS ORGANIZATION.~~—

4 The term ‘nonaffiliated EMS organization’ means a
5 public or private nonprofit emergency medical serv-
6 ices organization that is not affiliated with a hospital
7 and does not serve a geographic area in which the
8 Administrator of FEMA finds that emergency med-
9 ical services are adequately provided by a fire de-
10 partment.

11 “(6) ~~PAID-ON-CALL.~~—The term ‘paid-on-call’

12 with respect to firefighting personnel means fire-
13 fighting personnel who are paid a stipend for each
14 event to which they respond.

15 “(7) ~~VOLUNTEER FIRE DEPARTMENT.~~—The

16 term ‘volunteer fire department’ means a fire de-
17 partment that has an all-volunteer force of fire-
18 fighting personnel.

19 “(b) ~~ASSISTANCE PROGRAM.~~—

20 “(1) ~~AUTHORITY.~~—In accordance with this sec-

21 tion, the Administrator of FEMA may, in consulta-
22 tion with the Administrator of the United States
23 Fire Administration, award—

24 “(A) assistance to firefighters grants under

25 subsection (c); and

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

3 “(2) ADMINISTRATIVE ASSISTANCE.—The Ad-
4 ministrators of FEMA shall—

5 “(A) establish specific criteria for the se-
6 lection of grant recipients under this section;
7 and

8 “(B) provide assistance with application
9 preparation to applicants for such grants.

10 “(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

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

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

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

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

1 ~~“(2) MAXIMUM GRANT AMOUNTS.—~~

2 ~~“(A) POPULATION.—The Administrator of~~
3 ~~FEMA may not award a grant under this sub-~~
4 ~~section in excess of amounts as follows:~~

5 ~~“(i) In the case of a recipient that~~
6 ~~serves a jurisdiction with 100,000 people~~
7 ~~or fewer, the amount of the grant awarded~~
8 ~~to such recipient shall not exceed~~
9 ~~\$1,000,000 in any fiscal year.~~

10 ~~“(ii) In the case of a recipient that~~
11 ~~serves a jurisdiction with more than~~
12 ~~100,000 people but not more than 500,000~~
13 ~~people, the amount of the grant awarded~~
14 ~~to such recipient shall not exceed~~
15 ~~\$2,000,000 in any fiscal year.~~

16 ~~“(iii) In the case of a recipient that~~
17 ~~serves a jurisdiction with more than~~
18 ~~500,000 but not more than 1,000,000 peo-~~
19 ~~ple, the amount of the grant awarded to~~
20 ~~such recipient shall not exceed \$3,000,000~~
21 ~~in any fiscal year.~~

22 ~~“(iv) In the case of a recipient that~~
23 ~~serves a jurisdiction with more than~~
24 ~~1,000,000 people but not more than~~
25 ~~2,500,000 people, the amount of the grant~~

1 awarded to such recipient shall not exceed
2 \$6,000,000 for any fiscal year.

3 “(v) In the case of a recipient that
4 serves a jurisdiction with more than
5 2,500,000 people, the amount of the grant
6 awarded to such recipient shall not exceed
7 \$9,000,000 in any fiscal year.

8 “(B) STATE FIRE TRAINING ACADEMIES.—
9 The Administrator of FEMA may not award a
10 grant under this subsection to a State fire
11 training academy in an amount that exceeds
12 \$1,000,000 in any fiscal year.

13 “(C) AGGREGATE.—

14 “(i) IN GENERAL.—Notwithstanding
15 subparagraphs (A) and (B) and except as
16 provided under clause (ii), the Adminis-
17 trator of FEMA may not award a grant
18 under this subsection in a fiscal year in an
19 amount that exceeds the amount that is
20 one percent of the available grant funds in
21 such fiscal year.

22 “(ii) EXCEPTION.—The Administrator
23 of FEMA may waive the limitation in
24 clause (i) with respect to a grant recipient
25 if the Administrator of FEMA determines

1 that such recipient has an extraordinary
2 need for a grant in an amount that exceeds
3 the limit under clause (i).

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

7 “(A) To train firefighting personnel in—

8 “(i) firefighting;

9 “(ii) emergency medical services and
10 other emergency response (including re-
11 sponse to natural disasters, acts of ter-
12 rorism, and other man-made disasters);

13 “(iii) arson prevention and detection;

14 “(iv) maritime firefighting; or

15 “(v) the handling of hazardous mate-
16 rials.

17 “(B) To train firefighting personnel to
18 provide any of the training described under sub-
19 paragraph (A).

20 “(C) To fund the creation of rapid inter-
21 vention teams to protect firefighting personnel
22 at the scenes of fires and other emergencies.

23 “(D) To certify—

24 “(i) fire inspectors; and

25 “(ii) building inspectors—

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

3 “(II) who are employed by or
4 serving as volunteers with a fire de-
5 partment.

6 “(E) To establish wellness and fitness pro-
7 grams for firefighting personnel to ensure that
8 the firefighting personnel are able to carry out
9 their duties as firefighters.

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

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

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

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

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

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

4 “(i) prescribed for firefighting per-
5 sonnel by the Occupational Safety and
6 Health Administration of the Department
7 of Labor; or

8 “(ii) for responding to a natural dis-
9 aster or act of terrorism or other man-
10 made disaster, including the use of a weap-
11 on of mass destruction.

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

15 “(K) To educate the public about arson
16 prevention and detection.

17 “(L) To provide incentives for the recruit-
18 ment and retention of volunteer firefighting
19 personnel for volunteer firefighting departments
20 and other firefighting departments that utilize
21 volunteers.

22 “(M) To support such other activities, con-
23 sistent with the purposes of this subsection, as
24 the Administrator of FEMA determines appro-
25 priate.

1 “(d) FIRE PREVENTION AND SAFETY GRANTS.—

2 “(1) IN GENERAL.—For the purpose of assist-
3 ing fire prevention programs and supporting fire-
4 fighter health and safety research and development,
5 the Administrator of FEMA may, on a competitive
6 basis—

7 “(A) award grants to fire departments;

8 “(B) award grants to, or enter into con-
9 tracts or cooperative agreements with, national,
10 State, local, tribal, or nonprofit organizations
11 that are not fire departments and that are rec-
12 ognized for their experience and expertise with
13 respect to fire prevention or fire safety pro-
14 grams and activities and firefighter research
15 and development programs, for the purpose of
16 carrying out—

17 “(i) fire prevention programs; and

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

20 “(C) award grants to, or enter into con-
21 tracts with, regionally accredited institutions of
22 higher education and national fire service orga-
23 nizations or national fire safety organizations to
24 support joint programs focused on reducing
25 firefighter fatalities and non-fatal injuries; in-

1 including programs for establishing fire safety re-
2 search centers as the Administrator of FEMA
3 determines appropriate.

4 “(2) MAXIMUM GRANT AMOUNT.—A grant
5 awarded under this subsection may not exceed
6 \$1,500,000 for a fiscal year.

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

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

12 “(B) To fund fire prevention programs.

13 “(C) To fund wildland fire prevention pro-
14 grams, including education, awareness, and
15 mitigation programs that protect lives, prop-
16 erty, and natural resources from fire in the
17 wildland-urban interface.

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

21 “(i) a fire safety research center; or

22 “(ii) a program at such a center.

23 “(E) To support such other activities, con-
24 sistent with the purposes of this subsection, as

1 the Administrator of FEMA determines appro-
2 priate.

3 “(e) APPLICATIONS FOR GRANTS.—

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

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

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

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

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

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

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

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

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

3 ~~“(3) JOINT OR REGIONAL APPLICATIONS.—~~

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

9 ~~“(B) NONEXCLUSIVITY.—Applications~~
10 ~~under this paragraph may be submitted instead~~
11 ~~of or in addition to any other application sub-~~
12 ~~mitted under paragraph (1).~~

13 ~~“(C) GUIDANCE.—The Administrator of~~
14 ~~FEMA shall—~~

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

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

25 ~~“(f) PEER REVIEW OF GRANT APPLICATIONS.—~~

1 “(1) IN GENERAL.—The Administrator of
2 FEMA shall, after consultation with national fire
3 service and emergency medical services organiza-
4 tions, appoint fire service personnel and personnel
5 from nonaffiliated EMS organizations to conduct
6 peer reviews of applications received under sub-
7 section (e)(1).

8 “(2) ASSIGNMENT OF REVIEWS.—In admin-
9 istering the peer review process under paragraph
10 (1), the Administrator of FEMA shall ensure that—

11 “(A) applications submitted by career fire
12 departments are reviewed primarily by per-
13 sonnel from career fire departments;

14 “(B) applications submitted by volunteer
15 fire departments are reviewed primarily by per-
16 sonnel from volunteer fire departments;

17 “(C) applications submitted by combina-
18 tion fire departments and fire departments
19 using paid-on-call firefighting personnel are re-
20 viewed primarily by personnel from such fire
21 departments; and

22 “(D) applications for grants to fund emer-
23 gency medical services pursuant to subsection
24 (e)(3)(F) are reviewed primarily by emergency
25 medical services personnel, including—

1 “(i) emergency medical service per-
2 sonnel affiliated with fire departments; and

3 “(ii) personnel from nonaffiliated
4 EMS organizations.

5 “(3) REVIEW OF APPLICATIONS FOR FIRE PRE-
6 VENTION AND SAFETY GRANTS SUBMITTED BY NON-
7 PROFIT ORGANIZATIONS THAT ARE NOT FIRE DE-
8 PARTMENTS.—In conducting a review of an applica-
9 tion submitted under subsection (c)(1) by a non-
10 profit organization described in subsection (d)(1)(B),
11 a peer reviewer may not recommend the applicant
12 for a grant under subsection (d) unless such appli-
13 cant is recognized for its experience and expertise
14 with respect to—

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

17 “(B) firefighter research and development
18 programs.

19 “(4) APPLICABILITY OF FEDERAL ADVISORY
20 COMMITTEE ACT.—The Federal Advisory Committee
21 Act (5 U.S.C. App.) shall not apply to activities ear-
22 ried out pursuant to this subsection.

23 “(g) PRIORITIZATION AND ALLOCATION OF GRANT
24 AWARDS.—In awarding grants under this section, the Ad-
25 ministrators of FEMA shall—

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

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

7 “(3) consider the extent of the need of an appli-
8 cant for a grant under this section and the need to
9 protect the United States as a whole;

10 “(4) consider the number of calls requesting or
11 requiring a fire fighting or emergency medical re-
12 sponse received by an applicant; and

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

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

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

18 “(C) not less than 25 percent are awarded
19 to combination fire departments and fire de-
20 partments using paid-on-call firefighting per-
21 sonnel.

22 “(h) ADDITIONAL REQUIREMENTS AND LIMITA-
23 TIONS.—

24 “(1) FUNDING FOR EMERGENCY MEDICAL
25 SERVICES.—Not less than 3.5 percent of the avail-

1 able grant funds for a fiscal year shall be awarded
2 under this section for purposes described in sub-
3 section (e)(3)(F).

4 “(2) GRANT AWARDS TO NONAFFILIATED EMS
5 ORGANIZATIONS.—Not more than 2 percent of the
6 available grant funds for a fiscal year shall be
7 awarded under this section to nonaffiliated EMS or-
8 ganizations.

9 “(3) FUNDING FOR FIRE PREVENTION AND
10 SAFETY GRANTS.—For each fiscal year, not less
11 than 10 percent of the aggregate of grant amounts
12 under this section in that fiscal year shall be award-
13 ed under subsection (d).

14 “(4) STATE FIRE TRAINING ACADEMIES.—Not
15 more than 3 percent of the available grant funds for
16 a fiscal year shall be awarded under subsection
17 (e)(1)(C).

18 “(5) AMOUNTS FOR PURCHASING FIRE-
19 FIGHTING VEHICLES.—Not more than 25 percent of
20 the available grant funds for a fiscal year may be
21 used to assist grant recipients to purchase vehicles
22 pursuant to subsection (e)(3)(G).

23 “(i) FURTHER CONSIDERATIONS.—

24 “(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO
25 FIRE DEPARTMENTS.—In considering applications

1 for grants under subsection (c)(1)(A), the Adminis-
2 trator of FEMA shall consider the extent to which
3 the grant would enhance the daily operations of the
4 applicant and the impact of such a grant on the pro-
5 tection of lives and property.

6 “(2) APPLICATIONS FROM NONAFFILIATED EMS
7 ORGANIZATIONS.—In the case of an application sub-
8 mitted under subsection (c)(1) by a nonaffiliated
9 EMS organization, the Administrator of FEMA
10 shall consider the extent to which other sources of
11 Federal funding are available to the applicant to
12 provide the assistance requested in such application.

13 “(3) AWARDING FIRE PREVENTION AND SAFE-
14 TY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE
15 NOT FIRE DEPARTMENTS.—In the case of applicants
16 for grants under this section who are described in
17 subsection (d)(1)(B), the Administrator of FEMA
18 shall give priority to applicants who focus on—

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

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

23 “(4) AVOIDING DUPLICATION.—The Adminis-
24 trator of FEMA shall review lists submitted by ap-
25 plicants pursuant to subsection (c)(2)(D) and take

1 such actions as the Administrator of FEMA con-
2 sidered necessary to prevent unnecessary duplication
3 of grant awards.

4 “(j) MATCHING AND MAINTENANCE OF EXPENDI-
5 TURE REQUIREMENTS.—

6 “(1) MATCHING REQUIREMENT FOR ASSIST-
7 ANCE TO FIREFIGHTERS GRANTS.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), an applicant seeking a grant
10 to carry out an activity under subsection (c)
11 shall agree to make available non-Federal funds
12 to carry out such activity in an amount equal
13 to not less than 15 percent of the grant award-
14 ed to such applicant under such subsection.

15 “(B) EXCEPTION FOR ENTITIES SERVING
16 SMALL COMMUNITIES.—In the case that an ap-
17 plicant seeking a grant to carry out an activity
18 under subsection (c) serves a jurisdiction of—

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

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

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

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

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

22 “(3) MAINTENANCE OF EXPENDITURES.—An
23 applicant seeking a grant under subsection (e) or (d)
24 shall agree to maintain during the term of the grant
25 the applicant’s aggregate expenditures relating to

1 the uses described in subsections (c)(3) and (d)(3)
 2 at not less than 80 percent of the average amount
 3 of such expenditures in the 2 fiscal years preceding
 4 the fiscal year in which the grant amounts are re-
 5 ceived.

6 ~~“(4) WAIVER.—~~

7 ~~“(A) IN GENERAL.—Except as provided in~~
 8 ~~subparagraph (C)(ii), the Administrator of~~
 9 ~~FEMA may waive or reduce the requirements~~
 10 ~~of paragraphs (1), (2), and (3) in cases of dem-~~
 11 ~~onstrated economic hardship.~~

12 ~~“(B) GUIDELINES.—~~

13 ~~“(i) IN GENERAL.—The Administrator~~
 14 ~~of FEMA shall establish and publish~~
 15 ~~guidelines for determining what constitutes~~
 16 ~~economic hardship for purposes of this~~
 17 ~~paragraph.~~

18 ~~“(ii) CONSIDERATIONS.—In devel-~~
 19 ~~oping guidelines under clause (i), the Ad-~~
 20 ~~ministrator of FEMA shall consider, with~~
 21 ~~respect to relevant communities, the fol-~~
 22 ~~lowing:~~

23 ~~“(I) Changes in rates of unem-~~
 24 ~~ployment from previous years.~~

1 “(II) Whether the rates of unem-
 2 ployment of the relevant communities
 3 are currently and have consistently ex-
 4 ceeded the annual national average
 5 rates of unemployment.

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

9 “(IV) Such other factors as the
 10 Administrator of FEMA considers ap-
 11 propriate.

12 “(C) CERTAIN APPLICANTS FOR FIRE PRE-
 13 VENTION AND SAFETY GRANTS.—The authority
 14 under subparagraph (A) shall not apply with
 15 respect to a nonprofit organization that—

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

18 “(ii) is not a fire department or emer-
 19 gency medical services organization.

20 “(k) GRANT GUIDELINES.—

21 “(1) GUIDELINES.—For each fiscal year, prior
 22 to awarding any grants under this section, the Ad-
 23 ministrators of FEMA shall publish in the Federal
 24 Register—

25 “(A) guidelines that describe—

1 “(i) the process for applying for
2 grants under this section; and

3 “(ii) the criteria that will be used for
4 selecting grant recipients; and

5 “(B) an explanation of any differences be-
6 tween such guidelines and the recommendations
7 obtained under paragraph (2).

8 “(2) ANNUAL MEETING TO OBTAIN REC-
9 COMMENDATIONS.—

10 “(A) IN GENERAL.—For each fiscal year,
11 the Administrator of FEMA shall convene a
12 meeting of qualified members of national fire
13 service organizations and qualified members of
14 emergency medical service organizations to ob-
15 tain recommendations regarding the following:

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

18 “(ii) Administrative changes to the as-
19 sistance program established under sub-
20 section (b).

21 “(B) QUALIFIED MEMBERS.—For purposes
22 of this paragraph, a qualified member of an or-
23 ganization is a member who—

24 “(i) is recognized for expertise in fire-
25 fighting or emergency medical services;

1 “(ii) is not an employee of the Federal
2 Government; and

3 “(iii) in the case of a member of an
4 emergency medical service organization, is
5 a member of an organization that rep-
6 resents—

7 “(I) providers of emergency med-
8 ical services that are affiliated with
9 fire departments; or

10 “(II) nonaffiliated EMS pro-
11 viders.

12 “(3) APPLICABILITY OF FEDERAL ADVISORY
13 COMMITTEE ACT.—The Federal Advisory Committee
14 Act (5 U.S.C. App.) shall not apply to activities ear-
15 ried out pursuant to this subsection.

16 “(1) ACCOUNTING DETERMINATION.—Notwith-
17 standing any other provision of law, for purposes of this
18 section, equipment costs shall include all costs attributable
19 to any design, purchase of components, assembly, manu-
20 facture, and transportation of equipment not otherwise
21 commercially available.

22 “(m) ELIGIBLE GRANTEE ON BEHALF OF ALASKA
23 NATIVE VILLAGES.—The Alaska Village Initiatives, a
24 non-profit organization incorporated in the State of Alas-
25 ka, shall be eligible to apply for and receive a grant or

1 other assistance under this section on behalf of Alaska Na-
2 tive villages.

3 “(n) TRAINING STANDARDS.—If an applicant for a
4 grant under this section is applying for such grant to pur-
5 chase training that does not meet or exceed any applicable
6 national voluntary consensus standards developed under
7 section 647 of the Post-Katrina Emergency Management
8 Reform Act of 2006 (6 U.S.C. 747), the applicant shall
9 submit to the Administrator of FEMA an explanation of
10 the reasons that the training proposed to be purchased
11 will serve the needs of the applicant better than training
12 that meets or exceeds such standards.

13 “(o) ENSURING EFFECTIVE USE OF GRANTS.—

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

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

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

21 “(2) PERFORMANCE ASSESSMENT.—

22 “(A) IN GENERAL.—The Administrator of
23 FEMA shall develop and implement a perform-
24 ance assessment system, including quantifiable
25 performance metrics, to evaluate the extent to

1 which grants awarded under this section are
2 furthering the purposes of this section, includ-
3 ing protecting the health and safety of the pub-
4 lie and firefighting personnel against fire and
5 fire-related hazards.

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

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

16 “(4) ANNUAL REPORTS TO CONGRESS.—

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

1 “(i) information on the performance
2 assessment system developed under para-
3 graph (2); and

4 “(ii) using the performance metrics
5 developed under such paragraph, an eval-
6 uation of the effectiveness of the grants
7 awarded under this section.

8 “(B) ADDITIONAL INFORMATION.—The re-
9 port due under subparagraph (A) on September
10 30, 2015, shall also include recommendations
11 for legislative changes to improve grants under
12 this section, including recommendations as to
13 whether the provisions described in section 5(a)
14 of the Fire Grants Reauthorization Act of 2011
15 should be extended to apply on and after the
16 date described in such section.

17 “(p) AUTHORIZATION OF APPROPRIATIONS.—

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

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

22 “(B) for each of fiscal years 2013 through
23 2016, an amount equal to the amount author-
24 ized for the previous fiscal year increased by
25 the percentage by which—

1 “(i) the Consumer Price Index (all
2 items, United States city average) for the
3 previous fiscal year, exceeds

4 “(ii) the Consumer Price Index for
5 the fiscal year preceding the fiscal year de-
6 scribed in clause (i).

7 “(2) ADMINISTRATIVE EXPENSES.—Of the
8 amounts appropriated pursuant to paragraph (1) for
9 a fiscal year, the Administrator of FEMA may use
10 not more than 5 percent of such amounts for sala-
11 ries and expenses and other administrative costs in-
12 curred by the Administrator of FEMA in the course
13 of awarding grants and providing assistance under
14 this section.

15 “(3) CONGRESSIONALLY DIRECTED SPEND-
16 ING.—Consistent with the requirements in sub-
17 sections (c)(1) and (d)(1) that grants under those
18 subsections be awarded on a competitive basis, none
19 of the funds appropriated pursuant to this sub-
20 section may be used for any congressionally directed
21 spending item (as such term is defined in paragraph
22 5(a) of rule XLIV of the Standing Rules of the Sen-
23 ate).”.

1 **SEC. 4. STAFFING FOR ADEQUATE FIRE AND EMERGENCY**
 2 **RESPONSE.**

3 (a) IMPROVEMENTS TO HIRING GRANTS.—

4 (1) TERM OF GRANTS.—Subsection (a)(1)(B) of
 5 section 34 of the Federal Fire Prevention and Con-
 6 trol Act of 1974 (15 U.S.C. 2229a) is amended by
 7 striking “4 years” and inserting “3 years”.

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

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

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

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

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

3 (1) by redesignating subsections (d) through (i)
4 as subsection (e) through (j), respectively; and

5 (2) by inserting after subsection (e) the fol-
6 lowing:

7 “(d) WAIVERS.—

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

11 “(A) waive the requirements of subsection
12 (a)(1)(B)(ii) or subsection (e)(1); or

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

15 “(2) GUIDELINES.—

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

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

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

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

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

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

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

17 “(1) IN GENERAL.—The Administrator of
 18 FEMA shall establish a performance assessment sys-
 19 tem, including quantifiable performance metrics, to
 20 evaluate the extent to which grants awarded under
 21 this section are furthering the purposes of this sec-
 22 tion.

23 “(2) SUBMISSION OF INFORMATION.—”.

24 (f) REPORT.—

1 (1) IN GENERAL.—Subsection (f) of such sec-
2 tion 34, as redesignated by subsection (d)(1) of this
3 section, is amended by striking “The authority” and
4 all that follows through “Congress concerning” and
5 inserting the following: “Not later than September
6 30, 2015, the Administrator of FEMA shall submit
7 to the Committee on Homeland Security and Gov-
8 ernmental Affairs of the Senate and the Committee
9 on Science and Technology of the House of Rep-
10 representatives a report on”.

11 (2) CONFORMING AMENDMENT.—The heading
12 for such subsection (f) is amended by striking “SUN-
13 SET AND REPORTS” and inserting “REPORT”.

14 (g) ADDITIONAL DEFINITIONS.—

15 (1) IN GENERAL.—Subsection (i) of such sec-
16 tion 34, as redesignated by subsection (d)(1) of this
17 section, is amended—

18 (A) in the matter before paragraph (1), by
19 striking “In this section, the term—” and in-
20 serting “In this section:”;

21 (B) in paragraph (1)—

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

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

1 (C) by striking paragraph (2); and

2 (D) by inserting at the end the following:

3 “(2) The terms ‘career fire department’, ‘com-
4 bination fire department’, and ‘volunteer fire depart-
5 ment’ have the meaning given such terms in section
6 33(a).”.

7 (2) CONFORMING AMENDMENT.—Subsection
8 (a)(1)(A) of such section 34 is amended by striking
9 “career, volunteer, and combination fire depart-
10 ments” and inserting “career fire departments, com-
11 bination fire departments, and volunteer fire depart-
12 ments”.

13 (h) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—Subsection (j) of such sec-
15 tion 34, as redesignated by subsection (d)(1) of this
16 section, is amended—

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

19 (B) in paragraph (7), by striking the pe-
20 riod at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(8) \$950,000,000 for fiscal year 2012; and

23 “(9) for each of fiscal years 2013 through
24 2016, an amount equal to the amount authorized for

1 the previous fiscal year increased by the percentage
2 by which—

3 “(A) the Consumer Price Index (all items,
4 United States city average) for the previous fis-
5 cal year, exceeds

6 “(B) the Consumer Price Index for the fis-
7 cal year preceding the fiscal year described in
8 subparagraph (A).”.

9 (2) ADMINISTRATIVE EXPENSES.—Such sub-
10 section (j) is further amended—

11 (A) in paragraph (9), as added by para-
12 graph (1) of this subsection, by redesignating
13 subparagraphs (A) and (B) as clauses (i) and
14 (ii), respectively, and moving the left margin of
15 such clauses, as so redesignated, 2 ems to the
16 right;

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

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

24 “(1) IN GENERAL.—There are”; and

25 (D) by adding at the end the following:

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

8 (3) CONGRESSIONALLY DIRECTED SPENDING.—
9 Such subsection (j) is further amended by adding at
10 the end the following:

11 “(3) CONGRESSIONALLY DIRECTED SPEND-
12 ING.—Consistent with the requirement in subsection
13 (a) that grants under this section be awarded on a
14 competitive basis, none of the funds appropriated
15 pursuant to this subsection may be used for any
16 congressionally direct spending item (as defined in
17 paragraph 5(a) of Rule XLIV of the Standing Rules
18 of the Senate).”.

19 (i) TECHNICAL AMENDMENT.—Such section 34 is
20 amended—

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

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

4 (j) CLERICAL AMENDMENT.—Section 34 of such Act
 5 (15 U.S.C. 2229a) is amended by striking “**EXPANSION**
 6 **OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PRO-**
 7 **GRAM**” and inserting the following: “**STAFFING FOR**
 8 **ADEQUATE FIRE AND EMERGENCY RESPONSE**”.

9 **SEC. 5. SUNSET AND PRIOR PROVISIONS.**

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

14 (b) APPLICATION OF PRIOR LAW.—On and after Oc-
 15 tober 1, 2016, sections 33 and 34 of the Federal Fire Pre-
 16 vention and Control Act of 1974 (15 U.S.C. 2229 and
 17 2229a) are amended to read as such sections read on the
 18 day before the date of the enactment of this Act, except
 19 that the amendments made by subsections (b), (i), and
 20 (j) of section 4 shall continue to apply to such section 34.

21 **SEC. 6. REPORT.**

22 Not later than September 30, 2015, the Comptroller
 23 General of the United States shall submit to the Com-
 24 mittee on Homeland Security and Governmental Affairs
 25 of the Senate and the Committee on Science and Tech-

1 nology of the House of Representatives a report on the
 2 effect of the amendments made by this Act. Such report
 3 shall include the following:

4 (1) An assessment of the effect of the amend-
 5 ments made by sections 3 and 4 on the effectiveness,
 6 relative allocation, accountability, and administration
 7 of the grants awarded under sections 33 and 34 of
 8 the Federal Fire Prevention and Control Act of
 9 1974 (15 U.S.C. 2229 and 2229a) after the date of
 10 the enactment of this Act.

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

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Fire Grants Reauthor-*
 19 *ization Act of 2011”.*

20 **SEC. 2. AMENDMENTS TO DEFINITIONS.**

21 (a) *IN GENERAL.*—Section 4 of the Federal Fire Pre-
 22 *vention and Control Act of 1974 (15 U.S.C. 2203) is*
 23 *amended—*

24 (1) *in paragraph (3), by inserting “, except as*
 25 *otherwise provided,” after “means”;*

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

6 (3) in paragraph (5)—

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

9 (B) by striking “and ‘firecontrol’” and in-
10 serting “and ‘fire control’”;

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

13 (5) by inserting after paragraph (5), the fol-
14 lowing:

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

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

22 (7) by inserting after paragraph (8), as redesign-
23 ated by paragraph (4), the following:

24 “(9) ‘Secretary’ means, except as otherwise pro-
25 vided, the Secretary of Homeland Security;” and

1 (8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

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

3 (b) **CONFORMING AMENDMENTS.**—

4 (1) **ADMINISTRATOR OF FEMA.**—*The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator of FEMA”.*

5 (2) **ADMINISTRATOR OF FEMA’S AWARD.**—*Section 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”.*

6 **SEC. 3. ASSISTANCE TO FIREFIGHTER GRANTS.**

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

8 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

9 **“(a) DEFINITIONS.**—*In this section:*

10 **“(1) AVAILABLE GRANT FUNDS.**—*The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (p)(1) for such fiscal year less any funds used for administra-*

1 *tive costs pursuant to subsection (p)(2) in such fiscal*
2 *year.*

3 “(2) *CAREER FIRE DEPARTMENT.*—*The term ‘ca-*
4 *reer fire department’ means a fire department that*
5 *has an all-paid force of firefighting personnel other*
6 *than paid-on-call firefighters.*

7 “(3) *COMBINATION FIRE DEPARTMENT.*—*The*
8 *term ‘combination fire department’ means a fire de-*
9 *partment that has—*

10 “(A) *paid firefighting personnel; and*

11 “(B) *volunteer firefighting personnel.*

12 “(4) *FIREFIGHTING PERSONNEL.*—*The term*
13 *‘firefighting personnel’ means individuals, including*
14 *volunteers, who are firefighters, officers of fire depart-*
15 *ments, or emergency medical service personnel of fire*
16 *departments.*

17 “(5) *NONAFFILIATED EMS ORGANIZATION.*—*The*
18 *term ‘nonaffiliated EMS organization’ means a pub-*
19 *lic or private nonprofit emergency medical services*
20 *organization that is not affiliated with a hospital and*
21 *does not serve a geographic area in which the Admin-*
22 *istrator of FEMA finds that emergency medical serv-*
23 *ices are adequately provided by a fire department.*

24 “(6) *PAID-ON-CALL.*—*The term ‘paid-on-call’*
25 *with respect to firefighting personnel means fire-*

1 *fighting personnel who are paid a stipend for each*
 2 *event to which they respond.*

3 “(7) *VOLUNTEER FIRE DEPARTMENT.*—*The term*
 4 *‘volunteer fire department’ means a fire department*
 5 *that has an all-volunteer force of firefighting per-*
 6 *sonnel.*

7 “(b) *ASSISTANCE PROGRAM.*—

8 “(1) *AUTHORITY.*—*In accordance with this sec-*
 9 *tion, the Administrator of FEMA may, in consulta-*
 10 *tion with the Administrator of the United States Fire*
 11 *Administration, award—*

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

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

16 “(2) *ADMINISTRATIVE ASSISTANCE.*—*The Ad-*
 17 *ministrator of FEMA shall—*

18 “(A) *establish specific criteria for the selec-*
 19 *tion of grant recipients under this section; and*

20 “(B) *provide assistance with application*
 21 *preparation to applicants for such grants.*

22 “(c) *ASSISTANCE TO FIREFIGHTERS GRANTS.*—

23 “(1) *IN GENERAL.*—*The Administrator of FEMA*
 24 *may, in consultation with the chief executives of the*

1 *States in which the recipients are located, award*
2 *grants on a competitive basis directly to—*

3 “(A) *fire departments, for the purpose of*
4 *protecting the health and safety of the public and*
5 *firefighting personnel throughout the United*
6 *States against fire, fire-related, and other haz-*
7 *ards;*

8 “(B) *nonaffiliated EMS organizations to*
9 *support the provision of emergency medical serv-*
10 *ices; and*

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

14 “(2) *MAXIMUM GRANT AMOUNTS.—*

15 “(A) *POPULATION.—The Administrator of*
16 *FEMA may not award a grant under this sub-*
17 *section in excess of amounts as follows:*

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

23 “(ii) *In the case of a recipient that*
24 *serves a jurisdiction with more than*
25 *100,000 people but not more than 500,000*

1 *people, the amount of the grant awarded to*
2 *such recipient shall not exceed \$2,000,000*
3 *in any fiscal year.*

4 “(iii) *In the case of a recipient that*
5 *serves a jurisdiction with more than*
6 *500,000 but not more than 1,000,000 peo-*
7 *ple, the amount of the grant awarded to*
8 *such recipient shall not exceed \$3,000,000*
9 *in any fiscal year.*

10 “(iv) *In the case of a recipient that*
11 *serves a jurisdiction with more than*
12 *1,000,000 people but not more than*
13 *2,500,000 people, the amount of the grant*
14 *awarded to such recipient shall not exceed*
15 *\$6,000,000 for any fiscal year.*

16 “(v) *In the case of a recipient that*
17 *serves a jurisdiction with more than*
18 *2,500,000 people, the amount of the grant*
19 *awarded to such recipient shall not exceed*
20 *\$9,000,000 in any fiscal year.*

21 “(B) *STATE FIRE TRAINING ACADEMIES.—*
22 *The Administrator of FEMA may not award a*
23 *grant under this subsection to a State fire train-*
24 *ing academy in an amount that exceeds*
25 *\$1,000,000 in any fiscal year.*

1 “(C) *AGGREGATE.*—

2 “(i) *IN GENERAL.*—*Notwithstanding*
3 *subparagraphs (A) and (B) and except as*
4 *provided under clause (ii), the Adminis-*
5 *trator of FEMA may not award a grant*
6 *under this subsection in a fiscal year in an*
7 *amount that exceeds the amount that is one*
8 *percent of the available grant funds in such*
9 *fiscal year.*

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

17 “(3) *USE OF GRANT FUNDS.*—*Each entity receiv-*
18 *ing a grant under this subsection shall use the grant*
19 *for one or more of the following purposes:*

20 “(A) *To train firefighting personnel in—*

21 “(i) *firefighting;*

22 “(ii) *emergency medical services and*
23 *other emergency response (including re-*
24 *sponse to natural disasters, acts of ter-*
25 *rorism, and other man-made disasters);*

1 “(iii) arson prevention and detection;
2 “(iv) maritime firefighting; or
3 “(v) the handling of hazardous mate-
4 rials.

5 “(B) To train firefighting personnel to pro-
6 vide any of the training described under sub-
7 paragraph (A).

8 “(C) To fund the creation of rapid interven-
9 tion teams to protect firefighting personnel at the
10 scenes of fires and other emergencies.

11 “(D) To certify—

12 “(i) fire inspectors; and

13 “(ii) building inspectors—

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

16 “(II) who are employed by or
17 serving as volunteers with a fire de-
18 partment.

19 “(E) To establish wellness and fitness pro-
20 grams for firefighting personnel to ensure that
21 the firefighting personnel are able to carry out
22 their duties as firefighters.

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

1 “(G) To acquire additional firefighting ve-
2 hicles, including fire trucks and other apparatus.

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

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

7 “(ii) communications, monitoring, and
8 response to a natural disaster, act of ter-
9 rorism, or other man-made disaster, includ-
10 ing the use of a weapon of mass destruction.

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

13 “(i) prescribed for firefighting per-
14 sonnel by the Occupational Safety and
15 Health Administration of the Department of
16 Labor; or

17 “(ii) for responding to a natural dis-
18 aster or act of terrorism or other man-made
19 disaster, including the use of a weapon of
20 mass destruction.

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

24 “(K) To educate the public about arson pre-
25 vention and detection.

1 “(L) To provide incentives for the recruit-
 2 ment and retention of volunteer firefighting per-
 3 sonnel for volunteer firefighting departments and
 4 other firefighting departments that utilize volun-
 5 teers.

6 “(M) To support such other activities, con-
 7 sistent with the purposes of this subsection, as
 8 the Administrator of FEMA determines appro-
 9 priate.

10 “(d) FIRE PREVENTION AND SAFETY GRANTS.—

11 “(1) IN GENERAL.—For the purpose of assisting
 12 fire prevention programs and supporting firefighter
 13 health and safety research and development, the Ad-
 14 ministrator of FEMA may, on a competitive basis—

15 “(A) award grants to fire departments;

16 “(B) award grants to, or enter into con-
 17 tracts or cooperative agreements with, national,
 18 State, local, tribal, or nonprofit organizations
 19 that are not fire departments and that are recog-
 20 nized for their experience and expertise with re-
 21 spect to fire prevention or fire safety programs
 22 and activities and firefighter research and devel-
 23 opment programs, for the purpose of carrying
 24 out—

25 “(i) fire prevention programs; and

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

3 “(C) award grants to, or enter into con-
4 tracts with, regionally accredited institutions of
5 higher education and national fire service orga-
6 nizations or national fire safety organizations to
7 support joint programs focused on reducing fire-
8 fighter fatalities and non-fatal injuries, includ-
9 ing programs for establishing fire safety research
10 centers as the Administrator of FEMA deter-
11 mines appropriate.

12 “(2) MAXIMUM GRANT AMOUNT.—A grant
13 awarded under this subsection may not exceed
14 \$1,500,000 for a fiscal year.

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

18 “(A) To enforce fire codes and promote com-
19 pliance with fire safety standards.

20 “(B) To fund fire prevention programs.

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

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

4 “(i) *a fire safety research center; or*

5 “(ii) *a program at such a center.*

6 “(E) *To support such other activities, con-*
7 *sistent with the purposes of this subsection, as*
8 *the Administrator of FEMA determines appro-*
9 *priate.*

10 “(e) *APPLICATIONS FOR GRANTS.—*

11 “(1) *IN GENERAL.—An entity seeking a grant*
12 *under this section shall submit to the Administrator*
13 *of FEMA an application therefor in such form and*
14 *in such manner as the Administrator of FEMA deter-*
15 *mines appropriate.*

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

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

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

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

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

3 “(i) *for the same purpose for which the*
4 *application for a grant under this section*
5 *was submitted; or*

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

8 “(E) *Such other information as the Admin-*
9 *istrator of FEMA determines appropriate.*

10 “(3) *JOINT OR REGIONAL APPLICATIONS.—*

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

16 “(B) *NONEXCLUSIVITY.—Applications*
17 *under this paragraph may be submitted instead*
18 *of or in addition to any other application sub-*
19 *mitted under paragraph (1).*

20 “(C) *GUIDANCE.—The Administrator of*
21 *FEMA shall—*

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

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

7 “(f) *PEER REVIEW OF GRANT APPLICATIONS.*—

8 “(1) *IN GENERAL.*—*The Administrator of FEMA*
9 *shall, after consultation with national fire service and*
10 *emergency medical services organizations, appoint*
11 *fire service personnel and personnel from non-*
12 *affiliated EMS organizations to conduct peer reviews*
13 *of applications received under subsection (e)(1).*

14 “(2) *ASSIGNMENT OF REVIEWS.*—*In admin-*
15 *istering the peer review process under paragraph (1),*
16 *the Administrator of FEMA shall ensure that—*

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

20 “(B) *applications submitted by volunteer*
21 *fire departments are reviewed primarily by per-*
22 *sonnel from volunteer fire departments;*

23 “(C) *applications submitted by combination*
24 *fire departments and fire departments using*
25 *paid-on-call firefighting personnel are reviewed*

1 *primarily by personnel from such fire depart-*
2 *ments; and*

3 “(D) *applications for grants to fund emer-*
4 *gency medical services pursuant to subsection*
5 *(c)(3)(F) are reviewed primarily by emergency*
6 *medical services personnel, including—*

7 “(i) *emergency medical service per-*
8 *sonnel affiliated with fire departments; and*

9 “(ii) *personnel from nonaffiliated EMS*
10 *organizations.*

11 “(3) *REVIEW OF APPLICATIONS FOR FIRE PRE-*
12 *VENTION AND SAFETY GRANTS SUBMITTED BY NON-*
13 *PROFIT ORGANIZATIONS THAT ARE NOT FIRE DEPART-*
14 *MENTS.—In conducting a review of an application*
15 *submitted under subsection (e)(1) by a nonprofit or-*
16 *ganization described in subsection (d)(1)(B), a peer*
17 *reviewer may not recommend the applicant for a*
18 *grant under subsection (d) unless such applicant is*
19 *recognized for its experience and expertise with re-*
20 *spect to—*

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

23 “(B) *firefighter research and development*
24 *programs.*

1 “(4) *APPLICABILITY OF FEDERAL ADVISORY COM-*
2 *MITTEE ACT.—The Federal Advisory Committee Act*
3 *(5 U.S.C. App.) shall not apply to activities carried*
4 *out pursuant to this subsection.*

5 “(g) *PRIORITIZATION AND ALLOCATION OF GRANT*
6 *AWARDS.—In awarding grants under this section, the Ad-*
7 *ministrators of FEMA shall—*

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

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

14 “(3) *consider the extent of the need of an appli-*
15 *cant for a grant under this section and the need to*
16 *protect the United States as a whole;*

17 “(4) *consider the number of calls requesting or*
18 *requiring a fire fighting or emergency medical re-*
19 *sponse received by an applicant; and*

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

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

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

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

4 “(h) *ADDITIONAL REQUIREMENTS AND LIMITA-*
5 *TIONS.—*

6 “(1) *FUNDING FOR EMERGENCY MEDICAL SERV-*
7 *ICES.—Not less than 3.5 percent of the available*
8 *grant funds for a fiscal year shall be awarded under*
9 *this section for purposes described in subsection*
10 *(c)(3)(F).*

11 “(2) *GRANT AWARDS TO NONAFFILIATED EMS*
12 *ORGANIZATIONS.—Not more than 2 percent of the*
13 *available grant funds for a fiscal year shall be award-*
14 *ed under this section to nonaffiliated EMS organiza-*
15 *tions.*

16 “(3) *FUNDING FOR FIRE PREVENTION AND SAFE-*
17 *TY GRANTS.—For each fiscal year, not less than 10*
18 *percent of the aggregate of grant amounts under this*
19 *section in that fiscal year shall be awarded under*
20 *subsection (d).*

21 “(4) *STATE FIRE TRAINING ACADEMIES.—Not*
22 *more than 3 percent of the available grant funds for*
23 *a fiscal year shall be awarded under subsection*
24 *(c)(1)(C).*

1 “(5) *AMOUNTS FOR PURCHASING FIREFIGHTING*
2 *VEHICLES.—Not more than 25 percent of the avail-*
3 *able grant funds for a fiscal year may be used to as-*
4 *ist grant recipients to purchase vehicles pursuant to*
5 *subsection (c)(3)(G).*

6 “(i) *FURTHER CONSIDERATIONS.—*

7 “(1) *ASSISTANCE TO FIREFIGHTERS GRANTS TO*
8 *FIRE DEPARTMENTS.—In considering applications for*
9 *grants under subsection (c)(1)(A), the Administrator*
10 *of FEMA shall consider the extent to which the grant*
11 *would enhance the daily operations of the applicant*
12 *and the impact of such a grant on the protection of*
13 *lives and property.*

14 “(2) *APPLICATIONS FROM NONAFFILIATED EMS*
15 *ORGANIZATIONS.—In the case of an application sub-*
16 *mitted under subsection (e)(1) by a nonaffiliated*
17 *EMS organization, the Administrator of FEMA shall*
18 *consider the extent to which other sources of Federal*
19 *funding are available to the applicant to provide the*
20 *assistance requested in such application.*

21 “(3) *AWARDING FIRE PREVENTION AND SAFETY*
22 *GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT*
23 *FIRE DEPARTMENTS.—In the case of applicants for*
24 *grants under this section who are described in sub-*

1 *section (d)(1)(B), the Administrator of FEMA shall*
 2 *give priority to applicants who focus on—*

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

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

7 *“(4) AVOIDING DUPLICATION.—The Adminis-*
 8 *trator of FEMA shall review lists submitted by appli-*
 9 *cants pursuant to subsection (e)(2)(D) and take such*
 10 *actions as the Administrator of FEMA considers nec-*
 11 *essary to prevent unnecessary duplication of grant*
 12 *awards.*

13 *“(j) MATCHING AND MAINTENANCE OF EXPENDITURE*
 14 *REQUIREMENTS.—*

15 *“(1) MATCHING REQUIREMENT FOR ASSISTANCE*
 16 *TO FIREFIGHTERS GRANTS.—*

17 *“(A) IN GENERAL.—Except as provided in*
 18 *subparagraph (B), an applicant seeking a grant*
 19 *to carry out an activity under subsection (c)*
 20 *shall agree to make available non-Federal funds*
 21 *to carry out such activity in an amount equal*
 22 *to not less than 15 percent of the grant awarded*
 23 *to such applicant under such subsection.*

24 *“(B) EXCEPTION FOR ENTITIES SERVING*
 25 *SMALL COMMUNITIES.—In the case that an ap-*

1 *plicant seeking a grant to carry out an activity*
2 *under subsection (c) serves a jurisdiction of—*

3 *“(i) more than 20,000 residents but not*
4 *more than 50,000 residents, the applicant*
5 *shall agree to make available non-Federal*
6 *funds in an amount equal to not less than*
7 *10 percent of the grant award to such ap-*
8 *plicant under such subsection; or*

9 *“(ii) 20,000 residents or fewer, the ap-*
10 *plicant shall agree to make available non-*
11 *Federal funds in an amount equal to not*
12 *less than 5 percent of the grant awarded to*
13 *such applicant under such subsection.*

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

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

23 *“(B) MEANS OF MATCHING.—An applicant*
24 *for a grant under subsection (d) may meet the*
25 *matching requirement under subparagraph (A)*

1 *through direct funding, funding of complemen-*
2 *tary activities, or the provision of staff, facilities,*
3 *services, material, or equipment.*

4 “(3) *MAINTENANCE OF EXPENDITURES.*—*An ap-*
5 *plicant seeking a grant under subsection (c) or (d)*
6 *shall agree to maintain during the term of the grant*
7 *the applicant’s aggregate expenditures relating to the*
8 *uses described in subsections (c)(3) and (d)(3) at not*
9 *less than 80 percent of the average amount of such ex-*
10 *penditures in the 2 fiscal years preceding the fiscal*
11 *year in which the grant amounts are received.*

12 “(4) *WAIVER.*—

13 “(A) *IN GENERAL.*—*Except as provided in*
14 *subparagraph (C)(ii), the Administrator of*
15 *FEMA may waive or reduce the requirements of*
16 *paragraphs (1), (2), and (3) in cases of dem-*
17 *onstrated economic hardship.*

18 “(B) *GUIDELINES.*—

19 “(i) *IN GENERAL.*—*The Administrator*
20 *of FEMA shall establish and publish guide-*
21 *lines for determining what constitutes eco-*
22 *nomical hardship for purposes of this para-*
23 *graph.*

24 “(ii) *CONSIDERATIONS.*—*In developing*
25 *guidelines under clause (i), the Adminis-*

1 *trator of FEMA shall consider, with respect*
2 *to relevant communities, the following:*

3 *“(I) Changes in rates of unem-*
4 *ployment from previous years.*

5 *“(II) Whether the rates of unem-*
6 *ployment of the relevant communities*
7 *are currently and have consistently ex-*
8 *ceeded the annual national average*
9 *rates of unemployment.*

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

13 *“(IV) Such other factors as the*
14 *Administrator of FEMA considers ap-*
15 *propriate.*

16 *“(C) CERTAIN APPLICANTS FOR FIRE PRE-*
17 *VENTION AND SAFETY GRANTS.—The authority*
18 *under subparagraph (A) shall not apply with re-*
19 *spect to a nonprofit organization that—*

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

22 *“(ii) is not a fire department or emer-*
23 *gency medical services organization.*

24 *“(k) GRANT GUIDELINES.—*

1 “(1) *GUIDELINES.*—*For each fiscal year, prior to*
2 *awarding any grants under this section, the Adminis-*
3 *trator of FEMA shall publish in the Federal Reg-*
4 *ister—*

5 “(A) *guidelines that describe—*

6 “(i) *the process for applying for grants*
7 *under this section; and*

8 “(ii) *the criteria that will be used for*
9 *selecting grant recipients; and*

10 “(B) *an explanation of any differences be-*
11 *tween such guidelines and the recommendations*
12 *obtained under paragraph (2).*

13 “(2) *ANNUAL MEETING TO OBTAIN RECOMMENDA-*
14 *TIONS.—*

15 “(A) *IN GENERAL.*—*For each fiscal year,*
16 *the Administrator of FEMA shall convene a*
17 *meeting of qualified members of national fire*
18 *service organizations and qualified members of*
19 *emergency medical service organizations to ob-*
20 *tain recommendations regarding the following:*

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

23 “(ii) *Administrative changes to the as-*
24 *sistance program established under sub-*
25 *section (b).*

1 “(B) *QUALIFIED MEMBERS.*—*For purposes*
2 *of this paragraph, a qualified member of an or-*
3 *ganization is a member who—*

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

6 “(ii) *is not an employee of the Federal*
7 *Government; and*

8 “(iii) *in the case of a member of an*
9 *emergency medical service organization, is*
10 *a member of an organization that rep-*
11 *resents—*

12 “(I) *providers of emergency med-*
13 *ical services that are affiliated with*
14 *fire departments; or*

15 “(II) *nonaffiliated EMS pro-*
16 *viders.*

17 “(3) *APPLICABILITY OF FEDERAL ADVISORY COM-*
18 *MITTEE ACT.*—*The Federal Advisory Committee Act*
19 *(5 U.S.C. App.) shall not apply to activities carried*
20 *out pursuant to this subsection.*

21 “(l) *ACCOUNTING DETERMINATION.*—*Notwithstanding*
22 *any other provision of law, for purposes of this section,*
23 *equipment costs shall include all costs attributable to any*
24 *design, purchase of components, assembly, manufacture,*

1 *and transportation of equipment not otherwise commer-*
 2 *cially available.*

3 “(m) *ELIGIBLE GRANTEE ON BEHALF OF ALASKA NA-*
 4 *TIVE VILLAGES.*—*The Alaska Village Initiatives, a non-*
 5 *profit organization incorporated in the State of Alaska,*
 6 *shall be eligible to apply for and receive a grant or other*
 7 *assistance under this section on behalf of Alaska Native vil-*
 8 *lages.*

9 “(n) *TRAINING STANDARDS.*—*If an applicant for a*
 10 *grant under this section is applying for such grant to pur-*
 11 *chase training that does not meet or exceed any applicable*
 12 *national voluntary consensus standards developed under*
 13 *section 647 of the Post-Katrina Emergency Management*
 14 *Reform Act of 2006 (6 U.S.C. 747), the applicant shall sub-*
 15 *mit to the Administrator of FEMA an explanation of the*
 16 *reasons that the training proposed to be purchased will*
 17 *serve the needs of the applicant better than training that*
 18 *meets or exceeds such standards.*

19 “(o) *ENSURING EFFECTIVE USE OF GRANTS.*—

20 “(1) *AUDITS.*—*The Administrator of FEMA*
 21 *may audit a recipient of a grant awarded under this*
 22 *section to ensure that—*

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

1 “(B) *the grant recipient complies with the*
2 *requirements of subsection (j).*”

3 “(2) *PERFORMANCE ASSESSMENT.*—

4 “(A) *IN GENERAL.*—*The Administrator of*
5 *FEMA shall develop and implement a perform-*
6 *ance assessment system, including quantifiable*
7 *performance metrics, to evaluate the extent to*
8 *which grants awarded under this section are fur-*
9 *thering the purposes of this section, including*
10 *protecting the health and safety of the public and*
11 *firefighting personnel against fire and fire-re-*
12 *lated hazards.*”

13 “(B) *CONSULTATION.*—*The Administrator*
14 *of FEMA shall consult with fire service rep-*
15 *resentatives and with the Comptroller General of*
16 *the United States in developing the assessment*
17 *system required by subparagraph (A).*”

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

23 “(4) *ANNUAL REPORTS TO CONGRESS.*—

24 “(A) *IN GENERAL.*—*Not later than Sep-*
25 *tember 30, 2012, and each year thereafter*

1 through 2016, the Administrator of FEMA shall
2 submit to the Committee on Homeland Security
3 and Governmental Affairs of the Senate and the
4 Committee on Science and Technology of the
5 House of Representatives a report that pro-
6 vides—

7 “(i) information on the performance
8 assessment system developed under para-
9 graph (2); and

10 “(ii) using the performance metrics de-
11 veloped under such paragraph, an evalua-
12 tion of the effectiveness of the grants award-
13 ed under this section.

14 “(B) *ADDITIONAL INFORMATION.*—The re-
15 port due under subparagraph (A) on September
16 30, 2015, shall also include recommendations for
17 legislative changes to improve grants under this
18 section, including recommendations as to wheth-
19 er the provisions described in section 5(a) of the
20 Fire Grants Reauthorization Act of 2011 should
21 be extended to apply on and after the date de-
22 scribed in such section.

23 “(p) *AUTHORIZATION OF APPROPRIATIONS.*—

24 “(1) *IN GENERAL.*—There is authorized to be ap-
25 propriated to carry out this section—

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

2 “(B) for each of fiscal years 2013 through

3 2016, an amount equal to the amount authorized

4 for the previous fiscal year increased by the per-

5 centage by which—

6 “(i) the Consumer Price Index (all

7 items, United States city average) for the

8 previous fiscal year, exceeds

9 “(ii) the Consumer Price Index for the

10 fiscal year preceding the fiscal year de-

11 scribed in clause (i).

12 “(2) *ADMINISTRATIVE EXPENSES.*—Of the

13 amounts appropriated pursuant to paragraph (1) for

14 a fiscal year, the Administrator of FEMA may use

15 not more than 5 percent of such amounts for salaries

16 and expenses and other administrative costs incurred

17 by the Administrator of FEMA in the course of

18 awarding grants and providing assistance under this

19 section.

20 “(3) *CONGRESSIONALLY DIRECTED SPENDING.*—

21 Consistent with the requirements in subsections (c)(1)

22 and (d)(1) that grants under those subsections be

23 awarded on a competitive basis, none of the funds ap-

24 propriated pursuant to this subsection may be used

25 for any congressionally directed spending item (as

1 (c) *MAXIMUM AMOUNT FOR HIRING FIREFIGHTER.*—
 2 *Paragraph (4) of subsection (c) of such section 34 is amend-*
 3 *ed to read as follows:*

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

9 (d) *WAIVERS.*—*Such section 34 is further amended—*
 10 (1) *by redesignating subsections (d) through (i)*
 11 *as subsection (e) through (j), respectively; and*
 12 (2) *by inserting after subsection (c) the fol-*
 13 *lowing:*

14 “(d) *WAIVERS.*—

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

18 “(A) *wave the requirements of subsection*
 19 *(a)(1)(B)(ii) or subsection (c)(1); or*

20 “(B) *wave or reduce the requirements in*
 21 *subsection (a)(1)(E) or subsection (c)(2).*

22 “(2) *GUIDELINES.*—

23 “(A) *IN GENERAL.*—*The Administrator of*
 24 *FEMA shall establish and publish guidelines for*

1 *determining what constitutes economic hardship*
2 *for purposes of paragraph (1).*

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

7 “(i) *Changes in rates of unemployment*
8 *from previous years.*

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

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

17 “(iv) *Such other factors as the Admin-*
18 *istrator of FEMA considers appropriate.”.*

19 “(e) *IMPROVEMENTS TO PERFORMANCE EVALUATION*
20 *REQUIREMENTS.—Subsection (e) of such section 34, as re-*
21 *designated by subsection (d)(1) of this section, is amended*
22 *by inserting before the first sentence the following:*

23 “(1) *IN GENERAL.—The Administrator of FEMA*
24 *shall establish a performance assessment system, in-*
25 *cluding quantifiable performance metrics, to evaluate*

1 *the extent to which grants awarded under this section*
2 *are furthering the purposes of this section.*

3 *“(2) SUBMISSION OF INFORMATION.—”*

4 *(f) REPORT.—*

5 *(1) IN GENERAL.—Subsection (f) of such section*
6 *34, as redesignated by subsection (d)(1) of this sec-*
7 *tion, is amended by striking “The authority” and all*
8 *that follows through “Congress concerning” and in-*
9 *serting the following: “Not later than September 30,*
10 *2015, the Administrator of FEMA shall submit to the*
11 *Committee on Homeland Security and Governmental*
12 *Affairs of the Senate and the Committee on Science*
13 *and Technology of the House of Representatives a re-*
14 *port on”.*

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

18 *(g) ADDITIONAL DEFINITIONS.—*

19 *(1) IN GENERAL.—Subsection (i) of such section*
20 *34, as redesignated by subsection (d)(1) of this sec-*
21 *tion, is amended—*

22 *(A) in the matter before paragraph (1), by*
23 *striking “In this section, the term—” and insert-*
24 *ing “In this section:”;*

25 *(B) in paragraph (1)—*

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

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

5 (C) by striking paragraph (2); and

6 (D) by inserting at the end the following:

7 “(2) The terms ‘career fire department’, ‘com-
8 bination fire department’, and ‘volunteer fire depart-
9 ment’ have the meaning given such terms in section
10 33(a).”.

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

16 (h) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—Subsection (j) of such section
18 34, as redesignated by subsection (d)(1) of this sec-
19 tion, is amended—

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

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

24 (C) by adding at the end the following:

25 “(8) \$950,000,000 for fiscal year 2012; and

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

5 “(A) the Consumer Price Index (all items,
6 United States city average) for the previous fis-
7 cal year, exceeds

8 “(B) the Consumer Price Index for the fiscal
9 year preceding the fiscal year described in sub-
10 paragraph (A).”.

11 (2) *ADMINISTRATIVE EXPENSES.*—Such sub-
12 section (j) is further amended—

13 (A) in paragraph (9), as added by para-
14 graph (1) of this subsection, by redesignating
15 subparagraphs (A) and (B) as clauses (i) and
16 (ii), respectively, and moving the left margin of
17 such clauses, as so redesignated, 2 ems to the
18 right;

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

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

1 “(1) *IN GENERAL.—There are*”; and

2 *(D) by adding at the end the following:*

3 “(2) *ADMINISTRATIVE EXPENSES.—Of the*
4 *amounts appropriated pursuant to paragraph (1) for*
5 *a fiscal year, the Administrator of FEMA may use*
6 *not more than 5 percent of such amounts to cover sal-*
7 *aries and expenses and other administrative costs in-*
8 *curring by the Administrator of FEMA to make grants*
9 *and provide assistance under this section.*”.

10 (3) *CONGRESSIONALLY DIRECTED SPENDING.—*
11 *Such subsection (j) is further amended by adding at*
12 *the end the following:*

13 “(3) *CONGRESSIONALLY DIRECTED SPENDING.—*
14 *Consistent with the requirement in subsection (a) that*
15 *grants under this section be awarded on a competitive*
16 *basis, none of the funds appropriated pursuant to this*
17 *subsection may be used for any congressionally direct*
18 *spending item (as defined in paragraph 5(a) of Rule*
19 *XLIV of the Standing Rules of the Senate).*”.

20 (i) *TECHNICAL AMENDMENT.—Such section 34 is*
21 *amended—*

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

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

4 (j) *CLERICAL AMENDMENT.*—Section 34 of such Act
 5 (15 U.S.C. 2229a) is amended by striking “**EXPANSION**
 6 **OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PRO-**
 7 **GRAM**” and inserting the following: “**STAFFING FOR**
 8 **ADEQUATE FIRE AND EMERGENCY RESPONSE**”.

9 (k) *SUNSET OF AUTHORITY TO AWARD HIRING*
 10 *GRANTS.*—Section 34 of the Federal Fire Prevention and
 11 Control Act of 1974 (15 U.S.C. 2229a) is further amended
 12 by adding at the end the following:

13 “(k) *SUNSET OF AUTHORITIES.*—The authority to
 14 award grants and provide technical assistance under this
 15 section shall expire on October 1, 2016.”.

16 **SEC. 5. REPORT.**

17 Not later than September 30, 2015, the Comptroller
 18 General of the United States shall submit to the Committee
 19 on Homeland Security and Governmental Affairs of the
 20 Senate and the Committee on Science and Technology of
 21 the House of Representatives a report on the effect of the
 22 amendments made by this Act. Such report shall include
 23 the following:

24 (1) An assessment of the effect of the amendments
 25 made by sections 3 and 4 on the effectiveness, relative

1 *allocation, accountability, and administration of the*
2 *grants awarded under sections 33 and 34 of the Fed-*
3 *eral Fire Prevention and Control Act of 1974 (15*
4 *U.S.C. 2229 and 2229a) after the date of the enact-*
5 *ment of this Act.*

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

12 **SEC. 6. REPORT ON DUPLICATION OF GRANT PROGRAMS.**

13 (a) *IN GENERAL.*—*Not later than 180 days after the*
14 *date of the enactment of this Act, the Inspector General of*
15 *the Department of Homeland Security shall submit to Con-*
16 *gress a report on the grant programs administered by the*
17 *Administrator of the Federal Emergency Management*
18 *Agency.*

19 (b) *CONTENTS.*—*The report required by subsection (a)*
20 *shall include the following:*

21 (1) *Whether and to what degree the grant pro-*
22 *grams described in subsection (a) provide duplicative*
23 *or overlapping assistance.*

24 (2) *The cost of each grant program described in*
25 *subsection (a).*

1 (3) *The recommendations of the Inspector Gen-*
2 *eral for consolidation and elimination of grant pro-*
3 *grams described in subsection (a) to reduce duplica-*
4 *tion of assistance.*

Calendar No. 89

112TH CONGRESS
1ST Session

S. 550

[Report No. 112-28]

A BILL

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

JUNE 29, 2011

Reported with an amendment