

112TH CONGRESS  
1ST SESSION

# S. 550

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

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## 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

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

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

8 (3) in paragraph (5)—

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

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

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

15 (5) by inserting after paragraph (5), the fol-  
16 lowing:

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

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

24 (7) by inserting after paragraph (8), as redesign-  
25 nated by paragraph (4), the following:

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

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

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

8 (b) CONFORMING AMENDMENTS.—

9 (1) ADMINISTRATOR OF FEMA.—The Federal  
 10 Fire Prevention and Control Act of 1974 (15 U.S.C.  
 11 2201 et seq.) is amended by striking “Director”  
 12 each place it appears and inserting “Administrator  
 13 of FEMA”.

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

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

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

22 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

23 “(a) DEFINITIONS.—In this section:

24 “(1) AVAILABLE GRANT FUNDS.—The term  
 25 ‘available grant funds’, with respect to a fiscal year,

1 means those funds appropriated pursuant to the au-  
 2 thorization of appropriations in subsection (p)(1) for  
 3 such fiscal year less any funds used for administra-  
 4 tive costs pursuant to subsection (p)(2) in such fis-  
 5 cal year.

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

10 “(3) COMBINATION FIRE DEPARTMENT.—The  
 11 term ‘combination fire department’ means a fire de-  
 12 partment that has—

13 “(A) paid firefighting personnel; and

14 “(B) volunteer firefighting personnel.

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

20 “(5) NONAFFILIATED EMS ORGANIZATION.—  
 21 The term ‘nonaffiliated EMS organization’ means a  
 22 public or private nonprofit emergency medical serv-  
 23 ices organization that is not affiliated with a hospital  
 24 and does not serve a geographic area in which the  
 25 Administrator of FEMA finds that emergency med-

1        ical services are adequately provided by a fire de-  
 2        partment.

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

7            “(7) VOLUNTEER FIRE DEPARTMENT.—The  
 8        term ‘volunteer fire department’ means a fire de-  
 9        partment that has an all-volunteer force of fire-  
 10       fighting personnel.

11        “(b) ASSISTANCE PROGRAM.—

12            “(1) AUTHORITY.—In accordance with this sec-  
 13        tion, the Administrator of FEMA may, in consulta-  
 14        tion with the Administrator of the United States  
 15        Fire Administration, award—

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

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

20            “(2) ADMINISTRATIVE ASSISTANCE.—The Ad-  
 21        ministrator of FEMA shall—

22            “(A) establish specific criteria for the se-  
 23        lection of grant recipients under this section;  
 24        and

1           “(B) provide assistance with application  
2           preparation to applicants for such grants.

3           “(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

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

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

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

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

19          “(2) MAXIMUM GRANT AMOUNTS.—

20          “(A) POPULATION.—The Administrator of  
21          FEMA may not award a grant under this sub-  
22          section in excess of amounts as follows:

23                 “(i) In the case of a recipient that  
24                 serves a jurisdiction with 100,000 people  
25                 or fewer, the amount of the grant awarded

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

3 “(ii) In the case of a recipient that  
4 serves a jurisdiction with more than  
5 100,000 people but not more than 500,000  
6 people, the amount of the grant awarded  
7 to such recipient shall not exceed  
8 \$2,000,000 in any fiscal year.

9 “(iii) In the case of a recipient that  
10 serves a jurisdiction with more than  
11 500,000 but not more than 1,000,000 peo-  
12 ple, the amount of the grant awarded to  
13 such recipient shall not exceed \$3,000,000  
14 in any fiscal year.

15 “(iv) In the case of a recipient that  
16 serves a jurisdiction with more than  
17 1,000,000 people but not more than  
18 2,500,000 people, the amount of the grant  
19 awarded to such recipient shall not exceed  
20 \$6,000,000 for any fiscal year.

21 “(v) In the case of a recipient that  
22 serves a jurisdiction with more than  
23 2,500,000 people, the amount of the grant  
24 awarded to such recipient shall not exceed  
25 \$9,000,000 in any fiscal year.

1 “(B) STATE FIRE TRAINING ACADEMIES.—

2 The Administrator of FEMA may not award a  
3 grant under this subsection to a State fire  
4 training academy in an amount that exceeds  
5 \$1,000,000 in any fiscal year.

6 “(C) AGGREGATE.—

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

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

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

25 “(A) To train firefighting personnel in—



1 “(i) firefighting;

2 “(ii) emergency medical services and  
3 other emergency response (including re-  
4 sponse to natural disasters, acts of ter-  
5 rorism, and other man-made disasters);

6 “(iii) arson prevention and detection;

7 “(iv) maritime firefighting; or

8 “(v) the handling of hazardous mate-  
9 rials.

10 “(B) To train firefighting personnel to  
11 provide any of the training described under sub-  
12 paragraph (A).

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

16 “(D) To certify—

17 “(i) fire inspectors; and

18 “(ii) building inspectors—

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

21 “(II) who are employed by or  
22 serving as volunteers with a fire de-  
23 partment.

24 “(E) To establish wellness and fitness pro-  
25 grams for firefighting personnel to ensure that

1 the firefighting personnel are able to carry out  
2 their duties as firefighters.

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

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

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

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

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

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

21 “(i) prescribed for firefighting per-  
22 sonnel by the Occupational Safety and  
23 Health Administration of the Department  
24 of Labor; or

1 “(ii) for responding to a natural dis-  
2 aster or act of terrorism or other man-  
3 made disaster, including the use of a weap-  
4 on of mass destruction.

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

8 “(K) To educate the public about arson  
9 prevention and detection.

10 “(L) To provide incentives for the recruit-  
11 ment and retention of volunteer firefighting  
12 personnel for volunteer firefighting departments  
13 and other firefighting departments that utilize  
14 volunteers.

15 “(M) To support such other activities, con-  
16 sistent with the purposes of this subsection, as  
17 the Administrator of FEMA determines appro-  
18 priate.

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

20 “(1) IN GENERAL.—For the purpose of assist-  
21 ing fire prevention programs and supporting fire-  
22 fighter health and safety research and development,  
23 the Administrator of FEMA may, on a competitive  
24 basis—

25 “(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.

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

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

6                   “(B) To fund fire prevention programs.

7                   “(C) To fund wildland fire prevention pro-  
 8                   grams, including education, awareness, and  
 9                   mitigation programs that protect lives, prop-  
 10                  erty, and natural resources from fire in the  
 11                  wildland-urban interface.

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

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

16                           “(ii) a program at such a center.

17                  “(E) To support such other activities, con-  
 18                  sistent with the purposes of this subsection, as  
 19                  the Administrator of FEMA determines appro-  
 20                  priate.

21           “(e) APPLICATIONS FOR GRANTS.—

22                   “(1) IN GENERAL.—An entity seeking a grant  
 23                   under this section shall submit to the Administrator  
 24                   of FEMA an application therefor in such form and

1 in such manner as the Administrator of FEMA de-  
2 termines appropriate.

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

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

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

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

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

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

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

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

22 “(3) JOINT OR REGIONAL APPLICATIONS.—

23 “(A) IN GENERAL.—Two or more entities  
24 may submit an application under paragraph (1)  
25 for a grant under this section to fund a joint

1 program or initiative, including acquisition of  
2 shared equipment or vehicles.

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

7 “(C) GUIDANCE.—The Administrator of  
8 FEMA shall—

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

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

19 “(f) PEER REVIEW OF GRANT APPLICATIONS.—

20 “(1) IN GENERAL.—The Administrator of  
21 FEMA shall, after consultation with national fire  
22 service and emergency medical services organiza-  
23 tions, appoint fire service personnel and personnel  
24 from nonaffiliated EMS organizations to conduct

1 peer reviews of applications received under sub-  
2 section (e)(1).

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

6 “(A) applications submitted by career fire  
7 departments are reviewed primarily by per-  
8 sonnel from career fire departments;

9 “(B) applications submitted by volunteer  
10 fire departments are reviewed primarily by per-  
11 sonnel from volunteer fire departments;

12 “(C) applications submitted by combina-  
13 tion fire departments and fire departments  
14 using paid-on-call firefighting personnel are re-  
15 viewed primarily by personnel from such fire  
16 departments; and

17 “(D) applications for grants to fund emer-  
18 gency medical services pursuant to subsection  
19 (c)(3)(F) are reviewed primarily by emergency  
20 medical services personnel, including—

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

23 “(ii) personnel from nonaffiliated  
24 EMS organizations.



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

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

13                   “(B) firefighter research and development  
 14                   programs.

15           “(4) APPLICABILITY OF FEDERAL ADVISORY  
 16           COMMITTEE ACT.—The Federal Advisory Committee  
 17           Act (5 U.S.C. App.) shall not apply to activities car-  
 18           ried out pursuant to this subsection.

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

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

24                   “(2) consider the degree to which an award will  
 25                   reduce deaths, injuries, and property damage by re-

1       ducing the risks associated with fire-related and  
2       other hazards;

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

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

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

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

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

14               “(C) not less than 25 percent are awarded  
15       to combination fire departments and fire de-  
16       partments using paid-on-call firefighting per-  
17       sonnel.

18       “(h) ADDITIONAL REQUIREMENTS AND LIMITA-  
19       TIONS.—

20               “(1) FUNDING FOR EMERGENCY MEDICAL  
21       SERVICES.—Not less than 3.5 percent of the avail-  
22       able grant funds for a fiscal year shall be awarded  
23       under this section for purposes described in sub-  
24       section (c)(3)(F).

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

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

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

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

20           “(i) FURTHER CONSIDERATIONS.—

21           “(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO  
22 FIRE DEPARTMENTS.—In considering applications  
23 for grants under subsection (c)(1)(A), the Adminis-  
24 trator of FEMA shall consider the extent to which  
25 the grant would enhance the daily operations of the

1 applicant and the impact of such a grant on the pro-  
2 tection of lives and property.

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

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

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

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

20 “(4) AVOIDING DUPLICATION.—The Adminis-  
21 trator of FEMA shall review lists submitted by ap-  
22 plicants pursuant to subsection (e)(2)(D) and take  
23 such actions as the Administrator of FEMA con-  
24 siders necessary to prevent unnecessary duplication  
25 of grant awards.

1       “(j) MATCHING AND MAINTENANCE OF EXPENDI-  
2       TURE REQUIREMENTS.—

3               “(1) MATCHING REQUIREMENT FOR ASSIST-  
4       ANCE TO FIREFIGHTERS GRANTS.—

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

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

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

22              “(ii) 20,000 residents or fewer, the  
23      applicant shall agree to make available  
24      non-Federal funds in an amount equal to  
25      not less than 5 percent of the grant award-

1                   ed to such applicant under such sub-  
2                   section.

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

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

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

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

1 the fiscal year in which the grant amounts are re-  
 2 ceived.

3 “(4) WAIVER.—

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

9 “(B) GUIDELINES.—

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

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

20 “(I) Changes in rates of unem-  
 21 ployment from previous years.

22 “(II) Whether the rates of unem-  
 23 ployment of the relevant communities  
 24 are currently and have consistently ex-

1                   ceeded the annual national average  
2                   rates of unemployment.

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

6                   “(IV) Such other factors as the  
7                   Administrator of FEMA considers ap-  
8                   propriate.

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

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

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

17                  “(k) GRANT GUIDELINES.—

18                   “(1) GUIDELINES.—For each fiscal year, prior  
19                  to awarding any grants under this section, the Ad-  
20                  ministrator of FEMA shall publish in the Federal  
21                  Register—

22                   “(A) guidelines that describe—

23                   “(i) the process for applying for  
24                   grants under this section; and



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

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

6 “(2) ANNUAL MEETING TO OBTAIN REC-  
7 OMMENDATIONS.—

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

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

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

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

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

24 “(ii) is not an employee of the Federal  
25 Government; and

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

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

8 “(II) nonaffiliated EMS pro-  
 9 viders.

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

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

20 “(m) ELIGIBLE GRANTEE ON BEHALF OF ALASKA  
 21 NATIVE VILLAGES.—The Alaska Village Initiatives, a  
 22 non-profit organization incorporated in the State of Alas-  
 23 ka, shall be eligible to apply for and receive a grant or  
 24 other assistance under this section on behalf of Alaska Na-  
 25 tive villages.

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

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

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

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

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

19       “(2) PERFORMANCE ASSESSMENT.—

20               “(A) IN GENERAL.—The Administrator of  
 21 FEMA shall develop and implement a perform-  
 22 ance assessment system, including quantifiable  
 23 performance metrics, to evaluate the extent to  
 24 which grants awarded under this section are  
 25 furthering the purposes of this section, includ-

ing protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment 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 September 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 Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

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

5                   “(B) ADDITIONAL INFORMATION.—The re-  
 6                   port due under subparagraph (A) on September  
 7                   30, 2015, shall also include recommendations  
 8                   for legislative changes to improve grants under  
 9                   this section, including recommendations as to  
 10                  whether the provisions described in section 5(a)  
 11                  of the Fire Grants Reauthorization Act of 2011  
 12                  should be extended to apply on and after the  
 13                  date described in such section.

14                  “(p) AUTHORIZATION OF APPROPRIATIONS.—

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

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

19                         “(B) for each of fiscal years 2013 through  
 20                         2016, an amount equal to the amount author-  
 21                         ized for the previous fiscal year increased by  
 22                         the percentage by which—

23                                 “(i) the Consumer Price Index (all  
 24                                 items, United States city average) for the  
 25                                 previous fiscal year, exceeds

1 “(ii) the Consumer Price Index for  
 2 the fiscal year preceding the fiscal year de-  
 3 scribed in clause (i).

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

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

21 **SEC. 4. STAFFING FOR ADEQUATE FIRE AND EMERGENCY**  
 22 **RESPONSE.**

23 (a) IMPROVEMENTS TO HIRING GRANTS.—

24 (1) TERM OF GRANTS.—Subsection (a)(1)(B) of  
 25 section 34 of the Federal Fire Prevention and Con-

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

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

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

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

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

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

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

1           (2) by inserting after subsection (c) the fol-  
 2       lowing:

3       “(d) WAIVERS.—

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

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

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

11      “(2) GUIDELINES.—

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

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

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

22           “(ii) Whether the rates of unemploy-  
 23      ment of the relevant communities are cur-  
 24      rently and have consistently exceeded the



1                   annual national average rates of unemploy-  
2                   ment.

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

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

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

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

20                   “(2) SUBMISSION OF INFORMATION.—”.

21           (f) REPORT.—

22                   (1) IN GENERAL.—Subsection (f) of such sec-  
23           tion 34, as redesignated by subsection (d)(1) of this  
24           section, is amended by striking “The authority” and  
25           all that follows through “Congress concerning” and

1 inserting the following: “Not later than September  
 2 30, 2015, the Administrator of FEMA shall submit  
 3 to the Committee on Homeland Security and Gov-  
 4 ernmental Affairs of the Senate and the Committee  
 5 on Science and Technology of the House of Rep-  
 6 resentatives a report on”.

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

10 (g) ADDITIONAL DEFINITIONS.—

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

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

17 (B) in paragraph (1)—

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

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

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

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

24 “(2) The terms ‘career fire department’, ‘com-  
 25 bination fire department’, and ‘volunteer fire depart-

1       ment’ have the meaning given such terms in section  
2       33(a).”.

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

9       (h) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

18           “(8) \$950,000,000 for fiscal year 2012; and

19           “(9) for each of fiscal years 2013 through  
20       2016, an amount equal to the amount authorized for  
21       the previous fiscal year increased by the percentage  
22       by which—

23           “(A) the Consumer Price Index (all items,  
24       United States city average) for the previous fis-  
25       cal year, exceeds

1           “(B) the Consumer Price Index for the fis-  
 2           cal year preceding the fiscal year described in  
 3           subparagraph (A).”.

4           (2) ADMINISTRATIVE EXPENSES.—Such sub-  
 5           section (j) is further amended—

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

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

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

19          “(1) IN GENERAL.—There are”; and

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

21          “(2) ADMINISTRATIVE EXPENSES.—Of the  
 22          amounts appropriated pursuant to paragraph (1) for  
 23          a fiscal year, the Administrator of FEMA may use  
 24          not more than 5 percent of such amounts to cover  
 25          salaries and expenses and other administrative costs

1 incurred by the Administrator of FEMA to make  
 2 grants and provide assistance under this section.”.

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

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

14 (i) TECHNICAL AMENDMENT.—Such section 34 is  
 15 amended—

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

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

23 (j) CLERICAL AMENDMENT.—Section 34 of such Act  
 24 (15 U.S.C. 2229a) is amended by striking “**EXPANSION**  
 25 **OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PRO-**

1 **GRAM**” and inserting the following: “**STAFFING FOR**  
 2 **ADEQUATE FIRE AND EMERGENCY RESPONSE**”.

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

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

8 (b) **APPLICATION OF PRIOR LAW.**—On and after Oc-  
 9 tober 1, 2016, sections 33 and 34 of the Federal Fire Pre-  
 10 vention and Control Act of 1974 (15 U.S.C. 2229 and  
 11 2229a) are amended to read as such sections read on the  
 12 day before the date of the enactment of this Act, except  
 13 that the amendments made by subsections (b), (i), and  
 14 (j) of section 4 shall continue to apply to such section 34.

15 **SEC. 6. REPORT.**

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

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

1 of the grants awarded under sections 33 and 34 of  
2 the Federal Fire Prevention and Control Act of  
3 1974 (15 U.S.C. 2229 and 2229a) after the date of  
4 the enactment of this Act.

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

○