

Calendar No. 488

111TH CONGRESS
2^D SESSION**S. 3267****[Report No. 111-235]**

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

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2010

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

JULY 28, 2010

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 2010”.

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) 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”.

18 (2) Section 15(a) of such Act (15 U.S.C. 2213(a)) is amended by striking “Director’s Award” each place it appears and inserting “Administrator of FEMA’s Award”.

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

23 Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read
 24 as follows:
 25

1 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

2 “(a) DEFINITIONS.—In this section:

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

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

14 “(3) COMBINATION FIRE DEPARTMENT.—The
15 term ‘combination fire department’ means a fire de-
16 partment that has—

17 “(A) paid firefighting personnel; and

18 “(B) volunteer firefighting personnel.

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

24 “(5) NONAFFILIATED EMS ORGANIZATION.—
25 The term ‘nonaffiliated EMS organization’ means a
26 public or private nonprofit emergency medical serv-

1 ices organization that is not affiliated with a hospital
2 and does not serve a geographic area in which the
3 Administrator of FEMA finds that emergency med-
4 ical services are adequately provided by a fire de-
5 partment.

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

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

13 “(b) ~~ASSISTANCE PROGRAM.~~—

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

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

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

22 “(2) ~~ADMINISTRATIVE ASSISTANCE.~~—The Ad-
23 ministrator of FEMA shall—

1 “(A) establish specific criteria for the se-
2 lection of grant recipients under this section;
3 and

4 “(B) provide assistance with application
5 preparation to applicants for such grants.

6 “(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

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

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

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

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

22 “(2) MAXIMUM GRANT AMOUNTS.—

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

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

6 “(ii) In the case of a recipient that
7 serves a jurisdiction with more than
8 100,000 people but not more than 500,000
9 people, the amount of the grant awarded
10 to such recipient shall not exceed
11 \$2,000,000 in any fiscal year.

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

18 “(iv) In the case of a recipient that
19 serves a jurisdiction with more than
20 1,000,000 people but not more than
21 2,500,000 people, the amount of the grant
22 awarded to such recipient shall not exceed
23 \$6,000,000 for any fiscal year.

24 “(v) In the case of a recipient that
25 serves a jurisdiction with more than

1 2,500,000 people, the amount of the grant
2 awarded to such recipient shall not exceed
3 \$9,000,000 in any fiscal year.

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

9 “(C) AGGREGATE.—

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

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

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 train firefighting personnel in—

5 “(i) firefighting;

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

10 “(iii) arson prevention and detection;

11 “(iv) maritime firefighting; or

12 “(v) the handling of hazardous mate-
13 rials.

14 “(B) To train firefighting personnel to
15 provide any of the training described in sub-
16 paragraph (A).

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

20 “(D) To certify—

21 “(i) fire inspectors; and

22 “(ii) building inspectors—

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

1 “(H) who are employed by or
2 serving as volunteers with a fire de-
3 partment.

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

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

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

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

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

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

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

1 “(i) prescribed for firefighting per-
2 sonnel by the Occupational Safety and
3 Health Administration of the Department
4 of Labor; or

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

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

12 “(K) To educate the public about arson
13 prevention and detection.

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

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

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

24 “(1) IN GENERAL.—For the purpose of assist-
25 ing fire prevention programs and supporting fire-

1 firefighter health and safety research and development,
2 the Administrator of FEMA may, on a competitive
3 basis—

4 “(A) award grants to fire departments;

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

14 “(i) fire prevention programs; and

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

17 “(C) award grants to, or enter into con-
18 tracts with, regionally accredited institutions of
19 higher education and national fire service orga-
20 nizations or national fire safety organizations to
21 support joint programs focused on reducing
22 firefighter fatalities and non-fatal injuries, in-
23 cluding programs for establishing fire safety re-
24 search centers as the Administrator of FEMA
25 determines appropriate.

1 “(2) MAXIMUM GRANT AMOUNT.—A grant
2 awarded under this subsection may not be for an
3 amount greater than \$1,500,000 for a fiscal year.

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 enforce fire codes and promote
8 compliance with fire safety standards.

9 “(B) To fund fire prevention programs.

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

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

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

19 “(ii) a program at such a center.

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

24 “(e) APPLICATIONS FOR GRANTS.—

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

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

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

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

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

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

18 “(i) for the same purpose for which
19 the applicant for a grant under this section
20 was submitted; or

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

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

25 “(3) JOINT OR REGIONAL APPLICATIONS.—

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

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

10 “(C) GUIDANCE.—The Administrator of
11 FEMA shall—

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

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

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

23 “(1) IN GENERAL.—The Administrator of
24 FEMA shall, after consultation with national fire
25 service and emergency management organizations,

1 appoint fire service personnel and personnel from
2 nonaffiliated EMS organizations to conduct peer re-
3 views of applications received under subsection
4 (e)(1).

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

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

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

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

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

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

1 “(ii) personnel from nonaffiliated
2 EMS organizations.

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

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

15 ~~“(B) firefighter research and development~~
16 ~~programs.~~

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

21 ~~“(g) PRIORITIZATION AND ALLOCATION OF GRANT~~
22 ~~AWARDS.—In awarding grants under this section, the Ad-~~
23 ~~ministrator of FEMA shall—~~

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

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

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

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

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

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

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

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

20 “(h) ADDITIONAL REQUIREMENTS AND LIMITA-
21 TIONS.—

22 “(1) FUNDING FOR EMERGENCY MEDICAL
23 SERVICES.—Not less than 3.5 percent of the avail-
24 able grant funds for a fiscal year shall be awarded

1 under this section for purposes described in sub-
2 section (e)(3)(F).

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

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

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

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

22 “(i) FURTHER CONSIDERATIONS.—

23 “(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO
24 FIRE DEPARTMENTS.—In considering applications
25 for grants under subsection (e)(1)(A), the Adminis-

1 trator of FEMA shall consider the extent to which
2 the grant would enhance the daily operations of the
3 applicant and the impact of such a grant on the pro-
4 tection of lives and property.

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

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

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

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

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

1 siders necessary to prevent unnecessary duplication
2 of grant awards.

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

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

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

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

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

24 “(ii) 20,000 residents or fewer; the
25 applicant shall agree to make available

1 non-Federal funds in an amount equal to
2 not less than 5 percent of the grant award-
3 ed to such applicant under such sub-
4 section.

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

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

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

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

1 of such expenditures in the 2 fiscal years preceding
2 the fiscal year in which the grant amounts are re-
3 ceived.

4 “(4) WAIVER.—

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

10 “(B) GUIDELINES.—

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

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

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

23 “(II) Changes in percentages of
24 individuals eligible to receive food
25 stamps from previous years.

1 ~~“(III) Such other factors as the~~
 2 Administrator considers appropriate.

3 ~~“(C) CERTAIN APPLICANTS FOR FIRE PRE-~~
 4 VENTION AND SAFETY GRANTS.—The authority
 5 under subparagraph (A) shall not apply with
 6 respect to a nonprofit organization that—

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

9 ~~“(ii) is not a fire department or emer-~~
 10 gency medical services organization.

11 ~~“(k) GRANT GUIDELINES.—~~

12 ~~“(1) GUIDELINES.—For each fiscal year, before~~
 13 awarding any grants under this section, the Admin-
 14 istrator of FEMA shall publish in the Federal Reg-
 15 ister—

16 ~~“(A) guidelines that describe—~~

17 ~~“(i) the process for applying for~~
 18 grants under this section; and

19 ~~“(ii) the criteria that will be used for~~
 20 selecting grant recipients; and

21 ~~“(B) an explanation of any differences be-~~
 22 tween such guidelines and the recommendations
 23 obtained under paragraph (2).

24 ~~“(2) ANNUAL MEETING TO OBTAIN REC-~~
 25 COMMENDATIONS.—

1 “(A) IN GENERAL.—For each fiscal year,
2 the Administrator of FEMA shall convene a
3 meeting of qualified members of national fire
4 service organizations and qualified members of
5 emergency medical service organizations to ob-
6 tain recommendations regarding the following:

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

9 “(ii) Administrative changes to the as-
10 sistance program established under sub-
11 section (b).

12 “(B) QUALIFIED MEMBERS.—For purposes
13 of this paragraph, a qualified member of an or-
14 ganization is a member who—

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

17 “(ii) is not an employee of the Federal
18 Government; and

19 “(iii) in the case of a member of an
20 emergency medical service organization, is
21 a member of an organization that rep-
22 resents—

23 “(I) providers of emergency med-
24 ical services that are affiliated with
25 fire departments; or

1 “(H) nonaffiliated EMS pro-
2 viders.

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

7 “(1) ACCOUNTING DETERMINATION.—Notwith-
8 standing any other provision of law, for purposes of this
9 section, equipment costs shall include all costs attributable
10 to any design, purchase of components, assembly, manu-
11 facture, and transportation of equipment not otherwise
12 commercially available.

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

19 “(n) TRAINING STANDARDS.—If an applicant for a
20 grant under this section is applying for such grant to pur-
21 chase training that does not meet or exceed any applicable
22 national voluntary consensus standards developed under
23 section 647 of the Post-Katrina Emergency Management
24 Reform Act of 2006 (6 U.S.C. 747), the applicant shall
25 submit to the Administrator of FEMA an explanation of

1 the reasons that the training proposed to be purchased
2 will serve the needs of the applicant better than training
3 that meets or exceeds such standards.

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

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

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

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

12 “(2) PERFORMANCE ASSESSMENT.—

13 “(A) IN GENERAL.—The Administrator of
14 FEMA shall develop and implement a perform-
15 ance assessment system, including quantifiable
16 performance metrics, to evaluate the extent to
17 which grants awarded under this section are
18 furthering the purposes of this section, includ-
19 ing protecting the health and safety of the pub-
20 lic and firefighting personnel against fire and
21 fire-related hazards.

22 “(B) CONSULTATION.—The Administrator
23 of FEMA shall consult with fire service rep-
24 resentatives and with the Comptroller General

1 of the United States in developing the assess-
2 ment system required by subparagraph (A).

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

8 ~~“(4) ANNUAL REPORTS TO CONGRESS.—~~

9 ~~“(A) IN GENERAL.—Not later than Sep-~~
10 ~~tember 30, 2011, and each year thereafter~~
11 ~~through 2015, the Administrator of FEMA~~
12 ~~shall submit to the Committee on Homeland~~
13 ~~Security and Governmental Affairs of the Sen-~~
14 ~~ate and the Committee on Science and Tech-~~
15 ~~nology of the House of Representatives a report~~
16 ~~that provides—~~

17 ~~“(i) information on the performance~~
18 ~~assessment system developed under para-~~
19 ~~graph (2); and~~

20 ~~“(ii) using the performance metrics~~
21 ~~developed under such paragraph, an eval-~~
22 ~~uation of the effectiveness of the grants~~
23 ~~awarded under this section.~~

24 ~~“(B) ADDITIONAL INFORMATION.—The re-~~
25 ~~port due under subparagraph (A) on September~~

1 30, 2014, shall also include recommendations
 2 for legislative changes to improve grants under
 3 this section, including recommendations as to
 4 whether the provisions set forth in subsection
 5 (e) should be extended for fiscal years after
 6 2015.

7 “(p) AUTHORIZATION OF APPROPRIATIONS.—

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

10 “(A) \$950,000,000 for fiscal year 2011;

11 and

12 “(B) for each of fiscal years 2012 through
 13 2015, an amount equal to the amount author-
 14 ized for the previous fiscal year increased by
 15 the percentage by which—

16 “(i) the Consumer Price Index (all
 17 items, United States city average) for the
 18 previous fiscal year, exceeds

19 “(ii) the Consumer Price Index for
 20 the fiscal year preceding the fiscal year de-
 21 scribed in clause (i).

22 “(2) ADMINISTRATIVE EXPENSES.—Of the
 23 amounts appropriated pursuant to paragraph (1) for
 24 a fiscal year, the Administrator of FEMA may use
 25 not more than 5 percent of such amounts for sala-

1 ries and expenses and other administrative costs in-
 2 curred by the Administrator of FEMA in the course
 3 of awarding grants and providing assistance under
 4 this section.

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

14 **SEC. 4. STAFFING FOR ADEQUATE FIRE AND EMERGENCY**
 15 **RESPONSE.**

16 (a) IMPROVEMENTS TO HIRING GRANTS.—

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

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

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

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

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

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

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

19 (2) by inserting after subsection (e) the fol-
 20 lowing:

21 “(d) WAIVERS.—

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

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

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

5 “(2) GUIDELINES.—

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

10 “(B) CONSIDERATIONS.—In developing
11 guidelines under subparagraph (A), the Admin-
12 istration shall consider, with respect to relevant
13 communities, the following:

14 “(i) Changes in unemployment rates
15 from previous years.

16 “(ii) Changes in the percentages of in-
17 dividuals eligible to receive food stamps
18 from previous years.

19 “(iii) Such other considerations as the
20 Administrator of FEMA considers appro-
21 priate.”.

22 (e) IMPROVEMENTS TO PERFORMANCE EVALUATION
23 REQUIREMENTS.—Subsection (e) of such section 34, as
24 redesignated by subsection (d)(1) of this section, is

1 amended by inserting before the first sentence the fol-
2 lowing:

3 “(1) IN GENERAL.—The Administrator of
4 FEMA shall establish a performance assessment sys-
5 tem, including quantifiable performance metrics, to
6 evaluate the extent to which grants awarded under
7 this section are furthering the purposes of this sec-
8 tion.

9 “(2) SUBMISSION OF INFORMATION.—”.

10 (f) REPORT.—

11 (1) IN GENERAL.—Subsection (f) of such sec-
12 tion 34, as redesignated by subsection (d)(1) of this
13 section, is amended by striking “The authority” and
14 all that follows through “Congress concerning” and
15 inserting the following: “Not later than September
16 30, 2014, the Administrator of FEMA shall submit
17 to the Committee on Homeland Security and Gov-
18 ernmental Affairs of the Senate and the Committee
19 on Science and Technology of the House of Rep-
20 resentatives a report on”.

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

24 (g) ADDITIONAL DEFINITIONS.—

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

4 (A) in the matter before paragraph (1), by
 5 striking “In this section, the term—” and in-
 6 serting “In this section.”;

7 (B) in paragraph (1)—

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

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

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

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

14 “(2) The terms ‘career fire department’, ‘com-
 15 bination fire department’, and ‘volunteer fire depart-
 16 ment’ have the meaning given such terms in section
 17 33(a).”.

18 (2) ~~CONFORMING AMENDMENT.~~—Subsection
 19 (a)(1)(A) of such section 34 is amended by striking
 20 “career, volunteer, and combination fire depart-
 21 ments” and inserting “career fire departments, com-
 22 bination fire departments, and volunteer fire depart-
 23 ments”.

24 (h) ~~AUTHORIZATION OF APPROPRIATIONS.~~—

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

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

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

8 (C) by adding at the end the following new
9 paragraph:

10 “(8) \$950,000,000 for fiscal year 2011; and

11 “(9) for each of fiscal years 2012 through
12 2015, an amount equal to the amount authorized for
13 the previous fiscal year increased by the percentage
14 by which—

15 “(A) the Consumer Price Index (all items,
16 United States city average) for the previous fis-
17 cal year, exceeds

18 “(B) the Consumer Price Index for the fis-
19 cal year preceding the fiscal year described in
20 subparagraph (A).”.

21 (2) ~~ADMINISTRATIVE EXPENSES.~~—Such sub-
22 section (j) is further amended—

23 (A) by redesignating paragraphs (1)
24 through (8) as subparagraphs (A) through (H);

1 (B) by striking “There are” and inserting
2 the following:

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

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

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

12 ~~(3) CONGRESSIONALLY DIRECTED SPENDING.—~~
13 Such subsection (j) is further amended by adding at
14 the end the following:

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

23 (i) TECHNICAL AMENDMENT.—Such section 34 is
24 amended—

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

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

8 (j) CLERICAL AMENDMENT.—Section 34 of such Act
 9 (15 U.S.C. 2229a) is amend by striking the section head-
 10 ing and inserting the following: “**STAFFING FOR ADE-**
 11 **QUATE FIRE AND EMERGENCY RESPONSE”**.”

12 **SEC. 5. SUNSET AND REVIVAL.**

13 (a) SUNSET.—Section 3 and subsections (a), (c), (d),
 14 (e), (f), (g), and (h) of section 4 are repealed.

15 (b) REVIVAL.—Section 33 and 34 of the Federal Fire
 16 Prevention and Control Act of 1974 (15 U.S.C. 2229 and
 17 2229a), amended by sections 3 and 4 of this Act, as such
 18 provisions were in effect on the day before the date of the
 19 enactment of this Act, except as amended by subsections
 20 (b), (i), and (j) of section 4, are hereby revived.

21 (c) EFFECTIVE DATE.—Subsections (a) and (b) shall
 22 take effect on October 1, 2015.

23 **SEC. 6. REPORT.**

24 Not later than September 30, 2014, the Comptroller
 25 General of the United States shall submit to the Com-

1 mittee on Homeland Security and Governmental Affairs
2 of the Senate and the Committee on Science and Tech-
3 nology of the House of Representatives a report on the
4 effect of the amendments made by this Act. Such report
5 shall include the following:

6 (1) An assessment of the effect of the amend-
7 ments made by sections 3 and 4 on the effectiveness,
8 relative allocation, accountability, and administration
9 of the grants awarded under sections 33 and 34 of
10 the Federal Fire Prevention and Control Act of
11 1974 (15 U.S.C. 2229 and 2229a) after the date of
12 the enactment of this Act.

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

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Fire Grants Reauthor-*
21 *ization Act of 2010”.*

22 **SEC. 2. AMENDMENTS TO DEFINITIONS.**

23 (a) *IN GENERAL.*—Section 4 of the Federal Fire Pre-
24 *vention and Control Act of 1974 (15 U.S.C. 2203) is*
25 *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 (9)*
14 *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), as*
22 *redesignated by paragraph (4), as paragraphs (10)*
23 *and (11);*

24 (7) *by inserting after paragraph (8), as redesi-*
25 *gnated by paragraph (4), the following:*

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

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” each*
12 *place it appears and inserting “Administrator of*
13 *FEMA”.*

14 (2) **ADMINISTRATOR OF FEMA’S AWARD.**—*Section*
15 *15 of such Act (15 U.S.C. 2214) is amended by strik-*
16 *ing “Director’s Award” each place it appears and in-*
17 *serting “Administrator’s Award”.*

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

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

21 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

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

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

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

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

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

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

13 “(B) *volunteer firefighting personnel.*

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

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

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

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

9 “(b) *ASSISTANCE PROGRAM.*—

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

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

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

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

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

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

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

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

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

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

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

16 “(2) *MAXIMUM GRANT AMOUNTS.*—

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

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

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

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

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

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

24 “(B) *STATE FIRE TRAINING ACADEMIES.—*

25 *The Administrator of FEMA may not award a*

1 *grant under this subsection to a State fire train-*
 2 *ing academy in an amount that exceeds*
 3 *\$1,000,000 in any fiscal year.*

4 “(C) *AGGREGATE.*—

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

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

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

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

24 “(i) *firefighting;*

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

5 “(iii) *arson prevention and detection;*

6 “(iv) *maritime firefighting; or*

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

9 “(B) *To train firefighting personnel to pro-*
10 *vide any of the training described under sub-*
11 *paragraph (A).*

12 “(C) *To fund the creation of rapid interven-*
13 *tion teams to protect firefighting personnel at the*
14 *scenes of fires and other emergencies.*

15 “(D) *To certify—*

16 “(i) *fire inspectors; and*

17 “(ii) *building inspectors—*

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

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

23 “(E) *To establish wellness and fitness pro-*
24 *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 apparatus.*

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

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

12 “(ii) *communications, monitoring, and*
13 *response to a natural disaster, act of ter-*
14 *rorism, or other man-made disaster, includ-*
15 *ing the use of a weapon of mass destruction.*

16 “(I) *To acquire personal protective equip-*
17 *ment, including personal protective equipment—*

18 “(i) *prescribed for firefighting per-*
19 *sonnel by the Occupational Safety and*
20 *Health Administration of the Department of*
21 *Labor; or*

22 “(ii) *for responding to a natural dis-*
23 *aster or act of terrorism or other man-made*
24 *disaster, including the use of a weapon of*
25 *mass destruction.*

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

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

6 “(L) To provide incentives for the recruit-
7 ment and retention of volunteer firefighting per-
8 sonnel for volunteer firefighting departments and
9 other firefighting departments that utilize volun-
10 teers.

11 “(M) To support such other activities, con-
12 sistent with the purposes of this subsection, as
13 the Administrator of FEMA determines appro-
14 priate.

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

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

20 “(A) award grants to fire departments;

21 “(B) award grants to, or enter into con-
22 tracts or cooperative agreements with, national,
23 State, local, tribal, or nonprofit organizations
24 that are not fire departments and that are recog-
25 nized for their experience and expertise with re-

1 *spect to fire prevention or fire safety programs*
 2 *and activities and firefighter research and devel-*
 3 *opment programs, for the purpose of carrying*
 4 *out—*

5 *“(i) fire prevention programs; and*

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

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

17 *“(2) MAXIMUM GRANT AMOUNT.—A grant*
 18 *awarded under this subsection may not exceed*
 19 *\$1,500,000 for a fiscal year.*

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

23 *“(A) To enforce fire codes and promote com-*
 24 *pliance with fire safety standards.*

25 *“(B) To fund fire prevention programs.*

1 “(C) *To fund wildland fire prevention pro-*
2 *grams, including education, awareness, and*
3 *mitigation programs that protect lives, property,*
4 *and natural resources from fire in the wildland-*
5 *urban interface.*

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

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

10 “(ii) *a program at such a center.*

11 “(E) *To support such other activities, con-*
12 *sistent with the purposes of this subsection, as*
13 *the Administrator of FEMA determines appro-*
14 *priate.*

15 “(e) *APPLICATIONS FOR GRANTS.—*

16 “(1) *IN GENERAL.—An entity seeking a grant*
17 *under this section shall submit to the Administrator*
18 *of FEMA an application therefor in such form and*
19 *in such manner as the Administrator of FEMA deter-*
20 *mines appropriate.*

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

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

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

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

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

9 “(i) *for the same purpose for which the*
10 *application for a grant under this section*
11 *was submitted; or*

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

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

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

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

22 “(B) *NONEXCLUSIVITY.—Applications*
23 *under this paragraph may be submitted instead*
24 *of or in addition to any other application sub-*
25 *mitted under paragraph (1).*

1 “(C) *GUIDANCE.—The Administrator of*
2 *FEMA shall—*

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

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

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

14 “(1) *IN GENERAL.—The Administrator of FEMA*
15 *shall, after consultation with national fire service and*
16 *emergency medical services organizations, appoint*
17 *fire service personnel and personnel from non-*
18 *affiliated EMS organizations to conduct peer reviews*
19 *of applications received under subsection (e)(1).*

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

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

1 “(B) applications submitted by volunteer
2 fire departments are reviewed primarily by per-
3 sonnel from volunteer fire departments;

4 “(C) applications submitted by combination
5 fire departments and fire departments using
6 paid-on-call firefighting personnel are reviewed
7 primarily by personnel from such fire depart-
8 ments; and

9 “(D) applications for grants to fund emer-
10 gency medical services pursuant to subsection
11 (c)(3)(F) are reviewed primarily by emergency
12 medical services personnel, including—

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

15 “(ii) personnel from nonaffiliated EMS
16 organizations.

17 “(3) REVIEW OF APPLICATIONS FOR FIRE PRE-
18 VENTION AND SAFETY GRANTS SUBMITTED BY NON-
19 PROFIT ORGANIZATIONS THAT ARE NOT FIRE DEPART-
20 MENTS.—In conducting a review of an application
21 submitted under subsection (e)(1) by a nonprofit or-
22 ganization described in subsection (d)(1)(B), a peer
23 reviewer may not recommend the applicant for a
24 grant under subsection (d) unless such applicant is

1 *recognized for its experience and expertise with re-*
2 *spect to—*

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

5 *“(B) firefighter research and development*
6 *programs.*

7 *“(4) APPLICABILITY OF FEDERAL ADVISORY COM-*
8 *MITTEE ACT.—The Federal Advisory Committee Act*
9 *(5 U.S.C. App.) shall not apply to activities carried*
10 *out pursuant to this subsection.*

11 *“(g) PRIORITIZATION AND ALLOCATION OF GRANT*
12 *AWARDS.—In awarding grants under this section, the Ad-*
13 *ministrator of FEMA shall—*

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

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

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

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

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

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

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

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

9 “(h) *ADDITIONAL REQUIREMENTS AND LIMITA-*
10 *TIONS.—*

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

16 “(2) *GRANT AWARDS TO NONAFFILIATED EMS*
17 *ORGANIZATIONS.—Not more than 2 percent of the*
18 *available grant funds for a fiscal year shall be award-*
19 *ed under this section to nonaffiliated EMS organiza-*
20 *tions.*

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

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

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

10 “(i) *FURTHER CONSIDERATIONS.*—

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

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

1 “(3) *AWARDING FIRE PREVENTION AND SAFETY*
2 *GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT*
3 *FIRE DEPARTMENTS.—In the case of applicants for*
4 *grants under this section who are described in sub-*
5 *section (d)(1)(B), the Administrator of FEMA shall*
6 *give priority to applicants who focus on—*

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

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

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

17 “(j) *MATCHING AND MAINTENANCE OF EXPENDITURE*
18 *REQUIREMENTS.—*

19 “(1) *MATCHING REQUIREMENT FOR ASSISTANCE*
20 *TO FIREFIGHTERS GRANTS.—*

21 “(A) *IN GENERAL.—Except as provided in*
22 *subparagraph (B), an applicant seeking a grant*
23 *to carry out an activity under subsection (c)*
24 *shall agree to make available non-Federal funds*
25 *to carry out such activity in an amount equal*

1 to not less than 15 percent of the grant awarded
2 to such applicant under such subsection.

3 “(B) *EXCEPTION FOR ENTITIES SERVING*
4 *SMALL COMMUNITIES.*—*In the case that an ap-*
5 *plicant seeking a grant to carry out an activity*
6 *under subsection (c) serves a jurisdiction of—*

7 “(i) *more than 20,000 residents but not*
8 *more than 50,000 residents, the applicant*
9 *shall agree to make available non-Federal*
10 *funds in an amount equal to not less than*
11 *10 percent of the grant award to such ap-*
12 *plicant under such subsection; or*

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

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

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

1 *awarded to such applicant under such sub-*
2 *section.*

3 “(B) *MEANS OF MATCHING.*—*An applicant*
4 *for a grant under subsection (d) may meet the*
5 *matching requirement under subparagraph (A)*
6 *through direct funding, funding of complemen-*
7 *tary activities, or the provision of staff, facilities,*
8 *services, material, or equipment.*

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

17 “(4) *WAIVER.*—

18 “(A) *IN GENERAL.*—*Except as provided in*
19 *subparagraph (C)(ii), the Administrator of*
20 *FEMA may waive or reduce the requirements of*
21 *paragraphs (1), (2), and (3) in cases of dem-*
22 *onstrated economic hardship.*

23 “(B) *GUIDELINES.*—

24 “(i) *IN GENERAL.*—*The Administrator*
25 *of FEMA shall establish and publish guide-*

1 *lines for determining what constitutes eco-*
2 *nomiic hardship for purposes of this para-*
3 *graph.*

4 “(ii) *CONSIDERATIONS.—In developing*
5 *guidelines under clause (i), the Adminis-*
6 *trator of FEMA shall consider, with respect*
7 *to relevant communities, the following:*

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

10 “(II) *Whether the rates of unem-*
11 *ployment of the relevant communities*
12 *are currently and have consistently ex-*
13 *ceeded the annual national average*
14 *rates of unemployment.*

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

18 “(IV) *Such other factors as the*
19 *Administrator of FEMA considers ap-*
20 *propriate.*

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

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

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

5 “(k) GRANT GUIDELINES.—

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

10 “(A) guidelines that describe—

11 “(i) the process for applying for grants
12 under this section; and

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

15 “(B) an explanation of any differences be-
16 tween such guidelines and the recommendations
17 obtained under paragraph (2).

18 “(2) ANNUAL MEETING TO OBTAIN RECOMMENDA-
19 TIONS.—

20 “(A) IN GENERAL.—For each fiscal year,
21 the Administrator of FEMA shall convene a
22 meeting of qualified members of national fire
23 service organizations and qualified members of
24 emergency medical service organizations to ob-
25 tain recommendations regarding the following:

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

3 “(ii) *Administrative changes to the as-*
4 *sistance program established under sub-*
5 *section (b).*

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

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

11 “(ii) *is not an employee of the Federal*
12 *Government; and*

13 “(iii) *in the case of a member of an*
14 *emergency medical service organization, is*
15 *a member of an organization that rep-*
16 *resents—*

17 “(I) *providers of emergency med-*
18 *ical services that are affiliated with*
19 *fire departments; or*

20 “(II) *nonaffiliated EMS pro-*
21 *viders.*

22 “(3) *APPLICABILITY OF FEDERAL ADVISORY COM-*
23 *MITTEE ACT.—The Federal Advisory Committee Act*
24 *(5 U.S.C. App.) shall not apply to activities carried*
25 *out pursuant to this subsection.*

1 “(l) *ACCOUNTING DETERMINATION.*—Notwithstanding
2 any other provision of law, for purposes of this section,
3 equipment costs shall include all costs attributable to any
4 design, purchase of components, assembly, manufacture,
5 and transportation of equipment not otherwise commer-
6 cially available.

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

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

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

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

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

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

8 “(2) *PERFORMANCE ASSESSMENT.*—

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

18 “(B) *CONSULTATION.*—*The Administrator*
19 *of FEMA shall consult with fire service rep-*
20 *resentatives and with the Comptroller General of*
21 *the United States in developing the assessment*
22 *system required by subparagraph (A).*

23 “(3) *ANNUAL REPORTS TO ADMINISTRATOR OF*
24 *FEMA.*—*The recipient of a grant awarded under this*
25 *section shall submit to the Administrator of FEMA*

1 *an annual report describing how the recipient used*
2 *the grant amounts.*

3 “(4) *ANNUAL REPORTS TO CONGRESS.*—

4 “(A) *IN GENERAL.*—*Not later than Sep-*
5 *tember 30, 2011, and each year thereafter*
6 *through 2015, the Administrator of FEMA shall*
7 *submit to the Committee on Homeland Security*
8 *and Governmental Affairs of the Senate and the*
9 *Committee on Science and Technology of the*
10 *House of Representatives a report that pro-*
11 *vides—*

12 “(i) *information on the performance*
13 *assessment system developed under para-*
14 *graph (2); and*

15 “(ii) *using the performance metrics de-*
16 *veloped under such paragraph, an evalua-*
17 *tion of the effectiveness of the grants award-*
18 *ed under this section.*

19 “(B) *ADDITIONAL INFORMATION.*—*The re-*
20 *port due under subparagraph (A) on September*
21 *30, 2014, shall also include recommendations for*
22 *legislative changes to improve grants under this*
23 *section, including recommendations as to wheth-*
24 *er the provisions described in section 5(a) of the*
25 *Fire Grants Reauthorization Act of 2010 should*

1 *be extended to apply on and after the date de-*
2 *scribed in such section.*

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

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

6 “(A) *\$950,000,000 for fiscal year 2011; and*

7 “(B) *for each of fiscal years 2012 through*
8 *2015, an amount equal to the amount authorized*
9 *for the previous fiscal year increased by the per-*
10 *centage by which—*

11 “(i) *the Consumer Price Index (all*
12 *items, United States city average) for the*
13 *previous fiscal year, exceeds*

14 “(ii) *the Consumer Price Index for the*
15 *fiscal year preceding the fiscal year de-*
16 *scribed in clause (i).*

17 “(2) *ADMINISTRATIVE EXPENSES.—Of the*
18 *amounts appropriated pursuant to paragraph (1) for*
19 *a fiscal year, the Administrator of FEMA may use*
20 *not more than 5 percent of such amounts for salaries*
21 *and expenses and other administrative costs incurred*
22 *by the Administrator of FEMA in the course of*
23 *awarding grants and providing assistance under this*
24 *section.*

1 “(3) *CONGRESSIONALLY DIRECTED SPENDING.*—
2 *Consistent with the requirements in subsections (c)(1)*
3 *and (d)(1) that grants under those subsections be*
4 *awarded on a competitive basis, none of the funds ap-*
5 *propriated pursuant to this subsection may be used*
6 *for any congressionally directed spending item (as*
7 *such term is defined in paragraph 5(a) of rule XLIV*
8 *of the Standing Rules of the Senate).”*

9 **SEC. 4. STAFFING FOR ADEQUATE FIRE AND EMERGENCY**
10 **RESPONSE.**

11 *(a) IMPROVEMENTS TO HIRING GRANTS.*—

12 *(1) TERM OF GRANTS.*—*Subsection (a)(1)(B) of*
13 *section 34 of the Federal Fire Prevention and Control*
14 *Act of 1974 (15 U.S.C. 2229a) is amended by striking*
15 *“4 years” and inserting “3 years”.*

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

21 *(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES*
22 *FOR RECRUITMENT AND RETENTION GRANTS.*—*The second*
23 *sentence of subsection (a)(2) of such section 34 is amended*
24 *by striking “organizations on a local or statewide basis”*

1 *and inserting “national, State, local, or tribal organiza-*
 2 *tions”.*

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

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

11 *(d) WAIVERS.—Such section 34 is further amended—*

12 *(1) by redesignating subsections (d) through (i)*
 13 *as subsection (e) through (j), respectively; and*

14 *(2) by inserting after subsection (c) the fol-*
 15 *lowing:*

16 *“(d) WAIVERS.—*

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

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

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

24 *“(2) GUIDELINES.—*

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

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

9 “(i) *Changes in rates of unemployment*
10 *from previous years.*”

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

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

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

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

1 “(1) *IN GENERAL.*—*The Administrator of FEMA*
2 *shall establish a performance assessment system, in-*
3 *cluding quantifiable performance metrics, to evaluate*
4 *the extent to which grants awarded under this section*
5 *are furthering the purposes of this section.*

6 “(2) *SUBMISSION OF INFORMATION.*—”.

7 (f) *REPORT.*—

8 (1) *IN GENERAL.*—*Subsection (f) of such section*
9 *34, as redesignated by subsection (d)(1) of this sec-*
10 *tion, is amended by striking “The authority” and all*
11 *that follows through “Congress concerning” and in-*
12 *serting the following: “Not later than September 30,*
13 *2014, the Administrator of FEMA shall submit to the*
14 *Committee on Homeland Security and Governmental*
15 *Affairs of the Senate and the Committee on Science*
16 *and Technology of the House of Representatives a re-*
17 *port on”.*

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

21 (g) *ADDITIONAL DEFINITIONS.*—

22 (1) *IN GENERAL.*—*Subsection (i) of such section*
23 *34, as redesignated by subsection (d)(1) of this sec-*
24 *tion, is amended—*

1 (A) *in the matter before paragraph (1), by*
 2 *striking “In this section, the term—” and insert-*
 3 *ing “In this section.”;*

4 (B) *in paragraph (1)—*

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

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

9 (C) *by striking paragraph (2); and*

10 (D) *by inserting at the end the following:*

11 “(2) *The terms ‘career fire department’, ‘com-*
 12 *bination fire department’, and ‘volunteer fire depart-*
 13 *ment’ have the meaning given such terms in section*
 14 *33(a).”.*

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

20 (h) *AUTHORIZATION OF APPROPRIATIONS.—*

21 (1) *IN GENERAL.—Subsection (j) of such section*
 22 *34, as redesignated by subsection (d)(1) of this sec-*
 23 *tion, is amended—*

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

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

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

4 “(8) \$950,000,000 for fiscal year 2011; and

5 “(9) for each of fiscal years 2012 through 2015,
6 an amount equal to the amount authorized for the
7 previous fiscal year increased by the percentage by
8 which—

9 “(A) the Consumer Price Index (all items,
10 United States city average) for the previous fis-
11 cal year, exceeds

12 “(B) the Consumer Price Index for the fiscal
13 year preceding the fiscal year described in sub-
14 paragraph (A).”.

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

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

23 (B) by redesignating paragraphs (1)
24 through (9) as subparagraphs (A) through (I),
25 respectively, and moving the left margin of such

1 subparagraphs, as so redesignated, 2 ems to the
2 right;

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

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

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

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 to cover sal-*
11 *aries and expenses and other administrative costs in-*
12 *curring by the Administrator of FEMA to make grants*
13 *and provide assistance under this section.”.*

14 (3) *CONGRESSIONALLY DIRECTED SPENDING.*—
15 *Such subsection (j) is further amended by adding at*
16 *the end the following:*

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

24 (i) *TECHNICAL AMENDMENT.*—*Such section 34 is*
25 *amended—*

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

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

8 (j) *CLERICAL AMENDMENT.—Section 34 of such Act*
9 *(15 U.S.C. 2229a) is amended by striking “**EXPANSION***
10 ***OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PRO-***
11 ***GRAM” and inserting the following: “**STAFFING FOR*****
12 ***ADEQUATE FIRE AND EMERGENCY RESPONSE”.***

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

14 (a) *SUNSET.—Section 3 and subsections (a), (c), (d),*
15 *(e), (f), (g), and (h) of section 4, and the amendments made*
16 *by such section and subsections shall not apply on or after*
17 *October 1, 2015.*

18 (b) *APPLICATION OF PRIOR LAW.—On and after Octo-*
19 *ber 1, 2015, sections 33 and 34 of the Federal Fire Preven-*
20 *tion and Control Act of 1974 (15 U.S.C. 2229 and 2229a)*
21 *are amended to read as such sections read on the day before*
22 *the date of the enactment of this Act, except that the amend-*
23 *ments made by subsections (b), (i), and (j) of section 4 shall*
24 *continue to apply to such section 34.*

1 **SEC. 6. REPORT.**

2 *Not later than September 30, 2014, the Comptroller*
3 *General of the United States shall submit to the Committee*
4 *on Homeland Security and Governmental Affairs of the*
5 *Senate and the Committee on Science and Technology of*
6 *the House of Representatives a report on the effect of the*
7 *amendments made by this Act. Such report shall include*
8 *the following:*

9 *(1) An assessment of the effect of the amendments*
10 *made by sections 3 and 4 on the effectiveness, relative*
11 *allocation, accountability, and administration of the*
12 *grants awarded under sections 33 and 34 of the Fed-*
13 *eral Fire Prevention and Control Act of 1974 (15*
14 *U.S.C. 2229 and 2229a) after the date of the enact-*
15 *ment of this Act .*

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

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2^D SESSION

S. 3267

[Report No. 111-235]

A BILL

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

JULY 28, 2010

Reported with an amendment