

111TH CONGRESS
2D SESSION

S. 3267

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

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”.

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) The Federal Fire Prevention and Control
10 Act of 1974 (15 U.S.C. 2201 et seq.) is amended by
11 striking “Director” each place it appears and insert-
12 ing “Administrator of FEMA”.

13 (2) Section 15(a) of such Act (15 U.S.C.
14 2213(a)) is amended by striking “Director’s Award”
15 each place it appears and inserting “Administrator
16 of FEMA’s Award”.

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

18 Section 33 of the Federal Fire Prevention and Con-
19 trol Act of 1974 (15 U.S.C. 2229) is amended to read
20 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 fis-
4 cal year.

5 “(2) CAREER FIRE DEPARTMENT.—The term
6 ‘career fire department’ means a fire department
7 that has an all-paid force of firefighting personnel
8 other 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 de-
17 partments, or emergency medical service personnel
18 of fire departments.

19 “(5) NONAFFILIATED EMS ORGANIZATION.—
20 The term ‘nonaffiliated EMS organization’ means a
21 public or private nonprofit emergency medical serv-
22 ices organization that is not affiliated with a hospital
23 and does not serve a geographic area in which the
24 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 means firefighting personnel who are paid a stipend
5 for each event to which they respond.

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

10 “(b) ASSISTANCE PROGRAM.—

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

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

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

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

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

24 “(B) provide assistance with application
25 preparation to applicants for such grants.

1 “(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

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

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

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

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

17 “(2) MAXIMUM GRANT AMOUNTS.—

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

21 “(i) In the case of a recipient that
22 serves a jurisdiction with 100,000 people
23 or fewer, the amount of the grant awarded
24 to such recipient shall not exceed
25 \$1,000,000 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
5 to such recipient shall not exceed
6 \$2,000,000 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
 2 training 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
 11 one percent of the available grant funds in
 12 such 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 re-
 21 ceiving a grant under this subsection shall use the
 22 grant 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
10 provide any of the training described in sub-
11 paragraph (A).

12 “(C) To fund the creation of rapid inter-
13 vention teams to protect firefighting personnel
14 at the 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 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 disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

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

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

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

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

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

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

8 “(A) award grants to fire departments;

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

10 “(i) fire prevention programs; and

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

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

22 “(2) MAXIMUM GRANT AMOUNT.—A grant
23 awarded under this subsection may not be for an
24 amount greater than \$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 applicant for a grant under this section
17 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 management organizations,
23 appoint fire service personnel and personnel from
24 nonaffiliated EMS organizations to conduct peer re-

1 views of applications received under subsection
2 (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 service 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 unemployment
21 rates from previous years.

22 “(II) Changes in percentages of
23 individuals eligible to receive food
24 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 “(II) 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 (q) 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 (c) 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 (c) 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.

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