

112TH CONGRESS
1ST SESSION

H. R. 2269

To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2011

Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. PASCRELL, Mr. KING of New York, Mr. REICHERT, Mr. HOYER, Mr. LATOURETTE, Mr. ANDREWS, Mr. CRITZ, Mr. WU, Mr. LUJÁN, Mr. LIPINSKI, Mr. CLARKE of Michigan, Mr. SARBANES, Mr. MICHAUD, and Mr. GRIMM) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fire Grants Reauthor-
5 ization Act of 2011”.

1 **SEC. 2. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM**
2 **REAUTHORIZATION.**

3 (a) IN GENERAL.—Section 33 of the Federal Fire
4 Prevention and Control Act of 1974 (15 U.S.C. 2229) is
5 amended to read as follows:

6 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

7 “(a) ASSISTANCE PROGRAM.—

8 “(1) AUTHORITY.—In accordance with this sec-
9 tion, the Director may—

10 “(A) make grants on a competitive basis
11 directly to fire departments of a State, in con-
12 sultation with the chief executive of the State,
13 for the purpose of protecting the health and
14 safety of the public and firefighting personnel
15 throughout the Nation against fire and fire-re-
16 lated hazards;

17 “(B) make grants on a competitive basis
18 directly to State fire training academies, in con-
19 sultation with the chief executive of the State,
20 in accordance with paragraph (11)(C);

21 “(C) provide assistance for fire prevention
22 and firefighter safety research and development
23 programs and fire prevention or fire safety pro-
24 grams and activities in accordance with para-
25 graph (4); and

1 “(D) provide assistance for volunteer, non-
2 fire service EMS and rescue organizations for
3 the purpose of paragraph (3)(F).

4 “(2) ADMINISTRATIVE ASSISTANCE.—The Di-
5 rector shall establish specific criteria for the selec-
6 tion of recipients of assistance under this section
7 and shall provide grant-writing assistance to appli-
8 cants.

9 “(3) USE OF FIRE DEPARTMENT GRANT
10 FUNDS.—The Director may make a grant under
11 paragraph (1)(A) only if the applicant for the grant
12 agrees to use the grant funds for one or more of the
13 following purposes:

14 “(A) To hire additional firefighting per-
15 sonnel.

16 “(B) To train firefighting personnel in
17 firefighting, emergency medical services and
18 other emergency response (including response
19 to a terrorism incident or use of a weapon of
20 mass destruction), arson prevention and detec-
21 tion, maritime firefighting, or the handling of
22 hazardous materials or to train firefighting per-
23 sonnel to provide any of the training described
24 in this subparagraph.

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

4 “(D) To certify fire and building inspec-
5 tors employed by a fire department or serving
6 as a volunteer building inspector with a fire de-
7 partment.

8 “(E) To establish wellness and fitness pro-
9 grams for firefighting personnel to ensure that
10 the firefighting personnel can carry out their
11 duties, including programs dedicated to raising
12 awareness of, and prevention of, job-related
13 mental health issues.

14 “(F) To fund emergency medical services
15 provided by fire departments and volunteer,
16 non-fire service EMS and rescue organizations.

17 “(G) To acquire additional firefighting ve-
18 hicles, including fire trucks.

19 “(H) To acquire additional firefighting
20 equipment, including equipment for communica-
21 tions, monitoring, and response to a terrorism
22 incident or use of a weapon of mass destruc-
23 tion.

24 “(I) To acquire personal protective equip-
25 ment required for firefighting personnel by the

1 Occupational Safety and Health Administration
2 and other personal protective equipment for
3 firefighting personnel, including protective
4 equipment to respond to a terrorism incident or
5 the use of a weapon of mass destruction.

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

9 “(K) To enforce fire codes and standards.

10 “(L) To fund fire prevention programs.

11 “(M) To educate the public about arson
12 prevention and detection.

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

18 “(4) FIRE PREVENTION AND FIREFIGHTER
19 SAFETY RESEARCH AND DEVELOPMENT PRO-
20 GRAMS.—

21 “(A) IN GENERAL.—For each fiscal year,
22 the Director shall use not less than 10 percent
23 of the funds made available under subsection
24 (e)—

1 “(i) to make grants to fire depart-
2 ments for the purpose described in para-
3 graph (3)(L);

4 “(ii) to make grants to, or enter into
5 contracts or cooperative agreements with,
6 national, State, local, or community orga-
7 nizations that are not fire departments
8 but—

9 “(I) that are recognized for their
10 experience and expertise with respect
11 to fire prevention or fire safety pro-
12 grams and activities and that partner
13 with fire departments, for the purpose
14 of carrying out such programs and ac-
15 tivities;

16 “(II) engage in fire and life safe-
17 ty related activities as a primary pur-
18 pose or function, for the purpose of
19 carrying out fire prevention or fire
20 safety programs and activities; or

21 “(III) that are recognized for
22 their experience and expertise with re-
23 spect to firefighter research and devel-
24 opment programs, for the purpose of
25 carrying out research on fire preven-

1 tion or fire safety programs and ac-
2 tivities or to improve firefighter health
3 and life safety; and

4 “(iii) if the Director determines that
5 it is necessary, to make grants or enter
6 into contracts in accordance with sub-
7 section (c).

8 “(B) PRIORITY.—In selecting organiza-
9 tions described in subparagraph (A)(ii) to re-
10 ceive assistance under this paragraph, the Di-
11 rector shall give priority to organizations that
12 focus on prevention of injuries to high-risk
13 groups from fire, as well as research programs
14 that demonstrate the potential to improve fire-
15 fighter safety.

16 “(C) GRANT LIMITATION.—A grant under
17 this paragraph shall not exceed \$1,500,000 for
18 a fiscal year.

19 “(D) LIMITATION.—None of the funds
20 made available under this paragraph may be
21 provided to the Association of Community Or-
22 ganizations for Reform Now (ACORN) or any
23 of its affiliates, subsidiaries, or allied organiza-
24 tions.

1 “(5) APPLICATION.—The Director may provide
2 assistance to a fire department or organization (in-
3 cluding a State fire training academy) under this
4 subsection only if the fire department or organiza-
5 tion seeking the assistance submits to the Director
6 an application that meets the following require-
7 ments:

8 “(A) FORM.—The application shall be in
9 such form as the Director may require.

10 “(B) INFORMATION.—The application shall
11 include the following information:

12 “(i) Information that demonstrates
13 the financial need of the applicant for the
14 assistance for which applied.

15 “(ii) An analysis of the costs and ben-
16 efits, with respect to public safety, of the
17 use of the assistance.

18 “(iii) An agreement to provide infor-
19 mation to the national fire incident report-
20 ing system for the period covered by the
21 assistance.

22 “(iv) A list of other sources of Federal
23 funding received by the applicant.

24 “(v) Any other information that the
25 Director may require.

1 “(C) UNNECESSARY DUPLICATION.—The
2 Director, in coordination with the Secretary of
3 Homeland Security, shall use the list provided
4 under subparagraph (B)(iv) to prevent the un-
5 necessary duplication of grant funds.

6 “(6) MATCHING REQUIREMENT.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graphs (B) and (C) and paragraph (8), the Di-
9 rector may provide assistance under this sub-
10 section only if the applicant for such assistance
11 agrees to match 10 percent of such assistance
12 for any fiscal year with an equal amount of
13 non-Federal funds.

14 “(B) REQUIREMENT FOR SMALL COMMU-
15 NITY ORGANIZATIONS.—In the case of an appli-
16 cant whose personnel serve jurisdictions of
17 20,000 or fewer residents, the percent applied
18 under the matching requirement of subpara-
19 graph (A) shall be 5 percent.

20 “(C) FIRE PREVENTION AND FIREFIGHTER
21 SAFETY GRANTS EXCEPTION.—There shall be
22 no matching requirement for a grant described
23 in paragraph (4).

24 “(7) MAINTENANCE OF EXPENDITURES.—Sub-
25 ject to paragraph (8), the Director may provide as-

1 assistance under this subsection only if the applicant
2 for the assistance agrees to maintain in the fiscal
3 year for which the assistance will be received the ap-
4 plicant's aggregate expenditures for the uses de-
5 scribed in paragraph (3) or (4) at or above 80 per-
6 cent of the average level of such expenditures in the
7 2 fiscal years preceding the fiscal year for which the
8 assistance will be received.

9 “(8) ECONOMIC HARDSHIP WAIVER.—

10 “(A) IN GENERAL.—In exceptional cir-
11 cumstances, the Director may waive or reduce
12 the matching requirement under paragraph (6)
13 and the maintenance of expenditures require-
14 ment under paragraph (7) for applicants facing
15 demonstrated economic hardship.

16 “(B) CRITERIA DEVELOPMENT.—The cri-
17 teria under which the Director may waive or re-
18 duce such requirements shall be developed in
19 consultation with individuals who are—

20 “(i) recognized for expertise in fire-
21 fighting, emergency medical services pro-
22 vided by fire services, or the economic af-
23 fairs of State and local governments; and

24 “(ii) members of national fire service
25 organizations or national organizations

1 representing the interests of State and
2 local governments.

3 “(C) PUBLIC AVAILABILITY.—The Director
4 shall make the criteria developed under sub-
5 paragraph (B) publicly available.

6 “(9) VARIETY OF FIRE DEPARTMENT GRANT
7 RECIPIENTS.—

8 “(A) IN GENERAL.—Of the amounts made
9 available under subsection (e), the Director
10 shall ensure that grants under paragraph
11 (1)(A) for a fiscal year are allocated, to the ex-
12 tent that there are eligible applicants to carry
13 out the activities under paragraph (3), as fol-
14 lows:

15 “(i) Twenty-five percent shall be made
16 available to career fire departments.

17 “(ii) Twenty-five percent shall be
18 made available to volunteer fire depart-
19 ments.

20 “(iii) Twenty-five percent shall be
21 made available to combination fire depart-
22 ments.

23 “(B) EVALUATION CRITERIA.—

24 “(i) IN GENERAL.—In awarding
25 grants under paragraph (1)(A), the Direc-

1 tor shall, within each category of appli-
2 cants under subparagraph (A), consider a
3 broad range of factors important to the ap-
4 plicant’s ability to respond to fires and re-
5 lated hazards, such as population served,
6 geographic response area, hazard vulner-
7 ability, call volume, financial situation, and
8 need for training or equipment.

9 “(ii) HIGH POPULATION AND INCI-
10 DENT RESPONSE.—In considering such
11 factors under clause (i), applicants serving
12 areas with high population and with a high
13 number of incidents requiring a response
14 shall receive a higher level of consideration.

15 “(C) REMAINDER.—Of the amounts made
16 available under subsection (e) that are not allo-
17 cated for use and awarded under subparagraph
18 (A) or designated for use under any other pro-
19 vision of this section, the Director shall provide
20 for an open competition for grants among ca-
21 reer fire departments, volunteer fire depart-
22 ments, and combination fire departments to
23 carry out the activities under paragraph (3).

24 “(10) REPORT TO THE DIRECTOR.—The Direc-
25 tor may provide assistance under this subsection

1 only if the applicant for the assistance agrees to sub-
2 mit to the Director a report, including a description
3 of how the assistance was used, with respect to each
4 fiscal year for which the assistance was received.

5 “(11) GRANT LIMITATIONS.—

6 “(A) RECIPIENT LIMITATIONS.—A grant
7 recipient under paragraph (1)(A)—

8 “(i) that serves a jurisdiction with
9 100,000 people or less may not receive
10 grants in excess of \$1,000,000 for any fis-
11 cal year;

12 “(ii) that serves a jurisdiction with
13 more than 100,000 people but less than
14 500,000 people may not receive grants in
15 excess of \$2,000,000 for any fiscal year;

16 “(iii) that serves a jurisdiction with
17 500,000 people or more but less than
18 1,000,000 people may not receive grants in
19 excess of \$3,000,000 for any fiscal year;

20 “(iv) that serves a jurisdiction with
21 1,000,000 people or more but less than
22 2,500,000 people may not receive grants in
23 excess of \$6,000,000 for any fiscal year;
24 and

1 “(v) that serves a jurisdiction with
2 2,500,000 people or more may not receive
3 grants in excess of \$9,000,000 for any fis-
4 cal year.

5 The Director may award grants in excess of the
6 limitations provided in clauses (i), (ii), (iii), and
7 (iv) if the Director determines that extraor-
8 dinary need for assistance by a jurisdiction war-
9 rants a waiver.

10 “(B) LIMITATION ON EXPENDITURES FOR
11 FIREFIGHTING VEHICLES.—Not more than 25
12 percent of the funds appropriated to provide
13 grants under this section for a fiscal year may
14 be used to assist grant recipients to purchase
15 vehicles, as authorized by paragraph (3)(G).

16 “(C) STATE FIRE TRAINING ACADEMIES.—

17 “(i) IN GENERAL.—In accordance
18 with clause (ii), the Director shall award
19 not more than 3 percent of the amounts
20 made available under subsection (e) for a
21 fiscal year for grants under this subsection
22 for State fire training academies.

23 “(ii) LIMITATION.—The Director
24 shall—

1 “(I) award not more than 1
2 grant under this subparagraph per
3 State in a fiscal year;

4 “(II) limit the amount of a grant
5 to a State fire training academy to
6 less than or equal to \$1,000,000 in
7 each fiscal year; and

8 “(III) ensure that any grant
9 awarded to a State fire training acad-
10 emy shall be used for the purposes de-
11 scribed in paragraphs 3(G), 3(H), or
12 3(I).

13 “(D) REQUIREMENTS FOR GRANTS FOR
14 EMERGENCY MEDICAL SERVICES.—The Director
15 shall award not more than 2 percent of the
16 amounts made available under subsection (e)
17 for a fiscal year to volunteer, non-fire service
18 EMS and rescue organizations for the purposes
19 described in paragraph (3)(F).

20 “(E) APPLICATION OF SELECTION CRI-
21 TERIA TO GRANT APPLICATIONS FROM VOLUN-
22 TEER, NON-FIRE SERVICE EMS AND RESCUE OR-
23 GANIZATIONS.—In reviewing applications sub-
24 mitted by volunteer, non-fire service EMS and
25 rescue organizations, the Director shall consider

1 the extent to which other sources of Federal
2 funding are available to provide the assistance
3 requested in such grant applications.

4 “(F) CONSENSUS STANDARDS.—

5 “(i) IN GENERAL.—Any grant
6 amounts used to obtain training under this
7 section shall be limited to training that
8 complies with applicable national voluntary
9 consensus standards (if applicable national
10 voluntary consensus standards have been
11 established), unless a waiver has been
12 granted under clause (ii).

13 “(ii) WAIVER.—

14 “(I) EXPLANATION FOR NON-
15 STANDARD TRAINING.—If an appli-
16 cant for a grant seeks to use the as-
17 sistance provided under the grant to
18 obtain training that does not meet or
19 exceed applicable voluntary consensus
20 standards, the applicant shall include
21 in the application an explanation of
22 why such training will serve the needs
23 of the applicant better than training
24 that does meet or exceed such stand-
25 ards.

1 “(II) PROCEDURES.—In making
2 a determination whether or not to
3 waive the requirement under clause (i)
4 with respect to a specific standard,
5 the Director shall, to the greatest extent
6 practicable—

7 “(aa) consult with other
8 members of the fire services regarding
9 the impact on fire departments of the requirement to
10 meet or exceed the specific standard;
11
12

13 “(bb) take into consideration
14 the explanation provided by the
15 applicant under subclause (I);
16 and

17 “(cc) seek to minimize the
18 impact of the requirement to
19 meet or exceed the specific standard
20 on the applicant, particularly
21 if meeting the standard would
22 impose additional costs.

23 “(III) ADDITIONAL REQUESTS.—
24 Applicants that apply for a grant
25 under the terms of subclause (I) may

1 include a second grant request in the
2 application to be considered by the
3 Director in the event that the Direc-
4 tor does not approve the primary
5 grant request on the grounds of the
6 training not meeting applicable vol-
7 untary consensus standards.

8 “(12) ELIGIBLE GRANTEE ON BEHALF OF
9 ALASKA NATIVE VILLAGES.—The Alaska Village Ini-
10 tiatives, a non-profit organization incorporated in
11 the State of Alaska, shall be considered an eligible
12 grantee for purposes of receiving assistance under
13 this section on behalf of Alaska Native villages.

14 “(13) ANNUAL MEETING.—The Director shall
15 convene an annual meeting of individuals who are
16 members of national fire service organizations and
17 are recognized for expertise in firefighting or emer-
18 gency medical services provided by fire services, and
19 who are not employees of the Federal Government,
20 for the purpose of recommending criteria for award-
21 ing grants under this section for the next fiscal year
22 and any necessary administrative changes to the
23 grant program.

24 “(14) GUIDELINES.—

1 “(A) IN GENERAL.—Each year, prior to
2 making any grants under this section, the Di-
3 rector shall publish in the Federal Register—

4 “(i) guidelines that describe the proc-
5 ess for applying for grants and the criteria
6 for awarding grants;

7 “(ii) an explanation of any differences
8 between the guidelines and the rec-
9 ommendations made pursuant to para-
10 graph (13); and

11 “(iii) the criteria developed under
12 paragraph (8) which the Director will use
13 to evaluate applicants for waivers from
14 program requirements.

15 “(B) SPECIFIC REQUIREMENT.—The cri-
16 teria for awarding grants under paragraph
17 (1)(A) shall include the extent to which the
18 grant would enhance the daily operations of the
19 applicant and the impact of such a grant on the
20 protection of lives and property.

21 “(15) PEER REVIEW.—The Director, after con-
22 sultation with national fire service organizations,
23 shall appoint fire service personnel to conduct peer
24 review of applications received under paragraph (5).
25 In making grants under this section, the Director

1 shall consider the results of such peer review evalua-
2 tions.

3 “(16) 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 paragraphs (13) and (15).

7 “(17) ACCOUNTING DETERMINATION.—Not-
8 withstanding any other provision of law, rule, regu-
9 lation, or guidance, for purposes of receiving assist-
10 ance under this section, equipment costs shall in-
11 clude all costs attributable to any design, purchase
12 of components, assembly, manufacture, and trans-
13 portation of equipment not otherwise commercially
14 available.

15 “(b) AUDITS.—A recipient of a grant under this sec-
16 tion shall be subject to audits to ensure that the grant
17 proceeds are expended for the intended purposes and that
18 the grant recipient complies with the requirements of
19 paragraphs (6) and (7) of subsection (a) unless the Direc-
20 tor has granted a waiver under subsection (a)(8).

21 “(c) FIRE SAFETY RESEARCH CENTERS.—

22 “(1) IN GENERAL.—The Director may make a
23 grant under subsection (a)(4)(A)(iii) to an institu-
24 tion of higher education, a national fire service orga-

1 nization, or a national fire safety organization to es-
2 tablish and operate a fire safety research center.

3 “(2) OBJECTIVES.—A grant received under this
4 subsection shall be used by such an institution or or-
5 ganization to advance significantly the Nation’s abil-
6 ity to reduce the number of fire-related deaths and
7 injuries among firefighters and the general public
8 through research, development, and technology
9 transfer activities.

10 “(3) LIMITATION.—The Director may establish
11 no more than 3 fire safety research centers. An in-
12 stitution of higher education, a national fire service
13 organization, or a national fire safety organization
14 may not directly receive a grant under this section
15 for a fiscal year for more than 1 fire safety research
16 center.

17 “(4) APPLICATION.—In order to be eligible to
18 receive a fire safety research center grant, an insti-
19 tution of higher education, a national fire service or-
20 ganization, or a national fire safety organization
21 shall submit to the Director an application that is in
22 such form and contains such information and assur-
23 ances as the Director may require.

24 “(5) GENERAL SELECTION CRITERIA.—The Di-
25 rector shall select each recipient of a grant under

1 this subsection through a competitive process on the
2 basis of the following:

3 “(A) The demonstrated research and ex-
4 tension resources available to the recipient to
5 carry out the research, development, and tech-
6 nology transfer activities.

7 “(B) The capability of the recipient to pro-
8 vide leadership in making national contributions
9 to fire safety.

10 “(C) The recipient’s ability to disseminate
11 the results of fire safety research.

12 “(D) The strategic plan the recipient pro-
13 poses to carry out under the grant.

14 “(6) CONSIDERATION.—The Director shall give
15 special consideration under paragraph (5) to an ap-
16 plicant for a grant that consists of a partnership be-
17 tween a national fire service organization or a na-
18 tional fire safety organization and at least 1 of the
19 following:

20 “(A) An institution of higher education.

21 “(B) A minority-serving institution (de-
22 fined as an eligible institution under section
23 371(a) of the Higher Education Act of 1965
24 (20 U.S.C. 1067q(a))).

1 “(7) RESEARCH NEEDS.—Within 90 days after
2 the date of enactment of the Fire Grants Reauthor-
3 ization Act of 2011, the Director shall convene a
4 workshop of the fire safety research community, fire
5 service organizations, and other appropriate stake-
6 holders to identify and prioritize fire safety research
7 needs. The results of the workshop shall be made
8 public, and the Director shall consider such results
9 in making awards under this section.

10 “(d) DEFINITIONS.—In this section, the following
11 definitions apply:

12 “(1) CAREER FIRE DEPARTMENT.—The term
13 ‘career fire department’ means a firefighting depart-
14 ment that has an all professional force of fire-
15 fighting personnel.

16 “(2) COMBINATION FIRE DEPARTMENT.—The
17 term ‘combination fire department’ means a fire-
18 fighting department that has a combined force of
19 professional and volunteer firefighting personnel.

20 “(3) DIRECTOR.—The term ‘Director’ means
21 the Director, acting through the Administrator.

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

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

3 “(5) INSTITUTION OF HIGHER EDUCATION.—

4 The term ‘institution of higher education’ has the
5 meaning given such term in section 101 of the High-
6 er Education Act of 1965 (20 U.S.C. 1001).

7 “(6) VOLUNTEER, NON-FIRE SERVICE EMS AND

8 RESCUE ORGANIZATION.—The term ‘volunteer, non-
9 fire service EMS and rescue organization’ means a
10 public or private nonprofit emergency medical serv-
11 ices organization that—

12 “(A) is not affiliated with a hospital;

13 “(B) does not serve a geographic area in
14 which the Director finds that emergency med-
15 ical services are adequately provided by a fire
16 department; and

17 “(C) is staffed primarily by volunteers.

18 “(7) VOLUNTEER FIRE DEPARTMENT.—The

19 term ‘volunteer fire department’ means a firefighting
20 department that has an all volunteer force of fire-
21 fighting personnel.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There are authorized to be
24 appropriated for the purposes of this section

1 \$1,000,000,000 for each of the fiscal years 2012
2 through 2016.

3 “(2) ADMINISTRATIVE EXPENSES.—

4 “(A) IN GENERAL.—Of the funds appro-
5 priated pursuant to paragraph (1) for a fiscal
6 year, the Director may use not more than 3
7 percent of the funds to cover salaries and ex-
8 penses and other administrative costs incurred
9 by the Director to make grants and provide as-
10 sistance under this section.

11 “(B) FORMULA.—The Director shall sub-
12 tract the amount to be used for subparagraph
13 (A) from the amount appropriated pursuant to
14 paragraph (1) before making any allocations or
15 apportioning any funds under subsections (a) or
16 (c).”.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) from fiscal years 2003 through 2008—

20 (A) the funding appropriated for activities
21 under section 33 of the Federal Fire Prevention
22 and Control Act of 1974 declined by approxi-
23 mately 30 percent; and

24 (B) the number of fire departments receiv-
25 ing awards declined by nearly 40 percent, while

1 the number of applicants increased, resulting in
2 a reduction in applicant success rates from over
3 43 percent to just 25 percent;

4 (2) the House-passed conference report for the
5 Department of Homeland Security Appropriations
6 Act, 2010 appropriates \$390 million for activities
7 under such section 33, a decrease of over 30 percent
8 below that provided in fiscal year 2009;

9 (3) declining funding reduces the Director's
10 ability to successfully carry out the primary purpose
11 of such section, which is to protect the health and
12 safety of the public and firefighting personnel
13 throughout the Nation against fire and fire-related
14 hazards; and

15 (4) halting and reversing the decline in appro-
16 priations to ensure a high level of funding for the
17 activities under such section 33 should be a top pri-
18 ority.

19 **SEC. 3. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE**
20 **GRANT PROGRAM REAUTHORIZATION.**

21 Section 34 of the Federal Fire Prevention and Con-
22 trol Act of 1974 (15 U.S.C. 2229a) is amended to read
23 as follows:

1 **“SEC. 34. EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE**
2 **GRANT PROGRAM.**

3 “(a) EXPANDED AUTHORITY TO MAKE GRANTS.—

4 “(1) HIRING GRANTS.—

5 “(A) IN GENERAL.—The Director shall
6 make grants directly to career, volunteer, and
7 combination fire departments, in consultation
8 with the chief executive of the State in which
9 the applicant is located, for the purpose of in-
10 creasing the number of firefighters to help com-
11 munities meet industry minimum standards and
12 attain 24-hour staffing to provide adequate pro-
13 tection from fire and fire-related hazards and to
14 fulfill traditional missions of fire departments
15 that antedate the creation of the Department of
16 Homeland Security.

17 “(B) REQUIREMENTS.—

18 “(i) DURATION AND USE.—Grants
19 made under this paragraph shall be for 3
20 years and shall be used for programs to
21 hire new, additional firefighters.

22 “(ii) RETENTION.—Grant recipients
23 are required to commit to retaining for at
24 least the entire 3 years of the grant period
25 those firefighters hired under this para-
26 graph.

1 “(iii) MAXIMUM.—The portion of the
2 cost of hiring firefighters provided by a
3 grant under this paragraph may not exceed
4 80 percent of such cost for each fiscal
5 year.

6 “(C) PREFERENCE.—In awarding grants
7 under this subsection, the Director may give
8 preferential consideration to applications that
9 involve a non-Federal contribution exceeding
10 the minimums under subparagraph (B)(iii).

11 “(D) TECHNICAL ASSISTANCE.—The Di-
12 rector may provide technical assistance to
13 States, units of local government, Indian tribal
14 governments, and other public entities in fur-
15 therance of the purposes of this section.

16 “(E) VOLUNTEER ACTIVITIES ALLOWED.—
17 Notwithstanding any other provision of law, any
18 firefighter hired with funds provided under this
19 subsection shall not be discriminated against
20 for, or be prohibited from, engaging in volun-
21 teer activities in another jurisdiction during off-
22 duty hours.

23 “(F) COMPETITIVE BASIS.—The Director
24 shall award all grants under this section on a

1 competitive basis through a neutral peer review
2 process.

3 “(G) SET ASIDE.—

4 “(i) IN GENERAL.—At the beginning
5 of the fiscal year, the Director shall set
6 aside 10 percent of the funds made avail-
7 able for carrying out this paragraph for
8 departments with majority volunteer or all
9 volunteer personnel.

10 “(ii) TRANSFER.—After awards have
11 been made, if less than 10 percent of the
12 funds made available for carrying out this
13 paragraph are not awarded to departments
14 with majority volunteer or all volunteer
15 personnel, the Director shall transfer from
16 funds made available for carrying out this
17 paragraph to funds made available for car-
18 rying out paragraph (2) an amount equal
19 to the difference between the amount that
20 is provided to such fire departments and
21 10 percent.

22 “(2) RECRUITMENT AND RETENTION
23 GRANTS.—

24 “(A) IN GENERAL.—In addition to any
25 amounts transferred under paragraph

1 (1)(G)(ii), the Director shall direct at least 10
2 percent of the total amount of funds made
3 available under this section annually to a com-
4 petitive grant program for the recruitment and
5 retention of volunteer firefighters who are in-
6 volved with or trained in the operations of fire-
7 fighting and emergency response.

8 “(B) ELIGIBILITY.—Eligible entities shall
9 include volunteer or combination fire depart-
10 ments and organizations on a local, statewide,
11 or national basis that represent the interests of
12 volunteer firefighters.

13 “(b) APPLICATIONS.—

14 “(1) IN GENERAL.—No grant may be made
15 under this section unless an application has been
16 submitted to, and approved by, the Director.

17 “(2) CONTENTS.—An application for a grant
18 under this section shall be submitted in such form
19 and contain such information and assurances as the
20 Director may prescribe.

21 “(3) REQUIREMENTS.—At a minimum, each
22 application for a grant under this section shall—

23 “(A) explain the applicant’s inability to ad-
24 dress the need without Federal assistance;

1 “(B) in the case of a grant under sub-
2 section (a)(1), explain how the applicant plans
3 to meet the requirements of subparagraphs
4 (B)(ii) and (E) of such subsection;

5 “(C) specify long-term plans for retaining
6 firefighters following the conclusion of Federal
7 support provided under this section; and

8 “(D) provide assurances that the applicant
9 will, to the extent practicable, seek, recruit, and
10 hire members of racial and ethnic minority
11 groups and women in order to increase their
12 ranks within firefighting.

13 “(c) LIMITATION ON USE OF FUNDS.—

14 “(1) SUPPLEMENT, NOT SUPPLANT.—Funds
15 made available under this section to fire depart-
16 ments for salaries and benefits to hire new, addi-
17 tional firefighters shall not be used to supplant State
18 or local funds, or, in the case of Indian tribal gov-
19 ernments, funds supplied by the Bureau of Indian
20 Affairs, but shall be used to increase the amount of
21 funds that would, in the absence of Federal funds
22 received under this section, be made available from
23 State or local sources, or in the case of Indian tribal
24 governments, from funds supplied by the Bureau of
25 Indian Affairs.

1 “(2) REPLACEMENT FUNDING PROHIBITED.—
2 No grant shall be awarded pursuant to this section
3 to a municipality or other recipient whose annual
4 budget at the time of the application for fire-related
5 programs and emergency response has been reduced
6 below 80 percent of the average funding level in the
7 3 years prior to the date of application.

8 “(3) INDIAN COST-SHARE.—Funds appro-
9 priated by the Congress for the activities of any
10 agency of an Indian tribal government or the Bu-
11 reau of Indian Affairs performing firefighting func-
12 tions on any Indian lands may be used to provide
13 the non-Federal share of the cost of programs or
14 projects funded under this section.

15 “(d) WAIVER.—In exceptional circumstances, the Di-
16 rector may waive the requirements of subsections
17 (a)(1)(B)(ii), (a)(1)(B)(iii), (c)(1), and (c)(2) if the Direc-
18 tor determines that the jurisdiction is facing demonstrated
19 economic hardship in accordance with section 33(a)(8).

20 “(e) PERFORMANCE EVALUATION.—The Director
21 may require a grant recipient to submit any information
22 the Director considers reasonably necessary to evaluate
23 the program.

24 “(f) SUNSET; REPORTS.—

1 “(1) SUNSET.—The authority under this sec-
2 tion to make grants shall lapse at the end of the 10-
3 year period that begins on the date of enactment of
4 the Fire Grants Reauthorization Act of 2011.

5 “(2) REPORT.—Not later than 6 years after
6 such date of enactment, the Director shall submit to
7 Congress a report concerning the experience with,
8 and effectiveness of, such grants in meeting the ob-
9 jectives of this section. The report may include any
10 recommendations the Director may have for amend-
11 ments to this section and related provisions of law.

12 “(g) REVOCATION OR SUSPENSION OF FUNDING.—
13 If the Director determines that a grant recipient under
14 this section is not in substantial compliance with the terms
15 and requirements of an approved grant application sub-
16 mitted under this section, the Director may revoke or sus-
17 pend funding of that grant, in whole or in part.

18 “(h) ACCESS TO DOCUMENTS.—

19 “(1) IN GENERAL.—The Director shall have ac-
20 cess for the purpose of audit and examination to any
21 pertinent books, documents, papers, or records of a
22 grant recipient under this section and to the perti-
23 nent books, documents, papers, or records of State
24 and local governments, persons, businesses, and
25 other entities that are involved in programs,

1 projects, or activities for which assistance is pro-
2 vided under this section.

3 “(2) APPLICATION.—Paragraph (1) shall apply
4 with respect to audits and examinations conducted
5 by the Comptroller General of the United States or
6 by an authorized representative of the Comptroller
7 General.

8 “(i) DEFINITIONS.—In this section, the term—

9 “(1) ‘Director’ means the Director, acting
10 through the Administrator;

11 “(2) ‘firefighter’ has the meaning given the
12 term ‘employee in fire protection activities’ under
13 section 3(y) of the Fair Labor Standards Act of
14 1938 (29 U.S.C. 203(y)); and

15 “(3) ‘Indian tribe’ means a tribe, band, pueblo,
16 nation, or other organized group or community of
17 Indians, including an Alaska Native village (as de-
18 fined in or established under the Alaska Native
19 Claims Settlement Act (43 U.S.C. 1601 et seq.)),
20 that is recognized as eligible for the special pro-
21 grams and services provided by the United States to
22 Indians because of their status as Indians.

23 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated for the purposes of car-

1 rying out this section \$1,194,000,000 for each of the fiscal
2 years 2012 through 2016.”.

3 **SEC. 4. STUDY AND REPORT.**

4 (a) STUDY ON ASSISTANCE TO FIREFIGHTERS
5 GRANT PROGRAM.—The Administrator of the United
6 States Fire Administration, in conjunction with the Na-
7 tional Fire Protection Association, is authorized to con-
8 duct a study to—

9 (1) define the current roles and activities asso-
10 ciated with the fire services on a national, State, re-
11 gional, and local level;

12 (2) identify the equipment, staffing, and train-
13 ing required to fulfill the roles and activities defined
14 under paragraph (1);

15 (3) conduct an assessment to identify gaps be-
16 tween what fire departments currently possess and
17 what they require to meet the equipment, staffing,
18 and training needs identified under paragraph (2)
19 on a national and State-by-State basis; and

20 (4) measure the impact of the grant program
21 under section 33 of the Federal Fire Prevention and
22 Control Act of 1974 (15 U.S.C. 2229) in—

23 (A) meeting the needs of the fire services
24 identified in the report submitted to Congress
25 under section 3603(a) of the Ronald W. Reagan

1 National Defense Authorization Act for Fiscal
2 Year 2005; and

3 (B) filling the gaps identified under para-
4 graph (3).

5 (b) REPORT.—Not later than 2 years after the date
6 of enactment of this Act, the Administrator shall submit
7 to the Committee on Commerce, Science, and Transpor-
8 tation of the Senate and the Committee on Science, Space,
9 and Technology of the House of Representatives a report
10 on the findings of the study described in subsection (a).

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