

FIRE GRANTS AND SAFETY ACT OF 2023

SEPTEMBER 1, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. LUCAS, from the Committee on Science, Space, and Technology, submitted the following

R E P O R T

[To accompany H.R. 4090]

The Committee on Science, Space, and Technology, to whom was referred the bill (H.R. 4090) to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 4090 reauthorizes the Staffing for Adequate Fire and Emergency Response (SAFER) grant program, the Assistance to Fire-

fighters Grant (AFG) program, and the United States Fire Administration (USFA). The current authorization of appropriations for all three entities expires on September 30, 2023, and SAFER and AFG have a program sunset on September 30, 2024. The bill would extend all three authorizations until September 30, 2028, and impose a new sunset clause of September 30, 2030, for the SAFER and AFG programs.

#### BACKGROUND AND NEED FOR LEGISLATION

Firefighters in the United States play a critical role in mitigating and responding to the persistent threat of fires that occur at our homes, businesses, across landscapes, and other locations in our communities. Fires remain a persistent threat across the country. In 2021, there were an estimated 1.35 million fires responded to by local fire departments in the United States.<sup>1</sup> These fires caused 3,800 civilian deaths and an estimated \$15.9 billion in property damage.<sup>2</sup> Fire stations across the country rely on SAFER, AFG, and the USFA for critical resources and information to protect both their communities and firefighting personnel.

Firefighting and the providing of fire protection services is generally the responsibility of local governments, with funding coming from a mix of state, county, and city resources.<sup>3</sup> Due to state and local budget shortfalls in the 1990s, and increased responsibilities such as counterterrorism, fire community stakeholders called for additional funding from the federal government.<sup>4</sup> The AFG program was authorized in the 106th Congress to provide federal funding for equipment and training directly to local fire departments.<sup>5</sup> After the AFG program was created, stakeholders in the fire services community argued that there remained a critical need for a federal program to provide grants to help fire departments recruit and retain firefighters, and that without federal assistance local fire departments would be unable to meet national consensus standards for minimum staffing levels.

In response, Congress passed the SAFER Act in the 108th Congress which authorized the SAFER grant program to help address fire department staffing needs.<sup>6</sup> The USFA was created after a report from the National Commission on Fire Prevention and Control, entitled *America Burning*.<sup>7</sup> The Commission recommended the creation of a federal fire agency which would provide support to state and local governments and private fire organizations in their efforts to reduce fire deaths, injuries, and property loss.<sup>8</sup>

The SAFER program provides grants from the Federal Emergency Management Agency (FEMA) to career, volunteer, and combination local fire departments for the purpose of increasing the

<sup>1</sup>National Fire Protection Association, *Fire Loss in the United States During 2021* (Sept. 2022) (<https://www.nfpa.org/media/Files/News%20and%20Research/Fire%20statistics%20and%20Reports/US%20Fire%20Problem/osFireLoss.ashx>).

<sup>2</sup>Id.

<sup>3</sup>Congressional Research Service, *Staffing for Adequate Fire and Emergency Response: The SAFER Grant Program* (RL33375) (Apr. 25, 2019).

<sup>4</sup>Id.

<sup>5</sup>Federal Fire Prevention and Control Act of 1974, Pub. L. No. 93–498, Sec. 33 (2019).

<sup>6</sup>Federal Fire Prevention and Control Act of 1974, as amended, Pub. L. No. 93–498, Sec. 34. (2004).

<sup>7</sup>Federal Fire Prevention and Control Act of 1974, Pub. L. No. 95–422.

<sup>8</sup>Congressional Research Service, *United States Fire Administration: An Overview* (RS20071) (Apr. 25, 2019).

number of firefighters to help communities meet industry-minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire related hazards.<sup>9</sup> The AFG program provides grants from FEMA to local fire departments and unaffiliated Emergency Medical Services (EMS) organizations to help address a variety of equipment, training, and other firefighter-related and EMS needs.<sup>10</sup> USFA’s mission is to provide leadership, coordination, and support for the nation’s fire prevention and control, fire training and education, and emergency medical services activities, and to prepare first responders and health care leaders to react to hazard and terrorism emergencies of all kinds.<sup>11</sup> One of USFA’s key objectives is to significantly reduce the nation’s loss of life from fire, while also achieving a reduction in property loss and nonfatal injury due to fire. They work to achieve this through data collection, research, trainings, and public education.

This legislation will ensure firefighters, EMS workers, and other stakeholders will continue to have access to critical grant funding and information to help keep themselves, and their communities, safe. This legislation would extend all three authorizations until 2028 and impose a new sunset clause of 2030 for the SAFER and AFG programs. Additionally, the bill increases the authorization of appropriation for the USFA from the current \$76.5 million to \$95 million.

#### LEGISLATIVE HISTORY

H.R. 4090 was introduced on June 14, 2023, by Representatives Kean (NJ), Pascrell (NJ), Bost (IL), Golden (ME), Fitzpatrick (PA), Hoyer (MD), Collins (GA), Stevens (MI), Lucas (OK), and Lofgren (CA). Additional Cosponsors include Representatives Blunt Rochester (DE), Jackson (NC), Perez (WA), and Gottheimer (NJ).

#### SECTION-BY-SECTION

##### *Section 1. Short title*

The short title of this legislation is the “Fire Grants and Safety Act of 2023.”

##### *Section 2. Reauthorization of the United States Fire Administration*

This section reauthorizes the authorization of appropriations for the United States Fire Administration (USFA) at \$95 million for fiscal years 2024 through 2028. This section states that \$3.42 million of the funds appropriated will be used to carry out technology development and standards development.

##### *Section 3. Reauthorization of assistance for Firefighters grants program and the Fire Prevention and Safety grants program*

Subsection (a) changes the current sunset provision from 2024 to 2030 for the AFG program. Subsection (b) reauthorizes the authorization of appropriations for the AFG program at \$750 million for fiscal years 2024 through 2028 and removes the tie to inflation.

<sup>9</sup>Id.

<sup>10</sup>Congressional Research Service, Assistance to Firefighters Program: Distribution of Fire Grant Funding (RL32341) (Apr. 25, 2019).

<sup>11</sup>Federal Emergency Management Agency, U.S. Fire Administration Fiscal Year 2021 Report to Congress (Aug. 30, 2022).

*Section 4. Reauthorization of Staffing for Adequate Fire and Emergency Response grant program*

Subsection (a) changes the current sunset provision from 2024 to 2030 for the SAFER program. Subsection (b) reauthorizes the authorization of appropriations for the SAFER program at \$750 million for fiscal years 2024 through 2028 and removes the tie to inflation.

*Section 5. GAO audit and report*

This section authorizes GAO to conduct an audit and issue a publicly available report on barriers that prevent fire departments from accessing federal funds and the USFA.

COMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following hearing was used to develop or consider H.R. 4090.

On May 11, 2023, the Subcommittee on Research and Technology held a hearing entitled *Reauthorizing the U.S. Fire Administration and Fire Grant Programs: Evaluating Effectiveness and Preparedness for Modern Challenges*. Members and witnesses discussed the importance of and need to reauthorize the USFA and the fire grant programs.

Witnesses:

- Dr. Lori Moore-Merrell, U.S. Fire Administrator, USFA
- Chief Donna Black, President, International Association of Fire Chiefs
- Mr. Kevin B. O'Connor, Assistant to the General president, International Association of Fire Fighters
- Mr. David Bullard, Georgia Director, National Volunteer Fire Counsel
- Mr. Kevin Reardon, State Fire Marshall, State of Ohio

COMMITTEE CONSIDERATION

On June 21, 2023, the Committee met in open session and ordered reported favorably the bill, H.R. 4090, without amendment, by a recorded vote of 29 yeas to 0 nays, a quorum being present.

ROLL CALL VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

House Committee on Science, Space, and Technology  
118th Congress  
Full Committee Markup

Bill # HR 4090

Motion to report H.R. 4090 to the House

Majority	Aye	No	Present	<div>Result?</div> <div>Agreed To: [ X ]</div> <div>Not Agreed To: [ ]</div> <div>Withdrawn: [ ]</div> <div>Voice Vote</div> <div>Ayes</div> <div>Nays</div> <div>Present</div>
Frank Lucas, Oklahoma	1			
Bill Posey, Florida				
Randy Weber, Texas	1			
Brian Babin, Texas	1			
Jim Baird, Indiana	1			
Daniel Webster, Florida				
Mike Garcia, California				
Stephanie Bice, Oklahoma				
Jay Obernolte, California				
Chuck Fleischmann, Tennessee				
Darrell Issa, California	1			
Rick Crawford, Arkansas	1			
Claudia Tenney, New York				
Ryan Zinke, Montana				
Scott Franklin, Florida	1			
Dale Strong, Alabama	1			
Max Miller, Ohio	1			
Rich McCormick, Georgia	1			
Mike Collins, Georgia	1			
Brandon Williams, New York	1			
Tom Kean, New Jersey	1			
Minority	Aye	No	Present	<div>Voice Vote</div> <div>Ayes</div> <div>Nays</div> <div>Present</div>
Zoe Lofgren, California	1			
Suzanne Bonamici, Oregon	1			
Haley Stevens, Michigan	1			
Jamaal Bowman, New York	1			
Deborah Ross, New Carolina	1			
Eric Sorensen, Illinois	1			
Andrea Salinas, Oregon	1			
Val Foushee, North Carolina	1			
Kevin Mullin, California	1			
Jeff Jackson, North Carolina	1			
Emilia Sykes, Ohio	1			
Maxwell Frost, Florida	1			
Yadira Caraveo, Colorado	1			
Summer Lee, Pennsylvania	1			
Jennifer McClellan, Virginia				
Ted Lieu, California	1			
Sean Casten, Illinois	1			
Paul Tonko				
<b>Total</b>	29	0		

Date: 6/22/23

#### APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 4090 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

#### STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X, the Committee’s oversight findings and recommendations are reflected in the descriptive portions of this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c)(4) of rule XIII, the goal of H.R. 4090 is to reauthorize the SAFER grant program, AFG program, as well as the USFA. Fire stations across the country rely on SAFER, AFG, and the USFA for critical resources and information to protect both their communities and firefighting personnel. Extension of these programs is integral to fire preparedness and is necessary to ensure that local fire stations have the resources necessary to meet training and staffing guidelines.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, the Committee finds that no provision of H.R. 4090 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance.

#### FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of section 5(b) of the Federal Advisory Committee Act.

#### UNFUNDED MANDATE STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office (CBO) pursuant to section 423 of the Unfunded Mandates Reform Act. At the time this report was filed, the CBO report was not yet available.

#### EARMARK IDENTIFICATION

Pursuant to clauses 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 4090 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits.

#### COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional

Budget Act of 1974. At the time this report was filed, the estimate was not yet available.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX  
EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 4090 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not yet available.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**FEDERAL FIRE PREVENTION AND CONTROL ACT OF  
1974**

\* \* \* \* \*

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. (a) There are authorized to be appropriated to carry out the foregoing provisions of this Act, except as otherwise specifically provided, with respect to the payment of claims, under section 11 of this Act, an amount not to exceed \$25,210,000 for the fiscal year ending September 30, 1980, which amount includes—

(1) \$4,781,000 for programs which are recommended in the report submitted to the Congress by the Administrator pursuant to section 24(b)(1);

(2) \$9,430,000 for the National Academy for Fire Prevention and Control;

(3) \$307,000 for adjustments required by law in salaries, pay, retirement, and employee benefits;

(4) \$500,000 for additional rural firefighting technical assistance and information activities;

(5) \$500,000 for the study required by section 26 of this Act; and

(6) \$110,000 for the study required by section 27 of this Act.

(b) There are authorized to be appropriated for the additional administrative expenses of the Federal Emergency Management Agency, which are related to this Act and which result from Reorganization Plan Numbered 3 of 1978 (submitted June 19, 1978) and related Executive orders, an amount not to exceed \$600,000 for the fiscal year ending September 30, 1980.

(c) There are authorized to be appropriated to carry out this Act, except as otherwise specifically provided with respect to the pay-

ment of claims under section 11 this Act, an amount not to exceed \$23,814,000 for the fiscal year ending September 30, 1981, which amount includes—

(1) not less than \$1,100,000 for the first year of a three-year concentrated demonstration program of fire prevention and control in two States with high fire death rates;

(2) not less than \$2,575,000 for rural fire prevention and control; and

(3) not less than \$4,255,000 for research and development for the activities under section 18 of this Act at the Fire Research Center of the National Bureau of Standards, of which not less than \$250,000 shall be available for adjustments required by law in salaries, pay, retirement, and employee benefits.

The funds authorized in paragraph (3) shall be in addition to funds authorized in any other law for research and development at the Fire Research Center.

(d) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated—

(1) \$20,815,000 for the fiscal year ending September 30, 1982, and \$23,312,800 for the fiscal year ending September 30, 1983, which amount shall include—

(A) such sums as may be necessary for the support of research and development at the Fire Research Center of the National Bureau of Standards under section 18 of this Act, which sums shall be in addition to those funds authorized to be appropriated under the National Bureau of Standards Authorization Act for fiscal years 1981 and 1982; and

(B) \$654,000 for the fiscal year ending September 30, 1982, and \$732,480 for the fiscal year ending September 30, 1983, for executive direction by the Federal Emergency Management Agency of program activities for which appropriations are authorized by this subsection; and

(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1982, and September 30, 1983, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

The funds authorized under section 18 shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Bureau of Standards.

(e) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated—

(1) \$15,720,000 for the fiscal year ending September 30, 1984, and \$20,983,000 for the fiscal year ending September 30, 1985; and

(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1984, and September 30, 1985, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

The funds authorized under this subsection shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Bureau of Standards.



(f) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated \$22,037,000 for the fiscal year ending September 30, 1986 and \$18,300,000 for the fiscal year ending September 30, 1987.

(g)(1) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, there are authorized to be appropriated to carry out the purposes of this Act—

(A) \$63,000,000 for fiscal year 2005, of which \$2,266,000 shall be used to carry out section 8(f);

(B) \$64,850,000 for fiscal year 2006, of which \$2,334,000 shall be used to carry out section 8(f);

(C) \$66,796,000 for fiscal year 2007, of which \$2,404,000 shall be used to carry out section 8(f);

(D) \$68,800,000 for fiscal year 2008, of which \$2,476,000 shall be used to carry out section 8(f);

(E) \$70,000,000 for fiscal year 2009, of which \$2,520,000 shall be used to carry out section 8(f);

(F) \$72,100,000 for fiscal year 2010, of which \$2,595,600 shall be used to carry out section 8(f);

(G) \$74,263,000 for fiscal year 2011, of which \$2,673,468 shall be used to carry out section 8(f);

(H) \$76,490,890 for fiscal year 2012, of which \$2,753,672 shall be used to carry out section 8(f);

(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 8(f);

(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 8(f);

(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 8(f);

(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 8(f); **[and]**

(M) \$76,490,890 **[for for]** for each of fiscal years 2017 through 2023, of which \$2,753,672 for each such fiscal year shall be used to carry out section 8(f)**[.]**; and

*(N) \$95,000,000 for each of fiscal years 2024 through 2028, of which \$3,420,000 for each such fiscal year shall be used to carry out section 8(f).*

(2) Of the amount referred to in paragraph (1), not more than \$4,150,000 is authorized to be appropriated for each fiscal year for National Emergency Training Center site administration.

(h) In addition to any other amounts that are authorized to be appropriated to carry out this Act, there are authorized to be appropriated to carry out this Act—

(1) \$500,000 for fiscal year 1995 for basic research on the development of an advanced course on arson prevention;

(2) \$2,000,000 for fiscal year 1996 for the expansion of arson investigator training programs at the Academy under section 24 and at the Federal Law Enforcement Training Center, or through regional delivery sites;

(3) \$4,000,000 for each of fiscal years 1995 and 1996 for carrying out section 25, except for salaries and expenses for carrying out section 25; and

(4) \$250,000 for each of the fiscal years 1995 and 1996 for salaries and expenses for carrying out section 25.

\* \* \* \* \*

**SEC. 33. FIREFIGHTER ASSISTANCE.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR OF FEMA.—The term “Administrator of FEMA” means the Administrator of FEMA, acting through the Administrator.

(2) AVAILABLE GRANT FUNDS.—The term “available grant funds”, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

(3) CAREER FIRE DEPARTMENT.—The term “career fire department” means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

(4) COMBINATION FIRE DEPARTMENT.—The term “combination fire department” means a fire department that has—

- (A) paid firefighting personnel; and
- (B) volunteer firefighting personnel.

(5) FIREFIGHTING PERSONNEL.—The term “firefighting personnel” means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

(6) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) NONAFFILIATED EMS ORGANIZATION.—The term “non-affiliated EMS organization” means a public or private non-profit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

(8) PAID-ON-CALL.—The term “paid-on-call” with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

(9) VOLUNTEER FIRE DEPARTMENT.—The term “volunteer fire department” means a fire department that has an all-volunteer force of firefighting personnel.

(b) ASSISTANCE PROGRAM.—

(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

- (A) assistance to firefighters grants under subsection (c); and
- (B) fire prevention and safety grants and other assistance under subsection (d).

(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

- (A) establish specific criteria for the selection of grant recipients under this section; and
- (B) provide assistance with application preparation to applicants for such grants.

## (c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

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

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

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

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

## (2) MAXIMUM GRANT AMOUNTS.—

(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

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

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

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

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

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

## (B) AGGREGATE.—

(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

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

(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

- (A) To train firefighting personnel in—
  - (i) firefighting;
  - (ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);
  - (iii) arson prevention and detection;
  - (iv) maritime firefighting; or
  - (v) the handling of hazardous materials.

(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

- (D) To certify—
  - (i) fire inspectors; and
  - (ii) building inspectors—
    - (I) whose responsibilities include fire safety inspections; and
    - (II) who are employed by or serving as volunteers with a fire department.

(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

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

(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

- (H) To acquire additional firefighting equipment, including equipment for—
  - (i) fighting fires with foam in remote areas without access to water; and
  - (ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

(I) To acquire personal protective equipment, including personal protective equipment—

- (i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or
- (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.

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

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

(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer fire-

fighting departments and other firefighting departments that utilize volunteers.

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

(N) To provide specialized training to firefighters, paramedics, emergency medical service workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crisis.

(d) FIRE PREVENTION AND SAFETY GRANTS.—

(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—

(A) award grants to fire departments;

(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or non-profit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

(i) fire prevention programs; and

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

(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

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

(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

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

(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

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

(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

(e) APPLICATIONS FOR GRANTS.—

(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

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

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

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

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

(D) A list of other sources of funding received by the applicant—

(i) for the same purpose for which the application for a grant under this section was submitted; or

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

(E) Such other information as the Administrator of FEMA determines appropriate.

(3) JOINT OR REGIONAL APPLICATIONS.—

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

(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

(C) GUIDANCE.—The Administrator of FEMA shall—

(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

(f) PEER REVIEW OF GRANT APPLICATIONS.—

(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

(2) APPLICABILITY OF CHAPTER 10 OF TITLE 5, UNITED STATES CODE.—Chapter 10 of title 5, United States Code, shall not apply to activities carried out pursuant to this subsection.

(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

(1) The findings and recommendations of the peer reviews carried out under subsection (f).

(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

(5) not less than 10 percent are awarded under subsection (d); and

(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

(2) STATE FIRE TRAINING ACADEMIES.—

(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

(j) FURTHER CONSIDERATIONS.—

(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

- (i) Population served.
- (ii) Geographic response area.
- (iii) Hazards vulnerability.
- (iv) Call volume.
- (v) Financial situation, including unemployment rate of the area being served.
- (vi) Need for training or equipment.

(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

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

- (A) prevention of injuries to high risk groups from fire; and
- (B) research programs that demonstrate a potential to improve firefighter safety.

(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

- (i) select each grant recipient on—

(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

(III) the recipient's ability to disseminate the results of fire safety research; and

(IV) the strategic plan the recipient proposes to carry out under the grant;

- (ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

(I) a national fire service organization or a national fire safety organization; and

(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

- (iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

(B) RESEARCH NEEDS.—



(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIRE-FIGHTERS GRANTS.—

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

(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

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

(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

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

(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

(4) WAIVER.—

(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

(B) GUIDELINES.—

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

(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

(I) Changes in rates of unemployment from previous years.

(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

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

(IV) Such other factors as the Administrator of FEMA considers appropriate.

(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

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

(ii) is not a fire department or emergency medical services organization.

(1) GRANT GUIDELINES.—

(1) **GUIDELINES.**—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

(A) guidelines that describe—

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

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

(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

(2) **ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.**—

(A) **IN GENERAL.**—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

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

(ii) Administrative changes to the assistance program established under subsection (b).

(B) **QUALIFIED MEMBERS.**—For purposes of this paragraph, a qualified member of an organization is a member who—

(i) is recognized for expertise in firefighting or emergency medical services;

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

(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

(I) providers of emergency medical services that are affiliated with fire departments; or

(II) nonaffiliated EMS providers.

(3) **APPLICABILITY OF CHAPTER 10 OF TITLE 5, UNITED STATES CODE.**—Chapter 10 of title 5, United States Code, shall not apply to activities carried out under this subsection.

(m) **ACCOUNTING DETERMINATION.**—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

(n) **ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.**—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

(o) **TRAINING STANDARDS.**—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be pur-

chased will serve the needs of the applicant better than training that meets or exceeds such standards.

(p) ENSURING EFFECTIVE USE OF GRANTS.—

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

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

(B) the grant recipient complies with the requirements of subsection (k).

(2) PERFORMANCE ASSESSMENT.—

(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

(4) ANNUAL REPORTS TO CONGRESS.—

(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report that provides—

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

(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

(q) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated [to carry out this section—]

[(A) \$750,000,000 for fiscal year 2013; and]

[(B) for each of fiscal years 2014 through 2023, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—]

[(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds]

[(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i)] to

*carry out this section \$750,000,000 for each of fiscal years 2024 through 2028.*

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

(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on September 30, **[2024]** 2030.

**SEC. 34. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.**

(a) EXPANDED AUTHORITY TO MAKE GRANTS.—

(1) HIRING GRANTS.—(A) The Administrator of FEMA shall make grants directly to career fire departments, combination fire departments, and volunteer fire departments, in consultation with the chief executive of the State in which the applicant is located, for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments that antedate the creation of the Department of Homeland Security.

(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters or to change the status of part-time or paid-on-call (as defined in section 33(a)) firefighters to full-time firefighters.

(C) In awarding grants under this subsection, the Administrator of FEMA may give preferential consideration to applications that involve a non-Federal contribution exceeding the minimums under subparagraph (E).

(D) The Administrator of FEMA may provide technical assistance to States, units of local government, Indian tribal governments, and to other public entities, in furtherance of the purposes of this section.

(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

- (i) 75 percent in the first year of the grant;
- (ii) 75 percent in the second year of the grant; and
- (iii) 35 percent in the third year of the grant.

(F) Notwithstanding any other provision of law, any firefighter hired with funds provided under this subsection shall not be discriminated against for, or be prohibited from, engaging in volunteer activities in another jurisdiction during off-duty hours.

(G) All grants made pursuant to this subsection shall be awarded on a competitive basis through a neutral peer review process.

(H) At the beginning of the fiscal year, the Administrator of FEMA shall set aside 10 percent of the funds appropriated for carrying out this paragraph for departments with majority volunteer or all volunteer personnel. After awards have been made, if less than 10 percent of the funds appropriated for carrying out this paragraph are not awarded to departments with majority volunteer or all volunteer personnel, the Administrator of FEMA shall transfer from funds appropriated for carrying out this paragraph to funds available for carrying out paragraph (2) an amount equal to the difference between the amount that is provided to such fire departments and 10 percent.

(2) RECRUITMENT AND RETENTION GRANTS.—In addition to any amounts transferred under paragraph (1)(H), the Administrator of FEMA shall direct at least 10 percent of the total amount of funds appropriated pursuant to this section annually to a competitive grant program for the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response. Eligible entities shall include volunteer or combination fire departments, and national, State, local, or tribal organizations that represent the interests of volunteer firefighters.

(b) APPLICATIONS.—(1) No grant may be made under this section unless an application has been submitted to, and approved by, the Administrator of FEMA.

(2) An application for a grant under this section shall be submitted in such form, and contain such information, as the Administrator of FEMA may prescribe.

(3) At a minimum, each application for a grant under this section shall—

(A) explain the applicant's inability to address the need without Federal assistance;

(B) in the case of a grant under subsection (a)(1), explain how the applicant plans to meet the requirements of subsection (a)(1)(F);

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

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

(c) LIMITATION ON USE OF FUNDS.—(1) Funds made available under this section to fire departments for salaries and benefits to hire new, additional firefighters shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this section, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

(2) No grant shall be awarded pursuant to this section to a municipality or other recipient whose annual budget at the time of the application for fire-related programs and emergency response has

been reduced below 80 percent of the average funding level in the 3 years prior to the date of the application for the grant.

(3) Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing firefighting functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.

(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.

(d) WAIVERS.—

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

(A) waive the requirements of subsection (c)(1); or

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

(2) GUIDELINES.—

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

(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

(i) Changes in rates of unemployment from previous years.

(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

(iv) Such other factors as the Administrator of FEMA considers appropriate.

(e) PERFORMANCE EVALUATION.—

(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants

awarded under this section are furthering the purposes of this section.

(2) SUBMITTAL OF INFORMATION.—The Administrator of FEMA may require a grant recipient to submit any information the Administrator of FEMA considers reasonably necessary to evaluate the program.

(f) REPORT.—Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report on the experience with, and effectiveness of, such grants in meeting the objectives of this section. The report may include any recommendations the Administrator of FEMA may have for amendments to this section and related provisions of law.

(g) REVOCATION OR SUSPENSION OF FUNDING.—If the Administrator of FEMA determines that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under this section, the Administrator of FEMA may revoke or suspend funding of that grant, in whole or in part.

(h) ACCESS TO DOCUMENTS.—(1) The Administrator of FEMA shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this section and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this section.

(2) Paragraph (1) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

(i) DEFINITIONS.—In this section:

(1) The term “firefighter” has the meaning given the term “employee in fire protection activities” under section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(2) The terms “Administrator of FEMA”, “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a).

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the purposes of carrying out this section—

(A) \$1,000,000,000 for fiscal year 2004;

(B) \$1,030,000,000 for fiscal year 2005;

(C) \$1,061,000,000 for fiscal year 2006;

(D) \$1,093,000,000 for fiscal year 2007;

(E) \$1,126,000,000 for fiscal year 2008;

(F) \$1,159,000,000 for fiscal year 2009;

(G) \$1,194,000,000 for fiscal year 2010; and

(H) \$750,000,000 for **■**fiscal year 2013; and **■** each of fiscal years 2024 through 2028.

**■**(I) for each of fiscal years 2014 through 2023, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—



[(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

[(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).]

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

(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).

(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on September 30, [2024] 2030.

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