

MANAGER'S AMENDMENT TO H.R. 3791, As

AMENDED

OFFERED BY Mr. Mitchell (AZ)

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Fire Grants Reauthor-
3 ization Act of 2009".

4 **SEC. 2. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM**
5 **REAUTHORIZATION.**

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

9 **"SEC. 33. FIREFIGHTER ASSISTANCE.**

10 **"(a) ASSISTANCE PROGRAM.—**

11 **"(1) AUTHORITY.—**In accordance with this sec-
12 tion, the Director may—

13 **"(A)** make grants on a competitive basis
14 directly to fire departments of a State, in con-
15 sultation with the chief executive of the State,
16 for the purpose of protecting the health and
17 safety of the public and firefighting personnel

1 throughout the Nation against fire and fire-re-
2 lated hazards;

3 “(B) make grants on a competitive basis
4 directly to State fire training academies, in con-
5 sultation with the chief executive of the State,
6 in accordance with paragraph (11)(C);

7 “(C) provide assistance for fire prevention
8 and firefighter safety research and development
9 programs and fire prevention or fire safety pro-
10 grams and activities in accordance with para-
11 graph (4); and

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

15 “(2) ADMINISTRATIVE ASSISTANCE.—The Di-
16 rector shall establish specific criteria for the selec-
17 tion of recipients of assistance under this section
18 and shall provide grant-writing assistance to appli-
19 cants.

20 “(3) USE OF FIRE DEPARTMENT GRANT
21 FUNDS.—The Director may make a grant under
22 paragraph (1)(A) only if the applicant for the grant
23 agrees to use the grant funds for one or more of the
24 following purposes:

1 “(A) To hire additional firefighting per-
2 sonnel.

3 “(B) To train firefighting personnel in
4 firefighting, emergency medical services and
5 other emergency response (including response
6 to a terrorism incident or use of a weapon of
7 mass destruction), arson prevention and detec-
8 tion, maritime firefighting, or the handling of
9 hazardous materials or to train firefighting per-
10 sonnel to provide any of the training described
11 in this subparagraph.

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

15 “(D) To certify fire and building inspec-
16 tors employed by a fire department or serving
17 as a volunteer building inspector with a fire de-
18 partment.

19 “(E) To establish wellness and fitness pro-
20 grams for firefighting personnel to ensure that
21 the firefighting personnel can carry out their
22 duties.

23 “(F) To fund emergency medical services
24 provided by fire departments and volunteer,
25 non-fire service EMS and rescue organizations.

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

3 “(H) To acquire additional firefighting
4 equipment, including equipment for communica-
5 tions, monitoring, and response to a terrorism
6 incident or use of a weapon of mass destruc-
7 tion.

8 “(I) To acquire personal protective equip-
9 ment required for firefighting personnel by the
10 Occupational Safety and Health Administration
11 and other personal protective equipment for
12 firefighting personnel, including protective
13 equipment to respond to a terrorism incident or
14 the use of a weapon of mass destruction.

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

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

19 “(L) To fund fire prevention programs.

20 “(M) To educate the public about arson
21 prevention and detection.

22 “(N) To provide incentives for the recruit-
23 ment and retention of volunteer firefighting
24 personnel for volunteer firefighting departments

1 and other firefighting departments that utilize
2 volunteers.

3 “(4) FIRE PREVENTION AND FIREFIGHTER
4 SAFETY RESEARCH AND DEVELOPMENT PRO-
5 GRAMS.—

6 “(A) IN GENERAL.—For each fiscal year,
7 the Director shall use not less than 10 percent
8 of the funds made available under subsection
9 (e)—

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

13 “(ii) to make grants to, or enter into
14 contracts or cooperative agreements with,
15 national, State, local, or community orga-
16 nizations that are not fire departments
17 but—

18 “(I) that are recognized for their
19 experience and expertise with respect
20 to fire prevention or fire safety pro-
21 grams and activities and that partner
22 with fire departments, for the purpose
23 of carrying out such programs and ac-
24 tivities;

1 “(II) engage in fire- and life
2 safety-related activities as a primary
3 purpose or function, for the purpose
4 of carrying out fire prevention or fire
5 safety programs and activities; or

6 “(III) that are recognized for
7 their experience and expertise with re-
8 spect to firefighter research and devel-
9 opment programs, for the purpose of
10 carrying out research on fire preven-
11 tion or fire safety programs and ac-
12 tivities or to improve firefighter health
13 and life safety; and

14 “(iii) if the Director determines that
15 it is necessary, to make grants or enter
16 into contracts in accordance with sub-
17 section (c).

18 “(B) PRIORITY.—In selecting organiza-
19 tions described in subparagraph (A)(ii) to re-
20 ceive assistance under this paragraph, the Di-
21 rector shall give priority to organizations that
22 focus on prevention of injuries to high risk
23 groups from fire, as well as research programs
24 that demonstrate the potential to improve fire-
25 fighter safety.

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

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

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

13 “(B) INFORMATION.—The application shall
14 include the following information:

15 “(i) Information that demonstrates
16 the financial need of the applicant for the
17 assistance for which applied.

18 “(ii) An analysis of the costs and ben-
19 efits, with respect to public safety, of the
20 use of the assistance.

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

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

3 “(v) Any other information that the
4 Director may require.

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

10 “(6) MATCHING REQUIREMENT.—

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

18 “(B) REQUIREMENT FOR SMALL COMMU-
19 NITY ORGANIZATIONS.—In the case of an appli-
20 cant whose personnel serve jurisdictions of
21 20,000 or fewer residents, the percent applied
22 under the matching requirement of subpara-
23 graph (A) shall be 5 percent.

24 “(C) FIRE PREVENTION AND FIREFIGHTER
25 SAFETY GRANTS EXCEPTION.—There shall be

1 no matching requirement for a grant described
2 in paragraph (4).

3 “(7) MAINTENANCE OF EXPENDITURES.—Sub-
4 ject to paragraph (8), the Director may provide as-
5 sistance under this subsection only if the applicant
6 for the assistance agrees to maintain in the fiscal
7 year for which the assistance will be received the ap-
8 plicant’s aggregate expenditures for the uses de-
9 scribed in paragraph (3) or (4) at or above 80 per-
10 cent of the average level of such expenditures in the
11 2 fiscal years preceding the fiscal year for which the
12 assistance will be received.

13 “(8) ECONOMIC HARDSHIP WAIVER.—

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

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

24 “(i) recognized for expertise in fire-
25 fighting, emergency medical services pro-

1 vided by fire services, or the economic af-
2 fairs of State and local governments; and

3 “(ii) members of national fire service
4 organizations or national organizations
5 representing the interests of State and
6 local governments.

7 “(C) PUBLIC AVAILABILITY.—The Director
8 shall make the criteria developed under sub-
9 paragraph (B) publicly available.

10 “(9) VARIETY OF FIRE DEPARTMENT GRANT
11 RECIPIENTS.—

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

19 “(i) 25 percent shall be made avail-
20 able to career fire departments.

21 “(ii) 25 percent shall be made avail-
22 able to volunteer fire departments.

23 “(iii) 25 percent shall be made avail-
24 able to combination fire departments.

25 “(B) EVALUATION CRITERIA.—

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

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

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

1 “(10) REPORT TO THE DIRECTOR.—The Direc-
2 tor may provide assistance under this subsection
3 only if the applicant for the assistance agrees to sub-
4 mit to the Director a report, including a description
5 of how the assistance was used, with respect to each
6 fiscal year for which the assistance was received.

7 “(11) GRANT LIMITATIONS.—

8 “(A) RECIPIENT LIMITATIONS.—A grant
9 recipient under paragraph (1)(A)—

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

14 “(ii) that serves a jurisdiction with
15 more than 100,000 people but less than
16 500,000 people may not receive grants in
17 excess of \$2,000,000 for any fiscal year;

18 “(iii) that serves a jurisdiction with
19 500,000 people or more but less than
20 1,000,000 people may not receive grants in
21 excess of \$3,000,000 for any fiscal year;

22 “(iv) that serves a jurisdiction with
23 1,000,000 people or more but less than
24 2,500,000 people may not receive grants in

1 excess of \$6,000,000 for any fiscal year;
2 and

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

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

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

18 “(C) STATE FIRE TRAINING ACADEMIES.—

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

1 “(ii) LIMITATION.—The Director
2 shall—

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

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

10 “(III) ensure that any grant
11 awarded to a State fire training acad-
12 emy shall be used for the purposes de-
13 scribed in paragraphs 3(G), 3(H), or
14 3(I).

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

22 “(E) APPLICATION OF SELECTION CRI-
23 TERIA TO GRANT APPLICATIONS FROM VOLUN-
24 TEER, NON-FIRE SERVICE EMS AND RESCUE OR-
25 GANIZATIONS.—In reviewing applications sub-

1 mitted by volunteer, non-fire service EMS and
2 rescue organizations, the Director shall consider
3 the extent to which other sources of Federal
4 funding are available to provide the assistance
5 requested in such grant applications.

6 “(F) CONSENSUS STANDARDS.—

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

15 “(ii) WAIVER.—

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

1 that does meet or exceed such stand-
2 ards.

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

9 “(aa) consult with other
10 members of the fire services re-
11 garding the impact on fire de-
12 partments of the requirement to
13 meet or exceed the specific stand-
14 ard;

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

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

1 “(III) ADDITIONAL REQUESTS.—
2 Applicants that apply for a grant
3 under the terms of subclause (I) may
4 include a second grant request in the
5 application to be considered by the
6 Director in the event that the Direc-
7 tor does not approve the primary
8 grant request on the grounds of the
9 training not meeting applicable vol-
10 untary consensus standards.

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

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

1 and any necessary administrative changes to the
2 grant program.

3 “(14) GUIDELINES.—

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

7 “(i) guidelines that describe the proc-
8 ess for applying for grants and the criteria
9 for awarding grants;

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

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

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

24 “(15) PEER REVIEW.—The Director, after con-
25 sultation with national fire service organizations,

1 shall appoint fire service personnel to conduct peer
2 review of applications received under paragraph (5).
3 In making grants under this section, the Director
4 shall consider the results of such peer review evalua-
5 tions.

6 “(16) APPLICABILITY OF FEDERAL ADVISORY
7 COMMITTEE ACT.—The Federal Advisory Committee
8 Act (5 U.S.C. App.) shall not apply to activities
9 under paragraphs (13) and (15).

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

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

24 “(c) FIRE SAFETY RESEARCH CENTERS.—

1 “(1) IN GENERAL.—The Director may make a
2 grant under subsection (a)(4)(A)(iii) to an institu-
3 tion of higher education, a national fire service orga-
4 nization, or a national fire safety organization to es-
5 tablish and operate a fire safety research center.

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

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

20 “(4) APPLICATION.—In order to be eligible to
21 receive a fire safety research center grant, an insti-
22 tution of higher education, a national fire service or-
23 ganization, or a national fire safety organization
24 shall submit to the Director an application that is in

1 such form and contains such information and assur-
2 ances as the Director may require.

3 “(5) GENERAL SELECTION CRITERIA.—The Di-
4 rector shall select each recipient of a grant under
5 this subsection through a competitive process on the
6 basis of the following:

7 “(A) The demonstrated research and ex-
8 tension resources available to the recipient to
9 carry out the research, development, and tech-
10 nology transfer activities.

11 “(B) The capability of the recipient to pro-
12 vide leadership in making national contributions
13 to fire safety.

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

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

18 “(6) CONSIDERATION.—The Director shall give
19 special consideration under paragraph (5) to an ap-
20 plicant for a grant that consists of a partnership be-
21 tween an institution of higher education and a na-
22 tional fire service organization or a national fire
23 safety organization.

24 “(7) RESEARCH NEEDS.—Within 90 days after
25 the date of enactment of the Fire Grants Reauthor-

1 ization Act of 2009, the Director shall convene a
2 workshop of the fire safety research community, fire
3 service organizations, and other appropriate stake-
4 holders to identify and prioritize fire safety research
5 needs. The results of the workshop shall be made
6 public, and the Director shall consider such results
7 in making awards under this section.

8 “(8) AMOUNT OF GRANTS.—Notwithstanding
9 the requirement in subsection (a)(4)(C), the Director
10 shall make a grant under this subsection to establish
11 and operate a fire safety research center of not more
12 than \$1,500,000 per fiscal year.

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

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

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

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

1 “(4) FIREFIGHTING PERSONNEL.—The term
2 ‘firefighting personnel’ means individuals, including
3 volunteers, who are firefighters, officers of fire de-
4 partments, or emergency medical service personnel
5 of fire departments.

6 “(5) INSTITUTION OF HIGHER EDUCATION.—
7 The term ‘institution of higher education’ has the
8 meaning given such term in section 101 of the High-
9 er Education Act of 1965 (20 U.S.C. 1001).

10 “(6) VOLUNTEER, NON-FIRE SERVICE EMS AND
11 RESCUE ORGANIZATION.—The term ‘volunteer, non-
12 fire service EMS and rescue organization’ means a
13 public or private nonprofit emergency medical serv-
14 ices organization that—

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

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

20 “(C) is staffed primarily by volunteers.

21 “(7) VOLUNTEER FIRE DEPARTMENT.—The
22 term ‘volunteer fire department’ means a firefighting
23 department that has an all volunteer force of fire-
24 fighting personnel.

25 “(e) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated for the purposes of this section
3 \$1,000,000,000 for each of the fiscal years 2010
4 through 2014.

5 “(2) ADMINISTRATIVE EXPENSES.—

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

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

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 2009.

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 2010 through 2014.”.

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

4 (a) STUDY AND REPORT ON ASSISTANCE TO FIRE-
5 FIGHTERS GRANT PROGRAM.—

6 (1) STUDY.—The Administrator of the United
7 States Fire Administration, in conjunction with the
8 National Fire Protection Association, shall conduct a
9 study to—

10 (A) define the current roles and activities
11 associated with the fire services on a national,
12 State, regional, and local level;

13 (B) identify the equipment, staffing, and
14 training required to fulfill the roles and activi-
15 ties defined under subparagraph (A);

16 (C) conduct an assessment to identify gaps
17 between what fire departments currently pos-
18 sess and what they require to meet the equip-
19 ment, staffing, and training needs identified
20 under subparagraph (B) on a national and
21 State-by-State basis; and

22 (D) measure the impact of the grant pro-
23 gram under section 33 of the Federal Fire Pre-
24 vention and Control Act of 1974 (15 U.S.C.
25 2229) in—

1 (i) meeting the needs of the fire serv-
2 ices identified in the report submitted to
3 Congress under section 3603(a) of the
4 Ronald W. Reagan National Defense Au-
5 thorization Act for Fiscal Year 2005; and

6 (ii) filling the gaps identified under
7 subparagraph (C).

8 (2) REPORT.—Not later than 2 years after the
9 date of enactment of this Act, the Administrator
10 shall submit to the Committee on Commerce,
11 Science, and Transportation of the Senate and the
12 Committee on Science and Technology of the House
13 of Representatives a report on the findings of the
14 study described in paragraph (1).

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Administrator of
17 the United States Fire Administration a total of \$300,000
18 for fiscal years 2010 and 2011 to carry out subsection
19 (a).



**AMENDMENT TO THE MANAGER'S AMENDMENT TO
H.R. 3791
OFFERED BY MS. EDDIE BERNICE JOHNSON OF
TEXAS**

In section 2 of the bill, in the matter proposed to be inserted in section 33(a)(3)(E), strike the period at the end and insert the following: “, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.”

In section 2 of the bill, amend the matter proposed to be inserted in section 33(c)(6) as follows:

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

7 “(A) An institution of higher education.

8 “(B) A minority-serving institution (de-
9 fined as an eligible institution under section

1 371(a) of the Higher Education Act of 1965
2 (20 U.S.C. 1067q(a)).”.



AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE
AMENDMENT

OFFERED BY MR. BROUN OF GEORGIA

In section 2 of the bill, in the matter proposed to be inserted in section 33(a)(4), add at the end the following new subparagraph:

1 “(D) LIMITATION.—None of the funds
2 made available under this paragraph may be
3 provided to the Association of Community Or-
4 ganizations for Reform Now (ACORN) or any
5 of its affiliates, subsidiaries, or allied organiza-
6 tions.



Amendment to the Amendment in the Nature
of a Substitute

AMENDMENT

OFFERED BY MR. SMITH OF NEBRASKA

At the appropriate place in the bill, insert the following new section:

1 **SEC. ____. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) from fiscal years 2003 through 2008—

4 (A) the funding appropriated for activities
5 under section 33 of the Federal Fire Prevention
6 and Control Act of 1974 declined by approxi-
7 mately 30 percent; and

8 (B) the number of fire departments receiv-
9 ing awards declined by nearly 40 percent, while
10 the number of applicants increased, resulting in
11 a reduction in applicant success rates from over
12 43 percent to just 25 percent;

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

18 (3) declining funding reduces the Director's
19 ability to successfully carry out the primary purpose

1 of such section, which is to protect the health and
2 safety of the public and firefighting personnel
3 throughout the Nation against fire and fire-related
4 hazards; and

5 (4) halting and reversing the decline in appro-
6 priations to ensure a high level of funding for the
7 activities under such section 33 should be a top pri-
8 ority.

