

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3791
OFFERED BY MR. WU

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 or State
15 fire training academies, in consultation with the
16 chief executive of the State, for the purpose of
17 protecting the health and safety of the public

1 and firefighting personnel throughout the Na-
2 tion against fire and fire-related hazards;

3 “(B) provide assistance for fire prevention
4 and firefighter safety research and development
5 programs in accordance with paragraph (4);
6 and

7 “(C) provide assistance for volunteer, non-
8 fire service EMS and rescue organizations for
9 the purpose of paragraph (3)(F).

10 “(2) ADMINISTRATIVE ASSISTANCE.—The Di-
11 rector shall establish specific criteria for the selec-
12 tion of recipients of assistance under this section
13 and shall provide grant-writing assistance to appli-
14 cants.

15 “(3) USE OF FIRE DEPARTMENT GRANT
16 FUNDS.—The Director may make a grant under
17 paragraph (1)(A) only if the applicant for the grant
18 agrees to use the grant funds for one or more of the
19 following purposes:

20 “(A) To hire additional firefighting per-
21 sonnel.

22 “(B) To train firefighting personnel in
23 firefighting, emergency medical services and
24 other emergency response (including response
25 to a terrorism incident or use of a weapon of

1 mass destruction), arson prevention and detec-
2 tion, maritime firefighting, or the handling of
3 hazardous materials or to train firefighting per-
4 sonnel to provide any of the training described
5 in this subparagraph.

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

9 “(D) To certify fire and building inspec-
10 tors employed by a fire department or serving
11 as a volunteer building inspector with a fire de-
12 partment.

13 “(E) To establish wellness and fitness pro-
14 grams for firefighting personnel to ensure that
15 the firefighting personnel can carry out their
16 duties.

17 “(F) To fund emergency medical services
18 provided by fire departments and volunteer,
19 non-fire service EMS and rescue organizations.

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

22 “(H) To acquire additional firefighting
23 equipment, including equipment for communica-
24 tions, monitoring, and response to a terrorism

1 incident or use of a weapon of mass destruc-
2 tion.

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

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

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

14 “(L) To fund fire prevention programs.

15 “(M) To educate the public about arson
16 prevention and detection.

17 “(N) To provide incentives for the recruit-
18 ment and retention of volunteer firefighting
19 personnel for volunteer firefighting departments
20 and other firefighting departments that utilize
21 volunteers.

22 “(4) FIRE PREVENTION AND FIREFIGHTER
23 SAFETY RESEARCH AND DEVELOPMENT PRO-
24 GRAMS.—

1 “(A) IN GENERAL.—For each fiscal year,
2 the Director shall use not less than 10 percent
3 of the funds made available under subsection
4 (e)—

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

8 “(ii) to make grants to, or enter into
9 contracts or cooperative agreements with,
10 national, State, local, or community orga-
11 nizations that are not fire departments and
12 that are recognized for their experience
13 and expertise with respect to fire preven-
14 tion or fire safety programs and activities
15 and firefighter research and development
16 programs for the purpose of carrying out
17 fire prevention programs and research to
18 improve firefighter health and life safety;
19 and

20 “(iii) if the Director determines that
21 it is necessary, to make grants or enter
22 into contracts in accordance with sub-
23 section (c).

24 “(B) PRIORITY.—In selecting organiza-
25 tions described in subparagraph (A)(ii) to re-

1 ceive assistance under this paragraph, the Di-
2 rector shall give priority to organizations that
3 focus on prevention of injuries to high risk
4 groups from fire, as well as research programs
5 that demonstrate the potential to improve fire-
6 fighter safety.

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

10 “(5) APPLICATION.—The Director may provide
11 assistance to a fire department or organization
12 under this subsection only if the fire department or
13 organization seeking the assistance submits to the
14 Director an application that meets the following re-
15 quirements:

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

18 “(B) INFORMATION.—The application shall
19 include the following information:

20 “(i) Information that demonstrates
21 the financial need of the applicant for the
22 assistance for which applied.

23 “(ii) An analysis of the costs and ben-
24 efits, with respect to public safety, of the
25 use of the assistance.

1 “(iii) An agreement to provide infor-
2 mation to the national fire incident report-
3 ing system for the period covered by the
4 assistance.

5 “(iv) A list of other sources of Federal
6 funding received by the applicant. The Di-
7 rector, in coordination with the Secretary
8 of Homeland Security, shall use such list
9 to prevent unnecessary duplication of grant
10 funds.

11 “(v) Any other information that the
12 Director may require.

13 “(6) MATCHING REQUIREMENT.—

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

21 “(B) REQUIREMENT FOR SMALL COMMU-
22 NITY ORGANIZATIONS.—In the case of an appli-
23 cant whose personnel serve jurisdictions of
24 20,000 or fewer residents, the percent applied

1 under the matching requirement of subpara-
2 graph (A) shall be 5 percent.

3 “(C) FIRE PREVENTION AND FIREFIGHTER
4 SAFETY GRANTS EXCEPTION.—There shall be
5 no matching requirement for a grant described
6 in paragraph (4).

7 “(7) MAINTENANCE OF EXPENDITURES.—Sub-
8 ject to paragraph (8), the Director may provide as-
9 sistance under this subsection only if the applicant
10 for the assistance agrees to maintain in the fiscal
11 year for which the assistance will be received the ap-
12 plicant’s aggregate expenditures for the uses de-
13 scribed in paragraph (3) or (4) at or above 80 per-
14 cent of the average level of such expenditures in the
15 2 fiscal years preceding the fiscal year for which the
16 assistance will be received.

17 “(8) ECONOMIC HARDSHIP WAIVER.—

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

24 “(B) CRITERIA DEVELOPMENT.—The cri-
25 teria under which the Director may waive or re-

1 duce such requirements shall be developed in
2 consultation with individuals who are—

3 “(i) recognized for expertise in fire-
4 fighting, emergency medical services pro-
5 vided by fire services, or the economic af-
6 fairs of State and local governments; and

7 “(ii) members of national fire service
8 organizations or national organizations
9 representing the interests of State and
10 local governments.

11 “(C) PUBLIC AVAILABILITY.—Criteria de-
12 veloped under subparagraph (B) shall be made
13 publicly available.

14 “(9) VARIETY OF FIRE DEPARTMENT GRANT
15 RECIPIENTS.—

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

23 “(i) 25 percent shall be made avail-
24 able to career fire departments;

1 “(ii) 25 percent shall be made avail-
2 able to volunteer fire departments; and

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

5 “(B) PRIORITY FOR HIGH POPULATION
6 AND INCIDENT RESPONSE.—In awarding grants
7 under paragraph (1)(A), the Director shall give
8 priority within each category of applicants
9 under subparagraph (A) to an applicant that is
10 serving an area with high population and with
11 a high number of incidents requiring a re-
12 sponse.

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

22 “(10) REPORT TO THE DIRECTOR.—The Direc-
23 tor may provide assistance under this subsection
24 only if the applicant for the assistance agrees to sub-
25 mit to the Director a report, including a description

1 of how the assistance was used, with respect to each
2 fiscal year for which the assistance was received.

3 “(11) GRANT LIMITATIONS.—

4 “(A) RECIPIENT LIMITATIONS.—A grant
5 recipient under paragraph (1)(A)—

6 “(i) that serves a jurisdiction with
7 100,000 people or less may not receive
8 grants in excess of \$1,000,000 for any fis-
9 cal year;

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

14 “(iii) that serves a jurisdiction with
15 500,000 people or more but less than
16 1,000,000 people may not receive grants in
17 excess of \$3,000,000 for any fiscal year;

18 “(iv) that serves a jurisdiction with
19 1,000,000 people or more but less than
20 2,500,000 people may not receive grants in
21 excess of \$6,000,000 for any fiscal year;
22 and

23 “(v) that serves a jurisdiction with
24 2,500,000 people or more may not receive

1 grants in excess of \$9,000,000 for any fis-
2 cal year.

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

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

14 “(C) STATE FIRE TRAINING ACADEMIES.—

15 “(i) IN GENERAL.—To the extent that
16 there are eligible applicants and in accord-
17 ance with clause (ii), the Director shall
18 award not more than 3 percent of the
19 amounts made available under subsection
20 (e) for grants under this subsection for
21 State fire training academies.

22 “(ii) LIMITATION.—The Director shall
23 not make a grant to a State fire training
24 academy in excess of \$1,000,000 and shall
25 ensure that any grant awarded to a State

1 fire training academy shall be used for the
2 purposes described in paragraphs 3(G),
3 3(H), and 3(I).

4 “(D) REQUIREMENTS FOR GRANTS FOR
5 EMERGENCY MEDICAL SERVICES.—Subject to
6 the restrictions in subparagraph (E), not less
7 than 2 percent of the funds appropriated under
8 this section for a fiscal year shall be awarded
9 for the purposes described in paragraph (3)(F).

10 “(E) VOLUNTEER, NON-FIRE SERVICE EMS
11 AND RESCUE ORGANIZATIONS LIMITATION.—
12 Not more than 2 percent of the funds appro-
13 priated to provide grants under this section for
14 a fiscal year shall be awarded to volunteer, non-
15 fire service EMS and rescue organizations.

16 “(F) APPLICATION OF SELECTION CRI-
17 TERIA TO GRANT APPLICATIONS FROM VOLUN-
18 TEER, NON-FIRE SERVICE EMS AND RESCUE OR-
19 GANIZATIONS.—In reviewing applications sub-
20 mitted by volunteer, non-fire service EMS and
21 rescue organizations, the Director shall consider
22 the extent to which other sources of Federal
23 funding are available to provide assistance re-
24 quested in such grant applications.

1 “(G) CONSENSUS STANDARDS.—Any grant
2 amounts used to obtain training under this sec-
3 tion shall be limited to training that complies
4 with applicable national voluntary consensus
5 standards (if applicable national voluntary con-
6 sensus standards have been established).

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

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

23 “(14) GUIDELINES.—

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

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

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

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

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

21 “(15) PEER REVIEW.—The Director shall, after
22 consultation with national fire service organizations,
23 appoint fire service personnel to conduct peer review
24 of applications received under paragraph (5). In

1 making grants under this section, the Director shall
2 consider the results of such peer review evaluations.

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

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

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

21 “(c) UNIVERSITY FIRE SAFETY RESEARCH CEN-
22 TERS.—

23 “(1) IN GENERAL.—The Director may make
24 grants under subsection (a)(4)(A)(iii) to institutions

1 of higher education to establish and operate univer-
2 sity fire safety research centers.

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

10 “(3) LIMITATION.—The Director may establish
11 no more than 3 university fire safety research cen-
12 ters. An institution of higher education may not di-
13 rectly receive a grant under this section for a fiscal
14 year for more than 1 university fire safety research
15 center.

16 “(4) APPLICATION.—In order to be eligible to
17 receive a university fire safety research center grant,
18 an institution of higher education shall submit to the
19 Director an application that is in such form and
20 contains such information and assurances as the Di-
21 rector may require.

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

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

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

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

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

12 “(6) RESEARCH NEEDS.—Within 90 days after
13 the date of enactment of the Fire Grants Reauthor-
14 ization Act of 2009, the Director shall convene a
15 workshop of the fire safety research community, fire
16 service organizations, and other appropriate stake-
17 holders to identify and prioritize fire safety research
18 needs. The results of the workshop shall be made
19 public, and the Director shall consider such results
20 in making awards under this section.

21 “(7) AMOUNT OF GRANTS.—The Director shall
22 make a grant to an institution of higher education
23 to establish and operate a university fire safety re-
24 search center of not more than \$2,000,000 per fiscal
25 year.

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

3 “(1) CAREER FIRE DEPARTMENT.—The term
4 ‘career fire department’ means a firefighting depart-
5 ment that has an all professional force of fire-
6 fighting personnel.

7 “(2) COMBINATION FIRE DEPARTMENT.—The
8 term ‘combination fire department’ means a fire-
9 fighting department that has a combined force of
10 professional and volunteer firefighting personnel.

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

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

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

22 “(6) VOLUNTEER, NON-FIRE SERVICE EMS AND
23 RESCUE ORGANIZATION.—The term ‘volunteer, non-
24 fire service EMS and rescue organization’ means a
25 public or private nonprofit emergency medical serv-

1 ices organization that is not affiliated with a hospital
2 and does not serve a geographic area in which the
3 Director finds that emergency medical services are
4 adequately provided by a fire department.

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

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—

10 “(1) IN GENERAL.—There are authorized to be
11 appropriated for the purposes of this section
12 \$1,000,000,000 for each of the fiscal years 2010
13 through 2014.

14 “(2) ADMINISTRATIVE EXPENSES.—

15 “(A) IN GENERAL.—Of the funds appro-
16 priated pursuant to paragraph (1) for a fiscal
17 year, the Director may use not more than 3
18 percent of the funds to cover salaries and ex-
19 penses and other administrative costs incurred
20 by the Director to make grants and provide as-
21 sistance under this section.

22 “(B) FORMULA.—The Director shall sub-
23 tract the amount to be used for subparagraph
24 (A) from the amount appropriated pursuant to
25 paragraph (1) before making any allocations or

1 apportioning any funds under subsections (a) or
2 (c).”.

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

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

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

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

11 “(1) HIRING GRANTS.—

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

24 “(B) REQUIREMENTS.—

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

5 “(ii) RETENTION.—Grantees are re-
6 quired to commit to retaining for at least
7 the entire 3 years of the grant period those
8 firefighters hired under this paragraph.

9 “(iii) MAXIMUM.—The portion of the
10 cost of hiring firefighters provided by a
11 grant under this paragraph may not exceed
12 80 percent of such cost for each fiscal
13 year.

14 “(C) PREFERENCE.—In awarding grants
15 under this subsection, the Director may give
16 preferential consideration to applications that
17 involve a non-Federal contribution exceeding
18 the minimums under subparagraph (B)(iii).

19 “(D) TECHNICAL ASSISTANCE.—The Di-
20 rector may provide technical assistance to
21 States, units of local government, Indian tribal
22 governments, and other public entities in fur-
23 therance of the purposes of this section.

24 “(E) VOLUNTEER ACTIVITIES ALLOWED.—
25 Notwithstanding any other provision of law, any

1 firefighter hired with funds provided under this
2 subsection shall not be discriminated against
3 for, or be prohibited from, engaging in volun-
4 teer activities in another jurisdiction during off-
5 duty hours.

6 “(F) COMPETITIVE BASIS.—All grants
7 made pursuant to this subsection shall be
8 awarded on a competitive basis through a neu-
9 tral peer review process.

10 “(G) SET ASIDE.—

11 “(i) IN GENERAL.—At the beginning
12 of the fiscal year, the Director shall set
13 aside 10 percent of the funds appropriated
14 for carrying out this paragraph for depart-
15 ments with majority volunteer or all volun-
16 teer personnel.

17 “(ii) TRANSFER.—After awards have
18 been made, if less than 10 percent of the
19 funds appropriated for carrying out this
20 paragraph are not awarded to departments
21 with majority volunteer or all volunteer
22 personnel, the Director shall transfer from
23 funds appropriated for carrying out this
24 paragraph to funds available for carrying
25 out paragraph (2) an amount equal to the

1 difference between the amount that is pro-
2 vided to such fire departments and 10 per-
3 cent.

4 “(2) RECRUITMENT AND RETENTION
5 GRANTS.—In addition to any amounts transferred
6 under paragraph (1)(G), the Director shall direct at
7 least 10 percent of the total amount of funds appro-
8 priated pursuant to this section annually to a com-
9 petitive grant program for the recruitment and re-
10 tention of volunteer firefighters who are involved
11 with or trained in the operations of firefighting and
12 emergency response. Eligible entities shall include
13 volunteer or combination fire departments and orga-
14 nizations on a local, statewide, or national basis that
15 represent the interests of volunteer firefighters.

16 “(b) APPLICATIONS.—

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

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

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

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

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

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

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

15 “(c) LIMITATION ON USE OF FUNDS.—

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

1 governments, from funds supplied by the Bureau of
2 Indian Affairs.

3 “(2) REPLACEMENT FUNDING PROHIBITED.—
4 No grant shall be awarded pursuant to this section
5 to a municipality or other recipient whose annual
6 budget at the time of the application for fire-related
7 programs and emergency response has been reduced
8 below 80 percent of the average funding level in the
9 3 years prior to the date of enactment of this sec-
10 tion.

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

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

23 “(e) PERFORMANCE EVALUATION.—The Director
24 may require a grant recipient to submit any information

1 the Director considers reasonably necessary to evaluate
2 the program.

3 “(f) SUNSET; REPORTS.—

4 “(1) SUNSET.—The authority under this sec-
5 tion to make grants shall lapse at the end of the 10-
6 year period that begins on the date of enactment of
7 the Fire Grants Reauthorization Act of 2009.

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

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

21 “(h) ACCESS TO DOCUMENTS.—

22 “(1) IN GENERAL.—The Director shall have ac-
23 cess for the purpose of audit and examination to any
24 pertinent books, documents, papers, or records of a
25 grant recipient under this section and to the perti-

1 nent books, documents, papers, or records of State
2 and local governments, persons, businesses, and
3 other entities that are involved in programs,
4 projects, or activities for which assistance is pro-
5 vided under this section.

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

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

12 “(1) ‘Director’ means the Director, acting
13 through the Administrator;

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

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

1 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for the purposes of car-
3 rying out this section \$1,194,000,000 for each of the fiscal
4 years 2010 through 2014.”.

5 **SEC. 4. STUDY AND REPORT.**

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

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

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

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

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

24 (D) measure the impact of the grant pro-
25 gram under section 33 of the Federal Fire Pre-

1 vention and Control Act of 1974 (15 U.S.C.
2 2229) in—

3 (i) meeting the needs of the fire serv-
4 ices identified in the report submitted to
5 Congress under section 3603(a) of the
6 Ronald W. Reagan National Defense Au-
7 thorization Act for Fiscal Year 2005; and
8 (ii) filling the gaps identified under
9 subparagraph (C).

10 (2) REPORT.—Not later than 18 months after
11 the date of enactment of this Act, the Administrator
12 shall submit to the Committee on Commerce,
13 Science, and Transportation of the Senate and the
14 Committee on Science and Technology of the House
15 of Representatives a report on the findings of the
16 study described in paragraph (1).

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the United States
19 Fire Administration a total of \$300,000 for fiscal years
20 2010 and 2011 to carry out subsection (a).



**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3791
(FIRE GRANTS REAUTHORIZATION ACT OF 2009)
OFFERED BY Mr. Smith**

Page 5, amend lines 8 through 19 to read as follows:

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

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

13 “(II) engage in fire-related activi-
14 ties as a primary purpose or function,
15 for the purpose of carrying out fire
16 prevention or fire safety programs and
17 activities; or

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



AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3791

(FIRE GRANTS REAUTHORIZATION ACT OF 2009)

OFFERED BY MR. Smith

Page 10, amend lines 5 through 12 to read as follows:

1 “(B) EVALUATION CRITERIA.—
2 “(i) IN GENERAL.—In awarding
3 grants under paragraph (1)(A), the Direc-
4 tor shall, within each category of appli-
5 cants under subparagraph (A), consider a
6 broad range of factors important to the ap-
7 plicant’s ability to respond to fires and re-
8 lated hazards, such as population served,
9 geographic response area, hazard vulner-
10 ability, call volume, financial situation, and
11 need for training or equipment.
12 “(ii) HIGH POPULATION AND INCI-
13 DENT RESPONSE.—In considering such
14 factors under clause (i), applicants serving
15 areas with high population and with a high
16 number of incidents requiring a response

1 shall receive a higher level of consider-
2 ation.”.

