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United States General Accounting Office
Washington, DC 20548

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April 9, 2001

The Honorable Robert C. Smith
Chairman
The Honorable Harry Reid
Ranking Member
Committee on Environment and Public Works
United States Senate

The Honorable Sherwood L. Boehlert
Chairman
The Honorable Ralph M. Hall
Ranking Minority Member
Committee on Science
House of Representatives

Subject: Federal Emergency Management Agency: Assistance to Firefighters Grant Program

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Federal Emergency Management Agency (FEMA), entitled "Assistance to Firefighters Grant Program" (RIN: 3067-AD21). We received the rule on March 29, 2001. It was published in the Federal Register as an interim final rule with request for comments on March 21, 2001. 66 Fed. Reg. 15968.

The interim final rule provides guidance for the administration of grants made under the Federal Fire Protection and Control Act. The grants are made directly to fire departments of a state or tribal nation to enhance their ability to protect the health and safety of the public as well as firefighting personnel from fire and fire-related hazards.

Enclosed is our assessment of FEMA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that FEMA complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is John Anderson,

Managing Director, Physical Infrastructure. Mr. Anderson can be reached at (202) 512-2834.

signed

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: Mr. Michael D. Brown
General Counsel
Federal Emergency Management
Agency

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
FEDERAL EMERGENCY MANAGEMENT AGENCY
ENTITLED
"ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM"
(RIN: 3067-AD21)

(i) Cost-benefit analysis

FEMA expects to award approximately \$90 million in grants. With cost-sharing, the total value of all grants is expected to be \$110 million to \$115 million.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The interim final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The interim final rule does not contain an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The interim final rule was published without notice and comment because the Administrator of FEMA determined that "good cause" existed under 5 U.S.C. 553(d)(3). Public Law 106-398 requires that the grants be awarded no later than September 30, 2001.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The interim final rule contains information collections that are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. FEMA has submitted the required information to OMB on an emergency approval basis. FEMA is also requesting comments on the collections based on the information contained in the preamble, which will be considered in its submittal to OMB for approval on a normal basis for a period of 3 years.

Statutory authorization for the rule

The interim final rule is issued pursuant to the authority contained in the Federal Fire Protection and Control Act, 15 U.S.C. Section 2201 et seq., as amended by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Pub. L. 106-398.

Executive Order No. 12866

The final rule was reviewed by OMB and found to be an “economically significant” regulatory action under the order.

Executive Order No. 13132 (Federalism)

FEMA has determined that the final rule does not have sufficient federalism implications to warrant to preparation of a federalism assessment statement.