

with an equal amount of non-Federal funds 30 percent of the assistance received under this subsection for any fiscal year.

“(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent.”

Subsec. (b)(10)(A). Pub. L. 108-375, §3602(8)(A), amended heading and text of subpar. (A) generally. Prior to amendment, text read as follows: “A grant recipient under this section may not receive more than \$750,000 under this section for any fiscal year.”

Subsec. (b)(10)(B) to (F). Pub. L. 108-375, §3602(8)(B)-(D), redesignated subpar. (B) as (C) and added new subpars. (B) and (D) to (F).

Subsec. (b)(13) to (17). Pub. L. 108-375, §3602(9), added pars. (13) to (17).

Subsec. (d). Pub. L. 108-375, §3602(10), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “In this section, the term ‘State’ includes the District of Columbia and the Commonwealth of Puerto Rico.”

Subsec. (e)(1). Pub. L. 108-375, §3602(11), substituted “There are authorized to be appropriated for the purposes of this section \$900,000,000 for fiscal year 2005, \$950,000,000 for fiscal year 2006, and \$1,000,000,000 for each of the fiscal years 2007 through 2009.” for “There are authorized to be appropriated \$900,000,000 for each of the fiscal years 2002 through 2004 for the purposes of this section.”

2003—Subsec. (b)(2). Pub. L. 108-169, §205(a)(1), added par. (2) and struck out heading and text of former par. (2). Text read as follows:

“(A) ESTABLISHMENT.—Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency to administer the assistance under this section.

“(B) INCLUDED DUTIES.—The duties of the office shall include the following:

“(i) RECIPIENT SELECTION CRITERIA.—To establish specific criteria for the selection of recipients of the assistance under this section.

“(ii) GRANT-WRITING ASSISTANCE.—To provide grant-writing assistance to applicants.”

Subsec. (b)(3)(B). Pub. L. 108-169, §205(b), inserted “maritime firefighting,” after “arson prevention and detection.”

Subsec. (b)(3)(H). Pub. L. 108-169, §205(c)(1), inserted “equipment for fighting fires with foam in remote areas without access to water, and” after “including”.

Subsec. (b)(12). Pub. L. 108-7 added par. (12).

Subsec. (e)(1). Pub. L. 108-169, §205(c)(2), inserted at end “Of the amounts authorized in this paragraph, \$3,000,000 shall be made available each year through fiscal year 2008 for foam firefighting equipment.”

Subsec. (e)(2). Pub. L. 108-169, §205(a)(2), struck out “operate the office established under subsection (b)(2) of this section and” before “make grants and provide assistance under this section.”

2001—Subsec. (b)(3). Pub. L. 107-107, §1061(b), (c), substituted “the grant funds for one or more of the following purposes:” for “the grant funds—” in introductory provisions, capitalized the initial letter of the first word of each of subpars. (A) to (N), substituted a period for the semicolon at end of each of subpars. (A) to (L) and a period for “; or” at end of subpar. (M), inserted “(including response to a terrorism incident or use of a weapon of mass destruction)” after “emergency response” in subpar. (B), substituted “, monitoring, and response to a terrorism incident or use of a weapon of mass destruction” for “and monitoring” in subpar. (H), and inserted “, including protective equipment to respond to a terrorism incident or the use of a weapon of mass destruction” after “equipment for firefighting personnel” in subpar. (I).

Subsec. (e). Pub. L. 107-107, §1061(a), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated for the purposes of this section amounts as follows:

- “(1) \$100,000,000 for fiscal year 2001.
- “(2) \$300,000,000 for fiscal year 2002.”

#### TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 2229a. Expansion of pre-September 11, 2001, fire grant program

#### (a) Expanded authority to make grants

##### (1) Hiring grants

(A) The Administrator shall make grants directly to career, volunteer, and combination 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)(i) Grants made under this paragraph shall be for 4 years and be used for programs to hire new, additional firefighters.

(ii) Grantees are required to commit to retaining for at least 1 year beyond the termination of their grants those firefighters hired under this paragraph.

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

(D) The Administrator 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) 90 percent in the first year of the grant;
- (ii) 80 percent in the second year of the grant;
- (iii) 50 percent in the third year of the grant; and
- (iv) 30 percent in the fourth 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 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 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 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 organizations on a local or statewide basis 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.

(2) An application for a grant under this section shall be submitted in such form, and contain such information, as the Administrator 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) of this section, explain how the applicant plans to meet the requirements of subsection (a)(1)(B)(ii) and (F) of this section;

(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 applica-

tion for fire-related programs and emergency response has been reduced below 80 percent of the average funding level in the 3 years prior to November 24, 2003.

(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)(A) Total funding provided under this section over 4 years for hiring a firefighter may not exceed \$100,000.

(B) The \$100,000 cap shall be adjusted annually for inflation beginning in fiscal year 2005.

**(d) Performance evaluation**

The Administrator may require a grant recipient to submit any information the Administrator considers reasonably necessary to evaluate the program.

**(e) Sunset and reports**

The authority under this section to make grants shall lapse at the conclusion of 10 years from November 24, 2003. Not later than 6 years after November 24, 2003, the Administrator shall submit a report to Congress concerning the experience with, and effectiveness of, such grants in meeting the objectives of this section. The report may include any recommendations the Administrator may have for amendments to this section and related provisions of law.

**(f) Revocation or suspension of funding**

If the Administrator 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 may revoke or suspend funding of that grant, in whole or in part.

**(g) Access to documents**

(1) The Administrator 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.

**(h) Definitions**

In this section, the term—

(1) “firefighter” has the meaning given the term “employee in fire protection activities” under section 203(y) of title 29;<sup>1</sup> and

(2) “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligi-

<sup>1</sup> See References in Text note below.

ble for the special programs and services provided by the United States to Indians because of their status as Indians.

**(i) Authorization of appropriations**

There are authorized to be appropriated for the purposes of carrying out this section—

- (1) \$1,000,000,000 for fiscal year 2004;
- (2) \$1,030,000,000 for fiscal year 2005;
- (3) \$1,061,000,000 for fiscal year 2006;
- (4) \$1,093,000,000 for fiscal year 2007;
- (5) \$1,126,000,000 for fiscal year 2008;
- (6) \$1,159,000,000 for fiscal year 2009; and
- (7) \$1,194,000,000 for fiscal year 2010.

(Pub. L. 93-498, § 34, as added Pub. L. 108-136, div. A, title X, § 1057, Nov. 24, 2003, 117 Stat. 1616.)

REFERENCES IN TEXT

Section 203(y) of title 29, referred to in subsec. (h)(1), was in the original “section 3(y) of the Fair Labor Standards Act” and has been translated as reading “section 3(y) of the Fair Labor Standards Act of 1938” to reflect the probable intent of Congress.

The Alaska Native Claims Settlement Act, referred to in subsec. (h)(2), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

PRIOR PROVISIONS

A prior section 34 of Pub. L. 93-498 was renumbered section 36 and is classified to section 2231 of this title.

**§ 2230. Surplus and excess Federal equipment**

The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.

(Pub. L. 93-498, § 35, formerly § 33, as added Pub. L. 106-503, title I, § 105, Nov. 13, 2000, 114 Stat. 2301; renumbered § 35, Pub. L. 108-136, div. A, title X, § 1057, Nov. 24, 2003, 117 Stat. 1616.)

**§ 2231. Cooperative agreements with Federal facilities**

The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.

(Pub. L. 93-498, § 36, formerly § 34, as added Pub. L. 106-503, title I, § 106, Nov. 13, 2000, 114 Stat. 2301; renumbered § 36, Pub. L. 108-136, div. A, title X, § 1057, Nov. 24, 2003, 117 Stat. 1616.)

**§ 2232. Burn research**

**(a) Office**

The Administrator of the Federal Emergency Management Agency shall establish an office in the Agency to establish specific criteria of grant recipients and to administer grants under this section.

**(b) Safety organization grants**

The Administrator may make grants, on a competitive basis, to safety organizations that

have experience in conducting burn safety programs for the purpose of assisting those organizations in conducting burn prevention programs or augmenting existing burn prevention programs.

**(c) Hospital grants**

The Administrator may make grants, on a competitive basis, to hospitals that serve as regional burn centers to conduct acute burn care research.

**(d) Other grants**

The Administrator may make grants, on a competitive basis, to governmental and non-governmental entities to provide after-burn treatment and counseling to individuals that are burn victims.

**(e) Report**

**(1) In general**

The Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the grants provided under this section.

**(2) Content**

The report shall contain the following:

(A) A list of the organizations, hospitals, or other entities to which the grants were provided and the purpose for which those entities were provided grants.

(B) Efforts taken to ensure that potential grant applicants are provided with information necessary to develop an effective application.

(C) The Administrator’s assessment regarding the appropriate level of funding that should be provided annually through the grant program.

(D) The Administrator’s assessment regarding the appropriate purposes for such grants.

(E) Any other information the Administrator determines necessary.

**(3) Submission date**

The report shall be submitted not later than February 1, 2002.

**(f) Authorization of appropriations**

There are authorized to be appropriated for the purposes of this section amounts as follows:

- (1) \$10,000,000 for fiscal year 2001.
- (2) \$20,000,000 for fiscal year 2002.

(Pub. L. 106-398, § 1 [[div. A], title XVII, § 1703], Oct. 30, 2000, 114 Stat. 1654, 1654A-364; Pub. L. 109-295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410.)

CODIFICATION

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

CHANGE OF NAME

“Administrator” substituted for “Director” and “Administrator’s” substituted for “Director’s” on authority of section 612(c) of Pub. L. 109-295, set out as a note