

Subsec. (c)(2)(B)(ii). Pub. L. 105-108, §3(5), inserted “or any successor standard to that standard” after “Association Standard 101”.

1996—Subsec. (b)(1)(B)(iii). Pub. L. 104-316 struck out cl. (iii) which read as follows: “Within 3 years after October 26, 1992, and periodically thereafter, the Comptroller General shall audit a selection of certifications made under clause (ii) and report to Congress on the results of such audit.”

1994—Subsec. (c)(1)(A). Pub. L. 103-254, §6(1), substituted “Except as otherwise provided in this paragraph, no Federal” for “No Federal”.

Subsec. (c)(1)(C), (D). Pub. L. 103-254, §6(2), added subpars. (C) and (D).

EFFECTIVE DATE

Pub. L. 102-522, title I, §106(b), Oct. 26, 1992, 106 Stat. 3417, provided that: “Subsection (b) of section 31 of the Federal Fire Prevention and Control Act of 1974 [15 U.S.C. 2227], as added by subsection (a) of this section, shall take effect 2 years after the date of enactment of this Act [Oct. 26, 1992].”

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.

§ 2228. CPR training

No funds shall be made available to a State or local government under section 2221 of this title unless such government has a policy to actively promote the training of its firefighters in cardiopulmonary resuscitation.

(Pub. L. 93-498, §32, as added Pub. L. 103-254, §5, May 19, 1994, 108 Stat. 682.)

§ 2229. Firefighter assistance

(a) Definitions

In this section:

(1) Administrator of FEMA

The term “Administrator of FEMA” means the Administrator of FEMA, acting through the Administrator.

(2) Available grant funds

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

(3) Career fire department

The term “career fire department” means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

(4) Combination fire department

The term “combination fire department” means a fire department that has—

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

(5) Firefighting personnel

The term “firefighting personnel” means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

(6) Institution of higher education

The term “institution of higher education” has the meaning given such term in section 1001 of title 20.

(7) Nonaffiliated EMS organization

The term “nonaffiliated EMS organization” means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

(8) Paid-on-call

The term “paid-on-call” with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

(9) Volunteer fire department

The term “volunteer fire department” means a fire department that has an all-volunteer force of firefighting personnel.

(b) Assistance program

(1) Authority

In accordance with this section, the Administrator of FEMA may award—

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

(2) Administrative assistance

The Administrator of FEMA shall—

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

(c) Assistance to firefighters grants

(1) In general

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

- (A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;
- (B) nonaffiliated EMS organizations to support the provision of emergency medical services; and
- (C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

(2) Maximum grant amounts

(A) Population

The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

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

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

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

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

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

(B) Aggregate

(i) In general

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

(ii) Exception

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

(3) Use of grant funds

Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

(A) To train firefighting personnel in—

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

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

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

(D) To certify—

- (i) fire inspectors; and
 - (ii) building inspectors—
- (I) whose responsibilities include fire safety inspections; and

(II) who are employed by or serving as volunteers with a fire department.

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

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

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

(H) To acquire additional firefighting equipment, including equipment for—

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

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

- (i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or
- (ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

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

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

(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

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

(d) Fire prevention and safety grants

(1) In general

For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

(A) award grants to fire departments;

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

- (i) fire prevention programs; and
- (ii) research to improve firefighter health and life safety; and

(C) award grants to institutions of higher education, national fire service organiza-

tions, or national fire safety organizations to establish and operate fire safety research centers.

(2) Maximum grant amount

A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

(3) Use of grant funds

Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

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

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

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

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

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

(4) Limitation

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

(e) Applications for grants

(1) In general

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

(2) Elements

Each application submitted under paragraph (1) shall include the following:

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

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

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

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

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

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

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

(3) Joint or regional applications

(A) In general

Two or more entities may submit an application under paragraph (1) for a grant under

this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

(B) Nonexclusivity

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

(C) Guidance

The Administrator of FEMA shall—

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

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

(f) Peer review of grant applications

(1) In general

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

(2) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

(g) Prioritization of grant awards

In awarding grants under this section, the Administrator of FEMA shall consider the following:

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

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

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

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

(h) Allocation of grant awards

In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

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

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

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

(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments

using paid-on-call firefighting personnel for grants awarded under subsection (c);

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

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

(i) Additional requirements and limitations

(1) Funding for emergency medical services

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

(2) State fire training academies

(A) Maximum share

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

(B) Maximum grant amount

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

(3) Amounts for purchasing firefighting vehicles

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

(j) Further considerations

(1) Assistance to firefighters grants to fire departments

In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

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

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

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

(2) Applications from nonaffiliated EMS organizations

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

(3) Awarding fire prevention and safety grants to certain organizations that are not fire departments

In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

(A) prevention of injuries to high risk groups from fire; and

(B) research programs that demonstrate a potential to improve firefighter safety.

(4) Awarding grants for fire safety research centers

(A) Considerations

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

(i) select each grant recipient on—

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

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

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

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

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

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

(II) an institution of higher education, including a minority-serving institution (as described in section 1067q(a) of title 20); and

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

(B) Research needs

(i) In general

Not later than 90 days after January 2, 2013, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

(ii) Publication

The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

(C) Limitations on grants for fire safety research centers

(i) In general

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

(ii) Recipients

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

(5) Avoiding duplication

The Administrator of FEMA shall review lists submitted by applicants pursuant to sub-

section (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

(k) Matching and maintenance of expenditure requirements

(1) Matching requirement for assistance to fire-fighters grants

(A) In general

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

(B) Exception for entities serving small communities

In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

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

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

(2) Matching requirement for fire prevention and safety grants

(A) In general

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

(B) Means of matching

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

(3) Maintenance of expenditures

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

(4) Waiver

(A) In general

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

(B) Guidelines

(i) In general

The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

(ii) Consultation

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

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

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

(iii) Considerations

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

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

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

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

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

(C) Certain applicants for fire prevention and safety grants

The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

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

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

(I) Grant guidelines

(1) Guidelines

For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

(A) guidelines that describe—

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

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

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

(2) Annual meeting to obtain recommendations

(A) In general

For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emer-

agency medical service organizations to obtain recommendations regarding the following:

- (i) Criteria for the awarding of grants under this section.
- (ii) Administrative changes to the assistance program established under subsection (b).

(B) Qualified members

For purposes of this paragraph, a qualified member of an organization is a member who—

- (i) is recognized for expertise in firefighting or emergency medical services;
- (ii) is not an employee of the Federal Government; and
- (iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—
 - (I) providers of emergency medical services that are affiliated with fire departments; or
 - (II) nonaffiliated EMS providers.

(3) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

(m) Accounting determination

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

(n) Eligible grantee on behalf of Alaska Native villages

The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

(o) Training standards

If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 747 of title 6, the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

(p) Ensuring effective use of grants

(1) Audits

The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

- (A) the grant amounts are expended for the intended purposes; and
- (B) the grant recipient complies with the requirements of subsection (k).

(2) Performance assessment

(A) In general

The Administrator of FEMA shall develop and implement a performance assessment

system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

(B) Consultation

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

(3) Annual reports to Administrator of FEMA

Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

(4) Annual reports to Congress

(A) In general

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

- (i) information on the performance assessment system developed under paragraph (2); and
- (ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

(B) Additional information

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

(q) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section—

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

(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

- (i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds
- (ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

(2) Administrative expenses

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

(3) Congressionally directed spending

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

(r) Sunset of authorities

The authority to award assistance and grants under this section shall expire on the date that is 5 years after January 2, 2013.

(Pub. L. 93-498, §33, as added Pub. L. 106-398, §1 [[div. A], title XVII, §1701(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-360; amended Pub. L. 107-107, div. A, title X, §1061, Dec. 28, 2001, 115 Stat. 1231; Pub. L. 108-7, div. K, title IV, §421, Feb. 20, 2003, 117 Stat. 526; Pub. L. 108-169, title II, §205, Dec. 6, 2003, 117 Stat. 2040; Pub. L. 108-375, div. C, title XXXVI, §3602, Oct. 28, 2004, 118 Stat. 2195; Pub. L. 112-239, div. A, title XVIII, §1803, Jan. 2, 2013, 126 Stat. 2100.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsecs. (f)(2) and (l)(3), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Another section 33 of Pub. L. 93-498 was renumbered section 35 and is classified to section 2230 of this title.

AMENDMENTS

2013—Pub. L. 112-239 amended section generally. Prior to amendment, section authorized grants for firefighter assistance.

2004—Subsec. (b)(1)(A). Pub. L. 108-375, §3602(1), inserted “throughout the Nation” after “personnel” and struck out “and” at end.

Subsec. (b)(1)(B). Pub. L. 108-375, §3602(2), inserted “and firefighter safety research and development” after “fire prevention” and substituted “; and” for period at end.

Subsec. (b)(1)(C). Pub. L. 108-375, §3602(3), added subpar. (C).

Subsec. (b)(3)(F). Pub. L. 108-375, §3602(4), inserted “and nonaffiliated EMS organizations” after “fire departments”.

Subsec. (b)(4). Pub. L. 108-375, §3602(5)(A), inserted “and firefighter safety research and development” after “prevention” in heading.

Subsec. (b)(4)(A)(ii). Pub. L. 108-375, §3602(5)(B), inserted “that are not fire departments and” after “community organizations”, “and firefighter research and development programs,” after “fire safety programs and activities,” and “and research to improve firefighter health and life safety” after “fire prevention programs”.

Subsec. (b)(4)(B). Pub. L. 108-375, §3602(5)(C), substituted “to high risk groups from fire, as well as research programs that demonstrate the potential to improve firefighter safety” for “to children from fire”.

Subsec. (b)(4)(C). Pub. L. 108-375, §3602(5)(D), added subpar. (C).

Subsec. (b)(5)(B)(iv), (v). Pub. L. 108-375, §3602(6), added cl. (iv) and redesignated former cl. (iv) as (v).

Subsec. (b)(6). Pub. L. 108-375, §3602(7), added subpars. (A) to (C) and struck out former subpars. (A) and (B) which read as follows:

“(A) IN GENERAL.—Subject to subparagraph (B), the Director may provide assistance under this subsection only if the applicant for the assistance agrees to match 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. Staffing for adequate fire and emergency response

(a) Expanded authority to make grants

(1) Hiring grants

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

(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.

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

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

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

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

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

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

(H) At the beginning of the fiscal year, the Administrator of FEMA shall set aside 10 percent of the funds appropriated for carrying out

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

(2) Recruitment and retention grants

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

(b) Applications

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

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

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

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

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

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

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

(c) Limitation on use of funds

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

(2) No grant shall be awarded pursuant to this section to a municipality or other recipient whose annual budget at the time of the application for fire-related programs and emergency response has been reduced below 80 percent of the average funding level in the 3 years prior to November 24, 2003.