

TITLE 15 - COMMERCE AND TRADE
CHAPTER 49 - FIRE PREVENTION AND CONTROL

§ 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 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.
- (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

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

(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;¹ 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 eligible 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.

Footnotes

¹ See References in Text note below.

(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.