

§ 2229. Firefighter assistance

(a) Definition of firefighting personnel

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

(b) Assistance program

(1) Authority

In accordance with this section, the Director may—

(A) make grants on a competitive basis directly to fire departments of a State, in consultation with the chief executive of the State, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the Nation against fire and fire-related hazards;

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

(C) provide assistance for nonaffiliated EMS organizations for the purpose of paragraph (3)(F).

(2) Administrative assistance

The Director shall establish specific criteria for the selection of recipients of assistance under this section and shall provide grant-writing assistance to applicants.

(3) Use of fire department grant funds

The Director may make a grant under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds for one or more of the following purposes:

(A) To hire additional firefighting personnel.

(B) To train firefighting personnel in firefighting, emergency response (including response to a terrorism incident or use of a weapon of mass destruction), arson prevention and detection, maritime firefighting, or the handling of hazardous materials, or to train firefighting personnel to provide any of the training described in this subparagraph.

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

(D) To certify fire inspectors.

(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties.

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

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

(H) To acquire additional firefighting equipment, including equipment for fighting fires with foam in remote areas without access to water, and equipment for communications, monitoring, and response to a terrorism incident or use of a weapon of mass destruction.

(I) To acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel, including protective equipment to respond to a terrorism incident or 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 enforce fire codes.

(L) To fund fire prevention programs.

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

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

(4) Fire prevention and firefighter safety research and development programs

(A) In general

For each fiscal year, the Director shall use not less than 5 percent of the funds made available under subsection (e) of this section—

(i) to make grants to fire departments for the purpose described in paragraph (3)(L); and

(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community 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 fire prevention programs and research to improve firefighter health and life safety.

(B) Priority

In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to high risk groups from fire, as well as research programs that demonstrate the potential to improve firefighter safety.

(C) Grant limitation

A grant under this paragraph shall not be greater than \$1,000,000 for a fiscal year.

(5) Application

The Director may provide assistance to a fire department or organization under this subsection only if the fire department or organization seeking the assistance submits to the Director an application that meets the following requirements:

(A) Form

The application shall be in such form as the Director may require.

(B) Information

The application shall include the following information:

(i) Financial need Information that demonstrates the financial need of the applicant for the assistance for which applied.

(ii) Cost-benefit analysis An analysis of the costs and benefits, with respect to public safety, of the use of the assistance.

(iii) Reporting systems data An agreement to provide information to the national fire incident reporting system for the period covered by the assistance.

(iv) Other Federal support A list of other sources of Federal funding received by the applicant. The Director, in coordination with the Secretary of Homeland Security, shall use such list to prevent unnecessary duplication of grant funds.

(v) Other information Any other information that the Director may require.

(6) Matching requirement

(A) In general

Subject to subparagraphs (B) and (C), the Director may provide assistance under this subsection only if the applicant for such assistance agrees to match 20 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

(B) Requirement for small community organizations

In the case of an applicant whose personnel—

(i) serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent; and

(ii) serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.

(C) Fire prevention and firefighter safety grants

There shall be no matching requirement for a grant described in paragraph (4)(A)(ii).

(7) Maintenance of expenditures

The Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant's aggregate expenditures for the uses described in paragraph (3) or (4) at or above the average level of such expenditures in the two fiscal years preceding the fiscal year for which the assistance will be received.

(8) Report to the Director

The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

(9) Variety of fire department grant recipients

The Director shall ensure that grants under paragraph (1)(A) for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants—

- (A) paid, volunteer, and combination fire departments;
- (B) fire departments located in communities of varying sizes; and
- (C) fire departments located in urban, suburban, and rural communities.

(10) Grant limitations

(A) Recipient limitations

A grant recipient under subsection (b)(1)(A) of this section—

- (i) that serves a jurisdiction with 500,000 people or less may not receive grants in excess of \$1,000,000 for any fiscal year;
- (ii) that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people may not receive grants in excess of \$1,750,000 for any fiscal year; and
- (iii) that serves a jurisdiction with more than 1,000,000 people may not receive grants in excess of \$2,750,000 for any fiscal year.

The Director may award grants in excess of the limitations provided in clause ^[1] (i) and (ii) if the Director determines that extraordinary need for assistance by a jurisdiction warrants a waiver.

(B) Distribution

Notwithstanding subparagraph (A), no single recipient may receive more than the lesser of \$2,750,000 or one half of one percent of the funds appropriated under this section for a single fiscal year.

(C) Limitation on expenditures for firefighting vehicles

Not more than 25 percent of the funds appropriated to provide grants under this section for a fiscal year may be used to assist grant recipients to purchase vehicles, as authorized by paragraph (3)(G).

(D) Requirements for grants for emergency medical services

Subject to the restrictions in subparagraph (E), not less than 3.5 percent of the funds appropriated under this section for a fiscal year shall be awarded for purposes described in paragraph (3)(F).

(E) Nonaffiliated EMS limitation

Not more than 2 percent of the funds appropriated to provide grants under this section for a fiscal year shall be awarded to nonaffiliated EMS organizations.

(F) Application of selection criteria to grant applications from nonaffiliated EMS organizations

In reviewing applications submitted by nonaffiliated EMS organizations, the Director shall consider the extent to which other sources of Federal funding are available to provide assistance requested in such grant applications.

(11) Reservation of grant funds for volunteer departments

In making grants to firefighting departments, the Director shall ensure that those firefighting departments that have either all-volunteer forces of firefighting personnel or combined forces of volunteer and professional firefighting personnel receive a proportion of the total grant funding that is not less than the proportion of the United States population that those firefighting departments protect.

(12) Eligible grantee on behalf of Alaska Native villages

The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be considered an eligible grantee for purposes of receiving assistance under this section on behalf of Alaska Native villages.

(13) Annual meeting

The Director shall convene an annual meeting of individuals who are members of national fire service organizations and are recognized for expertise in firefighting or emergency medical services provided by fire services, and who are not employees of the Federal Government, for the purpose of recommending criteria for awarding grants under this section for the next fiscal year and recommending any necessary administrative changes to the grant program.

(14) Guidelines

(A) Each year, prior to making any grants under this section, the Director shall publish in the Federal Register—

(i) guidelines that describe the process for applying for grants and the criteria for awarding grants; and

(ii) an explanation of any differences between the guidelines and the recommendations made pursuant to paragraph (13).

(B) The criteria for awarding grants under subsection (b)(1)(A) of this section shall include 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.

(15) Peer review

The Director shall, after consultation with national fire service organizations, appoint fire service personnel to conduct peer review of applications received under paragraph (5). In making grants under this section, the Director shall consider the results of such peer review evaluations.

(16) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities under paragraphs (13) and (15).

(17) Accounting determination

Notwithstanding any other provision of law, rule, regulation, or guidance, for purposes of receiving assistance under this section, equipment costs shall include, but not be limited to, all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

(c) Audits

A recipient of a grant under this section shall be subject to audits to ensure that the grant proceeds are expended for the intended purposes and that the grant recipient complies with the requirements of paragraphs (6) and (7) of subsection (b) of this section.

(d) Definitions

In this section—

(1) the term “Director” means the Director, acting through the Administrator;

(2) 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 Director finds that emergency medical services are adequately provided by a fire department; and

(3) the term “State” includes the District of Columbia and the Commonwealth of Puerto Rico.

(e) Authorization of appropriations

(1) In general

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. Of the amounts

authorized in this paragraph, \$3,000,000 shall be made available each year through fiscal year 2008 for foam firefighting equipment.

(2) Administrative expenses

Of the funds appropriated pursuant to paragraph (1) for a fiscal year, the Director may use not more than three percent of the funds to cover salaries and expenses and other administrative costs incurred by the Director to make grants and provide assistance under this section.