

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 and to provide specialized training to paramedics, emergency medical services workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crises.

(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.

(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) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.

(d) Waivers

(1) In general

In a case of demonstrated economic hardship, the Administrator of FEMA may—

(A) waive the requirements of subsection (c)(1); or

(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

(2) Guidelines

(A) In general

The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

(B) Consultation

In developing guidelines under subparagraph (A), 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.

(C) Considerations

In developing guidelines under subparagraph (A), 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.

(e) Performance evaluation

(1) In general

The Administrator of FEMA shall establish 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.

(2) Submittal of information

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

(f) Report

Not later than September 30, 2014, 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 on the experience with, and effectiveness of, such grants in meeting the objectives of this section. The report may include any recommendations the Administrator of FEMA may have for amendments to this section and related provisions of law.

(g) Revocation or suspension of funding

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

(h) Access to documents

(1) The Administrator of FEMA 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.

(i) Definitions

In this section:

(1) The term "firefighter" has the meaning given the term "employee in fire protection activities" under section 203(y) of title 29.¹

(2) The terms "Administrator of FEMA", "career fire department", "combination fire department", and "volunteer fire department" have the meanings given such terms in section 2229(a) of this title.

(j) Authorization of appropriations

(1) In general

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

(A) \$1,000,000,000 for fiscal year 2004;

(B) \$1,030,000,000 for fiscal year 2005;

(C) \$1,061,000,000 for fiscal year 2006;

(D) \$1,093,000,000 for fiscal year 2007;

(E) \$1,126,000,000 for fiscal year 2008;

(F) \$1,159,000,000 for fiscal year 2009;

(G) \$1,194,000,000 for fiscal year 2010;

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

(I) 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 subparagraph (A).

(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 to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.

(3) Congressionally directed spending

Consistent with the requirement in subsection (a) that grants under this section 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).

(k) 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, §34, as added Pub. L. 108–136, div. A, title X, §1057, Nov. 24, 2003, 117 Stat. 1616; amended Pub. L. 112–239, div. A, title XVIII, §1804, Jan. 2, 2013, 126 Stat. 2111; Pub. L. 113–66, div. A, title X, §1091(b)(9), Dec. 26, 2013, 127 Stat. 876; Pub. L. 114–255, div. B, title XIV, §14001(c), Dec. 13, 2016, 130 Stat. 1288.)

REFERENCES IN TEXT

Section 203(y) of title 29, referred to in subsec. (i)(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.

PRIOR PROVISIONS

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

AMENDMENTS

2016—Subsec. (a)(1)(B). Pub. L. 114–255 inserted before period at end "and to provide specialized training to paramedics, emergency medical services workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crises".

2013—Pub. L. 112–239, §1804(j), substituted "Staffing for adequate fire and emergency response" for "Expansion of pre-September 11, 2001, fire grant program" in section catchline.

Pub. L. 112–239, §1804(i), as amended by Pub. L. 113–66, §1091(b)(9)(B), substituted "Administrator of FEMA" for "Administrator" wherever appearing, except in those places in which "Administrator of FEMA"

already appeared.

Subsec. (a)(1)(A). Pub. L. 112–239, §1804(g)(2), substituted "career fire departments, combination fire departments, and volunteer fire departments" for "career, volunteer, and combination fire departments".

Subsec. (a)(1)(B). Pub. L. 112–239, §1804(a)(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows:

"(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."

Subsec. (a)(1)(E). Pub. L. 112–239, §1804(a)(2), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: "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."

Subsec. (a)(2). Pub. L. 112–239, §1804(b), substituted "national, State, local, or tribal organizations" for "organizations on a local or statewide basis".

Subsec. (c)(4). Pub. L. 112–239, §1804(c), amended par. (4) generally. Prior to amendment, par. (4) read as follows:

"(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."

Subsec. (d). Pub. L. 112–239, §1804(d)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 112–239, §1804(e), added par. (1) and designated existing provisions as par. (2) and inserted heading.

Pub. L. 112–239, §1804(d)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 112–239, §1804(f), substituted "Report" for "Sunset and reports" in heading and "Not later than September 30, 2014, 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 on" for "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" in text.

Pub. L. 112–239, §1804(d)(1), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Subsecs. (g), (h). Pub. L. 112–239, §1804(d)(1), redesignated subsecs. (f) and (g) as (g) and (h), respectively. Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 112–239, §1804(g)(1)(A), substituted "In this section:" for "In this section, the term—" in introductory provisions.

Pub. L. 112–239, §1804(d)(1), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 112–239, §1804(g)(1)(B), inserted "The term" before " 'firefighter' has" and substituted period for "; and".

Subsec. (i)(2). Pub. L. 112–239, §1804(g)(1)(C), (D), added par. (2) and struck out former par. (2) which read as follows: " '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."

Subsec. (j). Pub. L. 112–239, §1804(h)(2), (3), designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) to (9) as subpars. (A) to (I), respectively, of par. (1), redesignated subpars. (A) and (B) of former par. (9) as cls. (i) and (ii) of subpar. (I), and added pars. (2) and (3).

Pub. L. 112–239, §1804(d)(1), redesignated subsec. (i) as (j).

Subsec. (j)(8), (9). Pub. L. 112–239, §1804(h)(1), as amended by Pub. L. 113–66, §1091(b)(9)(A), added pars. (8) and (9).

Subsec. (k). Pub. L. 112–239, §1804(k), added subsec. (k).

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113–66, div. A, title X, §1091(b), Dec. 26, 2013, 127 Stat. 876, provided in part that the amendment made by section 1091(b)(9) is effective as of Jan. 2, 2013, and as if included in Pub. L. 112–239 as enacted.