

tems, and compartmentation, including a field assessment of performance and determination of conditions under which a reduction or elimination of 1 or more of those systems would result in an unacceptable risk of fire loss; and

(ii) include a comparative analysis and compartmentation using fire resistive materials and compartmentation using noncombustible materials.

(B) The National Institute of Standards and Technology shall obtain funding from non-Federal sources in an amount equal to 25 percent of the cost of the study required by subparagraph (A). Funding for the National Institute of Standards and Technology for carrying out such study shall be derived from amounts otherwise authorized to be appropriated, for the Building and Fire Research Center at the National Institute of Standards and Technology, not to exceed \$750,000. The study shall commence until receipt of all matching funds from non-Federal sources. The scope and extent of the study shall be determined by the level of project funding. The Institute shall submit a report to Congress on the study within 30 months after October 26, 1992.

**(h) Relation to other requirements**

In the implementation of this section, the process for meeting space needs in urban areas shall continue to give first consideration to a centralized community business area and adjacent areas of similar character to the extent of any Federal requirement therefor.

(Pub. L. 93-498, §31, as added Pub. L. 102-522, title I, §106(a), Oct. 26, 1992, 106 Stat. 3412; amended Pub. L. 103-254, §6, May 19, 1994, 108 Stat. 682; Pub. L. 104-316, title I, §107, Oct. 19, 1996, 110 Stat. 3832; Pub. L. 105-108, §3(4), (5), Nov. 20, 1997, 111 Stat. 2264.)

REFERENCES IN TEXT

The National Housing Act, referred to in subsec. (a)(5)(B), is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended, which is classified principally to chapter 13 (§1701 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see References in Text note set out under section 1701 of Title 12 and Tables.

AMENDMENTS

1997—Subsec. (c)(2)(B)(i). Pub. L. 105-108, §3(4), inserted “or any successor standard to that standard” after “(known as the Life Safety Code)”.

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

Section 106(b) of Pub. L. 102-522 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 sub-

section (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 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 sections 313(1), 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) 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 non-affiliated 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<sup>1</sup> (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 Di-

<sup>1</sup> So in original. Probably should be "clauses".

rector 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.

(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.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(16), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770,

as amended, 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

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 of-

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 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 sections 313(1), 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.