

107TH CONGRESS  
2D SESSION

# H. R. 3992

To establish the SAFER Firefighter Grant Program.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2002

Mr. BOEHLERT (for himself, Mr. PASCRELL, and Mr. QUINN) introduced the following bill; which was referred to the Committee on Science

---

# A BILL

To establish the SAFER Firefighter Grant Program.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Staffing for Adequate  
5 Fire and Emergency Response Firefighters Act of 2002”.

**6 SEC. 2. PURPOSE.**

7       The purpose of this Act is to substantially increase  
8 the number of firefighters so that communities can meet  
9 industry minimum standards to provide adequate protec-  
10 tion from acts of terrorism and hazards by establishing  
11 a program of grants to provide direct funding to local,  
12 State and tribal jurisdictions for salaries and benefits to

1 further this objective, including an authorization for a pe-  
2 riod of 7 years.

3 **SEC. 3. OFFICE OF GRANT MANAGEMENT.**

4 The Federal Fire Prevention and Control Act of 1974  
5 (15 U.S.C. 2201 et seq.) is amended by adding at the end  
6 the following new section:

7 **“SEC. 34. OFFICE OF GRANT MANAGEMENT.**

8 “(a) ESTABLISHMENT.—A new office within the  
9 United States Fire Administration shall be established to  
10 administer the SAFER Firefighter grant program under  
11 this section.

12 “(b) AUTHORITY TO MAKE GRANTS.—

13 “(1) The Administrator may make grants to  
14 States, units of local government, Indian tribal gov-  
15 ernments, other public entities, and multijuris-  
16 dictional or regional consortia thereof to increase ca-  
17 reer firefighter presence and enhance their ability to  
18 save lives, property, and effectively respond to all  
19 types of emergencies.

20 “(2)(A) Grants made under paragraph (1) shall  
21 be for three years and used for programs to hire  
22 new, additional career firefighters.

23 “(B) Grantees are required to commit to retain-  
24 ing for at least 1 year beyond the termination of

1       their grants those career firefighters hired under  
2       paragraph (1).

3           “(3) In awarding grants under this section, the  
4       Administrator may give preferential consideration,  
5       where feasible, to applications for hiring and rehiring  
6       additional career firefighters that involve a non-  
7       Federal contribution exceeding the 25 percent min-  
8       imum under paragraph (6).

9           “(4) The Administrator may provide technical  
10      assistance to States, units of local government, Indian  
11      tribal governments, and to other public entities,  
12      in furtherance of the purposes of the SAFER Fire-  
13      fighter Act of 2002.

14           “(5) Unless all applications submitted by any  
15      State and grantee within the State pursuant to  
16      paragraph (1) have been funded, each qualifying  
17      State, together with grantees within the State, shall  
18      receive in each fiscal year pursuant to paragraph (1)  
19      not less than 0.5 percent of the total amount appropri-  
20      ated in the fiscal year for grants pursuant to that  
21      paragraph. In this paragraph, ‘qualifying State’  
22      means any State which has submitted an application  
23      for a grant, or in which an eligible entity has sub-  
24      mitted an application for a grant, which meets the

1 requirements prescribed by the Administrator and  
2 the condition set out in this section.

3       “(6) The portion of the costs of a program,  
4 project, or activity provided by a grant under para-  
5 graph (1) may not exceed 75 percent, unless the Ad-  
6 ministrator waives, wholly or in part, the require-  
7 ment under this paragraph of a non-Federal con-  
8 tribution to the costs of a program, project, or activ-  
9 ity.

10       “(7) The authority under paragraph (1) of this  
11 section to make grants for the hiring of additional  
12 career firefighters shall lapse at the conclusion of 10  
13 years from the date of enactment of this section.  
14 Prior to the expiration of this grant authority, the  
15 Administrator shall submit a report to Congress con-  
16 cerning the experience with and effects of such  
17 grants. The report may include any recommenda-  
18 tions the Administrator may have for amendments  
19 to this section and related provisions of law in light  
20 of the termination of the authority to make grants  
21 for the hiring and rehiring of additional career fire-  
22 fighters.

23       “(c) APPLICATIONS.—

1           “(1) No grant may be made under this section  
2       unless an application has been submitted to, and ap-  
3       proved by, the Administrator.

4           “(2) An application for a grant under this sec-  
5       tion shall be submitted in such form, and contain  
6       such information, as the Administrator may pre-  
7       scribe by regulation or guidelines.

8           “(3) In accordance with the regulations or  
9       guidelines established by the Administrator, each ap-  
10       plication for a grant under this section shall—

11           “(A) include a long-term strategy and de-  
12       tailed implementation plan that reflects con-  
13       sultation with community groups and appro-  
14       priate private and public agencies and reflects  
15       consideration of the statewide strategy;

16           “(B) explain the applicant’s inability to ad-  
17       dress the need without Federal assistance;

18           “(C) outline the initial and ongoing level of  
19       community support for implementing the pro-  
20       posal including financial and in-kind contribu-  
21       tions or other tangible commitments;

22           “(D) specify plans for obtaining necessary  
23       support and continuing the proposed program,  
24       project, or activity following the conclusion of  
25       Federal support; and

1                         “(E) provide assurances that the applicant  
2                         will, to the extent practicable, seek, recruit, and  
3                         hire members of racial and ethnic minority  
4                         groups and women in order to increase their  
5                         ranks within firefighting.

6                         “(4) Notwithstanding any other provision of  
7                         this section, in relation to applications under this  
8                         section of units of local government or fire districts  
9                         having jurisdiction over areas with populations of  
10                         less than 50,000, the Administrator may waive 1 or  
11                         more of the requirements of paragraph (3) and may  
12                         otherwise make special provisions to facilitate the ex-  
13                         pedited submission, processing, and approval of such  
14                         applications.

15                         “(d) LIMITATION ON USE OF FUNDS.—

16                         “(1) Funds made available under this section to  
17                         States or units of local government for salaries and  
18                         benefits to hire new, additional career firefighters  
19                         shall not be used to supplant State or local funds,  
20                         or, in the case of Indian tribal governments, funds  
21                         supplied by the Bureau of Indian Affairs, but shall  
22                         be used to increase the amount of funds that would,  
23                         in the absence of Federal funds received under this  
24                         section, be made available from State or local  
25                         sources, or in the case of Indian tribal governments,

1 from funds supplied by the Bureau of Indian Af-  
2 fairs.

3 “(2)(A) States and units of local government  
4 may use assets received through the Assets For-  
5 feiture equitable sharing program to provide the  
6 non-Federal share of the cost of programs, projects,  
7 and activities funded under this section.

8 “(B) Funds appropriated by the Congress for  
9 the activities of any agency of an Indian tribal gov-  
10 ernment or the Bureau of Indian Affairs performing  
11 firefighting functions on any Indian lands may be  
12 used to provide the non-Federal share of the cost of  
13 programs or projects funded under this section.

14 “(3)(A) Funding provided for hiring a career  
15 firefighter may not exceed \$90,000, unless the Ad-  
16 ministrator grants a waiver from this limitation.

17 “(B) \$90,000 cap shall be adjusted for inflation  
18 beginning in fiscal year 2003.

19 “(e) PERFORMANCE EVALUATION.—

20 “(1) Each program, project, or activity funded  
21 under this section shall contain a monitoring compo-  
22 nent, developed pursuant to guidelines established by  
23 the Administrator. The monitoring required by this  
24 subsection shall include systematic identification and  
25 collection of data about activities, accomplishments,

1 and programs throughout the life of the program,  
2 project, or activity and presentation of such data in  
3 a usable form.

4 “(2) Selected grant recipients shall be evaluated  
5 on the local level or as part of a national evaluation,  
6 pursuant to guidelines established by the Adminis-  
7 trator. Such evaluations may include assessments of  
8 individual program implementations. In selected ju-  
9 risdictions that are able to support outcome evalua-  
10 tions, the effectiveness of funded programs, projects,  
11 and activities may be required.

12 “(3) The Administrator may require a grant re-  
13 cipient to submit to the Administrator the results of  
14 the monitoring and evaluations required under para-  
15 graphs (1) and (2) and such other data and infor-  
16 mation as the Administrator deems reasonably nec-  
17 essary.

18 “(f) REVOCATION OR SUSPENSION OF FUNDING.—  
19 If the Administrator determines, as a result of the reviews  
20 required by subsection (e), or otherwise, that a grant re-  
21 cipient under this section is not in substantial compliance  
22 with the terms and requirements of an approved grant ap-  
23 plication submitted under subsection (c), the Adminis-  
24 trator may revoke or suspend funding of that grant, in  
25 whole or in part.

1       “(g) ACCESS TO DOCUMENTS.—

2           “(1) The Administrator shall have access for  
3           the purpose of audit and examination to any pertinent  
4           books, documents, papers, or records of a grant  
5           recipient under this section and to the pertinent  
6           books, documents, papers, or records of State and  
7           local governments, persons, businesses, and other  
8           entities that are involved in programs, projects, or  
9           activities for which assistance is provided under this  
10           section.

11           “(2) Paragraph (1) shall apply with respect to  
12           audits and examinations conducted by the Comptroller  
13           General of the United States or by an authorized  
14           representative of the Comptroller General.

15           “(h) GENERAL REGULATORY AUTHORITY.—The Administrator  
16           may promulgate regulations and guidelines to  
17           carry out this section.

18           “(i) DEFINITIONS.—In this section—

19           “(1) ‘firefighter’ has the same meaning as the  
20           phrase ‘employee in fire protection activities’ which  
21           is defined in section 3 of the Fair Labor Standards  
22           Act (29 U.S.C. 203(y)); and

23           “(2) ‘Indian tribe’ means a tribe, band, pueblo,  
24           nation, or other organized group or community of  
25           Indians, including an Alaska Native village (as de-

1       fined in or established under the Alaska Native  
2       Claims Settlement Act (43 U.S.C. 1601 et seq.)),  
3       that is recognized as eligible for the special pro-  
4       grams and services provided by the United States to  
5       Indians because of their status as Indians.

6       “(j) AUTHORIZATION OF APPROPRIATIONS.—

7       “There are authorized to be appropriated for the pur-  
8       poses of carrying out this section—

9           “(1) \$1,000,000,000 for fiscal year 2002;

10          “(2) \$1,030,000,000 for fiscal year 2003;

11          “(3) \$1,061,000,000 for fiscal year 2004;

12          “(4) \$1,093,000,000 for fiscal year 2005;

13          “(5) \$1,126,000,000 for fiscal year 2006;

14          “(6) \$1,159,000,000 for fiscal year 2008; and

15          “(7) \$1,194,000,000 for fiscal year 2009.”.

○