

107TH CONGRESS  
1ST SESSION

# S. 1617

To amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

Mr. DODD (for himself and Mr. WARNER, Mr. SARBANES, Mr. SCHUMER, Mrs. MURRAY, Mr. CLELAND, Mr. CORZINE and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

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. STAFFING FOR ADEQUATE FIRE AND EMER-**  
4       **GENCY RESPONSE.**

5       Title III of the Workforce Investment Act of 1998  
6       (Public Law 105–220; 112 Stat. 1080) is amended by  
7       adding at the end the following:

1   **“Subtitle E—Staffing for Adequate**  
2       **Fire and Emergency Response**

3   **“SEC. 351. SHORT TITLE.**

4       “This subtitle may be cited as the ‘Staffing for Ade-  
5   quate Fire and Emergency Response Act of 2001’ or as  
6   the ‘SAFER Act of 2001’.

7   **“SEC. 352. PURPOSES.**

8       “The purposes of this subtitle are—

9           “(1) to expand on the firefighter assistance  
10       grant program under section 33 of the Federal Fire  
11       Prevention and Control Act of 1974 (15 U.S.C.  
12       2229), in order to ensure adequate funding to in-  
13       crease the number of firefighting personnel through-  
14       out the Nation;

15           “(2) to substantially increase the hiring of fire-  
16       fighters so that communities can—

17           “(A) meet industry minimum standards for  
18       providing adequate protection from acts of ter-  
19       rorism and hazards; and

20           “(B) enhance the ability of firefighter  
21       units to save lives, save property, and effectively  
22       respond to all types of emergencies; and

23           “(3) to promote that substantial increase in hir-  
24       ing by establishing a program of grants, authorized  
25       for 7 years, to provide direct funding to States,

1 units of local government, and Indian tribal organi-  
2 zations for firefighter salaries and benefits.

3 **“SEC. 353. DEFINITIONS.**

4 “In this subtitle:

5 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
6 tity’ means—

7 “(A) a State, a unit of local government,  
8 a tribal organization, or another public entity;  
9 or

10 “(B) a multi-jurisdictional or regional con-  
11 sortia of entities described in subparagraph (A).

12 “(2) FIREFIGHTER.—The term ‘firefighter’ has  
13 the meaning given the term ‘employee in fire protec-  
14 tion activities’ in section 3 of the Fair Labor Stand-  
15 ards Act of 1938 (29 U.S.C. 203).

16 “(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—  
17 The terms ‘Indian tribe’ and ‘tribal organization’  
18 have the meanings given the terms in section 4 of  
19 the Indian Self-Determination and Education Assist-  
20 ance Act (25 U.S.C. 450b).

21 “(4) SECRETARY.—The term ‘Secretary’ means  
22 the Secretary of Labor, acting after consultation  
23 with the Director of the Federal Emergency Man-  
24 agement Agency.

1           “(5) STATE.—The term ‘State’ means each of  
 2           the several States of the United States, the District  
 3           of Columbia, the Commonwealth of Puerto Rico, the  
 4           United States Virgin Islands, Guam, American  
 5           Samoa, and the Commonwealth of the Northern  
 6           Mariana Islands.

7   **“SEC. 354. AUTHORITY TO MAKE GRANTS.**

8           “(a) DEFINITION.—In this section, the term ‘quali-  
 9           fying entity’, used with respect to a fiscal year, means any  
 10          eligible entity (including a State) that has submitted an  
 11          application under section 355 for the fiscal year that  
 12          meets the requirements of this subtitle and such additional  
 13          requirements as the Secretary may prescribe.

14          “(b) GRANT AUTHORIZATION.—The Secretary may  
 15          make grants to eligible entities to pay for the Federal  
 16          share of the cost of carrying out projects to hire fire-  
 17          fighters.

18          “(c) MINIMUM AMOUNT.—

19                 “(1) AMOUNT.—For any fiscal year, the Sec-  
 20          retary shall ensure that the qualifying entities in  
 21          each State shall receive, through grants made under  
 22          this section, a total amount that is not less than  $\frac{1}{2}$   
 23          of 1 percent of the amount appropriated under sec-  
 24          tion 362 for the fiscal year.

1           “(2) EXCEPTION.—Paragraph (1) shall not  
2           apply for a fiscal year if the Secretary makes a  
3           grant under this section to every qualifying entity  
4           for the fiscal year.

5           “(d) GRANT PERIODS.—The Secretary may make  
6           grants under this section for periods of 3 years.

7           “(e) FEDERAL SHARE.—

8           “(1) IN GENERAL.—The Federal share of the  
9           cost of carrying out a project to hire firefighters  
10          under this subtitle shall be not more than 75 per-  
11          cent.

12          “(2) NON-FEDERAL SHARE.—The non-Federal  
13          share shall be provided—

14               “(A) in cash;

15               “(B) in the case of a State or unit of local  
16               government, from assets received through an  
17               asset forfeiture program; or

18               “(C) in the case of a tribal organization or  
19               the Bureau of Indian Affairs, from any Federal  
20               funds made available for firefighting functions  
21               to assist an Indian tribe.

22          “(3) WAIVER.—The Secretary may waive the  
23          requirements of paragraphs (1) and (2) for an eligi-  
24          ble entity.

1 **“SEC. 355. APPLICATIONS.**

2 “(a) IN GENERAL.—To be eligible to receive a grant  
3 under this subtitle, an entity shall submit an application  
4 to the Secretary at such time, in such manner, and con-  
5 taining such information as the Secretary may prescribe.

6 “(b) CONTENTS.—Each such application shall—

7 “(1) include a long-term strategy and detailed  
8 implementation plan, for the hiring to be conducted  
9 under the grant, that reflects consultation with com-  
10 munity groups and appropriate private and public  
11 agencies and reflects consideration of a statewide  
12 strategy for such hiring;

13 “(2) specify the reasons why the entity is un-  
14 able to hire sufficient firefighters to address the en-  
15 tity’s needs, without Federal assistance;

16 “(3)(A) specify the average number of fire-  
17 fighters employed by the entity during the fiscal  
18 year prior to the fiscal year for which the application  
19 is submitted; and

20 “(B) outline the initial and planned level of  
21 community support for implementing the strategy  
22 and plan, including the level of financial and in-kind  
23 contributions or other tangible commitments;

24 “(4)(A) specify plans for obtaining necessary  
25 support and continuing the employment of a greater  
26 number of firefighters than the number specified

1 under paragraph (3)(A), following the conclusion of  
2 Federal assistance under this subtitle; and

3 “(B) include an assurance that the entity will  
4 continue the employment of firefighters hired with  
5 funds made available through the grant for at least  
6 1 year after the end of the grant period; and

7 “(5) include assurances that the entity will, to  
8 the extent practicable, seek, recruit, and hire mem-  
9 bers of racial and ethnic minority groups and women  
10 in order to increase the ranks of minorities and  
11 women within the entity’s firefighter units.

12 “(c) SMALL JURISDICTIONS.—Notwithstanding any  
13 other provision of this subtitle, the Secretary may waive  
14 1 or more of the requirements of subsection (b), and may  
15 make special provisions to facilitate the expedited submis-  
16 sion, processing, and approval of an application under this  
17 section, for an eligible entity that is a unit of local govern-  
18 ment, or an eligible entity serving a fire district, that has  
19 jurisdiction over an area with a population of less than  
20 50,000.

21 “(d) PREFERENCE.—In awarding grants under this  
22 subtitle, the Secretary—

23 “(1) shall give preference to a unit of local gov-  
24 ernment; and

1           “(2) may give preference, where feasible, to an  
 2           eligible entity that submits an application containing  
 3           a plan that—

4                   “(A) provides for hiring (including rehiring) career firefighters; and

6                   “(B) requires the entity to contribute a  
 7           non-Federal share of more than 25 percent of  
 8           the cost of carrying out a project to hire the  
 9           firefighters.

10          “(e) STATE AND LOCAL APPLICATIONS.—If a unit of  
 11   local government for a community, and the State in which  
 12   the community is located, submit applications under this  
 13   section for a fiscal year to carry out a project in a community, and the unit of local government and State are qualifying entities under section 354(a), the Secretary—

16                   “(1) shall make a grant under this subtitle to  
 17           the unit of local government for that year; and

18                   “(2) shall not make a grant under this subtitle  
 19           to the State to carry out a project in that community for that year.

21   **“SEC. 356. USE OF FUNDS.**

22           “(a) IN GENERAL.—An eligible entity that receives  
 23   a grant under this subtitle shall use the funds made available through the grant to hire career firefighters. The  
 24   funds may only be used to increase the number of fire-



1 fighters employed by the agency from the number specified  
2 under section 355(b)(3)(A). The funds may be used for  
3 salaries and benefits for the firefighters.

4 “(b) HIRING COSTS.—

5 “(1) FISCAL YEAR 2002.—For fiscal year 2002,  
6 in hiring any 1 firefighter, the entity may not use  
7 more than \$90,000 of such funds.

8 “(2) SUBSEQUENT YEARS.—For each subse-  
9 quent fiscal year, in hiring any 1 firefighter, the en-  
10 tity may not use more than \$90,000 of such funds,  
11 increased or decreased by the same percentage as  
12 the percentage by which the Consumer Price Index  
13 for All Urban Consumers (United States city aver-  
14 age), published by the Secretary of Labor, has in-  
15 creased or decreased by September of the preceding  
16 fiscal year from such Index for September 2001.

17 “(3) WAIVERS.—The Secretary may waive the  
18 requirements of paragraph (1) or (2) for an eligible  
19 entity.

20 “(c) SUPPLEMENT, NOT SUPPLANT.—Funds appro-  
21 priated pursuant to the authority of this subtitle shall be  
22 used to supplement and not supplant other Federal, State,  
23 and local public funds expended to hire firefighters.

1   **“SEC. 357. TECHNICAL ASSISTANCE.**

2           “The Secretary may provide technical assistance to  
3 eligible entities to further the purposes of this Act.

4   **“SEC. 358. MONITORING AND EVALUATIONS.**

5           “(a)   MONITORING   COMPONENTS.—Each   project  
6 funded through a grant made under this subtitle shall con-  
7 tain a monitoring component, developed pursuant to regu-  
8 lations established by the Secretary. The monitoring re-  
9 quired by this subsection shall include systematic identi-  
10 fication and collection of data about the project through-  
11 out the period of the project and presentation of such data  
12 in a usable form.

13          “(b)   EVALUATION   COMPONENTS.—The   Secretary  
14 may require that selected grant recipients under this sub-  
15 title conduct local evaluations or participate in a national  
16 evaluation, pursuant to regulations established by the Sec-  
17 retary. Such local or national evaluations may include as-  
18 sessments of the implementation of different projects. The  
19 Secretary may require selected grant recipients under this  
20 subtitle to conduct local outcome evaluations to determine  
21 the effectiveness of projects under this subtitle.

22          “(c)   PERIODIC   REPORTS.—The   Secretary may re-  
23 quire a grant recipient under this subtitle to submit to  
24 the Secretary the results of the monitoring and evalua-  
25 tions required under subsections (a) and (b) and such

1 other data and information as the Secretary determines  
2 to be reasonably necessary.

3 “(d) REVOCATION OR SUSPENSION OF FUNDING.—  
4 If the Secretary determines, as a result of the monitoring  
5 or evaluations required by this section, or otherwise, that  
6 a grant recipient under this subtitle is not in substantial  
7 compliance with the terms and requirements of an ap-  
8 proved grant application submitted under section 355, the  
9 Secretary may revoke the grant or suspend part or all of  
10 the funding provided under the grant.

11 **“SEC. 359. ACCESS TO DOCUMENTS.**

12 “For the purpose of conducting an audit or examina-  
13 tion of a grant recipient that carries out a project under  
14 this subtitle, the Secretary and the Comptroller General  
15 of the United States shall have access to any pertinent  
16 books, documents, papers, or records of the grant recipient  
17 and any State or local government, person, business, or  
18 other entity, that is involved in the project.

19 **“SEC. 360. REPORT TO CONGRESS.**

20 “Not later than September 30, 2008, the Secretary  
21 shall submit a report to Congress concerning the experi-  
22 ences of eligible entities in carrying out projects under this  
23 subtitle, and the effects of the grants made under this sub-  
24 title. The report may include recommendations for such

1 legislation as the Secretary may consider to be appro-  
 2 priate, which may include reauthorization of this subtitle.

3 **“SEC. 361. REGULATIONS.**

4 “The Secretary may issue regulations to carry out  
 5 this subtitle.

6 **“SEC. 362. AUTHORIZATION OF APPROPRIATIONS.**

7 “(a) IN GENERAL.—There is authorized to be appro-  
 8 priated to carry out this subtitle—

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 2007; and

15 “(7) \$1,194,000,000 for fiscal year 2008.

16 “(b) AVAILABILITY.—Funds appropriated under sub-  
 17 section (a) for a fiscal year shall remain available until  
 18 the end of the second succeeding fiscal year.”.

19 **SEC. 2. CONFORMING AMENDMENT.**

20 The table of contents in section 1(b) of the Workforce  
 21 Investment Act of 1998 (Public Law 105–220; 112 Stat.  
 22 936) is amended, in the items relating to title III, by add-  
 23 ing at the end the following:

“Subtitle E—Staffing for Adequate Fire and Emergency Response

“Sec. 351. Short title.

“Sec. 352. Purposes.

“Sec. 353. Definitions.

- “Sec. 354. Authority to make grants.
- “Sec. 355. Applications.
- “Sec. 356. Use of funds.
- “Sec. 357. Technical assistance.
- “Sec. 358. Monitoring and evaluations.
- “Sec. 359. Access to documents.
- “Sec. 360. Report to Congress.
- “Sec. 361. Regulations.
- “Sec. 362. Authorization of appropriations.”.

