

110TH CONGRESS  
2D SESSION

# H. R. 642

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Received

OCTOBER 2 (legislative day, SEPTEMBER 17), 2008

Read twice and referred to the Committee on Health, Education, Labor, and  
Pensions

---

## AN ACT

To establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, 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. SHORT TITLE.**

4       This Act may be cited as the “Honorable Stephanie  
5       Tubbs Jones College Fire Prevention Act”.

6       **SEC. 2. ESTABLISHMENT OF THE HONORABLE STEPHANIE**  
7                       **TUBBS JONES FIRE SUPPRESSION DEM-**  
8                       **ONSTRATION INCENTIVE PROGRAM.**

9       (a) GRANTS.—The Secretary of Education (in this  
10      Act referred to as the “Secretary”), in consultation with  
11      the United States Fire Administration, shall establish a  
12      demonstration program to award grants on a competitive  
13      basis to eligible entities for the purpose of installing fire  
14      sprinkler systems, or other fire suppression or prevention  
15      technologies, in student housing and dormitories owned or  
16      controlled by such entities.

17      (b) ELIGIBLE ENTITY.—For purposes of this Act, the  
18      term “eligible entity” means any of the following:

19              (1) An institution of higher education (as that  
20      term is defined in section 102 of the Higher Edu-  
21      cation Act of 1965 (20 U.S.C. 1002)), including an  
22      institution eligible to receive assistance under part A  
23      or B of title III or title V of such Act.

24              (2) A social fraternity or sorority exempt from  
25      taxation under section 501(a) of the Internal Rev-

1        enue Code of 1986 (26 U.S.C. 501(a)), the active  
2        membership of which consists primarily of students  
3        in attendance at an institution of higher education  
4        (as that term is defined in section 102 of the Higher  
5        Education Act of 1965 (20 U.S.C. 1002)).

6        (c) SELECTION PRIORITY.—In making grants under  
7        subsection (a), the Secretary shall give priority to eligible  
8        entities that demonstrate the greatest financial need.

9        (d) RESERVED AMOUNTS.—

10            (1) IN GENERAL.—Of the amount made avail-  
11            able to the Secretary for grants under this section  
12            for each fiscal year, the Secretary shall award—

13                    (A) not less than 10 percent to eligible en-  
14                    tities that are institutions described in sub-  
15                    section (b)(1) that are eligible to receive assist-  
16                    ance under part A or B of title III or title V  
17                    of the Higher Education Act of 1965 ; and

18                    (B) not less than 10 percent to eligible en-  
19                    tities that are social fraternities and sororities  
20                    described in subsection (b)(2).

21            (2) PLAN REQUIRED.—The Secretary shall de-  
22            velop a plan to inform entities described in subpara-  
23            graphs (A) and (B) of paragraph (1) that such enti-  
24            ties may be eligible to apply for grants under this  
25            section.

1           (3) INSUFFICIENT APPLICANTS.—If the Sec-  
2       retary determines that there are an insufficient  
3       number of qualified applicants to award the reserved  
4       amounts required in accordance with paragraph (1),  
5       the Secretary shall make available the remainder of  
6       such reserved amounts for use by other eligible enti-  
7       ties.

8       (e) APPLICATION.—To seek a grant under this sec-  
9       tion, an eligible entity shall submit an application to the  
10      Secretary at such time, in such manner, and accompanied  
11      by such information as the Secretary may require.

12      (f) MATCHING REQUIREMENT.—As a condition of re-  
13      ceipt of a grant under subsection (a), the applicant shall  
14      provide (directly or through donations from public or pri-  
15      vate entities) non-Federal matching funds in an amount  
16      equal to not less than 50 percent of the cost of the activi-  
17      ties for which assistance is sought.

18      (g) SUPPLEMENT NOT SUPPLANT.—Funds made  
19      available under this program shall be used to supplement,  
20      not supplant, other funds that would otherwise be ex-  
21      pended to carry out fire safety activities.

22      (h) LIMITATION ON ADMINISTRATIVE EXPENSES.—  
23      Not more than 2 percent of a grant made under subsection  
24      (a) may be expended for administrative expenses with re-  
25      spect to the grant.

1       (i) REPORTS.—Not later than 12 months after the  
2 date of the first award of a grant under this section and  
3 annually thereafter until completion of the program, the  
4 Secretary shall provide to the Congress a report that in-  
5 cludes the following:

6           (1) The number and types of eligible entities re-  
7 ceiving assistance under this section.

8           (2) The amounts of such assistance, the  
9 amounts and sources of non-Federal funding lever-  
10 aged for activities under grants under this section,  
11 and any other relevant financial information.

12          (3) The number and types of student housing  
13 fitted with fire suppression or prevention tech-  
14 nologies with assistance under this section, and the  
15 number of students protected by such technologies.

16          (4) The types of fire suppression or prevention  
17 technologies installed with assistance under this sec-  
18 tion, and the costs of such technologies.

19          (5) Identification of Federal and State policies  
20 that present impediments to the development and in-  
21 stallation of fire suppression or prevention tech-  
22 nologies.

23          (6) Any other information determined by the  
24 Secretary to be useful to evaluating the overall effec-

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act such sums for each of the fiscal years 2009 through 2011.

(a) PROHIBITION.—Notwithstanding any other provision of law and subject to subsection (b), any application for assistance under this Act, any negative determination on the part of the Secretary with respect to such application, or any statement of reasons for the determination, shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity.

(b) EXCEPTION.—This section does not apply to the admission of an application, determination, or statement described in subsection (a) as evidence in a proceeding to enforce an agreement entered into between the Secretary and an eligible entity under section 2.

Passed the House of Representatives September 23,  
2008.

Attest: LORRAINE C. MILLER,  
*Clerk.*