

111TH CONGRESS  
1ST SESSION

# S. 1791

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.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2009

Mr. BROWN 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 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”.

1 **SEC. 2. ESTABLISHMENT OF THE HONORABLE STEPHANIE**  
2 **TUBBS JONES FIRE SUPPRESSION DEM-**  
3 **ONSTRATION INCENTIVE PROGRAM.**

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

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

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

19 (2) A social fraternity or sorority exempt from  
20 taxation under section 501(a) of the Internal Rev-  
21 enue Code of 1986 (26 U.S.C. 501(a)), the active  
22 membership of which consists primarily of students  
23 in attendance at an institution of higher education  
24 (as that term is defined in section 102 of the Higher  
25 Education Act of 1965 (20 U.S.C. 1002)).

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

4       (d) RESERVED AMOUNTS.—

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

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

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

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

21           (3) INSUFFICIENT APPLICANTS.—If the Sec-  
22 retary determines that there are an insufficient  
23 number of qualified applicants to award the reserved  
24 amounts required in accordance with paragraph (1),  
25 the Secretary shall make available the remainder of

1       such reserved amounts for use by other eligible enti-  
2       ties.

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

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

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

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

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

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

3           (2) The amounts of such assistance, the  
4           amounts and sources of non-Federal funding lever-  
5           aged for activities under grants under this section,  
6           and any other relevant financial information.

7           (3) The number and types of student housing  
8           fitted with fire suppression or prevention tech-  
9           nologies with assistance under this section, and the  
10          number of students protected by such technologies.

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

14          (5) Identification of Federal and State policies  
15          that present impediments to the development and in-  
16          stallation of fire suppression or prevention tech-  
17          nologies.

18          (6) Any other information determined by the  
19          Secretary to be useful to evaluating the overall effec-  
20          tiveness of the program established under this sec-  
21          tion in improving the fire safety of student housing.

22          (j) AUTHORIZATION OF APPROPRIATIONS.—There  
23          are authorized to be appropriated to carry out this Act  
24          such sums as may be necessary for each of the fiscal years  
25          2010 through 2012.

1 **SEC. 3. ADMISSIBILITY AS EVIDENCE.**

2 (a) PROHIBITION.—Notwithstanding any other provi-  
3 sion of law and subject to subsection (b), any application  
4 for assistance under this Act, any negative determination  
5 on the part of the Secretary with respect to such applica-  
6 tion, or any statement of reasons for the determination,  
7 shall not be admissible as evidence in any proceeding of  
8 any court, agency, board, or other entity.

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

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