

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 152

RIN 3067-AD21

#### Assistance to Firefighters Grant Program

**AGENCY:** U.S. Fire Administration (USFA), FEMA, Emergency Preparedness and Response, Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** FEMA is publishing this final rule to establish guidance on our program to make grants directly to fire departments of a State for the purpose of enhancing their ability to protect the health and safety of the public as well as that of firefighting personnel facing fire and fire-related hazards. These grants are awarded on a competitive basis to eligible applicants that most closely address the program's priorities and then demonstrate financial need and maximize the benefit to be derived from the grant funds. The program's priorities will be stated in the Notice of Funds Availability (NOFA) that we will publish pursuant to the program's annual appropriation.

**DATES:** *Effective Date:* This final rule is effective on March 14, 2003.

**ADDRESSES:** Please send any comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472. Comments may also be transmitted via fax to (202) 646-4536 or e-mail to [rules@fema.gov](mailto:rules@fema.gov). Please reference "Assistance to Firefighters Grant Program" in the subject line of your e-mail or comment letter.

**FOR FURTHER INFORMATION CONTACT:** Brian Cowan, Director, Grants Program Office, U.S. Fire Administration (USFA), Federal Emergency Management Agency, 500 C Street, SW., room 304, Washington, DC 20472, or call 1-866-274-0960, or e-mail [USFAGRANTS@fema.gov](mailto:USFAGRANTS@fema.gov).

**SUPPLEMENTARY INFORMATION:** This final rule establishes guidance on the administration of grants made under the authority of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 *et seq.*).

The purpose of the program is to award grants directly to fire departments of a State to enhance their ability to protect the health and safety of the public, as well as that of

firefighting personnel, facing fire and fire-related hazards.

We will award the grants on a competitive basis to the applicants that (1) most closely address the program's priorities, and (2) demonstrate financial need; maximum benefit derived from the grant funds with their projects; and effective and efficient project plans and procurements. For the purpose of this program, "State" is defined as the fifty States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Eligible applicants for the Assistance to Firefighters Grant Program are limited to fire departments of a State as defined herein. A "fire department of a State" is defined as an agency or organization that has a formally recognized arrangement with a State, local or tribal authority (city, county, parish, fire district, township, town or other governing body) to provide fire suppression to a population within a fixed geographical area. A fire department can apply for assistance for its emergency medical services (EMS) unit provided the unit falls organizationally under the auspices of the fire department. A municipality or fire district may submit an application on behalf of a fire department when the fire department lacks the legal status to do so, *e.g.*, where the fire department falls within the auspices of the municipality. When a municipality or fire district submits an application on behalf of a fire department, the fire department is precluded from submitting an additional application.

Fire departments that are Federal fire departments are not eligible for this grant program. Fire departments that are contracted by the Federal government and are solely responsible for suppression of fires on Federal installations are not eligible for this grant program. Fire stations that are not independent fire departments but are part of, or controlled by a larger fire department or agency are typically not eligible. Fire departments that are for-profit departments (*i.e.*, do not have specific non-profit status and/or are not municipally based) are not eligible to apply for assistance under this program. Also not eligible for this program are ambulance services, rescue squads, auxiliaries, dive teams, urban search and rescue teams, fire service organizations or associations, and State/local agencies such as a forest service, fire marshal, hospitals, and/or training offices.

Congress included in the legislation a list of fourteen activities eligible for

funding under this program. Those activities are as follows: (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, or the handling of hazardous materials, or to train firefighting personnel to provide any of the training described above; (c) to fund the creation of rapid intervention teams to protect firefighting personnel at 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; (g) to acquire additional firefighting vehicles, including fire trucks; (h) to acquire additional firefighting equipment, including 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 (OSHA), 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; and, (n) to provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

The specific activities that will be eligible for funding will be announced in the NOFA that we will publish pursuant to the program's annual appropriation.

Eligible applicants can apply for this program on-line via FEMA's electronic grant (e-grant) application process. (While we encourage all applicants to apply on-line, we will provide and accept paper applications. Details about how to request a paper application and how to submit a paper application can be found later in this section of this final rule or on the U.S. Fire Administration's Web site: [www.usfa.fema.gov](http://www.usfa.fema.gov)). The e-grant application consists of electronic versions of FEMA's grant forms. The