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forward the claim, a copy of the Director's final determination, and the claimant's document of release to the Secretary of the Treasury for payment of the claim in the amount of final authorization.

**§ 151.14 Adjudication.**

If the claimant, after written notice by the Director of the amount authorized for payment in full settlement of the claim and after all applicable procedures of §§151.12 and 151.13 have been followed elects to dispute the amount authorized, it may then initiate action in the United States Claims Court, which shall have jurisdiction to adjudicate the claim and enter judgment in accordance with section 11(d) of the Act.

**Subpart C—Administration, Penalties**

**§ 151.21 [Reserved]**

**§ 151.22 Audits.**

At the discretion of the Director, all claims submitted under section 11 of the Act and all records of the claimant will be subject to audit by the Director or his/her designee. In addition, the Comptroller General of the United States or his/her designee shall have access to all books and records of all claimants making claims under section 11.

**§ 151.23 Penalties.**

Claimant's officials or others who provide information or documentation under this part are subject to, among other laws, the criminal penalties of Title 18 of the United States Code, sections 287 and 1001, which punish the submission of false, fictitious or fraudulent claims and the making of false, fictitious or fraudulent statements and which provide for a fine of not more than \$10,000 or imprisonment for not more than five years, or both. For such a violation, the person is likewise subject to the civil penalties set out in 31 U.S.C. 3729 and 3730.

**PART 152—ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM**

Sec.

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**AUTHORITY:** Federal Fire Protection and Control Act, 15 U.S.C., Section 2201 *et seq.*, as amended by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Pub. L. 106-398.

**SOURCE:** 66 FR 15972, Mar. 21, 2001, unless otherwise noted.

**§ 152.1 Purpose.**

This competitive grant program will provide funding directly to fire departments for the purposes described in the six eligible grant categories below. The funds cannot be used to pay for products and services contracted for, or purchased prior to the effective date of the grant. The six eligible categories for a fire department's expenditures of grant funds under this program follow below:

- (a) Training firefighting personnel in fire-fighting, emergency response, supervision and safety, arson prevention and detection, handling of hazardous materials, or training firefighting personnel to provide training in any of these areas. Eligible uses of training funds include but are not limited to purchase of training curricula, training equipment and props, training services, attendance at formal training forums, etc.;
- (b) Establishing and/or equipping wellness and fitness programs for firefighting personnel, including the procurement of medical services to ensure that the firefighting personnel are physically able to carry out their duties (purchase of medical equipment is not eligible under this category);
- (c) Acquiring additional firefighting vehicles, including fire apparatus;

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(d) Acquiring additional firefighting equipment, including equipment for individual communications and monitoring (integrated communications systems are not eligible);

(e) Acquiring personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel; and

(f) Funding fire prevention programs.

### § 152.2 Definitions.

*Fire department* means an agency that provides public fire prevention and control to local, municipal, district, county, parish, or tribal governments based on a formally recognized arrangement. An emergency medical services unit can apply for assistance provided the unit falls organizationally under the auspices of a fire department. Fire departments, which are Federal or contracted by the Federal government and whose sole responsibility is suppression of fires on Federal installations, are not eligible for this grant program. Tribal fire departments that receive Federal funds to perform fire protective services and/or to purchase or install fire protective equipment are not eligible for this grant program.

*Population* means permanent residents in the primary/first response area or jurisdiction served by the applicant according to U.S. Census figures available at the time of the application deadline.

*State* means any of the fifty United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

### § 152.3 Availability of funds.

(a) No applicant under this program can receive more than \$750,000 in Federal grant funds under this program in any fiscal year regardless of the number of categories funded.

(b) As a condition of receiving a grant under this program, fire departments in areas serving populations over 50,000 must agree to match the Federal grant funds with an amount of non-Federal funds equal to 30 percent

of the total project cost. Fire departments serving areas with a population of 50,000 or less will have to match the Federal grant funds with an amount of non-Federal funds equal to 10 percent of the total project cost.

### § 152.4 Roles and responsibilities.

(a) Recipient (Grantee) must agree to:

(1) Maintain operating expenditures in the funded grant category at a level equal to or greater than the average of their operating expenditures in the two fiscal years preceding the fiscal year in which assistance is awarded.

(2) Retain grant files and supporting documentation for three years after the conclusion of the grant.

(3) Make their grant files, books and records available for an audit to ensure compliance with any requirement of the grant program.

(4) Provide information to the U.S. Fire Administration's national fire incident reporting system (NFIRS) for the period covered by the assistance.

(b) FEMA activities:

(1) We will ensure that the funds are awarded based on the priorities and expected benefits articulated in the statute, this rule, and USFA's strategic plan.

(2) We will ensure that not less than five percent (5%) of the funds are made available to national, State, local, or community organizations, including fire departments, for the purpose of carrying out fire prevention programs.

(3) We will ensure that grants are made to fire departments located in urban, suburban, and rural communities.

(4) We will ensure that fire departments with volunteer staff, or staff comprised of a combination of career fire fighters and volunteers, receive a proportion of the total grant funding that is not less than the proportion of the United States population that those firefighting departments protect.

### § 152.5 Evaluation criteria.

(a) We will use the narratives/supplemental information provided by the applicants in their grant applications to evaluate on a competitive basis the merits and benefits of each request for funding. Applicants must articulate

the benefits that will be achieved through the grant activities. In addition, the applicant will demonstrate financial need for the assistance requested. We will review and evaluate the applications according to rating criteria that focus on the benefits to be obtained from the use of these grant funds. Our evaluation will also include an assessment of financial need. We seek to maximize the benefits derived from the funding by crediting applicants with the greatest financial need and whose proposed activities provide the greatest benefit.

(b) Applicants will complete two narrative sections in the application package. The first section invites a short description of the planned uses for the grant funds. This narrative should explain why the grant funds are needed and why the department has not been able to fund the planned activities on its own. In the second narrative, the applicant will state the amount requested and detail the benefits the department or community will realize as a result of the grant award. Applicants may seek assistance in formulating their cost-benefit statement or any other justification required by the application by contacting our Grant Program Technical Assistance Center at 866-274-0960 or by email at [USFAGRANTS@fema.gov](mailto:USFAGRANTS@fema.gov). We will also place useful information on the FEMA/USFA websites.

(c) In addition to the project narrative, the applicant must provide an itemized budget detailing the use of the grant funds. If an applicant is seeking funds in more than one category (eligible applicants may apply for up to two categories), the applicant must provide a narrative and an itemized budget for each category. The budget should be entered onto the form (FEMA Form 20–20) provided in the application package.

(d) Specific rating criteria for each of the eligible categories follow below. These rating criteria, in conjunction with the preliminary evaluation criteria, will provide an understanding of the cost effectiveness of the proposed projects.

(1) *Training*. We believe that more benefit is derived from the direct delivery of training than from the purchase

of training materials and equipment. Therefore, applications focused on direct delivery of training will receive a higher competitive rating. We also believe that funding of basic firefighting training (*i.e.*, training in basic firefighting duties or operating fire apparatus) has greater cost benefit than funding of officer training and specialized training. We will also accord higher rating to programs achieving benefits from statutorily required training over non-mandatory or strictly voluntary training. Finally, we will rate more highly those programs that benefit the highest percentage of targeted personnel within a fire department.

(2) *Wellness and fitness programs*. We believe that in order to have an effective wellness/fitness program, fire departments must offer both an entry physical examination and an immunization program. Accordingly, applicants in this category must currently offer both benefits, or must propose to initiate both a physical examination and an immunization program with these grant funds in order to receive additional funding for these purposes. We believe the greatest benefit will be realized by supporting new wellness and fitness programs, and therefore, we will accord higher competitive ratings to those applicants lacking wellness/fitness programs over those applicants that already possess a wellness/fitness program. Finally, since participation is critical to achieving any benefits from a wellness or fitness program, we will give higher competitive rating to departments whose wellness and fitness programs mandate participation as well as programs that provide incentives for participation.

(3) *Firefighting vehicles*. We believe that more benefit will be realized by funding fire departments that own few or no firefighting apparatus than by providing funding to a department with numerous vehicles. Therefore, we will give a higher competitive rating in the apparatus category to fire departments that own few or no firefighting vehicles. We will also give higher competitive rating to departments that have not recently purchased a new firefighting vehicle, and departments that wish to replace an old, high-mileage vehicle or a vehicle that has sustained

a high number of responses. We do not believe that there is sufficient cost benefit from expenditures for vehicles with ladder or aerial apparatus and will not accord positive competitive standing to applications proposing such purchases.

(4) *Firefighting equipment.* We believe that this grant program will achieve the greatest benefits if we provide funds to fire departments purchasing basic firefighting equipment (never owned prior to grant) to bring their departments up to the applicable minimum (*i.e.*, as required by statute, regulation, or professional firefighting guidance), rather than to the department that is replacing equipment or enhancing capabilities. Because of the obvious benefits, we will also give higher competitive rating to departments that are mainly purchasing equipment designed to protect the safety of the firefighters.

(5) *Personal protective equipment.* One of the stated purposes of this grant program is to protect the health and safety of firefighters. In order to achieve this goal and maximize the benefit to the firefighting community, we believe that we must fund those applicants needing to provide personal protective equipment (PPE) to a high percentage of their personnel. Accordingly, we will give a high competitive rating in this category to fire departments in which a large percentage of their active firefighting staff do not have any personal protective equipment and to departments that wish to purchase enough PPE to equip 100 percent of their active firefighting staff. We will also give a higher competitive rating to departments that are purchasing the equipment for the first time as opposed to departments replacing obsolete or substandard equipment (*e.g.*, equipment that does not meet current NFPA and OSHA standards), or purchasing equipment for a new mission.

(6) *Fire prevention programs.* We believe that the public as a whole will receive greatest benefit from funds targeted for fire departments that do not have an existing fire prevention program. Also, we believe the public will benefit greatly from continuing fire prevention programs as opposed to lim-

ited efforts. Therefore, we will give a higher competitive rating to programs that will be self-sustaining after the grant period. Because of the benefits to be attained, we will give a higher competitive rating to programs that target one or more of USFA's identified high-risk populations (*i.e.*, children under fourteen years of age, seniors over sixty-five and firefighters), and programs whose impact is/will be periodically evaluated. We believe public education programs and community-based, participatory programs that purchase and install residential and public detection and suppression systems achieve greater benefits than do programs that develop and enforce codes and standards. Public information materials and presentation aids and equipment achieve the least benefit, therefore, these types of activities will be accorded the lowest competitive rating.

#### **§ 152.6 Application review and award process.**

Using the evaluation criteria delineated above, a panel of subject matter experts will review each application to determine which applicants satisfy the grant program's eligibility parameters, the applicant's relative standing under the rating criteria, and the benefit to cost value of the proposed projects. We will make funding decisions based on the criteria, the demonstrated need of the applicant, and the benefits to be derived from the proposed projects. In order to fulfill our obligation under the law, we will also make funding decisions based on the type of fire department (paid, volunteer, or combination fire departments) and the size and character of the community it serves (urban, suburban, or rural).

#### **§ 152.7 Grant payment, reporting and other requirements.**

(a) Grantees have up to twelve months, from the date of the notice of award, to incur obligations to fulfill their responsibilities under this grant program. Grantees may request funds from FEMA as reimbursement for expenditures made under the grant program or for immediate cash needs per FEMA regulations (44 CFR 13.21, more

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commonly referred to as the Common Rule).

(b) The recipients of funding under this program must report to us on how the grant funding was used. This will be accomplished via submission of a final report. Additionally, fire departments that receive funding under this program must agree to provide information to the national fire incident reporting system (NFIRS) for the period covered by the assistance.

**44 CFR Ch. I (10–1–01 Edition)**

**§ 152.8 Application submission and deadline.**

Each year that this program is authorized, we will announce the grants availability via Notice of Funds Availability. That Notice will contain all pertinent information concerning the eligible funding categories, funding levels, application period, timelines, and deadlines.

**PARTS 153–199 [RESERVED]**