

112TH CONGRESS
1ST SESSION

S. 1766

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2011

Mr. BROWN of Ohio introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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. DEFINITIONS.**

2 In this Act:

3 (1) APPROVED FIRE SUPPRESSION SYSTEM.—

4 The term “approved fire suppression system” means
5 a fire suppression system that—

6 (A) meets with applicable codes and stand-
7 ards for the jurisdiction where it is being in-
8 stalled, or the standards promulgated by na-
9 tional model code organizations such as the Na-
10 tional Fire Protection Association or the Inter-
11 national Code Council;

12 (B) ensures that the safety of students
13 with disabilities is met; and

14 (C) may include—

15 (i) an automatic fire sprinkler system;

16 (ii) a fire and smoke alarm and detec-
17 tion system; and

18 (iii) a mass communication system
19 that can be used in the event of a fire, dis-
20 aster, or other emergency.

21 (2) INSTITUTION OF HIGHER EDUCATION.—The
22 term “institution of higher education” has the
23 meaning given the term in section 102 of the Higher
24 Education Act of 1965 (20 U.S.C. 1002).

25 (3) SECRETARY.—The term “Secretary” means
26 the Secretary of Education.

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

4 (a) GRANTS.—The Secretary, in consultation with
5 the United States Fire Administration, shall establish a
6 demonstration program to award grants on a competitive
7 basis to any eligible entity for the purpose of installing
8 approved fire suppression systems in student housing and
9 dormitories owned or controlled by that eligible entity.

10 (b) ELIGIBLE ENTITY.—In this Act, the term “eligi-
11 ble entity” means any of the following:

12 (1) An institution of higher education, including
13 an institution eligible to receive assistance under
14 part A or B of title III or title V of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1057 et seq.; 20
16 U.S.C. 1060 et seq.; 20 U.S.C. 1101 et seq.).

17 (2) A social fraternity or sorority exempt from
18 taxation under section 501(a) of the Internal Rev-
19 enue Code of 1986 (26 U.S.C. 501(a)), the active
20 membership of which consists primarily of students
21 in attendance at an institution of higher education.

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

25 (d) RESERVED AMOUNTS.—

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

4 (A) not less than 10 percent to eligible en-
5 tities that are institutions described in sub-
6 section (b)(1) that are eligible to receive assist-
7 ance under part A or B of title III or title V
8 of the Higher Education Act of 1965 (20
9 U.S.C. 1057 et seq.; 20 U.S.C. 1060 et seq.; 20
10 U.S.C. 1101 et seq.); and

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

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

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

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

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

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

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

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

24 (1) the number and types of eligible entities re-
25 ceiving assistance under this section;

1 (2) the amount of assistance received under this
2 section, the amount and source of non-Federal fund-
3 ing leveraged for activities under grants under this
4 section, and any other relevant financial information;

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

9 (4) the types of fire suppression or prevention
10 technologies installed with assistance under this sec-
11 tion, and the costs of such technologies;

12 (5) identification of any Federal, State, or local
13 policy that presents an impediment to the develop-
14 ment and installation of fire suppression or preven-
15 tion technologies; and

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

20 (j) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this Act
22 such sums as may be necessary for each of the fiscal years
23 2012 through 2014.

1 **SEC. 4. 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 3.

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