

117TH CONGRESS
2D SESSION

S. 3592

To provide additional funding for firefighter staffing and safety grants, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7 (legislative day, FEBRUARY 3), 2022

Mr. SANDERS introduced the following bill; which was read twice and referred
to the Committee on Commerce, Science, and Transportation

A BILL

To provide additional funding for firefighter staffing and
safety grants, 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 “Firefighter Staffing
5 and Support Act”.

6 **SEC. 2. FIREFIGHTER SAFETY GRANTS.**

7 Section 33 of the Federal Fire Prevention and Con-
8 trol Act of 1974 (15 U.S.C. 2229) is amended—

9 (1) in subsection (d), by striking paragraph (4);

10 (2) in subsection (q)(1)—

1 (A) in the matter preceding subparagraph
2 (A), by inserting “, and there is appropriated,”
3 after “appropriated”;

4 (B) in subparagraph (A), by striking
5 “and” at the end;

6 (C) in subparagraph (B)—

7 (i) in the matter preceding clause (i),
8 by striking “2023” and inserting “2022”;
9 and

10 (ii) in clause (ii), by striking the pe-
11 riod at the end and inserting a semicolon;
12 and

13 (D) by adding at the end the following:

14 “(C) \$913,000,000 for fiscal year 2023;
15 and

16 “(D) for each of fiscal years 2024 through
17 2028, an amount equal to the amount author-
18 ized for the previous fiscal year increased by
19 the percentage by which—

20 “(i) the Consumer Price Index (all
21 items, United States city average) for the
22 previous fiscal year, exceeds

23 “(ii) the Consumer Price Index for
24 the fiscal year preceding the fiscal year de-
25 scribed in clause (i).”; and

1 (3) by striking subsection (r).

2 **SEC. 3. SAFER GRANTS.**

3 Section 34 of the Federal Fire Prevention and Con-
4 trol Act of 1974 (15 U.S.C. 2229a) is amended—

5 (1) in subsection (j)(1)—

6 (A) in the matter preceding subparagraph
7 (A), by inserting “, and there is appropriated,”
8 after “appropriated”;

9 (B) in subparagraph (H), by striking
10 “and” at the end;

11 (C) in subparagraph (I)—

12 (i) in the matter preceding clause (i),
13 by striking “2023” and inserting “2022”;
14 and

15 (ii) in clause (ii), by striking the pe-
16 riod at the end and inserting a semicolon;
17 and

18 (D) by adding at the end the following:

19 “(J) \$913,000,000 for fiscal year 2023;
20 and

21 “(K) for each of fiscal years 2024 through
22 2028, an amount equal to the amount author-
23 ized for the previous fiscal year increased by
24 the percentage by which—

1 “(i) the Consumer Price Index (all
 2 items, United States city average) for the
 3 previous fiscal year, exceeds

4 “(ii) the Consumer Price Index for
 5 the fiscal year preceding the fiscal year de-
 6 scribed in clause (i).”; and

7 (2) by striking subsection (k).

8 **SEC. 4. TECHNICAL ASSISTANCE.**

9 The Federal Fire Prevention and Control Act of 1974
 10 (15 U.S.C. 2201 et seq.) is amended by adding at the end
 11 the following:

12 **“SEC. 38. TECHNICAL ASSISTANCE.**

13 “In addition to amounts made available under sec-
 14 tions 33(q)(2) and 34(j)(2), there is authorized to be ap-
 15 propriated, and there is appropriated, to provide technical
 16 assistance to qualified entities described in sections
 17 33(c)(1) and 34(a) to prepare and submit an application
 18 for a grant under section 33(e) or 34(b)—

19 “(1) \$10,000,000 for fiscal year 2023; and

20 “(2) for each of fiscal years 2024 through
 21 2028, an amount equal to the amount authorized for
 22 the previous fiscal year increased by the percentage
 23 by which—

1 “(A) the Consumer Price Index (all items,
2 United States city average) for the previous fis-
3 cal year, exceeds

4 “(B) the Consumer Price Index for the fis-
5 cal year preceding the fiscal year described in
6 clause (i).”.

7 **SEC. 5. REPORTS FROM FEMA AND UNITED STATES FIRE**
8 **ADMINISTRATION.**

9 Not later than 90 days after the date of enactment
10 of this Act, the Administrator of the Federal Emergency
11 Management Agency and the Administrator of the United
12 States Fire Administration shall submit to Congress and
13 make publicly available—

14 (1) a report on plans to improve the application
15 process for grants under sections 33 and 34 of the
16 Federal Fire Prevention and Control Act of 1974
17 (15 U.S.C. 2229, 2229a) to ease access to those
18 grant funds; and

19 (2) a report on the challenges specific to rural
20 and volunteer fire departments, as defined in section
21 33 of the Federal Fire Prevention and Control Act
22 of 1974 (15 U.S.C. 2229), which shall include an ac-
23 tion plan to address these challenges through the
24 grants described in paragraph (1) and other admin-
25 istrative action.

1 **SEC. 6. PROTECTIONS FOR VOLUNTEERS FROM EMPLOYER**
 2 **DISCRIMINATION.**

3 The Federal Fire Prevention and Control Act of 1974
 4 (15 U.S.C. 2201 et seq.), as amended by section 4 of this
 5 Act, is amended by adding at the end the following:

6 **“SEC. 39. VOLUNTEER FIREFIGHTER AND EMS PERSONNEL**
 7 **JOB PROTECTION.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) EMERGENCY; MAJOR DISASTER.—The
 10 terms ‘emergency’ and ‘major disaster’ have the
 11 meanings given those terms in section 102 of the
 12 Robert T. Stafford Disaster Relief and Emergency
 13 Assistance Act (42 U.S.C. 5122).

14 “(2) QUALIFIED VOLUNTEER FIRE DEPART-
 15 MENT.—The term ‘qualified volunteer fire depart-
 16 ment’ has the meaning given such term in section
 17 150(e) of the Internal Revenue Code of 1986.

18 “(3) VOLUNTEER EMERGENCY MEDICAL SERV-
 19 ICES.—The term ‘volunteer emergency medical serv-
 20 ices’ means emergency medical services performed
 21 on a voluntary basis for a fire department or other
 22 emergency organization.

23 “(4) VOLUNTEER FIREFIGHTER.—The term
 24 ‘volunteer firefighter’ means an individual who is a
 25 member in good standing of a qualified volunteer
 26 fire department.

1 “(b) TERMINATION OF EMPLOYMENT OF VOLUN-
 2 TEER FIREFIGHTERS AND EMERGENCY MEDICAL PER-
 3 SONNEL PROHIBITED.—

4 “(1) TERMINATION PROHIBITED.—No employee
 5 may be terminated, demoted, or in any other manner
 6 discriminated against in the terms and conditions of
 7 employment because such employee is absent from
 8 or late to the employee’s employment for the pur-
 9 pose of serving as a volunteer firefighter or pro-
 10 viding volunteer emergency medical services as part
 11 of a response to an emergency or major disaster.

12 “(2) DEPLOYMENT.—The prohibition in para-
 13 graph (1) shall apply to an employee serving as a
 14 volunteer firefighter or providing volunteer emer-
 15 gency medical services if such employee—

16 “(A) is specifically deployed to respond to
 17 the emergency or major disaster in accordance
 18 with a coordinated national deployment system
 19 such as the Emergency Management Assistance
 20 Compact or a pre-existing mutual aid agree-
 21 ment; or

22 “(B) is a volunteer firefighter who—

23 “(i) is a member of a qualified volun-
 24 teer fire department that is located in the

1 State in which the emergency or major dis-
2 aster occurred;

3 “(ii) is a member of a qualified fire
4 department that has a mutual aid agree-
5 ment with a community affected by such
6 emergency or major disaster; and

7 “(iii) has been deployed by the emer-
8 gency management agency of such State to
9 respond to such emergency or major dis-
10 aster.

11 “(3) LIMITATIONS.—The prohibition in para-
12 graph (1) shall not apply to an employee who—

13 “(A) is absent from the employee’s employ-
14 ment for the purpose described in paragraph
15 (1) for more than 14 days per calendar year;

16 “(B) responds to the emergency or major
17 disaster without being officially deployed as de-
18 scribed in paragraph (2); or

19 “(C) fails to provide the written
20 verification described in paragraph (5) within a
21 reasonable period of time.

22 “(4) WITHHOLDING OF PAY.—An employer
23 may reduce an employee’s regular pay for any time
24 that the employee is absent from the employee’s em-

1 ployment for the purpose described in paragraph
2 (1).

3 “(5) VERIFICATION.—An employer may require
4 an employee to provide a written verification from
5 the official of the Federal Emergency Management
6 Agency supervising the Federal response to the
7 emergency or major disaster or a local or State offi-
8 cial managing the local or State response to the
9 emergency or major disaster that states—

10 “(A) the employee responded to the emer-
11 gency or major disaster in an official capacity;
12 and

13 “(B) the schedule and dates of the employ-
14 ee’s participation in such response.

15 “(6) REASONABLE NOTICE REQUIRED.—An em-
16 ployee who may be absent from or late to the em-
17 ployee’s employment for the purpose described in
18 paragraph (1) shall—

19 “(A) make a reasonable effort to notify the
20 employee’s employer of such absence; and

21 “(B) continue to provide reasonable notifi-
22 cations over the course of such absence.

23 “(c) RIGHT OF ACTION.—

24 “(1) RIGHT OF ACTION.—An individual who
25 has been terminated, demoted, or in any other man-

1 ner discriminated against in the terms and condi-
2 tions of employment in violation of the prohibition
3 described in subsection (b) may bring, in a district
4 court of the United States of appropriate jurisdic-
5 tion, a civil action against the employer of the indi-
6 vidual seeking—

7 “(A) reinstatement of the individual’s
8 former employment;

9 “(B) payment of back wages;

10 “(C) reinstatement of fringe benefits; and

11 “(D) if the employment granted seniority
12 rights, reinstatement of seniority rights.

13 “(2) LIMITATION.—The individual shall com-
14 mence a civil action under this subsection not later
15 than 1 year after the date of the violation of the
16 prohibition described in subsection (b).

17 “(d) ENFORCEMENT.—The Administrator of FEMA,
18 in coordination with the Secretary of Labor, shall have
19 the authority to issue rules to enforce this section.”.

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