

CRS Report for Congress

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Assistance to Firefighters Program

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Summary

The Assistance to Firefighters Program, also known as the FIRE Act grant program, was established by Title XVII of the FY2001 National Defense Authorization Act (P.L. 106-398). Currently administered by the Office for State and Local Government Coordination and Preparedness (OSLGCP) within the Department of Homeland Security (DHS), the program provides federal grants directly to local fire departments to help address a variety of equipment, training, and other firefighter-related needs. The FY2005 Homeland Security Appropriations bill (P.L. 108-334) provided \$650 million for fire grants and an additional \$65 million for the “SAFER Act” which establishes a federal grant program to provide funding to fire departments for hiring personnel. Meanwhile, Congress approved the reauthorization of the fire grant program as part of the FY2005 National Defense Authorization Act (Title XXXVI of P.L. 108-375). The Administration’s FY2006 budget proposal requests \$500 million for fire grants in FY2006, a cut of 23% from the FY2005 appropriated level. No funding is requested for SAFER grants in FY2006. An ongoing issue likely to receive attention during the 109th Congress is the focus of the fire grant program. This report will be updated as events warrant.

Background

Firefighting activities are traditionally the responsibility of states and local communities. As such, funding for firefighters is provided mostly by state and local governments. During the 1990s, shortfalls in state and local budgets, coupled with increased responsibilities (i.e. counterterrorism) of local fire departments, led many in the fire community to call for additional financial support from the federal government. While federally funded training programs existed (and continue to exist) through USFA’s National Fire Academy, and while federal money has been available to first responders for counterterrorism training and equipment through the Department of Justice,¹ there did not exist a dedicated program, exclusively for firefighters, which provided federal money

¹ For a list of federal programs providing assistance to state and local first responders, see CRS Report RL31227, *Terrorism Preparedness: Catalog of Federal Assistance Programs*.

directly to local fire departments to help address a wide variety of equipment, training, and other firefighter-related needs.

Authorization: The FIRE Act

During the 106th Congress, many in the fire community asserted that local fire departments require and deserve greater support from the federal government. In response, H.R. 1168, the Firefighter Investment and Response Enhancement (FIRE) Act, was introduced on March 17, 1999 by Representative Pascrell. The bill authorized the Director of the Federal Emergency Management Agency (FEMA) “to make grants to fire departments for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.” In the Senate, the FIRE Act was introduced by Senator Dodd (S. 1941) and Senator Campbell (S. 1899). Ultimately, FIRE Act language was agreed to in the Senate by unanimous consent as an amendment offered by Senator Dodd to the FY2001 National Defense Authorization Act (P.L. 106-398, signed into law on October 30, 2000).

Title XVII of P.L. 106-398 amended the Federal Fire Prevention and Control Act (P.L. 93-498)² to establish a new office in FEMA to administer grants to fire departments and fire prevention organizations for a variety of purposes, including hiring and training personnel, prevention programs, equipment and facilities, and public education. The law stipulated that volunteer departments receive a proportion of the total grant funding that is not less than the proportion of the U.S. population that those departments protect. Meanwhile, FEMA was directed to conduct an 18-month study (in conjunction with the National Fire Protection Association) on the need for federal assistance to state and local communities to fund firefighting and emergency response activities. The study, entitled, *A Needs Assessment of the U.S. Fire Service*, was released in January 2003 and found that many fire departments — particularly volunteer companies in rural communities — report shortfalls in facilities, equipment, and training of personnel.³

For firefighter assistance, P.L. 106-398 authorized \$100 million for FY2001 and \$300 million for FY2002. However, in the wake of the September 11, 2001 terrorist attack on the World Trade Center and the Pentagon, the Senate amended the FY2002 Department of Defense Authorization Act (S. 1438) to include language providing increased authorization levels for the Assistance to Firefighters Program. An additional increase was inserted during the House-Senate conference on the defense authorization bill, authorizing the program at \$900 million per year through FY2004, and expanding the scope of the grants to include equipment and training to help firefighters respond to a terrorist attack or an attack using weapons of mass destruction. The bill was signed into law (P.L. 107-107) on December 28, 2001.

With the authorization of the fire grant program expiring on September 30, 2004, the 108th Congress took up fire act reauthorization legislation. On April 1, 2004, Representative Boehlert introduced H.R. 4107 — the Assistance to Firefighters Grant Reauthorization Act of 2004. H.R. 4107 sought to extend the authorization through

² “Firefighter assistance” is codified as section 33 of the Federal Fire Prevention and Control Act (15 USC 2229).

³ Study available at [<http://www.nfpa.org/PDF/needsassessment.PDF?src=nfpa>]

FY2007. The USFA Administrator was specifically designated as the entity who shall administer the program. Additionally, H.R. 4107 sought to increase the current award caps for grant recipients, while reducing required cost-sharing nonfederal matches. Of perhaps greatest controversy was a provision which would prohibit grant recipients from discriminating against or prohibiting firefighters from engaging in volunteer firefighting activities in other jurisdictions during off-duty hours. The House Committee on Science held a hearing on H.R. 4107 on May 12, 2004.

On May 11, 2004, the Senate version of the fire grant reauthorization was introduced by Senator Dodd. S. 2411, the Assistance to Firefighters Act of 2004, sought to authorize the fire grant program through FY2010 and designate the Secretary of the Department of Homeland Security as the program's administering authority. The Senate Committee on Commerce, Science and Transportation held a hearing on S. 2411 on July 8, 2004. Unlike the House bill, S. 2411 did not contain a provision on volunteer firefighter discrimination. On June 17, 2004, the text of S. 2411 was adopted as an amendment (offered by Senator Dodd) to the FY2005 National Defense Authorization Act (S. 2400, Division D, Sections 4001-4013). On June 23, 2004, S. 2400 was passed by the Senate and incorporated into the House Defense Authorization bill (H.R. 4200).

On October 9, 2004 the House and Senate approved the Conference Agreement on H.R. 4200 (H.Rept. 108-767). Title XXXVI of H.R. 4200 (Assistance to Firefighters Grant Program Reauthorization Act of 2004) reauthorizes the fire grant program at \$900 million for FY2005, \$950 million for FY2006, and \$1 billion for each of the fiscal years 2007 through 2009. Award caps are raised, nonfederal matching requirements are lowered, eligibility is extended to include nonaffiliated emergency medical services (i.e. ambulance services not affiliated with fire departments), and the scope of grants is expanded to include firefighter safety R&D.⁴ H.R. 4200 does not contain the provision on volunteer firefighter discrimination. The reauthorization legislation designates the USFA Administrator as the administering authority of the fire grant program. H.R. 4200 was signed into law (P.L. 108-375) on October 28, 2004.

Appropriations

From FY2001 through FY2003, the Assistance to Firefighters Program (as part of USFA/FEMA) received its primary appropriation through the VA-HUD-Independent Agencies Appropriation Act. In FY2004, the Assistance to Firefighters Program began to receive its annual appropriation through the House and Senate Appropriations Subcommittees on the Department of Homeland Security. The program received an appropriation of \$100 million in FY2001 (its initial year), \$360 million in FY2002, and \$745 million in FY2003. Table 1 shows recent appropriated funding for the fire grant program.

⁴ For more details on the reauthorization of the fire grant program, see CRS Report RL32341, *Assistance to Firefighters Program: Distribution of Fire Grant Funding*, by Lennard G. Kruger.

Table 1. Appropriations for Assistance to Firefighters Program, FY2004 - FY2006

FY2004	FY2005	FY2005	FY2006
P.L. 108-90	Administration request	P.L. 108-334	Administration request
\$746 million	\$500 million	\$650 million	\$500 million

FY2005. The Administration's budget proposal requested \$500 million for fire grants in FY2005, a cut of one-third (33%) from the FY2004 level. The Administration proposed three major changes to the fire grant program. *First*, priority would be given to applications enhancing terrorism preparedness. Currently, the program primarily focuses on helping fire departments meet an array of basic firefighting needs. *Second*, grants would be capped at \$2 million for fire departments serving populations of 500,000 or more. And *third*, grants would be available only for training, vehicles, firefighting equipment, and personal protective equipment. Currently, grants are available for a number of additional purposes, including fire code enforcement, wellness/fitness, fire station modification, fire prevention, and public education.

The House passed the FY2005 Homeland Security Appropriations Act (H.R. 4567) on June 18, 2004. H.R. 4567, as passed by the House, provides \$600 million for firefighter grants in FY2005, and funds the program within the Office for State and Local Government Coordination and Preparedness (OSLGCP). In its bill report (H.Rept. 108-541), the House Appropriations Committee expressed concern over language in the Administration proposal that would shift the grant to terrorism, and the proposed deletion of several eligible activities for fire grants, specifically, wellness and fitness programs, emergency medical services, fire prevention programs, public education programs, and modifications of facilities for health and safety of personnel. The Committee also emphasized that fire grants must continue to be administered in a manner identical to FY2003, including a peer review process of applications, granting funds directly to local fire departments, and the inclusion of the United States Fire Administration during grant administration.

On June 17, 2004, the Senate Appropriations Committee reported S. 2537 (S.Rept. 108-280), its version of the FY2005 Homeland Security Appropriations bill. The Senate Appropriations Committee recommended \$700 million for fire grants in FY2005, and, like the House, funds the program under the OSLGCP. Also similar to the House version, the Senate bill did not include bill language, requested in the Administration proposal, which would refocus the program on enhancing terrorism preparedness. The Committee directs DHS "to continue the present practice of funding applications according to local priorities and those established by the USFA." The Senate passed its version of the FY2005 Homeland Security Appropriations bill on September 14, 2004. During floor consideration of the bill, an addition of \$50 million was approved for fire grants, bringing the Senate level to \$750 million.

The Conference Agreement on H.R. 4567 (H.Rept. 108-774) set the fire grants at \$650 million for FY2005. The Conferees reiterated concerns over the Administration's proposal to shift grant focus from all-hazards to terrorism, and directed that all currently

eligible activities should continue to be funded. The Conference Report stated that the fire grant program should be administered by the Office of State and Local Government Coordination and Preparedness, and that the USFA should be included in the grant administration process. The House approved the Conference Report on October 9, 2004; it was approved by the Senate on October 11. The FY2005 Homeland Security Appropriations bill was signed into law (P.L. 108-334) on October 18, 2004.

The FY2005 fire grant application period began on March 7 and will end on April 8, 2005. For official program guidelines, frequently-asked-questions, the latest awards announcements, a schedule of applicant workshops, and other information, see the Assistance to Firefighters grant program web page at [<http://www.firegrantsupport.com>]

FY2005 Fire Prevention and Firefighter Safety grants will be accepted in September 2005.

FY2006. The Administration's budget proposal requests \$500 million for fire grants in FY2006, a cut of 23% from the FY2005 appropriated level. Priority would be given to grant applications enhancing terrorism capabilities. Grants would be available only for training, vehicles, firefighting equipment, and personal protective equipment. Under the budget proposal, activities such as wellness/fitness and fire station modification would not be funded. Activities such as prevention, public fire safety education and awareness, and fire code enforcement would be funded under the separate fire prevention and firefighter safety grant program.

Issues

An ongoing issue likely to receive attention during the 109th Congress is the focus of the fire grant program. Similar to the FY2005 proposal, the Administration's FY2006 budget proposal seeks to shift the priority of the fire grant program to terrorism preparedness. Firefighting groups question this shift, arguing that the original purpose of the Fire Act (enhancing basic firefighting needs) should not be compromised or diluted. Firefighting groups also argue that the Administration's proposed FY2006 budget for fire grants (\$500 million), a cut of 23% from the FY2005 level, does not adequately meet the needs of fire departments.

A related issue continues to be the role of the U.S. Fire Administration in the administration of the fire grant program. At its inception, the program was administered by the USFA and focused on enhancing the basic needs of fire departments across the nation. In the FY2004 budget request, as part of its effort to consolidate terrorism preparedness grants under a single entity, the Administration proposed to relocate the fire grant program within the Office for Domestic Preparedness (ODP), whose mission is to provide state and local governments with assistance to improve their readiness for terrorism incidents. The FY2004 DHS Appropriations Act (P.L. 108-90) acceded to the Administration's request, and relocated the fire grants to ODP. The Conferees directed that DHS shall "continue current administrative practices in a manner identical to the current fiscal year, including a peer review process of applications, granting funds directly to local fire departments, and the inclusion of the United States Fire Administration during grant administration." On January 26, 2004, DHS Secretary Ridge informed Congress of his intention to consolidate ODP, including the Assistance to Firefighters Program, into the Office of State and Local Government Coordination Preparedness

(OSLGCP). The FY2005 Homeland Security appropriations act (P.L. 108-334) places the fire grant program within OSLGCP. However, the Assistance to Firefighters Grant Program Reauthorization Act of 2004 (P.L. 108-375) designates administration of the fire grant program to USFA. According to the FY2006 budget request, the fire grant program will be administered by the OSLGCP “in cooperation with the USFA.”

Another issue is the role of the federal government in assisting fire departments to hire personnel. Firefighters have argued that inadequate state and local budgets leave many fire departments critically understaffed, and that federal assistance is needed. On the other hand, the Administration has argued that funding the hiring of firefighters is not an appropriate federal role. In the first session of the 108th Congress, Congress enacted the Staffing for Adequate Fire and Emergency Response Firefighters (SAFER) Act as Section 1057 of the FY2004 National Defense Authorization Act (P.L. 108-136; signed into law November 24, 2003). The SAFER Act authorizes federal grants of over \$1 billion per year through 2010 directly to fire departments for the hiring of personnel. The SAFER Act gives the U.S. Fire Administrator authority to issue four-year grants for new hires, with the condition that the recipient fire department must assume an increasing percentage of the cost in each year.

No money was appropriated for SAFER grants in FY2004, and the Administration requested no funding for SAFER grants in FY2005. On June 17, 2004, Representative Curt Weldon offered a floor amendment to the FY2005 Homeland Security Appropriations bill (H.R. 4567) which would provide \$50 million for SAFER grants in FY2005. The amendment was adopted and the bill was subsequently passed by the House on June 18, 2004. On September 14, the Senate adopted an amendment offered by Senator Dodd to H.R. 4567 which would provide \$100 million for the SAFER Act. The final Conference Agreement on H.R. 4567 (H.Rept. 108-774) provides SAFER Act grants with \$65 million for FY2005.

DHS is currently preparing regulations and guidelines on implementing the SAFER program. The FY2005 SAFER program will provide funding to support hiring of firefighters and recruitment and retention of volunteers. The application period is scheduled for May 31 through June 28, 2005. The program will be administered by the Department of Homeland Security's Office of State and Local Government Coordination and Preparedness (SLGCP). Further information on the FY2005 SAFER grants will be provided at [<http://www.firegrantsupport.com>].

The Administration is requesting no funding of the SAFER grants for FY2006.