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## **Assistance to Firefighters Program: Distribution of Fire Grant Funding**

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# Assistance to Firefighters Program: Distribution of Fire Grant Funding

## 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 of Grants and Training within the Preparedness Directorate of the Department of Homeland Security (DHS), the program provides federal grants directly to local fire departments and unaffiliated Emergency Medical Services (EMS) organizations to help address a variety of equipment, training, and other firefighter-related and EMS needs.

The fire grant program is now in its sixth year. Over \$3.14 billion has been appropriated to the fire grant program since FY2001. The Fire Act statute was reauthorized in 2004 and provides overall guidelines on how fire grant money should be distributed. There is no set geographical formula for the distribution of fire grants — fire departments throughout the nation apply, and award decisions are made by a peer panel based on the merits of the application and the needs of the community. However, the law does require that fire grants should be distributed to a diverse mix of fire departments, with respect to type of department (paid, volunteer, or combination), geographic location, and type of community served (e.g. urban, suburban, or rural).

An ongoing issue likely to receive attention during the 109<sup>th</sup> Congress is the focus of the fire grant program. Activities in the preceding Congress included reauthorization of the Fire Act and enactment of the Staffing for Adequate Fire and Emergency Response (SAFER) Act. On October 28, 2004, the President signed the FY2005 National Defense Authorization Act (P.L. 108-375). Title XXXVI of P.L. 108-375 is the Assistance to Firefighters Grant Program Reauthorization Act of 2004, which reauthorizes the fire grant program through FY2009.

This report will be updated as events warrant.

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# Assistance to Firefighters Program: Distribution of Fire Grant Funding

## Background

The Assistance to Firefighters Program,<sup>1</sup> also known as the FIRE Act grant program, was established by Title XVII of the FY2001 National Defense Authorization Act (P.L. 106-398).<sup>2</sup> Currently administered by the Office of Grants and Training within Preparedness Directorate of the Department of Homeland Security (DHS), the program provides federal grants directly to local fire departments and unaffiliated Emergency Medical Services (EMS) organizations to help address a variety of equipment, training, and other firefighter-related and EMS needs. On October 28, 2004, the President signed the FY2005 National Defense Authorization Act (P.L. 108-375). Title XXXVI of P.L. 108-375 is the Assistance to Firefighters Grant Program Reauthorization Act of 2004, which reauthorizes the fire grant program through FY2009.

The FIRE Act statute prescribes 14 different purposes for which fire grant money *may* be used (see 15 USC 2229(b)(3)). These are: hiring firefighters; training firefighters; creating rapid intervention teams; certifying fire inspectors; establishing wellness and fitness programs; funding emergency medical services; acquiring firefighting vehicles; acquiring firefighting equipment; acquiring personal protective equipment; modifying fire stations; enforcing fire codes; funding fire prevention programs; educating the public about arson prevention and detection; and providing incentives for the recruitment and retention of volunteer firefighters. The DHS has the discretion to decide which of those purposes will be funded for a given grant year. Since the program commenced in FY2001, the majority of fire grant funding has been used by fire departments to purchase firefighting equipment, personal protective equipment, and firefighting vehicles. At present, the program does not award funding for major building construction.

Eligible applicants are limited primarily to fire departments (defined as an agency or organization that has a formally recognized arrangement with a state, local, or tribal authority to provide fire suppression, fire prevention and rescue services to a population within a fixed geographical area). Emergency Medical Services (EMS) activities are eligible for fire grants, including a limited number (no more than 2% of funds allocated) to EMS organizations not affiliated with fire departments. Additionally, a separate competition is held for fire prevention and firefighter safety research and development grants, which are available to national, state, local, or

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<sup>1</sup> See CRS Report RS21302, *Assistance to Firefighters Program*, by Lennard G. Kruger.

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

community fire prevention or safety organizations (including, but not limited to, fire departments).<sup>3</sup> For official program guidelines, frequently-asked-questions, the latest awards announcements, and other information, see the Assistance to Firefighters grant program web page at [<http://www.firegrantsupport.com/>].

The fire grant program is in its sixth year. **Table 1** shows the fire grant program's appropriations history. Over \$3.14 billion has been appropriated to the fire grant program since FY2001, its first year.

**Table 1. Appropriations for Assistance to Firefighters Grant Program, FY2001-FY2006**

Fiscal year	Appropriation
FY2001	\$100 million
FY2002	\$360 million
FY2003	\$745 million
FY2004	\$746 million
FY2005	\$650 million
FY2006	\$539 million
<b>Total</b>	<b>\$3.14 billion</b>

A related 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 108<sup>th</sup> 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 firefighters and recruitment and retention of volunteer firefighters. The SAFER Act authorizes 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.

The SAFER program is in its second year. **Table 2** shows the SAFER program's appropriations history. \$174 million has been appropriated to the SAFER program since FY2005, its first year.

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<sup>3</sup> "Fire prevention and safety grants" are distinct from fire grants for prevention activities given exclusively to fire departments under the primary fire grant program.

**Table 2. Appropriations for SAFER Program, FY2005-FY2006**

Fiscal year	Appropriation
FY2005	\$65 million
FY2006	\$109 million
<b>Total</b>	<b>\$174 million</b>

**FY2001 Grants**

On December 21, 2000, President Clinton signed into law the Consolidated Appropriations Act 2001 (H.R. 5666; P.L. 106-554). P.L. 106-554 provided \$100 million in FY2001 funding for the Assistance to Firefighters Program.

For the initial year of the program, the Federal Emergency Management Agency/U.S. Fire Administration (FEMA/USFA) received 31,295 grant applications from 18,915 fire departments, totaling \$2.99 billion in requests. Between July 23 and September 30, 2001, FEMA/USFA awarded 1,855 grants to local fire departments throughout the nation, and 31 grants to fire prevention or safety organizations, for a total of 1,886 grants worth \$96,586,668. **Table 3** provides a breakdown of FY2001 award recipients by category.

**Table 3. FY2001 Fire Grant Award Recipients, By Category**

Category	Number of awards	Amount of awards
Training	160	\$5,199,356
Wellness & Fitness	168	\$8,256,720
Vehicles	208	\$20,412,605
Fire Prevention	209	\$9,071,484
Fire Fighting Equipment	404	\$14,919,463
Personal Protective Equipment	706	\$34,136,809
<b>Total, Fire grants</b>	<b>1,855</b>	<b>\$91,996,439</b>
Fire Prevention and Safety Grants	31	\$4,590,156
<b>Total</b>	<b>1,886</b>	<b>\$96,586,668</b>

**Source:** U.S. Fire Administration.

## FY2002 Grants

In its preliminary FY2002 budget document, “Blueprint for a New Beginning,” the Bush Administration proposed abolishing the fire grant program, arguing that it did not represent an appropriate responsibility of the federal government. After intense opposition from the fire community, the Administration reversed its position and proposed \$100 million in FY2002 for the Assistance to Firefighters Program. The November 6, 2001 House-Senate conference agreement (H.Rept. 107-272) set the Assistance to Firefighters Program at \$150 million for FY2002. The FY2002 VA-HUD appropriations act was signed into law (P.L. 107-73) on November 26, 2001. Supplemental FY2002 funding for the firefighter grant program was provided in the homeland security package contained in the FY2002 Defense Appropriations Act (P.L. 107-117, H.R. 3338), signed into law on January 10, 2002. P.L. 107-117 appropriated an additional \$210 million in FY2002 funding for the Assistance to Firefighters grant program. Thus, the total FY2002 appropriation for the fire grant program was \$360 million.

In FY2002, USFA received over 19,900 applications requesting a total of \$2.98 billion. Volunteer and combination<sup>4</sup> fire departments accounted for approximately 91% of applications, with career departments filing the remaining 9%.<sup>5</sup> In all, \$334 million in grant money was awarded in FY2002 in four broad program areas: fire operations and firefighter safety; firefighting vehicles; emergency medical services; and fire prevention programs. USFA began announcing FY2002 awards on July 11, 2002.<sup>6</sup> **Table 4** provides a breakdown of FY2002 award recipients by category.

**Table 4. FY2002 Awards Recipient, By Category**

Category	Number of awards	Amount of awards
Fire Operations & Firefighter Safety	4,731	\$281,091,066
Fire Prevention	215	\$10,926,998
Firefighting Vehicles	315	\$39,277,630
EMS	53	\$3,069,736
<b>Total, Fire Grants</b>	<b>5,314</b>	<b>\$334,365,430</b>
Fire Prevention and Safety	51	\$4,806,165
<b>Total</b>	<b>5,365</b>	<b>\$339,171,595</b>

Source: U.S. Fire Administration.

<sup>4</sup> A “combination fire department” is a fire department with a mixture of paid and volunteer personnel.

<sup>5</sup> Department of Homeland Security, Office of Inspections, Evaluations, and Special Reviews, *A Review of the Assistance to Firefighters Grant Program*, OIG-ISP-01-03, September 2003, p. 39.

<sup>6</sup> For award totals and recipients, see [<http://www.usfa.fema.gov/fire-service/grants/afgp/awards/2002awards/02awards.shtml>].

## FY2003 Grants

The President's FY2003 budget proposal sought to transfer \$150 million of funding for the Assistance to Firefighter Program into FEMA's newly formed Office of National Preparedness, where the fire grant program would be incorporated into the President's proposed \$3.5 billion First Responder grant program. The 107<sup>th</sup> Congress was not able to complete passage of the VA-HUD-Independent Agencies appropriation for FY2003. In the 108<sup>th</sup> Congress, the FY2003 Omnibus Appropriations (P.L. 108-7;H.J.Res 2) was signed into law on February 20, 2003, and provides \$745 million to the Assistance to Firefighters Program. P.L. 108-7 established a separate appropriations account for the program — "Firefighter Assistance Grants."

The FY2003 grant application period began on March 10, 2003, and ended on April 11, 2003. About 19,950 applications were received, requesting approximately \$2.5 billion in funding (including both the federal and nonfederal share). Approximately \$2 billion in federal funding was requested. The first round of awards was announced on June 12, 2003; the final round (35<sup>th</sup> Round) was announced on March 5, 2004 (see **Table 5**). Separate fire prevention and safety awards (totaling \$27.5 million) were also awarded. The first round of fire prevention and safety awards was announced on April 9, 2004.

**Table 5. FY2003 Award Recipients, By Category**

Category	Number of awards	Amount of awards
Fire Operations & Firefighter Safety	6,901	\$492,671,198
Fire Prevention	295	\$14,070,509
Firefighting Vehicles	1,367	\$184,233,676
Emergency Medical Services	67	\$4,145,676
<b>Total, Fire grants</b>	<b>8,630</b>	<b>\$695,121,059</b>
Fire Prevention and Safety Grants	398	\$19,469,083
<b>Total</b>	<b>9,028</b>	<b>\$714,590,142</b>

Source: U.S. Fire Administration.

## FY2004 Grants

The Administration's FY2004 budget requested \$500 million for the Assistance to Firefighters Program. The budget proposal sought to fund the fire grant program as part of the \$3.5 billion Office for Domestic Preparedness, located within the Department of Homeland Security's Directorate of Border and Transportation Security. The FY2004 Department of Homeland Security Appropriations Act P.L. 108-90) funded fire grants at \$746 million for FY2004, and provided fire grant funding as a separate appropriation within the Office for Domestic Preparedness.



The Conference Report (H.Rept. 108-280) specified 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.”

During FY2004, the fire grant program was administered by the Office for Domestic Preparedness. Funding was available in three categories: fire operations and firefighter safety, fire prevention, and firefighting vehicles. Grants for preparedness for weapons of mass destruction (WMD) incidents was specifically added in all three categories. ODP plans to direct grant money to “WMD Priority Communities” — primarily high-threat urban areas.<sup>7</sup>

The application period for the FY2004 grants opened on March 1 and closed on April 2, 2004. Over 20,000 applications were received, requesting approximately \$2.664 billion in funding (including both the federal and nonfederal share). Approximately \$2.345 billion in federal funding was requested. To date, 7876 awards have been made, totaling \$684,326,324. The Fire Prevention and Safety grant program issued 532 awards totaling \$35,234,823.

## **FY2005 Grants**

For FY2005, the Administration requested \$500 million for the fire grant program and zero for SAFER. The House passed the FY2005 Homeland Security Appropriations Act (H.R. 4567) on June 18, 2004. H.R. 4567 sought to provide \$600 million for firefighter grants in FY2005, while funding 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, sought to fund 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 directed DHS “to continue the present practice of funding applications according to local priorities and those established by

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<sup>7</sup> Office of Domestic Preparedness, Department of Homeland Security, 2004 Assistance to Firefighters Grant Program, Workshop for New Applicants, power point presentation available at [<http://www.firegrantsupport.com/present.aspx>].

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 program at \$650 million and SAFER at \$65 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 bill was signed into law (P.L. 108-334) on October 18, 2004.

The application period for the FY2005 Assistance to Firefighters Grant Program opened on March 7, 2005 and closed on April 8, 2005. Fire departments could apply for grants in one of two programmatic areas: Operations and Firefighter Safety and Firefighting Vehicle Acquisition. Unaffiliated EMS organizations could apply for grants in either EMS Operations and Safety or EMS Vehicle Acquisition. All applications were evaluated by peer review, although requests for equipment or training related to chemical, biological, radiological, nuclear, or explosive devices (CBRNE) and interoperable communications underwent additional state technical review. A total of 20,972 applications were received, requesting approximately \$2.916 billion in funding (including both the federal and nonfederal share). Approximately \$2.678 billion in federal funding was requested. To date, 5725 awards have been made, totaling \$585.6 million.

The Fire Prevention and Safety grant program accepted applications from September 6 through October 7, 2005. Applicants requested \$337.863 million in federal funds. To date, the Fire Prevention and Safety grant program has issued 97 awards totaling \$5.9 million.

The SAFER grants program accepted applications between May 31 and June 28, 2005. A total of 2954 applications were submitted, representing \$2.883 billion in total project costs and \$1.142 billion in federal funds requested. To date, 137 awards have been made, totaling \$61.3 million.

## **FY2006 Grants**

The Administration’s FY2006 budget proposal requested \$500 million for fire grants and zero for SAFER. 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.

On May 10, 2005 the House Appropriations Committee reported the FY2006 Homeland Security Appropriations bill (H.R. 2360; H.Rept. 109-79). The Committee recommended \$600 million for firefighter assistance, including \$550 million for fire grants and \$50 million for SAFER Act grants. The Committee did not agree with the Administration's proposal to shift the program's priority to terrorism or to limit the list of eligible activities. During House consideration of H.R. 2360, an amendment was adopted on the House floor (H.Amdt. 134 offered by Mr. Sabo) which added \$50 million to firefighter assistance — \$25 million for fire grants and \$25 million for SAFER grants. The House passed H.R. 2360 on May 17, 2005. The total House appropriation was \$575 million for fire grants and \$75 million for SAFER grants.

On June 16, 2005, the Senate Appropriations Committee approved its version of the FY2006 Homeland Security Appropriations bill. The Committee recommended \$615 million for firefighter assistance, including \$550 million for fire grants and \$65 million for SAFER Act grants. The Committee report states that DHS should "continue the present practice of funding applications according to local priorities and those established by the United States Fire Administration." After adopting S.Amdt. 1133 during floor debate, the Senate passed (on July 14, 2005) its version of H.R. 2360 which redistributes the \$615 million for firefighter assistance as follows: \$500 million for fire grants and \$115 million for SAFER act grants. The Conference agreement for H.R. 2360 (H.Rept. 109-241) provided a total of \$655 million for firefighter assistance, including \$545 million for fire grants and \$110 million for SAFER grants. The Conferees expressed concern with the Administration's proposed shift in focus from all-hazards to terrorism. Further, the Conferees specified that all previously funded areas should continue to be funded, and that the U.S. Fire Administration continue to be included in grant administration activities. The FY2006 Homeland Security Appropriations bill was signed into law (P.L. 109-90) on October 18, 2005. The government-wide 1% rescission mandated by the FY2006 Department of Defense appropriations bill (P.L. 109-115) lowered the FY2006 appropriation for assistance to firefighters (fire grants plus SAFER) to \$648 million.

The application period for the FY2006 Assistance to Firefighters Grant Program ran from March 6 through April 7, 2006. For the first time, the FY2006 program is accepting applications for regional projects. For up-to-date application information, official program guidelines, and frequently-asked-questions, see the Assistance to Firefighters grant program web page at [<http://www.firegrantsupport.com>].

## **Program Evaluation**

On May 13, 2003, the USFA released the first independent evaluation of the Assistance to Firefighters Program. Conducted by the U.S. Department of Agriculture's Leadership Development Academy Executive Potential Program, the survey study presented a number of recommendations and concluded overall that the program was "highly effective in improving the readiness and capabilities of

firefighters across the nation.”<sup>8</sup> Another evaluation of the fire grant program was released by the DHS Office of Inspector General in September 2003. The report concluded that the program “succeeded in achieving a balanced distribution of funding through a competitive grant process,”<sup>9</sup> and made a number of specific recommendations for improving the program.

The Administration’s FY2007 budget proposal was accompanied by program evaluations called the Program Assessment Rating Tool (PART). PART gave the fire grant program a rating of “Results Not Demonstrated,” and made the following criticisms: grant funding is not targeted for jurisdictions with higher rates of fire deaths, injuries, or hazards; performance measures reflect the program’s purpose, but data collection has been inconsistent; and in focusing on investments that have long been local funding responsibility, the program has provided little support for fire departments’ preparedness for terrorism and other catastrophic events.<sup>10</sup>

## Distribution of Fire Grants

The Fire Act statute provides overall guidelines on how fire grant money will be distributed and administered. The law directs 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 (currently 55%). The Assistance to Firefighters Grant Program Reauthorization Act of 2004 (Title XXXVI of P.L.108-375) raised award caps and lowered nonfederal matching requirements (based on recipient community population), extended eligibility to nonaffiliated emergency medical services (i.e. ambulance services not affiliated with fire departments), and expanded the scope of grants to include firefighter safety R&D.

There is no set geographical formula for the distribution of fire grants — fire departments throughout the nation apply, and award decisions are made by a peer panel based on the merits of the application and the needs of the community. However, the law does require that fire grants should be distributed to a diverse mix of fire departments, with respect to type of department (paid, volunteer, or combination), geographic location, and type of community served (e.g. urban, suburban, or rural).<sup>11</sup> The Fire Act’s implementing regulation provides that:

In a few cases, to fulfill our obligations under the law to make grants to a variety of departments, we may also make funding decisions using rank order as the preliminary basis, and then analyze the type of fire department (paid, volunteer, or combination fire departments), the size and character of the community it serves (urban, suburban, or rural), and/or the geographic location of the fire

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<sup>8</sup> For full report see [<http://www.usfa.fema.gov/downloads/pdf/affgp-fy01-usda-report.pdf>].

<sup>9</sup> Department of Homeland Security, Office of Inspections, Evaluations, and Special Reviews, “A Review of the Assistance to Firefighters Grant Program,” OIG-ISP-01-03, September 2003, p. 3. Available at [[http://www.dhs.gov/interweb/assetlibrary/OIG\\_Review\\_Fire\\_Assist.pdf](http://www.dhs.gov/interweb/assetlibrary/OIG_Review_Fire_Assist.pdf)].

<sup>10</sup> See [<http://www.whitehouse.gov/omb/expectmore/summary.10001071.2005.html>].

<sup>11</sup> 15 U.S.C. 2229(b)(9).

department. In these instances where we are making decisions based on geographic location, we will use States as the basic geographic unit.<sup>12</sup>

According to the FY2006 Program Guidance for the Assistance to Firefighters Program, career (paid) departments will compete against other career departments for up to 45% of the available funding, while volunteer and combination departments will compete for at least 55% of the available funding. However, given that less than 10% of fire grant applications are historically received from career departments, funding levels are likely not to reach the 45% ceiling for career departments.<sup>13</sup> Additionally, each fire department that applies is classified as either urban, suburban, or rural. In FY2003, 5% of fire grant awards went to urban areas, 13% to suburban areas, and 82% to rural areas.<sup>14</sup>

Finally, in an effort to maximize the diversity of awardees, the geographic location of an applicant (using states as the basic geographic unit) is used as a deciding factor in cases where applicants have similar qualifications.<sup>15</sup> **Table 7** shows a state-by-state breakdown of fire grant funding for FY2001 through FY2005, while **Table 8** shows a state-by-state breakdown of SAFER grant funding for FY2005 (the program's initial year). **Table 9** provides an in-depth look at the FY2005 fire grants, showing, for each state, the number of fire departments in each state,<sup>16</sup> the number of fire grant applications, the total amount requested, the total amount awarded, and the amount of funds awarded as a percentage of funds requested. As **Table 9** shows, fire departments on average received about 22% of the funds they requested in FY2005. This is down from 28% in FY2004 and 34% in FY2003.

## Activities in the 108<sup>th</sup> Congress

**Fire Act Reauthorization.** The authorization for the original Fire Act (Section 33 of the Federal Fire Prevention and Control Act, 15 USC 2229) extended through FY2004. On April 1, 2004, Representative Boehlert introduced H.R. 4107 — the Assistance to Firefighters Grant Reauthorization Act of 2004. H.R. 4107 would have extended the authorization (at a yearly level of \$900 million) through FY2007. The USFA Administrator was specifically designated as the entity who shall administer the program. Additionally, H.R. 4107 sought to increase the current

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<sup>12</sup> 44 CFR Part 152.6(c).

<sup>13</sup> Department of Homeland Security, *2006 Program Guidance for the Assistance to Firefighters Grant Program*, February 2006, p. 40.

<sup>14</sup> Department of Homeland Security, *Report on the Assistance to Firefighters Grant Program for FY2003*, October 7, 2005, p. 13.

<sup>15</sup> *Ibid.*, p. 34.

<sup>16</sup> The fire grant program sets a limit of one application per fire department. Thus, the number of fire departments in a state plays a major factor in the number of fire grant applications submitted and the amount of total funding awarded within a given state. For example, because Pennsylvania has — by far — the largest number of fire departments, it is not surprising that it leads the nation in the number of fire grants applications and the amount of funding awarded.

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, would have authorized the fire grant program through FY2010 and designated the Secretary of the Department of Homeland Security as the program's administering authority. 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-passed Defense Authorization bill (H.R. 4200). The Senate Committee on Commerce, Science and Transportation held a hearing on S. 2411 on July 8, 2004.

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. 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) by the President on October 28, 2004. **Table 6** provides a summary of key provisions.

**Table 6. Major Provisions of the Assistance to Firefighters Grant Program Reauthorization Act**

<b>Assistance to Firefighters Grant Program Reauthorization Act of 2004, Section XXXVI of P.L. 108-375, FY05 National Defense Authorization Act</b>
Places program under the authority of the USFA Administrator
Grant recipient limits: \$2.75 million — populations over 1 million \$1.75 million — 500K to 1 million \$1 million — under 500K DHS can waive these limits in instances of extraordinary need
Nonfederal match requirements: 20% for populations over 50K 10% for populations 20K to 50K 5% for populations less than 20K No match requirement for prevention and firefighter safety grants
Authorized for five years: FY2005 — \$900 million FY2006 — \$950 million FY2007 — \$1 billion FY2008 — \$1 billion FY2009 — \$1 billion
Expands grant eligibility to emergency medical service squads, not less than 3.5% of fire grant money for EMS, but no more than 2% for nonaffiliated EMS
Provides grants for firefighter health and safety R&D
Requires the USFA Administrator to convene an annual meeting of non-federal fire service experts to recommend criteria for awarding grants and administrative changes
Requires fire service peer review of grant applications
Requires the USFA, in conjunction with the National Fire Protection Association, to conduct a \$300,000, 18-month study on the fire grant program and the need for federal assistance to state and local communities to fund firefighting and emergency response activities

**SAFER Act.** In response to concerns over the adequacy of firefighter staffing, the 108<sup>th</sup> Congress enacted the Staffing for Adequate Fire and Emergency Response (SAFER) Act as Section 1057 of the FY2004 National Defense Authorization Act (P.L. 108-136; signed into law November 24, 2003). The SAFER grant program is codified as Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a). The SAFER Act authorizes grants to career, volunteer, and combination fire departments for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards. Also authorized are grants to volunteer fire departments for activities related to the recruitment and retention of volunteers. P.L. 108-136 authorizes over one billion dollars per year through FY2010 for SAFER.

Two types of grants are authorized by the SAFER Act: hiring grants and recruitment and retention grants. *Hiring grants* cover a four year term and are cost-shared with the local jurisdiction. According to the statute, the federal share shall not exceed 90% in the first year of the grant, 80% in the second year, 50% in the third year, and 30% in the fourth year. The grantee must commit to retaining the firefighter or firefighters hired with the SAFER grant for at least one additional year after the federal money expires. Total federal funding for hiring a firefighter over the four year grant period may not exceed \$100,000, although that total may be adjusted for inflation. While the majority of hiring grants will be awarded to career and combination fire departments, the SAFER Act specifies that 10% of the total SAFER appropriation be awarded to volunteer or majority-volunteer departments for the hiring of personnel.

Additionally, at least 10% of the total SAFER appropriation is set aside for *recruitment and retention grants*, which are available to volunteer and combination fire departments for activities related to the recruitment and retention of volunteer firefighters. Also eligible for recruitment and retention grants are local and statewide organizations that represent the interests of volunteer firefighters. No local cost sharing is required for recruitment and retention grants.

## **Issues in the 109<sup>th</sup> Congress**

An ongoing issue is the focus of the fire grant program. Similar to the FY2006 proposal, the Administration's FY2007 budget proposal would give priority to grant applications enhancing anti-terrorism capabilities. Firefighting groups have questioned this proposed shift, arguing that the original purpose of the Fire Act (enhancing basic firefighting needs) should not be compromised or diluted. Under the Administration's proposal, FY2007 fire grants would be available exclusively for training, vehicles, firefighting equipment and personal protective equipment. Wellness/fitness activities and fire station modification would not be funded. Activities such as prevention, public fire safety education and awareness, fire code enforcement, fire inspector certifications and inspection activities, purchase and installation of smoke detectors, wild land mitigation awareness, and arson prevention would be funded under the separate fire prevention and firefighter safety grant program.

Meanwhile, the Administration's FY2007 budget proposal requests \$293.45 million for fire grants in FY2007, a cut of 46% from the FY2006 level. Opponents of the cuts argue that the reduced levels are inadequate to meet the needs of fire departments, while the Administration argues that reduced levels are sufficient to enhance critical capabilities. Also, for the third consecutive year, the Administration is requesting no funding for SAFER Act grants. While firefighters assert that inadequate state and local budgets leave many fire departments critically understaffed and in need of federal assistance, the Administration argues that funding local firefighter hiring is not an appropriate federal role. For information on House and Senate actions regarding appropriations for the fire grant and SAFER programs, see CRS Report RS21302, *Assistance to Firefighters Program*, by Lennard G. Kruger.



**Table 7. State-by-State Distribution of Fire Grants,  
FY2001-FY2005**  
(millions of dollars)

	<b>FY2001</b>	<b>FY2002</b>	<b>FY2003</b>	<b>FY2004</b>	<b>FY2005</b>	<b>Total</b>
Alabama	3.085	12.503	23.329	25.097	20.836	84.85
Alaska	1.303	2.641	5.242	2.522	3.111	14.819
Arizona	1.37	3.6	7.490	9.808	7.905	30.173
Arkansas	1.337	4.635	10.675	13.680	10.402	40.729
California	5.905	18.978	30.060	29.793	25.631	110.367
Colorado	1.003	3.968	6.168	5.585	6.073	22.797
Connecticut	1.828	4.675	10.841	9.991	7.287	34.622
Delaware	0.132	0.372	1.096	1.755	1.161	4.516
District of Columbia	0	0.22	0	0	0.453	0.673
Florida	2.865	10.16	16.344	15.969	17.922	63.26
Georgia	2.375	6.079	13.791	11.857	10.168	44.27
Hawaii	0	1.182	0.947	0.864	1.205	4.198
Idaho	0.916	2.744	6.001	4.828	4.684	19.173
Illinois	2.417	13.398	28.810	27.238	25.433	97.296
Indiana	2.703	8.739	20.456	18.646	15.779	66.323
Iowa	1.301	7.284	16.087	16.430	13.119	54.221
Kansas	1.153	5.118	10.850	10.211	7.165	34.497
Kentucky	2.215	7.896	19.832	16.150	14.215	60.308
Louisiana	3.344	10.084	12.248	11.101	11.630	48.407
Maine	1.296	4.319	10.323	10.031	6.124	32.093
Maryland	0.739	4.08	8.153	10.227	8.771	31.97
Massachusetts	2.301	8.386	15.715	13.958	13.529	53.889
Michigan	2.815	8.948	17.247	20.005	15.088	64.103
Minnesota	2.133	8.149	17.510	18.609	14.894	61.295
Mississippi	1.763	6.755	15.679	11.329	9.856	45.382
Missouri	3.079	10.291	19.573	17.757	14.246	64.946
Montana	1.164	3.726	8.361	7.271	6.656	27.178
Nebraska	1.034	2.392	7.820	6.577	5.116	22.939
Nevada	0.282	1.446	3.312	1.405	1.946	8.391
New Hampshire	0.594	1.887	4.584	5.694	4.563	17.322
New Jersey	2.596	6.339	19.982	16.488	14.691	60.096
New Mexico	1.455	3.463	5.048	3.653	2.259	15.878
New York	3.978	14.728	34.320	35.030	36.009	124.065

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	<b>FY2001</b>	<b>FY2002</b>	<b>FY2003</b>	<b>FY2004</b>	<b>FY2005</b>	<b>Total</b>
North Carolina	1.949	10.239	22.864	22.360	19.315	76.727
North Dakota	0.546	2.613	5.105	3.391	2.673	14.328
Ohio	2.731	13.742	26.997	29.107	27.344	99.921
Oklahoma	1.864	4.939	10.540	10.393	8.757	36.493
Oregon	1.596	4.892	9.896	10.122	10.014	36.52
Pennsylvania	2.89	16.97	45.179	47.898	39.233	152.17
Rhode Island	0.407	1.507	2.327	1.917	2.129	8.287
South Carolina	1.554	5.257	11.832	14.150	10.544	43.337
South Dakota	0.904	3.142	5.602	4.693	3.570	17.911
Tennessee	2.46	11.509	19.306	18.686	15.047	67.008
Texas	3.697	15.644	29.264	30.118	23.480	102.203
Utah	0.9	2.754	4.628	3.880	2.188	14.35
Vermont	0.451	1.971	5.163	4.747	2.071	14.403
Virginia	2.066	8.79	15.816	16.668	14.357	57.697
Washington	1.535	7.544	18.808	19.565	15.763	63.215
West Virginia	1.067	3.966	9.942	9.133	10.143	34.251
Wisconsin	2.077	7.518	18.234	19.668	17.685	65.182
Wyoming	1.09	1.612	3.507	1.811	2.032	10.052
Puerto Rico	0.657	0.382	1.643	1.140	1.104	4.926
Saipan	0	0.225	0	0	0.220	0.445
Rota	0.145	0	0	0	0	0.145
Guam	0	0.016	0	0	0	0.016
American Samoa	0.164	0	0	0.284	0	0.448
Virgin Islands	0.741	0	0.544	0	0	1.285
<b>Total</b>	<b>91.972</b>	<b>334.417</b>	<b>695.121</b>	<b>679.305</b>	<b>585.619</b>	<b>2386.366</b>

**Source:** Department of Homeland Security.

**Table 8. State-by-State Distribution of SAFER Grants, FY2005**  
(millions of dollars)

	<b>FY2005</b>
Alabama	1.611
Alaska	1.051
Arizona	1.560
Arkansas	0.394
California	5.221
Colorado	1.584
Connecticut	0.130
Delaware	0
District of Columbia	0
Florida	6.576
Georgia	5.354
Hawaii	0
Idaho	0.063
Illinois	1.340
Indiana	0
Iowa	0.169
Kansas	0.667
Kentucky	0.152
Louisiana	3.430
Maine	0.081
Maryland	0.096
Massachusetts	1.300
Michigan	1.759
Minnesota	0.300
Mississippi	0.756
Missouri	1.467
Montana	0.034
Nebraska	0
Nevada	1.500
New Hampshire	0.400
New Jersey	6.374
New Mexico	0
New York	1.540
North Carolina	2.155
North Dakota	0

	<b>FY2005</b>
Ohio	1.319
Oklahoma	0.147
Oregon	1.710
Pennsylvania	1.244
Rhode Island	0.400
South Carolina	0.456
South Dakota	0.063
Tennessee	2.700
Texas	0.951
Utah	0.900
Vermont	0
Virginia	2.091
Washington	2.298
West Virginia	0
Wisconsin	0
Wyoming	0
Puerto Rico	0
Northern Mariana Islands	0
Marshall Islands	0
Guam	0
American Samoa	0
Virgin Islands	0
Republic of Palua	0
<b>Total</b>	<b>61.356</b>

**Source:** Department of Homeland Security.

**Table 9. Requests and Awards for Fire Grant Funding, FY2005**

State	Number of fire/EMS departments <sup>a</sup>	Number of applications	Federal funds requested (\$millions)	Federal funds awarded (\$millions)	Funds awarded as a percentage of funds requested
Alabama	935	677	80.250	20.836	0.2596386293
Alaska	110	76	12.600	3.111	0.2469047619
Arizona	267	142	24.051	7.905	0.3286765623
Arkansas	818	483	47.556	10.402	0.2187316006
California	757	524	83.800	25.631	0.3058591885
Colorado	354	199	30.094	6.073	0.2018010235
Connecticut	365	231	33.834	7.287	0.2153750665
Delaware	72	33	5.530	1.161	0.2099457505
District of Columbia	11	2	0.491	0.453	0.9226069246
Florida	696	317	59.155	17.922	0.3029667822
Georgia	767	342	49.376	10.168	0.2059300065
Hawaii	16	5	1.257	1.205	0.9586316627
Idaho	206	141	19.547	4.684	0.2396275643
Illinois	1041	864	111.592	25.433	0.2279106029
Indiana	621	521	68.534	15.779	0.2302360872
Iowa	856	618	66.628	13.119	0.1968992015
Kansas	664	352	37.463	7.165	0.191255372
Kentucky	779	567	69.659	14.215	0.2040655192
Louisiana	538	328	38.373	11.630	0.3030776848
Maine	416	290	35.298	6.124	0.173494249
Maryland	381	207	38.558	8.771	0.2274754915
Massachusetts	398	306	52.792	13.529	0.2562698894
Michigan	824	700	77.586	15.088	0.1944680741
Minnesota	755	593	66.207	14.894	0.2249611068
Mississippi	746	449	47.699	9.856	0.2066290698
Missouri	846	576	62.244	14.246	0.2288734657
Montana	271	224	23.935	6.656	0.2780864842

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State	Number of fire/EMS departments <sup>a</sup>	Number of applications	Federal funds requested (\$millions)	Federal funds awarded (\$millions)	Funds awarded as a percentage of funds requested
Nebraska	483	272	29.818	5.116	0.1715742169
Nevada	151	44	7.087	1.946	0.2745872725
New Hampshire	247	165	18.693	4.563	0.2441020703
New Jersey	988	584	74.682	14.691	0.1967140676
New Mexico	324	120	15.485	2.259	0.1458831127
New York	1815	1353	158.458	36.009	0.2272463366
North Carolina	1372	786	113.828	19.315	0.1696858418
North Dakota	319	184	16.459	2.673	0.1624035482
Ohio	1312	909	126.049	27.344	0.2169315108
Oklahoma	760	448	43.852	8.757	0.1996944267
Oregon	346	204	29.351	10.014	0.3411808797
Pennsylvania	2563	1939	268.033	39.233	0.1463737674
Rhode Island	95	71	8.662	2.129	0.2457861926
South Carolina	576	392	51.922	10.544	0.2030738415
South Dakota	341	227	18.533	3.570	0.1926293638
Tennessee	625	485	56.533	15.047	0.266163126
Texas	1808	828	114.576	23.480	0.2049294791
Utah	218	131	13.171	2.188	0.1661225419
Vermont	248	150	17.554	2.071	0.1179788082
Virginia	769	385	60.347	14.357	0.2379074353
Washington	524	352	57.413	15.763	0.2745545434
West Virginia	465	318	41.082	10.143	0.246896451
Wisconsin	881	696	71.982	17.685	0.2456864216
Wyoming	128	68	10.631	2.032	0.1911391214
Puerto Rico	Not available	89	7.245	1.104	0.1523809524
Northern Marianas	Not available	3	0.577	0.220	0.3812824957
Guam	Not available	1	1.000	0	0

State	Number of fire/EMS departments <sup>a</sup>	Number of applications	Federal funds requested (\$millions)	Federal funds awarded (\$millions)	Funds awarded as a percentage of funds requested
Virgin Islands	Not available	1	0.798	0	0
<b>Total</b>	<b>31,822</b>	<b>20,972</b>	<b>2,677.956</b>	<b>585.619</b>	<b>21.87%</b>

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**Source:** Department of Homeland Security.

a. Data from [<http://firehouse.com>].