

# CRS Report for Congress

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## Assistance to Firefighters Program

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### Summary

The Assistance to Firefighters Grant (AFG) 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). 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 Administration's FY2007 budget proposal requested \$293 million for fire grants in FY2007, a cut of 46% from the FY2006 appropriation. The Administration requested no funding for SAFER Act grants. The FY2007 Department of Homeland Security appropriations bill (P.L. 109-295) provides \$547 million for fire grants and \$115 million for SAFER. P.L. 109-295 also transferred fire and SAFER grants back to the Federal Emergency Management Agency (FEMA). 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,<sup>1</sup> there did not exist a dedicated program, exclusively for firefighters, which provided federal money directly to local fire departments to help address a wide variety of equipment, training, and other firefighter-related needs.

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<sup>1</sup> For a list of federal programs providing assistance to state and local first responders, see CRS Report RL32348, *Selected Federal Homeland Security Assistance Programs: A Summary*, by Shawn Reese.

## Authorizations: The FIRE Act and the SAFER Act

During the 106<sup>th</sup> 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)<sup>2</sup> 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.

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 108<sup>th</sup> 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 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

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<sup>2</sup> “Firefighter assistance” is codified as section 33 of the Federal Fire Prevention and Control Act of 1974 (15 USC 2229).

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) reauthorized 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 were raised, nonfederal matching requirements were lowered, eligibility was extended to include nonaffiliated emergency medical services (i.e. ambulance services not affiliated with fire departments), and the scope of grants was expanded to include firefighter safety R&D.<sup>3</sup> H.R. 4200 did not contain the provision on volunteer firefighter discrimination. The reauthorization legislation designated 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.

A related issue is the role of the federal government in assisting fire departments to hire personnel. In 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). 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.<sup>4</sup>

## Appropriations

From FY2001 through FY2003, the Assistance to Firefighters Grant (AFG) 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 Homeland Security. The program received an appropriation of \$100 million in FY2001 (its initial year), \$360 million in FY2002, \$745 million in FY2003, \$746 million in FY2004, \$650 million in FY2005 and \$539 million in FY2006. **Table 1** shows recent appropriated funding for firefighter assistance.

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<sup>3</sup> 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.

<sup>4</sup> For more details on the SAFER grant program, see CRS Report RL33375, *Staffing for Adequate Fire and Emergency Response: The SAFER Grant Program*, by Lennard G. Kruger.

**Table 1. Appropriations for Firefighter Assistance**  
(millions of dollars)

	<b>FY2005 (P.L. 108-334)</b>	<b>FY2006 (P.L. 109-90)</b>	<b>FY2007 Admin. request</b>	<b>FY2007 (H.R. 5441 passed by House)</b>	<b>FY2007 (H.R. 5441 passed by Senate)</b>	<b>FY2007 (P.L. 109-295)</b>
FIRE Grants	650	539*	293	543.1	552.5	547
SAFER Grants	65	109*	0	112.1	127.5	115
Total	715	648*	293	655.2	680	662

\* Reflects government-wide 1% rescission.

**FY2006.** The Administration's budget proposal requested \$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.

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.

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 stated 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 redistributed 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 to \$648 million.

**FY2007.** The Administration's budget proposal requested \$293.45 million for fire grants in FY2007, a cut of 46% from the FY2006 appropriation for fire grants. The total of \$293.45 million requested for the firefighter assistance account (which includes both fire grants and SAFER grants) was down 55% from the FY2006 level (see **Table 1**). According to the Administration's budget justification, the reduced appropriation for fire grants "will be sufficient to fund hundreds of applications, focusing on those applications that enhance the most critical capabilities enhancing local response to fire, terrorism, and major disasters." According to the Administration proposal, priority would be given to grant applications enhancing terrorism capabilities. Fire grants would be available 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. The Administration requested no funding for SAFER Act grants, which support the hiring of firefighters as well as the recruitment and retention of volunteer firefighters. According to the budget justification, "the Administration has not requested funds for SAFER Grants in FY2007 on the grounds that local public safety agencies should assume responsibility for funding the appropriate number of personnel, and that Federal-funding for hiring local responders puts newly-funded personnel at risk once grant dollars phase out."

On May 17, 2006, the House Appropriations Committee approved \$500 million for fire grants and \$40 million for SAFER grants in FY2007. In H.Rept. 109-476, the Committee directed DHS to administer the grant programs in a manner identical to the current year. The Committee did not agree to limit the list of eligible activities, nor to refocus program priorities on terrorism. On May 25, during floor consideration of the FY2007 Department of Homeland Security appropriations bill (H.R. 5441), the House approved an amendment offered by Mr. Sabo which increased FY2007 funding to \$541 million for fire grants and \$110 million for SAFER grants. An additional House amendment added \$2.1 million to each grant program for a total of \$543.1 million for fire grants and \$112.1 million for SAFER. H.R. 5441 was passed by the House on June 6, 2006. On June 29, 2006, the Senate Appropriations Committee approved \$540 million for fire grants and \$115 million for SAFER. In S.Rept. 109-273, the Committee directed DHS to continue direct funding to fire departments and the peer review process, to continue the present practice of funding applications according to local priorities and those established by the USFA, and to favor applications that take a regional approach in equipment purchases and their future deployment. On July 13, the Senate approved by Unanimous Consent an amendment sponsored by Senator Dodd which increased FY2007 funding to \$552.5 million for fire grants and \$127.5 million for SAFER grants. H.R. 5441 was passed by the Senate on July 13, 2006. The Conference Agreement (H.Rept. 109-699) provided \$547 million for fire grants and \$115 million for SAFER. The Conference Agreement also designated \$3 million for foam firefighting equipment used in remote areas without access to water. The FY2007 Department of Homeland Security appropriations bill was signed into law (P.L. 109-295) on October 4, 2006.

## Issues

A primary issue in the Second Session of the 109<sup>th</sup> Congress was the Administration's proposed 46% cut for fire grants and the proposed zero funding of the SAFER grants in FY2007. Opponents of the cuts argued that the reduced levels were inadequate to meet the needs of fire departments, while the Administration argued that reduced levels were sufficient to enhance critical capabilities. Aside from budget issues, an ongoing issue is the focus of the fire grant program. Administration budget proposals have sought to shift the priority of the fire grant program to terrorism preparedness. 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.

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/FEMA 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, then-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) placed the fire grant program within OSLGCP. However, the Assistance to Firefighters Grant Program Reauthorization Act of 2004 (P.L. 108-375) designated administration of the fire grant program to USFA. According to the FY2006 budget request, the fire grant program would be administered by the OSLGCP "in cooperation with the USFA."

On July 13, 2005, DHS Secretary Michael Chertoff announced a restructuring of DHS, effective October 1, 2005. Under the restructuring plan, the fire grants (as well as the SAFER grants) were administered by the Office of Grants and Training in the new DHS Directorate for Preparedness. However, legislation considered in the 109<sup>th</sup> Congress sought to restructure FEMA within DHS, with the result that fire and SAFER grant programs would be transferred back to FEMA. Ultimately, Title VI of the Conference Agreement on the DHS appropriations bill (P.L. 109-295; H.Rept. 109-699), the Post Katrina Emergency Management Reform Act of 2006, transferred most of the existing Preparedness Directorate (including fire and SAFER grants and the USFA) back to an enhanced FEMA.