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Staffing for Adequate Fire and Emergency Response: The SAFER Grant Program

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Summary

In response to concerns over the adequacy of firefighter staffing, the Staffing for Adequate Fire and Emergency Response Act, known as the SAFER Act, was enacted by the 108th Congress as Section 1057 of the FY2004 National Defense Authorization Act (P.L. 108-136). The SAFER Act authorizes grants to career, volunteer, and combination local 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 recruitment and retention of volunteers. SAFER is administered by the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS).

With the economic downturn adversely affecting budgets of local governments, concerns arose that modifications to the SAFER statute may be necessary to enable fire departments to more effectively and affordably participate in the program. From FY2009 through FY2015, annual appropriations bills contained provisions that waive certain provisions of the SAFER statute. The waivers served to reduce the financial obligation on SAFER grant recipients, and allowed SAFER grants to be used to rehire laid-off firefighters and to fill positions lost through attrition.

The 112th Congress enacted the Fire Grants Reauthorization Act of 2012 (P.L. 112-239), which reauthorized SAFER through FY2017; altered the grant distribution formula among career, volunteer, combination, and paid-on-call fire departments; raised available funding for higher population areas; and addressed waiver issues previously addressed in annual appropriations legislation.

On December 18, 2015, the President signed the Consolidated Appropriations Act, 2016 (P.L. 114-113). The law provided \$690 million for firefighter assistance in FY2016, including \$345 million for SAFER and \$345 million for AFG. For FY2017, the Administration requested \$335 million for SAFER and \$335 million for AFG, a reduction of \$10 million for each program from the FY2016 enacted level. For FY2017, the Senate Appropriations Committee bill would provide \$340 million each to SAFER and AFG, while the House Appropriations Committee bill would provide \$345 million for each program. Meanwhile, the House bill would transfer the Firefighter Assistance budget account into FEMA's Federal Assistance account, while the Senate bill would maintain the Firefighter Assistance budget account as a separate and distinct line item.

The 114th Congress is considering budget appropriations for SAFER. As is the case with many federal programs, concerns over the federal budget deficit could impact budget levels. At the same time, firefighter assistance budgets will likely receive heightened scrutiny from the fire community, given the local budgetary cutbacks that many fire departments are now facing. The 114th Congress may also examine the impact of new SAFER hiring grant guidelines mandated by P.L. 112-239, the Fire Grants Reauthorization Act of 2012. The continuing issue is how effectively grants are being distributed and used to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

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Background and Genesis of SAFER

Firefighting and the provision of fire protection services to the public is traditionally a local responsibility, funded primarily by state, county, and municipal governments. During the 1990s, however, 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. Since enactment of the FIRE Act¹ in the 106th Congress, the Assistance to Firefighters Grants (AFG) program (also known as “fire grants” and “FIRE Act grants”) has provided funding for equipment and training directly from the federal government to local fire departments.²

Since the fire grant program commenced in FY2001, funding has been used by fire departments to purchase firefighting equipment, personal protective equipment, and firefighting vehicles. Many in the fire-service community argued that notwithstanding the fire grant program, there remained a pressing need for an additional federal grant program to assist fire departments in the hiring of firefighters and the recruitment and retention of volunteer firefighters. They asserted that without federal assistance, many local fire departments would continue to be unable to meet national consensus standards for minimum staffing levels, which specify at least four firefighters per responding fire vehicle (or five or six firefighters in hazardous or high-risk areas).³ Fire-service advocates also pointed to the Community Oriented Policing Services (COPS) program⁴ as a compelling precedent of federal assistance for the hiring of local public safety personnel.

In support of SAFER, fire-service advocates cited studies performed by the U.S. Fire Administration and the National Fire Protection Association,⁵ the *Boston Globe*,⁶ and the National Institute for Occupational Safety and Health (NIOSH)⁷ which concluded that many fire departments fall below minimum standards for personnel levels. According to these studies, the result of this shortfall can lead to inadequate response to different types of emergency incidents, substandard response times, and an increased risk of firefighter fatalities.

¹ Title XVII of the FY2001 Floyd D. Spence National Defense Authorization Act (P.L. 106-398).

² For more information, see CRS Report RL32341, *Assistance to Firefighters Program: Distribution of Fire Grant Funding*, by (name redacted) .

³ These refer to consensus standards developed by the National Fire Protection Association (NFPA): NFPA 1710 (“Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments”), and NFPA 1720 (“Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments”). NFPA standards are voluntary unless adopted as law by governments at the local, state, or federal level, and are also often considered by insurance companies when establishing rates. Another applicable standard to this debate is the federal Occupational Safety and Health Administration (OSHA) standard on respiratory protection in structural firefighting situations (29 C.F.R. 1910.134(g)), which requires at least four firefighters (two in and two for backup) before entering a hazardous environment wearing a Self-Contained Breathing Apparatus.

⁴ For more information on the COPS program, see CRS Report RL33308, *Community Oriented Policing Services (COPS): In Brief*, by (name redacted)

⁵ National Fire Protection Association, *Third Needs Assessment of the U.S. Fire Service*, June 2011, available at <http://www.nfpa.org/assets/files/2011NeedsAssessment.pdf>.

⁶ Dedman, Bill, “Deadly Delays: The Decline of Fire Response,” *Boston Globe Special Report*, January 30, 2005. Available at <http://www.boston.com/news/specials/fires/>.

⁷ National Institute for Occupational Safety and Health, “National Institute for Occupational Safety and Health (NIOSH) Fire Fighter Fatality Investigation and Prevention Program, 1998-2005,” March 2006, 16 pp. Available at <http://www.cdc.gov/niosh/fire/pdfs/progress.pdf>.

On the other hand, those opposed to SAFER grants have contended that funding for basic local government functions—such as paying for firefighter salaries—should not be assumed by the federal government, particularly at a time of high budget deficits. Also, some SAFER opponents disagree that below-standard levels in firefighting personnel are necessarily problematic, and point to statistics indicating that the number of structural fires in the United States has continued to decline over the past 20 years.⁸

The SAFER Act

In response to concerns over the adequacy of firefighter staffing, the Staffing for Adequate Fire and Emergency Response Act—popularly called the “SAFER Act”—was introduced into the 107th and 108th Congresses.⁹ The 108th Congress enacted the SAFER Act as Section 1057 of the FY2004 National Defense Authorization Act (P.L. 108-136; signed into law November 24, 2003). The SAFER provision was added as an amendment to S. 1050 on the Senate floor (S.Amdt. 785, sponsored by Senator Dodd) and modified in the FY2004 Defense Authorization conference report (H.Rept. 108-354). 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.

SAFER Reauthorization

On January 2, 2013, the President signed P.L. 112-239, the FY2013 National Defense Authorization Act. Title XVIII, Subtitle A is the Fire Grants Reauthorization Act of 2012, which significantly amends the SAFER statute (15 U.S.C. 2229a) and authorizes the SAFER program through FY2017. **Table 1** provides a summary of key SAFER provisions in the 2012 reauthorization, and provides a comparison with the previous version of the SAFER statute.

Two types of grants are authorized by the SAFER Act: hiring grants and recruitment and retention grants. *Hiring grants* cover a three-year term and are cost shared with the local jurisdiction. According to the amended statute, the federal share shall not exceed 75% in the first year of the grant, 75% in the second year, and 35% in the third year. 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

⁸ See Lehrer, Eli, “Do We Need More Firefighters?” *Weekly Standard*, April 12, 2004, pp. 21-22. Available at <http://www.sipr.org/default.aspx?action=PublicationDetails&id=44>. See also Easterbrook, Gregg, “Where’s the Fire?” *New Republic Online*, August 9, 2004. Available at <http://www.tnr.com/doc.mhtml?i=express&s=easterbrook080904>.

⁹ 107th Congress: S. 1617 (Dodd), H.R. 3992 (Boehlert), H.R. 3185 (Green, Gene). 108th Congress: S. 544 (Dodd), H.R. 1118 (Boehlert).

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.

Table I. Key SAFER Provisions of Fire Grant Reauthorization

Previous Statute (15 U.S.C. 2229a)	Fire Grant Reauthorization Act of 2012 (Title XVIII of P.L. 112-239)
grant period is 4 years, grantees are required to retain for at least 1 year beyond the termination of their grants those firefighter positions hired under the grant	shortens the grant period to three years, with no requirement that fire departments must retain SAFER funded firefighters for an extra year
year 1—10% local match year 2—20% local match year 3—50% local match year 4—70% local match	year 1—25% local match year 2—25% local match year 3—65% local match
total funding over 4 years for hiring a firefighter may not exceed \$100K, adjusted annually for inflation	for the first year, the amount of funding provided for hiring a firefighter may not exceed 75% of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted for the second year, the amount of funding provided for hiring a firefighter may not exceed 75% of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted for the third year, the amount of funding provided for hiring a firefighter may not exceed 35% of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted
state, local, and Indian tribal governments eligible for recruitment and retention funds	additionally makes national organizations eligible for recruitment and retention funds
no provision for economic hardship waivers	allows FEMA, in the case of economic hardship, to waive cost share requirements, as well as the prohibition on supplanting local funds and maintenance of expenditure requirements (which would allow grants to be used for retention and rehiring laid-off firefighters)
authorized for 7 years starting at \$1 billion in FY2004, ending at \$1.194 billion in FY2010	reauthorizes the SAFER grant program at \$750 million for FY2013; for each of FY2014-FY2017, an amount equal to the amount authorized the previous fiscal year, increased by the percentage by which the Consumer Price Index for the previous fiscal year exceeds the preceding year
no provision on congressionally directed spending	no funds may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives)
authority to make grants shall lapse 10 years from November 24, 2003	the authority to award assistance and grants shall expire five years after the date of enactment

Source: Fire Grants Reauthorization Act of 2012, Title VIII, Subtitle A of FY2013 National Defense Authorization Act, P.L. 112-239.

P.L. 112-239 mandates studies and reports on the effectiveness of the SAFER grant program. Specifically

- FEMA is directed to develop a performance assessment system to evaluate SAFER (as well as AFG) grants. Not later than September 30, 2014, FEMA shall submit a report to Congress concerning the effectiveness of SAFER grants.

- The Comptroller General is directed to submit a report to Congress assessing the effect of the amendments to the SAFER statute made by the Fire Grants Reauthorization of 2012.

Legislation in the 114th Congress

Not including annual appropriations bills, the following has been introduced into the 114th Congress:

- H.R. 366 (Cohen) and H.R. 1978 (Polis), introduced on January 14, 2015, and April 22, 2015, respectively, would direct DHS to award SAFER grants to hire veterans as firefighters.
- S. 2002 (Cornyn) and H.R. 3722 (McSally) introduced on August 5, 2015, and October 8, 2015, respectively, would authorize SAFER grants to provide specialized training to paramedics, emergency medical services workers, and other first responders to recognize individuals who have mental illness and how to properly intervene with individuals with mental illness, including strategies for verbal de-escalation of crises.
- H.R. 3555 (Wilson of Florida), introduced on September 17, 2015, would make available \$1 billion to the SAFER program.

Appropriations

The SAFER grant program receives its annual appropriation through the House and Senate Appropriations Subcommittees on Homeland Security. Within the appropriations bills, SAFER is listed under the line item, “Firefighter Assistance Grants,” which is located in Title III—Protection, Preparedness, Response, and Recovery. “Firefighter Assistance Grants” also includes the Assistance to Firefighters Grant Program.

Although authorized for FY2004, SAFER did not receive an appropriation in FY2004. **Table 2** shows the appropriations history for firefighter assistance, including SAFER, AFG, and the Fire Station Construction Grants (SCG) grants provided in the American Recovery and Reinvestment Act (ARRA). **Table 3** shows recent and proposed appropriated funding for the SAFER and AFG grant programs.

Table 2. Appropriations for Firefighter Assistance, FY2001-FY2016

	AFG	SAFER	SCG^a	Total
FY2001	\$100 million			\$100 million
FY2002	\$360 million			\$360 million
FY2003	\$745 million			\$745 million
FY2004	\$746 million			\$746 million
FY2005	\$650 million	\$65 million		\$715 million
FY2006	\$539 million	\$109 million		\$648 million
FY2007	\$547 million	\$115 million		\$662 million
FY2008	\$560 million	\$190 million		\$750 million
FY2009	\$565 million	\$210 million	\$210 million	\$985 million

	AFG	SAFER	SCG^a	Total
FY2010	\$390 million	\$420 million		\$810 million
FY2011	\$405 million	\$405 million		\$810 million
FY2012	\$337.5 million	\$337.5 million		\$675 million
FY2013	\$321 million	\$321 million		\$642 million
FY2014	\$340 million	\$340 million		\$680 million
FY2015	\$340 million	\$340 million		\$680 million
FY2016	\$345 million	\$345 million		\$690 million
Total	\$7.28 billion	\$3.19 billion	\$210 million	\$10.7 billion

a. Assistance to Firefighters Fire Station Construction Grants (SCG) grants were funded by the American Recovery and Reinvestment Act (P.L. 111-5).

Table 3. Recent and Proposed Appropriations for Firefighter Assistance
(millions of dollars)

	FY2015 (Admin. request)	FY2015 (P.L. 114- 4)	FY2016 (Admin. request)	FY2016 (P.L. 114- 113)	FY2017 (Admin. request)	FY2017 (S. 3001)	FY2017 (House Approp. Comm)
FIRE Grants (AFG)	335	340	335	345	335	340	345
SAFER Grants	335	340	335	345	335	340	345
Total	670	680	670	690	670	680	690

FY2015

The Administration’s FY2015 budget proposed \$670 million for firefighter assistance, including \$335 million for SAFER and \$335 million for AFG. The Administration requested that all previous SAFER waivers again be enacted for FY2015. Also in the budget proposal, FEMA “strongly encourages applicants, to the extent practicable, to seek, recruit, and hire post-9/11 veterans to increase their ranks within their department in order to take advantage of the provisions of the Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011.”

On June 11, 2014, the House Appropriations Committee approved H.R. 4903, the Department of Homeland Security Appropriations Act, 2015. The bill would provide \$680 million in firefighter assistance, including \$340 million for SAFER and \$340 million for AFG. The bill also would continue to grant DHS waiver authority from SAFER requirements in FY2015. In the accompanying report (H.Rept. 113-481), the committee noted that this annual waiver authority has been available since FY2009, and that the reauthorization of the SAFER program by the 112th Congress (P.L. 112-239) provided FEMA with permanent authority to waive certain matching and non-supplantation requirements for grantees based on a determination that a grantee meets economic hardship criteria. Given that FEMA has been working with stakeholders to develop these criteria and that the agency hopes to soon be able to implement its new waiver authority, the committee expects that FY2015 should be the last instance in which annual waiver authority will be provided, and that any waivers in future fiscal years will be limited to the authorization provided in P.L. 112-239.

On June 26, 2014, the Senate Appropriations Committee approved S. 2534, its version of the Department of Homeland Security Act, 2015. As did the House committee, the Senate bill would provide \$680 million in firefighter assistance, including \$340 million for SAFER and \$340 million for AFG. The Senate bill would also continue to grant DHS waiver authority from SAFER requirements in FY2015. In the accompanying report (S.Rept. 113-198), the committee expressed its expectation that DHS will take into consideration economic hardship when exercising the waiver authority.

The Department of Homeland Security Appropriations Act, 2015 (P.L. 114-4) was signed by the President on March 4, 2015, and provided \$680 million in firefighter assistance, including \$340 million for SAFER and \$340 million for AFG.

FY2016

The Administration's FY2016 budget proposed \$670 million for firefighter assistance, including \$335 million for SAFER and \$335 million for AFG. The Administration's FY2016 budget would maintain SAFER waiver authority for FY2016.

On June 18, 2015, the Senate Appropriations Committee reported S. 1619, the Department of Homeland Security Act, 2016. Identical to the funding level in FY2015, the Senate bill would provide \$680 million in firefighter assistance, including \$340 million for SAFER and \$340 million for AFG. In the accompanying report (S.Rept. 114-68), the committee encourages FEMA to prioritize resources for staffing grants to rural departments that meet both local and regional needs. As in the past, bill language is included granting the Secretary the authority to waive certain statutory requirements. However, FEMA is directed to work with stakeholders and present a recommendation to the committee no later than the submission of the FY2017 budget on the feasibility of removing these waivers in future appropriations.

On July 21, 2015, the House Appropriations Committee approved H.R. 3128, the Department of Homeland Security Appropriations Act, 2016. The bill would provide \$680 million in firefighter assistance, including \$340 million for SAFER and \$340 million for AFG. H.R. 3128 did not include a SAFER waiver provision as in years past.

On December 18, 2015, the President signed the Consolidated Appropriations Act, 2016 (P.L. 114-113). The law provided \$690 million for firefighter assistance in FY2016, including \$345 million for SAFER and \$345 million for AFG. P.L. 114-113 did not include a SAFER waiver provision.

FY2017

For FY2017, the Administration requested \$335 million for SAFER and \$335 million for AFG, a reduction of \$10 million for each program from the FY2016 enacted level. According to the budget request, the proposed reduction in SAFER and AFG "reflects FEMA's successful investments in prior year grants awarded." The Administration's FY2017 budget did not request SAFER waiver authority for FY2017.

Under the proposed budget, the SAFER and AFG grant accounts would be transferred to the Preparedness and Protection activity under FEMA's broader "Federal Assistance" account. According to the budget request, Federal Assistance programs will "assist Federal agencies, States, Local, Tribal, and Territorial jurisdictions to mitigate, prepare for and recover from terrorism and natural disasters."

On May 26, 2016, the Senate Appropriations Committee approved S. 3001, the Department of Homeland Security Act, 2017. The Senate bill would provide \$680 million for firefighter assistance, including \$340 million for SAFER and \$340 million for AFG. The committee maintained a separate budget account for Firefighter Assistance and did not transfer that budget account to the Federal Assistance account as proposed in the Administration budget request. In the accompanying report (S.Rept. 114-68), the committee directed DHS to continue the present practice of funding applications according to local priorities and those established by the USFA, and to continue direct funding to fire departments and the peer review process. The committee stated its expectation that funding for rural fire departments remain consistent with their previous five-year history, and encouraged FEMA to consider the need for resources for staffing grants to rural departments that meet both local and regional needs.

On June 22, 2016, the House Appropriations Committee approved its version of the Department of Homeland Security Appropriations Act, 2017. Unlike the Senate, the House Committee did transfer the Firefighter Assistance budget account into a broader Federal Assistance account in FEMA. The bill provided \$690 million for firefighter assistance, including \$345 million for SAFER and \$345 million for AFG. In the committee report, the committee directed FEMA to continue administering the fire grants programs as directed in prior year Committee reports.

Waiver of SAFER Requirements

With the economic downturn adversely affecting budgets of local governments, concerns arose that modifications to the SAFER statute may be necessary to enable fire departments to more effectively participate in the program. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included a provision (§603) that waived the matching requirements for SAFER grants awarded in FY2009 and FY2010.

Subsequently, the FY2009 Supplemental Appropriations Act (P.L. 111-32) included a provision (§605) giving the Secretary of Homeland Security authority to waive certain limitations and restrictions in the SAFER statute. For grants awarded in FY2009 and FY2010, waivers permitted grantees to use SAFER funds to rehire laid-off firefighters and fill positions eliminated through attrition, allow grants to extend longer than the five-year duration, and permit the amount of funding per position at levels exceeding the limit of \$100,000.

The Department of Defense and Continuing Appropriations Act, 2011 (P.L. 112-10) contained language that removed cost-share requirements and allowed SAFER grants to be used to rehire laid-off firefighters and fill positions eliminated through attrition. However, the law did not remove the requirement that SAFER grants fund a firefighter position for four years, with the fifth year funded wholly by the grant recipient. P.L. 112-10 also did not waive the cap of \$100,000 per firefighter hired by a SAFER grant. According to fire service advocates, these unwaived SAFER requirements (the mandatory five-year position duration, the \$100,000 cap) would be a disincentive for many communities to apply for SAFER grants, because localities would be reluctant to apply for grants that would require future expenditure of local funds.¹⁰

¹⁰ International Association of Fire Fighters, *News Release*, “Budget: Agreement Retains Level Funding for FIRE Act and SAFER grants, But Restricts Flexibility on SAFER Grants,” April 14, 2011, available at <http://www.iaff.org/11News/041311Waivers.htm>.

P.L. 112-74, the Consolidated Appropriations Act, FY2012, included language (§561) prohibiting using any funds to enforce all of the SAFER restrictions that have been lifted since FY2009. Additionally, Section 562 of P.L. 112-74 reinstated DHS waiver authority for the restrictions that were not lifted in the FY2011 appropriations bill (P.L. 112-10).

Meanwhile, the SAFER reauthorization language in the Fire Grants Reauthorization Act of 2012 (P.L. 112-239) removed the \$100,000 cap per firefighter hired, shortened the grant period from four to three years, removed the requirement to retain SAFER-hired firefighters for one year past the termination of federal grant support, and provided economic hardship waivers that will give DHS the authority to waive matching requirements and prohibitions on using SAFER funds for rehiring laid-off firefighters and filling positions eliminated through attrition.

The Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6) and the Consolidated Appropriations Act, 2014 (P.L. 113-76) continued to grant DHS waiver authority from SAFER requirements. Specifically, DHS was allowed to waive cost sharing requirements, the three year grant term, cost limits per firefighter hired, and the prohibition on using SAFER funds for rehiring laid-off firefighters and filling positions eliminated through attrition.

The same SAFER waiver authority was included in the Administration's FY2015 budget proposal and in the FY2015 House and Senate Department of Homeland Security Appropriations bills. In the bill report accompanying H.R. 4903 (H.Rept. 113-481), the House Appropriations Committee noted that this annual waiver authority has been available since FY2009, and that the reauthorization of the SAFER program by the 112th Congress (P.L. 112-239) provided FEMA with permanent authority to waive certain matching and non-supplantation requirements for grantees based on a determination that a grantee meets economic hardship criteria. Given that FEMA has been working with stakeholders to develop these criteria and that the agency hopes to soon be able to implement its new waiver authority, the committee expected that FY2015 should be the last instance in which annual waiver authority would be provided, and that any waivers in future fiscal years would be limited to the authorization provided in P.L. 112-239.

The Department of Homeland Security Appropriations Act, 2015 (P.L. 114-4) was signed by the President on March 4, 2015. Section 557 of P.L. 114-4 provided SAFER waiver authority for FY2015.

The Administration's FY2016 budget would have maintained SAFER waiver authority for FY2016. S. 1619, the Department of Homeland Security Act, 2016, would also have continued waiver authority. The accompanying bill report (S.Rept. 114-68) directed FEMA to work with stakeholders and present a recommendation to the Senate Appropriations Committee on the feasibility of removing these waivers in future appropriations. However, neither the House bill (H.R. 3128), nor the final Consolidated Appropriations Act, 2016 (P.L. 114-113) contained the SAFER waiver provision for FY2016.

The Administration's FY2017 budget did not request SAFER waiver authority for FY2017, and neither the House nor Senate Appropriations Committee bills contained SAFER waiver provisions.

Implementation of the SAFER Program

Prior to FY2007, the SAFER grant program was administered by the Office of Grants and Training within the Preparedness Directorate of DHS. However, 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 SAFER and fire grants) back to an enhanced FEMA.

Table 4 shows the state-by-state distribution of SAFER grant funds, from FY2005 through FY2013. Of the FY2012 SAFER awards, grants for hiring accounted for 91% of the total federal share of dollars awarded. For the latest information and updates on the application for and awarding of SAFER grants, see the official SAFER grant program website at <http://www.fema.gov/firegrants/safer/index.shtm>.

During 2014 and 2015, the DHS Office of the Inspector General (OIG) conducted an audit of SAFER grants for fiscal years 2010 through 2012. On June 8, 2016, the DHS OIG released its report finding that 63% of SAFER grant recipients over that period did not comply with grant guidance and requirements to prevent waste, fraud, and abuse of grant funds. The report recommended that FEMA’s Grant Programs Directorate develop and implement an organizational framework to manage the risk of fraud, waste, abuse, and mismanagement. According to the report, FEMA has concurred with the OIG findings and has taken corrective actions to resolve the recommendations.¹¹

Issues in the 114th Congress

The 114th Congress is considering budget appropriations for SAFER. As is the case with many federal programs, concerns over the federal budget deficit could impact budget levels. At the same time, firefighter assistance budgets will likely receive heightened scrutiny from the fire community, given the local budgetary cutbacks that many fire departments are now facing.

Another issue is the proposed transfer of SAFER and AFG into FEMA’s Federal Assistance account in FY2017. Fire service groups oppose this transfer, arguing that it could reorient firefighter assistance programs towards responding to terrorism and other major incidents rather than maintaining its current all-hazards focus.

The 114th Congress may also examine the impact of new SAFER hiring grant guidelines mandated by P.L. 112-239, the Fire Grants Reauthorization Act of 2012. The continuing issue is how effectively grants are being distributed and used to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

Table 4. State-by-State Distribution of SAFER Grants, FY2005-FY2014

(millions of dollars)

	FY05- FY07	FY08- FY10	FY11	FY12	FY13	FY14	Total
AL	12.062	20.133	1.293	6.923	3.73	3.895	68.169
AK	1.674	7.838	0.074	0.951	0.066	0.738	19.179
AZ	9.547	23.738	2.809	7.895	14.135	11.379	93.241
AR	2.591	7.016	1.136	1.019	0.208	2.632	21.618
CA	14.692	98.843	56.356	49.992	50.12	35.522	404.368
CO	6.793	6.359	5.432	1.636	0.85	4.106	31.535

¹¹ Department of Homeland Security, Office of Inspector General, *FEMA’s Grant Programs Directorate Did Not Effectively Manage Assistance to Firefighters Grant Program—SAFER Grants*, OIG-16-98, June 8, 2016, 24 pp., available at <https://www.oig.dhs.gov/assets/Mgmt/2016/OIG-16-98-Jun16.pdf>.

	FY05- FY07	FY08- FY10	FY11	FY12	FY13	FY14	Total
CT	1.177	7.446	5.099	4.474	5.278	0	30.92
DE	0.135	2.121	0	0.946	0	0	5.323
DC	0	0	0	3.468	0	5.675	9.143
FL	22.122	59.011	30.494	26.243	37.927	22.83	257.638
GA	10.281	32.666	1.273	4.606	3.076	3.944	88.512
HI	0	1.726	0	0	0.944	0	4.396
ID	1.31	5.007	4.068	1.323	0	0	16.715
IL	15.736	19.194	2.456	5.704	4.806	4.843	71.933
IN	2.786	22.803	4.587	6.777	5.735	8.595	74.086
IA	1.293	2.414	1.604	0.08	1.104	0.498	9.407
KS	1.741	6.963	0.381	1.991	0.833	0	18.872
KY	3.471	3.697	0.155	1.164	2.574	0.973	15.731
LA	11.236	19.317	1.672	3.509	1.724	1.326	58.101
ME	0.397	2.737	0.518	1.183	1.442	0	9.014
MD	3.484	9.745	4.299	2.488	6.154	14.304	50.219
MA	7.751	55.497	23.127	4.955	17.336	25.612	189.775
MI	2.351	36.407	47.646	25.161	33.87	14.374	196.216
MN	1.764	5.291	4.463	0.797	0.871	1.026	19.503
MS	1.465	2.817	0.488	0.093	0.088	1.613	9.381
MO	9.565	9.473	10.619	2.86	1.284	2.196	45.47
MT	2.924	4.386	1.252	1.046	0	0.737	14.731
NE	1.505	3.246	0	0.37	3.779	0	12.146
NV	3.846	3.122	13.438	2.702	6.564	3.654	36.448
NH	2.963	0.578	1.479	0.976	0.651	0.666	7.891
NJ	13.298	61.593	18.073	34.462	23.791	55.874	268.684
NM	4.432	2.461	0	0	1.357	0.586	11.297
NY	7.376	30.878	6.142	8.949	2.149	8.164	94.536
NC	13.059	26.814	5.833	2.472	4.502	5.703	85.197
ND	0.609	5.174	0.048	0.066	0	0	11.071
OH	5.455	54.383	18.654	18.266	15.748	14.564	181.453
OK	1.377	11.909	1.435	0.676	0.83	1.091	29.227
OR	6.5	8.914	8.354	4.437	11.402	6.418	54.939
PA	5.352	12.617	13.831	27.608	4.462	27.122	103.609
RI	0.505	5.81	3.108	8.716	0	0.544	24.493
SC	4.537	12.632	2.147	4.757	6.763	1.869	45.337
SD	0.585	1.2	0.255	0	0.272	0.58	4.092

	FY05- FY07	FY08- FY10	FY11	FY12	FY13	FY14	Total
TN	9.102	10.378	0.993	3.034	3.58	1.97	39.435
TX	20.691	34.868	2.881	5.225	5.401	11.715	115.649
UT	6.31	10.362	0.208	0.598	0	0	27.84
VT	1.253	0.119	0	0	0	0	1.491
VA	6.427	15.735	4.978	9.883	7.691	12.48	72.929
WA	12.535	26.102	16.139	13.293	8.511	9.763	112.445
WV	0.868	0.845	0	0.46	0.311	1.921	5.25
WI	1.295	4.622	3.101	2.205	0	1.087	16.932
WY	0.316	3.589	1.148	0	0.24	0	8.882
PR	0	0	0	0	0	0	0
MP	0	1.404	0	0	0	0	2.808
MH	0	0	0	0	0	0	0
GU	0	0	0	0	0	0	0
AS	0	0	0.474	0	0	0	0.474
VI	0	0	0	0	0	0	0
PW	0	0	0	0	0	0	0
Total	280.163	822.055	334.03	316.439	304.238	332.595	2389.51

Source: Department of Homeland Security.

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