

CRS Report for Congress

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 — popularly called 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 activities related to the recruitment and retention of volunteers. The SAFER grant program is authorized through FY2010.

Although authorized for FY2004, the SAFER grant program received its initial appropriation of \$65 million in FY2005, followed by \$109 million in FY2006, and \$115 million in FY2007. The FY2007 Department of Homeland Security appropriations bill (P.L. 109-295) transferred both SAFER and fire grants back to the Federal Emergency Management Agency (FEMA). To date, the Bush Administration has requested zero funding for SAFER in all years of the program’s existence. The Consolidated Appropriations Act of 2008 (P.L. 110-161) provided \$190 million for SAFER grants.

The Administration’s budget proposal again requested no funding for SAFER Act grants in FY2009. The FY2009 budget justification stated that the federal government already spends “billions of dollars in annual support to train, exercise, and equip state and local public safety personnel, including firefighters, so that they are adequately prepared to respond to a terrorist attack or other major incident.” The budget justification argued that “a federally funded hiring program for firefighters risks replacing state and local funding for general purpose public safety staffing with federal resources, and therefore does not forward the common goal of enhancing national preparedness capabilities.” For FY2009, the Senate Appropriations Committee approved \$190 million for SAFER grants, while the House Appropriations Committee approved \$230 million.

Facing the 110th Congress is the issue of whether or not — and if so, to what extent — the SAFER program should be funded. The Administration has consistently requested no funding for SAFER, arguing that localities should be solely responsible for funding firefighting personnel. Fire service advocates counter that the inability of many local fire departments to meet minimum standards for personnel levels could lead to inadequate response to different types of emergency incidents, substandard response times, and an increased risk of firefighter fatalities.

This report will be updated as events warrant.

Contents

Background and Genesis of SAFER	1
Authorization — The SAFER Act	2
Appropriations	3
FY2005	3
FY2006	4
FY2007	4
FY2008	5
FY2009	5
Implementation of the SAFER Program	6
Issues in the 110 th Congress	7

List of Tables

Table 1. Authorization Levels for SAFER Grant Program	2
Table 2. Appropriations for Firefighter Assistance	3
Table 3. State-by-State Distribution of SAFER Grants, FY2005-FY2007	9

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

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 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

¹ Title XVII of the FY2001 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 Lennard G. Kruger.

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 CFR 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.

Oriented Policing Services (COPS) program⁴ as a compelling precedent of federal assistance for the hiring of local public safety personnel.

Authorization — 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.⁵ 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 grants are authorized through FY2010. **Table 1** shows the authorization levels for the SAFER grant program.

Table 1. Authorization Levels for SAFER Grant Program
(billions of dollars)

FY2004	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
1.0	1.03	1.061	1.093	1.126	1.159	1.194

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

⁴ For more information on the COPS program, see CRS Report RL33308, *Community Oriented Policing Services (COPS): Background, Legislation, and Issues*, by Nathan James.

⁵ 107th Congress: S. 1617 (Dodd), H.R. 3992 (Boehlert), H.R. 3185 (Green, Gene). 108th Congress: S. 544 (Dodd), H.R. 1118 (Boehlert).

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.

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. The program received its initial appropriation of \$65 million in FY2005, followed by \$109 million in FY2006, \$115 million in FY2007, and \$190 million in FY2008. To date, the Bush Administration has requested zero funding for SAFER in all years of the program’s existence. **Table 2** shows recent funding for firefighter assistance, including both SAFER and FIRE grants.

Table 2. Appropriations for Firefighter Assistance
(millions of dollars)

	FY2008 (P.L. 110-161)	FY2009 Administratio n request	FY2009 H. Approp. Comm.	FY2009 S. Approp. Comm.
FIRE Grants	560	300	570	560
SAFER Grants	190	0	230	190
Total	750	300	800	750

FY2005

The Bush Administration requested no funding for SAFER grants in FY2005. On June 17, 2004, Representative Curt Weldon offered a floor amendment to the FY2005 Homeland Security Appropriations bill (H.R. 4567) which would provide \$50 million for SAFER grants in FY2005. The amendment was adopted and the bill was subsequently passed by the House on June 18, 2004. On September 14, 2004, the Senate adopted an amendment offered by Senator Dodd to H.R. 4567 which

would provide \$100 million for the SAFER Act. The final Conference Agreement on H.R. 4567 (H.Rept. 108-774) provided SAFER Act grants with \$65 million for FY2005. The FY2005 Homeland Security Appropriations bill (P.L. 108-334) was signed by the President on October 18, 2004.

FY2006

The Administration's budget proposal requested zero funding for SAFER. 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 \$50 million for SAFER Act grants. During House consideration of H.R. 2360, an amendment was adopted on the House floor (H.Amdt. 134 offered by Representative Sabo) which added \$25 million for SAFER grants. The House passed H.R. 2360 on May 17, 2005. The total House appropriation was \$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 \$65 million for SAFER Act grants. After adopting S.Amdt. 1133 (offered by Senator Gregg) during floor debate, the Senate passed (on July 14, 2005) its version of H.R. 2360 which provided \$115 million for SAFER act grants. The Conference agreement for H.R. 2360 (H.Rept. 109-241) provided \$110 million for SAFER grants. 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 SAFER to \$109 million.

FY2007

The Administration's budget proposal requested no funding for SAFER Act grants. The budget justification stated: "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 \$40 million for SAFER grants in FY2007 (H.Rept. 109-476). 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 \$110 million for SAFER grants. An additional House amendment added \$2.1 million for a total of \$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 \$115 million for SAFER (S.Rept. 109-273). On July 13, the Senate approved by Unanimous Consent an amendment sponsored by Senator Dodd which increased FY2007 funding to \$127.5 million for SAFER grants. H.R. 5441 was passed by the Senate on July 13, 2006. The Conference Agreement, announced on September 25, 2006, provided \$115 million for SAFER.

The FY2007 Department of Homeland Security appropriations bill was signed into law (P.L. 109-295) on October 4, 2006.

FY2008

The Administration's budget proposal requested no funding for SAFER Act grants in FY2008. The FY2008 budget justification stated that the federal government already spends "billions of dollars in annual support to train, exercise, and equip State and local public safety personnel, including firefighters, so that they are adequately prepared to respond to a terrorist attack or other major incident." The budget justification argued that "a federally funded hiring program for firefighters risks replacing State and local funding for general purpose public safety staffing with federal resources, and therefore does not forward the Federal goal of enhancing local preparedness capabilities."

On June 5, 2007, the House Appropriations Committee approved the FY2008 appropriations bill for the Department of Homeland Security (H.R. 2638; H.Rept. 110-181). The bill would provide \$230 million for SAFER grants. The Committee also expressed concern that large numbers of applications never reach the peer review stage. The Government Accountability Office (GAO) was directed to review the application and award process for fire and SAFER grants, and FEMA was directed to peer review all grant applications that meet basic eligibility requirements. On June 15, 2007, the House passed H.R. 2638, including an amendment adding \$5 million to the SAFER account. Thus, the final House-passed bill would provide \$235 million for SAFER.

On June 14, 2007, the Senate Appropriations Committee approved its version of the FY2008 appropriations bill for the Department of Homeland Security (S.Rept. 110-84), providing \$140 million for SAFER. On July 26, 2007, the Senate passed H.R. 2638, including an amendment adding \$5 million to the SAFER account. Thus, the final Senate-passed bill would provide \$145 million for SAFER.

On December 26, 2007, the President signed the Consolidated Appropriations Act of 2008 (P.L. 110-161), which provided \$190 million for SAFER grants. As stated in the Joint Explanatory Statement accompanying P.L. 110-161, GAO was directed to review the application and award process for fire and SAFER grants, and FEMA was directed to peer review all grant applications that meet criteria established by FEMA and the fire service. Those criteria necessary for peer-review must be included in the grant application package. Applicants whose grant applications are not reviewed must receive an official notification detailing why the application did not meet the criteria for review. Applications must be rank-ordered, and funded following the rank order.

FY2009

The Administration's budget proposal again requested no funding for SAFER Act grants in FY2009. The FY2009 budget justification stated that the federal government already spends "billions of dollars in annual support to train, exercise, and equip state and local public safety personnel, including firefighters, so that they

are adequately prepared to respond to a terrorist attack or other major incident.” The budget justification argued that federal support “has been directed in order to better focus scarce resources on enhancing target capabilities, and to avoid supplanting basic public safety investments at the state and local level” and that “a federally funded hiring program for firefighters risks replacing state and local funding for general purpose public safety staffing with federal resources, and therefore does not forward the common goal of enhancing national preparedness capabilities.”

On June 19, 2008, the Senate Appropriations Committee approved the FY2009 appropriations bill for the Department of Homeland Security (S. 3181; S.Rept. 110-396). The bill would provide \$190 million for SAFER grants. This is the same funding level approved for FY2008. The Committee directed DHS to continue the present practice of funding applications according to local priorities and those established by the U.S. Fire Administration, and further directed DHS to continue direct funding to fire departments and the peer review process.

On June 24, 2008, the House Appropriations Committee approved its version of the FY2009 appropriations for the Department of Homeland Security. The Committee would provide \$230 million for SAFER grants. The Committee directed FEMA to continue granting funds directly to local fire departments and to include the U.S. Fire Administration during the grant administration process, while also maintaining an all-hazards focus and not limiting the list of eligible activities. The Committee would continue the requirement that FEMA peer review grant applications that meet criteria established by FEMA and the fire service, rank order applications according to peer review, fund applications according to their rank order, and provide official notification detailing why applications do not meet the criteria for review. The Committee also directed FEMA to encourage regional applications.

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 the Department of Homeland Security (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.

FY2005 was the initial year of SAFER grants. In the FY2005 round, a total of 2954 applications were received requesting \$1.142 billion in federal funds, including \$835.9 million for hiring, \$147.7 million for recruitment and retention, and \$158.2 million from combination fire departments for both hiring and recruitment and retention. The average federal share requested was \$511,886 for hiring, \$146,711 for recruitment and retention, and \$503,837 for hiring and recruitment/retention.⁶ After

⁶ Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, *2005 SAFER Application Statistics*, available at [<http://www.firegrantsupport>

evaluating applications in a peer review process, DHS awarded 162 SAFER grants for the FY2005 round, totaling \$64.370 million.⁷

In the FY2006 round, a total of 1727 applications were received requesting \$738 million in federal funds, including \$562 million for hiring, \$88 million for recruitment and retention, and \$87 million from combination fire departments for both hiring and recruitment and retention.⁸ For the FY2006 round, 265 SAFER awards have been granted, totaling \$105.142 million.⁹ **Table 3** shows the state-by-state distribution of SAFER grant funds, FY2005 through FY2007.

In the FY2007 round, a total of 1503 applications were received requesting \$706 million in federal funds, including \$562 million for hiring, \$47 million for recruitment and retention, and \$97 million from combination fire departments for both hiring and recruitment and retention.¹⁰ As of September 5, 2008, 257 awards have been granted, totaling \$102.581 million. The application period for the FY2008 round ran from May 27 through June 27, 2008. For the latest information on applicant eligibility criteria, as well as FY2008 application procedures, guidelines, tutorials, deadlines and awards, see the official SAFER grant program website at [<http://www.firegrantsupport.com/safer/>].

Issues in the 110th Congress

The 110th Congress is considering SAFER grant funding as part of the debate over the Department of Homeland Security appropriations bill. The primary issue is whether or not — and if so, to what extent — the SAFER program should be funded. The Administration has consistently requested no funding for SAFER since the program's establishment, arguing that localities should be solely responsible for funding firefighting personnel. Fire service advocates counter that the need for federal assistance is pressing. They cite studies performed by the U.S. Fire Administration and the National Fire Protection Association,¹¹ the *Boston Globe*,¹²

⁶ (...continued)
[.com/docs/2005SAFERApps.pdf](http://www.firegrantsupport.com/docs/2005SAFERApps.pdf)].

⁷ Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, *2005 SAFER Awards*, available at [<http://www.firegrantsupport.com/safer/awards/05/>].

⁸ Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, *2006 SAFER Application Statistics*, available at [<http://www.firegrantsupport.com/docs/2006SAFERApps.pdf>].

⁹ Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, *2005 SAFER Awards*, available at [<http://www.firegrantsupport.com/safer/awards/06/>].

¹⁰ Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, *2007 SAFER Application Statistics*, available at [<http://www.firegrantsupport.com/docs/2007SAFERApps.pdf>].

¹¹ U.S. Fire Administration and the National Fire Protection Association, *Four Years Later* (continued...)

and the National Institute for Occupational Safety and Health (NIOSH)¹³ which conclude 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.

Those opposed to SAFER grants contend 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 is necessarily problematic, and point to statistics indicating that the number of structural fires in the United States has continued to decline over the past twenty years.¹⁴

Another ongoing issue has been the administration and organizational positioning of SAFER and fire grants within the Department of Homeland Security. Legislation considered in the 109th 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.

¹¹ (...continued)

— *A Second Needs Assessment of the U.S. Fire Service*, FA-303, October 2006, 159 p. Available at [<http://www.usfa.dhs.gov/downloads/pdf/publications/fa-303-508.pdf>].

¹² 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/>].

¹³ 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 p. Available at [<http://www.cdc.gov/niosh/fire/pdfs/progress.pdf>].

¹⁴ See Lehrer, Eli, “Do We Need More Firefighters?” *Weekly Standard*, April 12, 2004, p. 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>].

**Table 3. State-by-State Distribution of SAFER Grants,
FY2005-FY2007**
(millions of dollars)

	FY2005	FY2006	FY2007*	Total
Alabama	2.010	6.216	3.822	12.048
Alaska	0.051	0.205	0.418	0.674
Arizona	1.560	3.559	4.111	9.23
Arkansas	0.405	1.820	0.377	2.602
California	4.721	5.212	4.120	14.053
Colorado	1.584	3.479	1.730	6.793
Connecticut	0.191	0.190	0.809	1.19
Delaware	0	0.134	0	0.134
District of Columbia	0	0	0	0
Florida	6.576	9.329	4.354	20.259
Georgia	5.354	2.085	2.842	10.281
Hawaii	0	0	0	0
Idaho	0.143	0.621	0.626	1.39
Illinois	1.640	4.463	9.407	15.51
Indiana	0	0.099	2.687	2.786
Iowa	0.169	0.144	0.980	1.293
Kansas	0.667	0.045	1.029	1.741
Kentucky	0.248	2.890	0.429	3.567
Louisiana	3.430	3.078	3.277	9.785
Maine	0.081	0	0.316	0.397
Maryland	0.096	1.862	1.526	3.484
Massachusetts	1.300	2.079	3.950	7.329
Michigan	0.959	0.592	0	1.551
Minnesota	0.300	1.089	0.375	1.764
Mississippi	0.756	0.594	0.115	1.465
Missouri	1.491	3.547	4.551	9.589
Montana	0.133	0.255	2.636	3.024
Nebraska	0	0.873	0.632	1.505
Nevada	1.555	1.714	0.632	3.901
New Hampshire	0.400	1.035	1.528	2.963
New Jersey	6.374	3.971	1.688	12.033
New Mexico	0	3.123	0.360	3.483

CRS-10

	FY2005	FY2006	FY2007*	Total
New York	1.540	2.990	2.845	7.375
North Carolina	3.845	5.533	4.631	14.009
North Dakota	0	0.609	0	0.609
Ohio	1.344	1.881	2.256	5.481
Oklahoma	0.519	0.699	0.531	1.749
Oregon	1.710	2.141	2.650	6.501
Pennsylvania	1.345	1.475	2.633	5.453
Rhode Island	0.400	0	0.105	0.505
South Carolina	0.456	0.863	3.218	4.537
South Dakota	0.063	0.310	0.211	0.584
Tennessee	2.700	2.718	3.569	8.987
Texas	2.151	10.960	6.565	19.676
Utah	0.900	3.312	2.003	6.215
Vermont	0.099	0.621	0.632	1.352
Virginia	2.091	3.554	0.782	6.427
Washington	2.998	2.897	7.024	12.919
West Virginia	0	0.187	0.681	0.868
Wisconsin	0	0.072	1.012	1.084
Wyoming	0	0	0.316	0.316
Puerto Rico	0	0	0	0
Northern Mariana Islands	0	0	0	0
Marshall Islands	0	0	0	0
Guam	0	0	0	0
American Samoa	0	0	0	0
Virgin Islands	0	0	0	0
Republic of Palau	0	0	0	0
Total	64.370	105.142	102.581	272.093

Source: Department of Homeland Security.

*Grants awarded as of September 5, 2008.