



## CRS Report for Congress

# 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. A related program is the Staffing for Adequate Fire and Emergency Response Firefighters (SAFER) program, which provides grants for hiring, recruiting, and retaining firefighters. The Administration proposed \$300 million for fire grants in FY2009, a 46% cut from the FY2008 level of \$560 million. No funding was proposed for SAFER grants. The total request for firefighter assistance was 60% below the FY2008 level for fire and SAFER grants combined. 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. Section 3603 of P.L. 108-375 directed USFA, in conjunction with the National Fire Protection Association, to assess the needs and capacity of fire departments and to measure the impact of the fire grant program in meeting the needs of the fire service. In October 2006, the USFA released two studies addressing these issues.<sup>4</sup>

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>5</sup>

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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> See U.S. Fire Administration, *Four Years Later — 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>]. Also see U.S. Fire Administration, *Matching Assistance to Firefighters Grants to the Reported Needs of the U.S. Fire Service*, FA-304, October 2006, 40 p. Available at [<http://www.usfa.dhs.gov/downloads/pdf/publications/fa-304-508.pdf>].

<sup>5</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.

## 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, \$539 million in FY2006, \$547 million in FY2007, and \$560 million in FY2008. **Table 1** shows recent appropriated funding for firefighter assistance.

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

	<b>FY2007 (P.L. 109- 295)</b>	<b>FY2008 Admin. request</b>	<b>FY2008 (P.L. 110- 161)</b>	<b>FY2009 Admin. request</b>
FIRE Grants	547	300	560	300
SAFER Grants	115	0	190	0
Total	662	300	750	300

**FY2008.** The Administration proposed \$300 million for fire grants in FY2008, a 45% cut from the FY2007 level. No funding was proposed for SAFER grants. The total request for firefighter assistance was 55% below the FY2007 level for fire and SAFER grants combined. The FY2008 budget proposal would have eliminated grants for wellness/fitness activities and modifications to facilities for firefighter safety. The budget justification requested funding for “applications that enhance the most critical capabilities of local response to fire-related hazards in the event of a terrorist attack or major disaster.” The budget justification also stated that the requested level of funding is “an appropriate level of funding given the availability of significant amounts of funding for first responder preparedness missions from other Department of Homeland Security (DHS) grant programs which are better coordinated with state and local homeland security strategies and, unlike AFG, are allocated on the basis of risk.”

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 have provided \$570 million for fire grants and \$230 million for SAFER. 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 also expressed concern that large numbers of fire grant 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 have provided \$570 million for fire grants and \$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). The bill would have provided \$560 million for fire grants and \$140 million for SAFER. The Committee directed DHS to continue the present practice of funding applications according to local priorities and those established by the United States Fire Administration. The Committee further directed DHS to continue direct funding to fire departments and the peer review process. Additionally, \$3 million was made available for foam firefighter equipment used in remote areas. 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 have provided \$560 million for fire grants and \$145 million for SAFER.

The Consolidated Appropriations Act of 2008 (P.L. 110-161) provided \$560 million for fire grants and \$190 million for SAFER grants, a total of \$750 million for firefighter assistance in FY2008. As stated in the Joint Explanatory Statement accompanying P.L. 110-161, \$3 million was made available for foam firefighter equipment used in remote areas, to be competitively awarded. 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.

**FY2009.** The Administration proposed \$300 million for fire grants in FY2009, a 46% cut from the FY2008 level of \$560 million. No funding was proposed for SAFER grants. The total request for firefighter assistance was 60% below the FY2008 level for fire and SAFER grants combined. According to the budget justification, “the Administration believes that \$287 million is an appropriate level of funding given the availability of significant amounts of funding for first responder preparedness missions from other DHS grant programs which are coordinated with state and local homeland security strategies and, unlike AFG, are allocated on the basis of risk.” Priority will be given to applications that enhance capabilities needed for terrorism response and other major incidents. Funding will only be available for critical response equipment, training, and personal protective gear, and will not be available for wellness/fitness activities or modifications to facilities for firefighter safety.

## Issues

A primary issue in the 110<sup>th</sup> Congress is how appropriations for fire grants should compare with the authorized levels of \$1 billion for those years. The Administration’s budget proposals have typically recommended significant cuts for fire grants, as well as zero funding for SAFER grants. Opponents of the cuts have argued that the reduced levels are inadequate to meet the needs of fire departments, while the Administration has cited the availability of other risk-based DHS first responder grant programs, and has argued that reduced levels for AFG are sufficient to enhance critical capabilities in the event of a terrorist attack or major disaster. Aside from budget issues, an ongoing issue has been 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.

Similarly, in recent years, the House and Senate Appropriations Committees have directed the AFG program to maintain a broad all-hazards focus. S. 608, the Risk-Based Homeland Security Grants Act of 2007, would direct DHS to conduct a study analyzing the distribution of fire grant awards and the level of unmet firefighting equipment needs in each state.

A related issue is 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 was 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 to be 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.