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Assistance to Firefighters Program: Distribution of Fire Grant Funding

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Summary

The Assistance to Firefighters Grant (AFG) Program, also known as fire grants or the FIRE Act grant program, was established by Title XVII of the FY2001 National Defense Authorization Act (P.L. 106-398). Currently administered by the Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS), the program provides federal grants directly to local fire departments and unaffiliated Emergency Medical Services (EMS) organizations to help address a variety of equipment, training, and other firefighter-related and EMS needs. 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 fire grant program is now in its tenth year. The Fire Act statute was reauthorized in 2004 (Title XXXVI of P.L. 108-375) and provides overall guidelines on how fire grant money should be distributed. There is no set geographical formula for the distribution of fire grants—fire departments throughout the nation apply, and award decisions are made by a peer panel based on the merits of the application and the needs of the community. However, the law does require that fire grants be distributed to a diverse mix of fire departments, with respect to type of department (paid, volunteer, or combination), geographic location, and type of community served (e.g. urban, suburban, or rural).

On February 17, 2009, the President signed P.L. 111-5, the American Recovery and Reinvestment Act (ARRA) of 2009. The ARRA included an additional $210 million in firefighter assistance grants for modifying, upgrading, or constructing state and local non-federal fire stations, provided that 5% be set aside for program administration and provided that no grant shall exceed $15 million.

P.L. 111-83, the FY2010 Department of Homeland Security appropriations bill, provided $810 million for firefighter assistance, including $390 million for AFG and $420 million for SAFER. The Administration's FY2011 budget proposed $305 million for AFG (a 22% decrease from the FY2010 level) and $305 million for SAFER (a 27% decrease). The total amount requested for firefighter assistance (AFG and SAFER) was $610 million, a 25% decrease from FY2010.

Meanwhile, on November 18, 2009, the House passed H.R. 3791, the Fire Grants Reauthorization Act of 2009, which would reauthorize AFG and SAFER through FY2014 and modify the distribution of fire grant funds. Debate over the AFG reauthorization has reflected a competition for funding between career/urban/suburban departments and volunteer/rural departments. The urgency of this debate could be heightened by the proposed reduction of overall AFG funding in FY2011, and the economic downturn in many local communities increasingly hard pressed to allocate funding for their local fire departments.

This report will be updated as events warrant.

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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 of local fire departments, led many in the fire community to call for additional financial support from the federal government. Although federally funded training programs existed (and continue to exist) through the National Fire Academy, and although federal money was available to first responders for counterterrorism training and equipment through the Department of Justice,[1] 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.

Assistance to Firefighters Grant Program

During the 106th Congress, many in the fire community asserted that local fire departments require and deserve greater support from the federal government. The Assistance to Firefighters Grant Program (AFG), also known as fire grants or the FIRE Act grant program, was established by Title XVII of the FY2001 National Defense Authorization Act (P.L. 106-398).[2] Currently administered by the Federal Emergency Management Agency (FEMA) in the Department of Homeland Security (DHS), the program provides federal grants directly to local fire departments and unaffiliated Emergency Medical Services (EMS) organizations to help address a variety of equipment, training, and other firefighter-related and EMS needs.

First Reauthorization

On October 28, 2004, the President signed the FY2005 National Defense Authorization Act (P.L. 108-375). Title XXXVI of P.L. 108-375 is the Assistance to Firefighters Grant Program Reauthorization Act of 2004, which reauthorized the fire grant program through FY2009. **Table 1** provides a summary of key provisions of the first reauthorization.

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[1] For a list of federal programs providing assistance to state and local first responders, see CRS Report R40246, *Department of Homeland Security Assistance to States and Localities: A Summary and Issues for the 111th Congress*, by Shawn Reese.

[2] "Firefighter assistance" is codified as section 33 of the Federal Fire Prevention and Control Act (15 U.S.C. 2229).

Table 1. Major Provisions of the Assistance to Firefighters Grant Program Reauthorization Act of 2004

Grant recipient limits: populations over 1 million—lesser of $2.75 million or 0.5% of total appropriation populations of 500K to 1 million—$1.75 million populations under 500K—$1 million no single grant can exceed 0.5% of total funds appropriated for a single fiscal year DHS can waive the funding limits for populations up to 1 million in instances of extraordinary need; however the lesser of $2.75 million or 0.5% limit cannot be waived
Nonfederal match requirements: 20% for populations over 50K 10% for populations 20K to 50K 5% for populations less than 20K No match requirement for non-fire department prevention and firefighter safety grants
Authorized for five years: FY2005—$900 million FY2006—$950 million FY2007—$1 billion FY2008—$1 billion FY2009—$1 billion
Expands grant eligibility to emergency medical service squads, not less than 3.5% of fire grant money for EMS, but no more than 2% for nonaffiliated EMS
Provides grants for firefighter health and safety R&D
Requires the USFA Administrator to convene an annual meeting of non-federal fire service experts to recommend criteria for awarding grants and administrative changes
Requires fire service peer review of grant applications
Requires the USFA, in conjunction with the National Fire Protection Association, to conduct a $300,000, 18-month study on the fire grant program and the need for federal assistance to state and local communities to fund firefighting and emergency response activities

Source: Assistance to Firefighters Grant Program Reauthorization Act of 2004, Section XXXVI of P.L. 108-375, FY2005 National Defense Authorization Act

Second Reauthorization

The current authorization of AFG expired on September 30, 2009; the authorization of SAFER expires September 30, 2010. On July 8, 2009, the House Committee on Science and Technology, Subcommittee on Technology & Innovation, held a hearing on the reauthorization of the FIRE grant programs (both AFG and SAFER).[3] Testimony was heard from FEMA and many of the major fire service organizations including the International Association of Fire Chiefs (IAFC), the

[3] See http://science.house.gov/publications/hearings_markups_details.aspx?NewsID=2539.

International Association of Fire Fighters (IAFF), the National Volunteer Fire Council (NVFC), and the National Fire Protection Association (NFPA).

A major issue surrounding the fire grant reauthorization is whether the current distribution of fire grant funds should be altered. Under current law, the majority of funding goes to rural and volunteer fire departments. This is the case because individual fire departments throughout the nation apply directly for funding, and there are many more volunteer and rural fire departments than career and urban/suburban fire departments.[4] In general, career departments tend to protect the more densely populated urban and suburban areas, while volunteer departments tend to protect more rural areas.

Testimony presented by the International Association of Fire Fighters (IAFF), representing career (paid) firefighters, argued that under current law, "the overwhelming majority of FIRE grants are awarded to fire departments that protect a relatively small percentage of the population."[5] According to IAFF, a greater proportion of funding should go to career fire departments protecting the more densely populated suburban and urban areas, and suggested the following changes in the fire act statute:

- professional, volunteer, and combination departments should each be guaranteed at least 30% of total grant funding each year (under current statute, volunteer and combination departments must receive *no less* than 55% of funding; in practice career departments have received about 20% of AFG funding);
- funding caps for a single grant should be raised to $10 million for communities of 1 million population or more, $5 million for communities of 500,000 or more, $2 million for communities of 100,000 or more, and $1 million for communities with populations under 100,000 (current statutory caps are $2.75 million for populations over 1 million, $1.75 million for populations over 500,000, and $1 million for populations under 500,000); and
- the local match requirement for fire grants should be set at 15% for all applicants, with DHS having the authority to waive the match requirement for needy departments (the current statutory matching requirements are 20% for populations over 50,000, 10% for populations over 20,000, and 5% for populations less than 20,000).[6]

On the other hand, testimony from the National Volunteer Fire Council (NFVC) stated that its main priority for reauthorization of AFG (as well as SAFER) is to extend the programs without substantial changes, and that "the programs are well-run, distributing funding in an efficient manner to the most deserving awardees."[7] NVFC argued that volunteer departments are

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[4] According to the National Fire Protection Association (NFPA), there are an estimated 30,185 fire departments in the United States (2007 data). Of those, 7.5% are career departments, 5.8% are mostly career, 16.5% are mostly volunteer, and 70.1% are all volunteer. Most career firefighters (74%) are in communities that protect 25,000 or more people, while most volunteer firefighters (95%) are in departments that protect fewer than 25,000, and more than half are located in small, rural departments that protect fewer than 2,500 people.

[5] Kevin O'Connor, Assistant to the General President, International Association of Fire Fighters, testimony before the House Subcommittee on Technology and Innovation, Committee on Science and Technology, July 8, 2009, p. 3, http://democrats.science.house.gov/Media/file/Commdocs/hearings/2009/Tech/8jul/O'Connor_Testimony.pdf.

[6] Ibid.

[7] Jack Carriger, First Vice Chairman of the National Volunteer Fire Council, testimony before the House Subcommittee on Technology and Innovation, Committee on Science and Technology, July 8, 2009, p. 3,
(continued...)

concentrated in rural communities with smaller tax bases and higher poverty rates, that "DHS needs assessments have consistently shown that equipment training and apparatus needs are most acute in volunteer departments,"[8] and that since 2001 DHS first responder grants for terrorism and disaster response have predominantly gone to urban areas.

Meanwhile, other suggested reauthorization changes to the AFG statute made by the July 8 hearing witnesses included:

- establish DHS waiver authority for the existing local match requirement for economically challenged jurisdictions (IAFC);
- establish centers of excellence in fire safety research (IAFC);
- allow larger grants for regional projects (IAFC);
- eliminate the cost-share requirement for fire departments in the Fire Prevention and Firefighter Safety grant program (NFPA and IAFF);
- designate a minimum of 5% of funding for fire service-based emergency medical services (NFPA);
- utilize funds for training and equipment to meet the latest applicable national voluntary consensus standards available at the time of application (NFPA); and
- make state training agencies (e.g. state fire academies) eligible for AFG funding (NVFC).

As manifested in the July 8 hearing, debate over the AFG reauthorization is likely to reflect a competition for funding primarily between career/urban/suburban departments and volunteer/rural departments. The urgency of this debate will likely be heightened by probable reductions in FY2010 AFG funding and by the economic downturn in many local communities increasingly hard pressed to allocate funding for their local fire departments.

House Reauthorization Bill, H.R. 3791

On October 13, 2009, H.R. 3791, the Fire Grants Reauthorization Act of 2009, was introduced by Representative Mitchell. The legislation reflects an agreement reached among the major fire service organizations on the reauthorization language. H.R. 3791 was referred to the House Committee on Science and Technology, and approved (amended) by the Subcommittee on Technology and Innovation on October 14, 2009, and by the full Committee on October 21, 2009. H.R. 3791 was reported (amended) by the Committee on November 7, 2009 (H.Rept. 111-333, Part I). H.R. 3791 was amended and passed by the House on November 18, 2009. Adopted amendments included: directing DHS to conduct a survey of fire department compliance with firefighter safety standards; requiring DHS to give added consideration to applications from areas with high unemployment; making river rescue organizations eligible for funding; expanding AFG scope to include equipment that reduces water use; and prohibiting earmarking of funds appropriated under the act.

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http://democrats.science.house.gov/Media/file/Commdocs/hearings/2009/Tech/8jul/Carriger_Testimony.pdf.

[8] Ibid.

H.R. 3791, as passed by the House, would authorize AFG at a level of $1 billion per year through FY2014 and includes the following major provisions:

- *Grant Money Distribution*—directs that grant money should be allocated (to the extent that there are eligible applicants) as follows: 25% of AFG funding to career fire departments, 25% to volunteer fire departments, 25% to combination fire departments, 10% (minimum) for fire prevention, safety, and research grants, 2% (maximum) for volunteer non-fire service EMS and rescue, 3% (maximum) for fire service training academies, and 10% to be competitive between career, volunteer and combination departments;
- *Grant Caps* – sets maximum individual grant levels at $9 million for jurisdictions with populations over 2.5 million, $6 million for populations between 1 million and 2.5 million, $3 million for populations between 500,000 and 1 million, $2 million for populations between 100,000 and 500,000, and $1 million for populations under 100,000;
- *Matching Requirements*—keeps the existing 5% matching requirement for communities of 20K or less, sets the matching requirement for all other jurisdictions at 10%, and allows an economic hardship waiver whereby in "exceptional circumstances" DHS may waive or reduce the matching requirements;
- *Maintenance of Expenditures* – amends the existing maintenance of expenditures provision to require applicants to maintain budgets at 80% of the average over the past two years, also allows an economic hardship waiver whereby in "exceptional circumstances" DHS may waive or reduce the maintenance of expenditures requirements;
- *Fire Prevention, Research, and Safety Grants*—increases available funding from 5% to 10% of total, raises grant maximum from $1 million to $1.5 million, eliminates the matching requirement for fire departments, and prohibits any funding to the Association of Community Organizations for Reform Now (ACORN);
- *University Fire Safety Research Centers* – as part of the fire prevention, research, and safety grants, authorizes DHS to establish no more than three university fire safety research centers with funding of any one center at not more than $2 million per fiscal year;
- *State Fire Training Academies* – allows DHS to award up to 3% of grant funding to state fire training academies, with individual grants not to exceed $1 million;
- *Voluntary Consensus Standards* – directs that grants used for training should be limited to training that complies with applicable national voluntary consensus standards, unless a waiver has been granted; and
- *Survey and Task Force on Firefighter Safety* – directs DHS to conduct a nationwide survey to assess whether fire departments are in compliance with the national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness; establishes a Task Force to Enhance Firefighter Safety to make recommendations to Congress on ways to increase compliance with firefighter safety standards.

H.R. 3791 also reauthorizes the SAFER grant program at a level of $1.196 billion per year through FY2014. The legislation would modify the SAFER grant program by shortening the grant period to three years, establishing a 20% local matching requirement for each year, removing the existing federal funding cap per hired firefighter, making national organizations eligible for recruitment and retention funds, and allowing DHS in the case of economic hardship to waive cost share requirements, the three year grant period, and/or maintenance of expenditure requirements.

Senate Reauthorization

On November 19, 2009, H.R. 3791 was referred to the Senate Committee on Homeland Security and Governmental Affairs. On April 28, 2010, the Committee is scheduled to consider a Senate bill, the Fire Grants Reauthorization Act of 2010.

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. Within the DHS/FEMA budget, the firefighter assistance account (which includes both AFG and SAFER) is located within State and Local Programs as part of the State and Regional Preparedness Program.

The fire grant program is in its tenth year. **Table 2** shows the appropriations history for firefighter assistance, including AFG, SAFER, and the Fire Station Construction (FSC) grants provided in the American Recovery and Reinvestment Act (ARRA). Over $5.2 billion has been appropriated to the AFG program since FY2001, its initial year. **Table 3** shows recent and proposed appropriated funding for the AFG and SAFER grant programs.

Table 2. Appropriations for Firefighter Assistance, FY2001-FY2010

	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**
FY2010	$390 million	$420 million		**$810 million**
Total	**$5.202 billion**	**$1.109 billion**	**$210 million**	**$6.521 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)

	FY2009 (Admin. request)	FY2009 (P.L. 110-329)	FY2010 (Admin. request)	FY2010 (P.L. 111-83)	FY2011 (Admin. request)
FIRE Grants (AFG)	300	565	170	390	305
SAFER Grants	0	210	420	420	305
Total	300	775	590	810	610

FY2010

For FY2010, the Obama Administration proposed $170 million for AFG, a 70% decrease from the FY2009 level, and $420 million for SAFER, double the amount appropriated in FY2009. The total amount requested for firefighter assistance (AFG and SAFER) was $590 million, a 24% decrease from FY2009. The FY2010 budget proposal stated that the firefighter assistance grant process "will give priority to applications that enhance capabilities for terrorism response and other major incidents."[9]

The House FY2010 Department of Homeland Security appropriations bill (H.R. 2892; H.Rept. 111-157) provided $800 million for firefighter assistance, including $380 million for AFG and $420 million for SAFER. Although the SAFER level matched the Administration's request, the AFG level was more than twice what the Administration proposed. According to the Committee Report, the Administration's request of $170 million for AFG "is woefully inadequate given the vast needs of fire departments across the nation for equipment." The Committee directed FEMA to continue granting funds to local fire departments, include the United States Fire Administration in the grant decision process, and maintain an all-hazard focus while prohibiting the limiting of eligible activities including wellness.

The House passed H.R. 2892 on June 24, 2009. During floor consideration of H.R. 2892, the House approved a manager's amendment that added $10 million to the AFG account. Therefore, the House-passed total for AFG was $390 million.

The Senate FY2010 Department of Homeland Security appropriations bill (S. 1298; S.Rept. 111-31) provided $800 million for firefighter assistance, including $380 million for AFG and $420 million for SAFER. The Appropriations Committee directed DHS to continue funding applications according to local priorities and priorities established by the United States Fire Administration, and to continue direct funding to fire departments and the peer review process.

The Senate passed H.R. 2892 on July 9, 2009. During floor consideration, the Senate adopted an amendment (S.Amdt. 1458) that added $10 million to the AFG account. Therefore, the Senate-passed total for AFG was also $390 million.

[9] Office of Management and Budget, Appendix: Budget of the United States Government, FY2010, p. 547.

The Conference Report for the Department of Homeland Security Appropriations Act, 2010 (H.Rept. 111-298) was passed by the House on October 15. H.Rept. 111-298 provided $390 million for AFG and $420 million for SAFER, identical to the levels in both the House and Senate-passed H.R. 2892. The Conferees directed FEMA to continue the present practice of funding applications according to local priorities and those established by the USFA, to maintain an all-hazards focus, to grant funds for eligible activities in accordance with the authorizing statute, and to continue the current grant application and review process as specified in the House report. The Conference Report was passed by the House on October 15, by the Senate on October 20, and signed into law, P.L. 111-83, on October 28, 2009.

Meanwhile, on December 16, 2009, the House considered legislation intended to create jobs and passed the Senate amendment to H.R. 2847, which would provide $500 million in additional FY2010 funding for SAFER. H.R. 2847 directs that any unused funds may be transferred to AFG after notification to the House and Senate appropriations committees.

FY2011

The Administration's FY2011 budget proposed $305 million for AFG (a 22% decrease from the FY2010 level) and $305 million for SAFER (a 27% decrease). The total amount requested for firefighter assistance (AFG and SAFER) was $610 million, a 25% decrease from FY2010. The FY2011 budget proposal stated that the firefighter assistance grant process "will give priority to applications that enhance capabilities for terrorism response and other major incidents."[10]

Fire Station Construction Grants in the ARRA

Since its inception, the traditional fire grant program has provided money specifically for health and safety related modifications of fire stations, but has not funded major upgrades, renovations, or construction. The American Recovery and Reinvestment Act (ARRA) of 2009 (P.L. 111-5) provided an additional $210 million in firefighter assistance grants for modifying, upgrading, or constructing state and local non-federal fire stations, provided that 5% be set aside for program administration and provided that no grant shall exceed $15 million. The Conference Report (H.Rept. 111-16) cited DHS estimates that this spending would create 2,000 jobs. The ARRA also included a provision (section 603) that waived the matching requirement for SAFER grants funded by appropriations in FY 2009 and FY2010.

The application period for ARRA Assistance to Firefighters Fire Station Construction Grants (SCG) opened on June 11 and closed on July 10, 2009. There is no cost share requirement for SCG grants. Eligible applicants are non-federal fire departments that provide fire protection services to local communities. Ineligible applicants include federal fire departments, EMS or rescue organizations, airport fire departments, for-profit fire departments, fire training centers, emergency communications centers, auxiliaries and fire service organizations or associations, and search and rescue teams or similar organizations without fire suppression responsibilities.

[10] Office of Management and Budget, Appendix: Budget of the United States Government, FY2011, p. 557.

DHS/FEMA received 6,025 SCG applications for $9.9 billion in federal funds.[11] On October 2, 2009, FEMA announced Round 1 of the FY2009 SCG awards, issuing 96 grants totaling $165 million to fire departments within the United States. A complete list of Round 1 SCG awards is available at http://www.firegrantsupport.com/content/html/scg/Awards09.aspx/.

SAFER Grants

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

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

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

The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included a provision (section 603) that waives the matching requirement for SAFER grants in FY2009 and FY2010. Additionally, the FY2009 Supplemental Appropriations Act (P.L. 111-32) included a provision (section 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 will permit grantees to use SAFER funds to rehire laid-off firefighters and fill positions eliminated through attrition, will allow grants to extend longer than the current five year duration, and will permit the amount of funding per position at levels exceeding the current limit of $100,000.

[11] Fiscal Year 2011 Congressional Justification, Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs, p. SLP-11.

For more information on the SAFER program, see CRS Report RL33375, *Staffing for Adequate Fire and Emergency Response: The SAFER Grant Program*, by Lennard G. Kruger.

Program Evaluation

On May 13, 2003, the U.S. Fire Administration (USFA) released the first independent evaluation of the Assistance to Firefighters Program. Conducted by the U.S. Department of Agriculture's Leadership Development Academy Executive Potential Program, the survey study presented a number of recommendations and concluded overall that the program was "highly effective in improving the readiness and capabilities of firefighters across the nation."[12] Another evaluation of the fire grant program was released by the DHS Office of Inspector General in September 2003. The report concluded that the program "succeeded in achieving a balanced distribution of funding through a competitive grant process,"[13] and made a number of specific recommendations for improving the program.

At the request of DHS, the National Academy of Public Administration conducted a study to help identify potential new strategic directions for the Assistance to Firefighters Grant program and to provide advice on how to effectively plan, manage, and measure program accomplishments. Released in April 2007, the report recommended consideration of new strategic directions related to national preparedness, prevention vs. response, social equity, regional cooperation, and emergency medical response. According to the report, the "challenge for the AFG program will be to support a gradual shift in direction without losing major strengths of its current management approach—including industry driven priority setting and its well-respected peer review process."[14]

The Administration's FY2008 budget proposal was accompanied by program evaluations called the Program Assessment Rating Tool (PART). For assessment year 2007, PART gave the fire grant program a rating of "Effective," (an improvement from the previous rating of "Results Not Demonstrated"). The PART directed DHS to embark on an improvement plan encompassing three elements: establishing a continuing strategic planning process, improving program transparency, and increasing outreach.[15]

The Consolidated Appropriations Act of 2008 (P.L. 110-161), in the accompanying Joint Explanatory Statement, directed the Government Accountability Office (GAO) to review the application and award process for fire and SAFER grants. Additionally, FEMA was directed to peer review grant applications that best address the program's priorities and criteria as 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

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

[13] Department of Homeland Security, Office of Inspections, Evaluations, and Special Reviews, "A Review of the Assistance to Firefighters Grant Program," OIG-ISP-01-03, September 2003, p. 3. Available at http://www.dhs.gov/xoig/assets/mgmtrpts/OIG_Review_Fire_Assist.pdf.

[14] National Academy of Public Administration, *Assistance to Firefighters Grant Program: Assessing Performance*, April 2007, p. xvii. Available at http://www.napawash.org/pc_management_studies/Fire_Grants_Report_April2007.pdf.

[15] Office of Management and Budget, ExpectMore.gov, Detailed Information on the Federal Emergency Management Agency, Grants and Training Office Assistance to Firefighters Grants Assessment, Assessment Year 2007, available at http://www.whitehouse.gov/omb/expectmore/detail/10001071.2007.html.

official notification detailing why the application did not meet the criteria for review. Applications must be rank-ordered, and funded following the rank order.

Distribution of Fire Grants

The FIRE Act statute prescribes 14 different purposes for which fire grant money *may* be used (see 15 U.S.C. 2229(b)(3)). These are: hiring firefighters; training firefighters; creating rapid intervention teams; certifying fire inspectors; establishing wellness and fitness programs; funding emergency medical services; acquiring firefighting vehicles; acquiring firefighting equipment; acquiring personal protective equipment; modifying fire stations for health and safety; enforcing fire codes; funding fire prevention programs; educating the public about arson prevention and detection; and providing incentives for the recruitment and retention of volunteer firefighters. The DHS has the discretion to decide which of those purposes will be funded for a given grant year. Since the program commenced in FY2001, the majority of fire grant funding has been used by fire departments to purchase firefighting equipment, personal protective equipment, and firefighting vehicles.

Eligible applicants are limited primarily to fire departments (defined as an agency or organization that has a formally recognized arrangement with a state, local, or tribal authority to provide fire suppression, fire prevention and rescue services to a population within a fixed geographical area). Emergency Medical Services (EMS) activities are eligible for fire grants, including a limited number (no more than 2% of funds allocated) to EMS organizations not affiliated with hospitals. Additionally, a separate competition is held for fire prevention and firefighter safety research and development grants, which are available to national, state, local, or community fire prevention or safety organizations (including, but not limited to, fire departments). For official program guidelines, frequently-asked-questions, the latest awards announcements, and other information, see the Assistance to Firefighters Grant program web page at http://www.firegrantsupport.com/.

The FIRE Act statute provides overall guidelines on how fire grant money will be distributed and administered. The law directs that volunteer and combination 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 (34% for combination, 21% for all-volunteer). The Assistance to Firefighters Grant Program Reauthorization Act of 2004 (Title XXXVI of P.L. 108-375) raised award caps and lowered nonfederal matching requirements (based on recipient community population), extended eligibility to nonaffiliated emergency medical services (i.e. ambulance services not affiliated with fire departments), and expanded the scope of grants to include firefighter safety R&D.

There is no set geographical formula for the distribution of fire grants—fire departments throughout the nation apply, and award decisions are made by a peer panel based on the merits of the application and the needs of the community. However, the law does require that fire grants should be distributed to a diverse mix of fire departments, with respect to type of department (paid, volunteer, or combination), geographic location, and type of community served (e.g. urban, suburban, or rural).[16] The Fire Act's implementing regulation provides that:

[16] 15 U.S.C. 2229(b)(9).

> In a few cases, to fulfill our obligations under the law to make grants to a variety of departments, we may also make funding decisions using rank order as the preliminary basis, and then analyze the type of fire department (paid, volunteer, or combination fire departments), the size and character of the community it serves (urban, suburban, or rural), and/or the geographic location of the fire department. In these instances where we are making decisions based on geographic location, we will use States as the basic geographic unit.[17]

According to the FY2009 Program Guidance for the Assistance to Firefighters Program, career (paid) departments will compete against other career departments for up to 45% of the available funding, while volunteer and combination departments will compete for at least 55% of the available funding.[18] However, given that less than 10% of fire grant applications are historically received from career departments, funding levels are likely not to reach the 45% ceiling for career departments. Additionally, each fire department that applies is classified as either urban, suburban, or rural. In FY2006, 4.3% of the total number of fire grant awards went to urban areas, 17.8% to suburban areas, and 77.7% to rural areas. Of the total amount of federal funding awarded, 7.7% went to urban areas, 18.2% to suburban areas, and 73.9% to rural areas.[19]

Finally, in an effort to maximize the diversity of awardees, the geographic location of an applicant (using states as the basic geographic unit) is used as a deciding factor in cases where applicants have similar qualifications. **Table 4** shows a state-by-state breakdown of fire grant funding for FY2001 through FY2008, while **Table 5** shows a state-by-state breakdown of SAFER grant funding for FY2005 through FY2008. **Table 6** provides an in-depth look at the FY2008 fire grants, showing, for each state, the number of fire departments in each state,[20] the number of fire grant applications, the total amount requested, the total amount awarded, and the amount of funds awarded as a percentage of funds requested. As **Table 6** shows, the entire pool of fire department applicants received about 15% of the funds they requested in FY2008. This is down from 16% in FY2007, 21% in FY2006, 22% in FY2005, 28% in FY2004, and 34% in FY2003. This reflects the fact that the number of applications and federal funds requested have trended upward over these years, while appropriations for the fire grant program have declined over the same period.

Issues in the 111th Congress

The Administration's FY2011 budget proposal, if approved, would constitute the lowest funding level for AFG since FY2001, the initial year of the program. During the second session of the 111th Congress, the proposed FY2011 budget decrease will likely received heightened scrutiny

[17] 44 CFR Part 152.6(c).

[18] For the FY2008 round of awards, no less than 34% of AFG funds must be awarded to combination departments, and no less than 21% of AFG funds must be awarded to all-volunteer departments. See Department of Homeland Security, *Fiscal Year 2009 Assistance to Firefighters Grants: Guidance and Application Kit*, April 2009, p. 25.

[19] Department of Homeland Security, Grant Programs Directorate, Grant Development and Administration Division, *Report on Fiscal Year 2006 Assistance to Firefighters Grants*, p. 11.

[20] The fire grant program sets a limit of up to three applications per fire department per year (a vehicle application, an application for operations and safety, and a regional application). Thus, the number of fire departments in a state plays a major factor in the number of fire grant applications submitted and the amount of total funding awarded within a given state. For example, because Pennsylvania has—by far—the largest number of fire departments, it is not surprising that it leads the nation in the number of fire grants applications and the amount of funding awarded.

from the fire community, given the national economic downturn and local budgetary cutbacks that many fire departments are now facing.

Meanwhile, on November 18, 2009, the House passed H.R. 3791, the Fire Grants Reauthorization Act of 2009, which would reauthorize AFG and SAFER through FY2014 and modify the distribution of fire grant funds. Debate over the AFG reauthorization has reflected a competition for funding between career/urban/suburban departments and volunteer/rural departments. The urgency of this debate could be heightened by the proposed reduction of overall AFG funding in FY2011, and the economic downturn in many local communities increasingly hard pressed to allocate funding for their local fire departments.

Table 4. State-by-State Distribution of Fire Grants, FY2001-FY2008

(millions of dollars)

	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	Total
AL	3.085	12.503	23.329	25.097	20.836	22.027	19.903	23.332	150.112
AK	1.303	2.641	5.242	2.522	3.111	0.754	2.454	0.990	19.017
AZ	1.37	3.6	7.490	9.808	7.905	4.041	4.932	5.440	44.586
AR	1.337	4.635	10.675	13.680	10.402	7.699	7.799	7.107	63.334
CA	5.905	18.978	30.060	29.793	25.631	17.856	18.730	26.198	173.151
CO	1.003	3.968	6.168	5.585	6.073	3.213	4.742	2.490	33.242
CT	1.828	4.675	10.841	9.991	7.287	5.479	6.630	6.925	53.656
DE	0.132	0.372	1.096	1.755	1.161	1.107	0.518	0.231	6.372
DC	0	0.22	0	0	0.453	0	0.376	1.171	2.22
FL	2.865	10.16	16.344	15.969	17.922	6.787	8.288	6. 738	85.073
GA	2.375	6.079	13.791	11.857	10.168	8.887	9.068	7.959	70.184
HI	0	1.182	0.947	0.864	1.205	0.264	0.436	0.772	5.67
ID	0.916	2.744	6.001	4.828	4.684	2.712	4.297	2.687	28.869
IL	2.417	13.398	28.810	27.238	25.433	21.120	21.923	21.325	161.664
IN	2.703	8.739	20.456	18.646	15.779	14.447	13.831	13.092	107.693
IA	1.301	7.284	16.087	16.430	13.119	10.064	9.298	9.877	83.46
KS	1.153	5.118	10.850	10.211	7.165	4.984	5.502	3.928	48.911
KY	2.215	7.896	19.832	16.150	14.215	13.308	13.081	17.153	103.85
LA	3.344	10.084	12.248	11.101	11.630	6.935	5.473	7.033	67.848
ME	1.296	4.319	10.323	10.031	6.124	6.702	5.486	4.904	49.185
MD	0.739	4.08	8.153	10.227	8.771	10.368	7.712	5.525	55.575
MA	2.301	8.386	15.715	13.958	13.529	8.957	11.644	9.532	84.022
MI	2.815	8.948	17.247	20.005	15.088	15.798	15.399	15.482	110.782
MN	2.133	8.149	17.510	18.609	14.894	14.718	16.600	13.082	105.695
MS	1.763	6.755	15.679	11.329	9.856	7.885	8.052	7.761	69.08
MO	3.079	10.291	19.573	17.757	14.246	13.202	10.611	11.589	100.348

	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	Total
MT	1.164	3.726	8.361	7.271	6.656	5.839	7.330	4.670	45.017
NE	1.034	2.392	7.820	6.577	5.116	4.399	4.443	4.324	36.105
NV	0.282	1.446	3.312	1.405	1.946	0.857	1.530	0.687	11.465
NH	0.594	1.887	4.584	5.694	4.563	3.307	3.219	2.723	26.571
NJ	2.596	6.339	19.982	16.488	14.691	12.386	13.266	13.201	98.949
NM	1.455	3.463	5.048	3.653	2.259	1.461	1.367	1.101	19.807
NY	3.978	14.728	34.320	35.030	36.009	33.804	22.664	30.204	210.737
NC	1.949	10.239	22.864	22.360	19.315	18.309	20.031	18.460	133.527
ND	0.546	2.613	5.105	3.391	2.673	2.459	3.100	3.297	23.184
OH	2.731	13.742	26.997	29.107	27.344	25.380	26.433	26.938	178.672
OK	1.864	4.939	10.540	10.393	8.757	10.852	7.220	6.875	61.44
OR	1.596	4.892	9.896	10.122	10.014	9.288	5.943	8.438	60.189
PA	2.89	16.97	45.179	47.898	39.233	41.259	43.610	41.041	278.08
RI	0.407	1.507	2.327	1.917	2.129	2.025	0.855	1.395	12.562
SC	1.554	5.257	11.832	14.150	10.544	8.028	10.470	11.040	72.875
SD	0.904	3.142	5.602	4.693	3.570	2.989	2.474	2.069	25.443
TN	2.46	11.509	19.306	18.686	15.047	11.209	12.955	16.074	107.246
TX	3.697	15.644	29.264	30.118	23.480	18.035	17.691	20.458	158.387
UT	0.9	2.754	4.628	3.880	2.188	2.213	3.378	0.934	20.875
VT	0.451	1.971	5.163	4.747	2.071	1.456	1.820	1.046	18.725
VA	2.066	8.79	15.816	16.668	14.357	8.317	10.403	8.370	84.787
WA	1.535	7.544	18.808	19.565	15.763	16.150	12.951	13.050	105.366
WV	1.067	3.966	9.942	9.133	10.143	5.838	7.164	7.238	54.491
WI	2.077	7.518	18.234	19.668	17.685	13.994	19.439	15.216	113.831
WY	1.09	1.612	3.507	1.811	2.032	1.197	1.645	1.023	13.917
PR	0.657	0.382	1.643	1.140	1.104	0.528	0.019	0.074	5.547
MP	0.145	0.225	0	0	0.220	0.172	0	0	0.762
GU	0	0.016	0	0	0	0.287	0	0	0.303
AS	0.164	0	0	0.284	0	0	0	0	0.448
VI	0.741	0	0.544	0	0	0	0	0.233	1.518
Tot	**91.972**	**334.417**	**695.121**	**679.305**	**585.619**	**491.375**	**494.221**	**492.527**	**3864.56**

Source: Department of Homeland Security. FY2008 awards data current as of November 30, 2009.

Table 5. State-by-State Distribution of SAFER Grants, FY2005-FY2008

(millions of dollars)

	FY2005	FY2006	FY2007	FY2008	Total
Alabama	1.611	6.215	4.236	7.314	19.376
Alaska	1.051	0.205	0.418	1.438	3.112
Arizona	1.560	3.559	4.428	6.613	16.16
Arkansas	0.394	1.820	0.377	3.834	6.425
California	5.221	5.212	4.259	4 .212	18.904
Colorado	1.584	3.479	1.730	2.02	8.813
Connecticut	0.130	0.191	0.856	3.92	5.097
Delaware	0	0.135	0	0.398	0.533
District of Columbia	0	0	0	0	0
Florida	6.576	9.329	6.217	18.486	40.608
Georgia	5.354	2.085	2.842	17.438	27.719
Hawaii	0	0	0	1.626	1.626
Idaho	0.063	0.621	0.626	0.774	2.084
Illinois	1.340	4.463	9.933	5.85	21.586
Indiana	0	0.099	2.687	6.528	9.314
Iowa	0.169	0.144	0.980	1.288	2.581
Kansas	0.667	0.045	1.029	1.872	3.613
Kentucky	0.152	2.890	0.429	2.466	5.937
Louisiana	3.430	3.078	4.728	8.62	19.856
Maine	0.081	0	0.316	0.951	1.348
Maryland	0.096	1.862	1.526	3.171	6.655
Massachusetts	1.300	2.079	4.372	2.690	10.441
Michigan	1.759	0.592	0	0.823	3.174
Minnesota	0.300	1.089	0.375	3.246	5.01
Mississippi	0.756	0.594	0.115	1.608	3.073
Missouri	1.467	3.547	4.551	2.381	11.946
Montana	0.034	0.255	2.635	2.955	5.879
Nebraska	0	0.873	0.632	1.951	3.456
Nevada	1.500	1.714	0.632	0.086	3.932
New Hampshire	0.400	1.035	1.528	0.225	3.188
New Jersey	6.374	3.971	2.953	4.389	17.687
New Mexico	0	3.123	1.309	0.108	4.54
New York	1.540	2.991	2.845	4.412	11.788
North Carolina	2.155	5.533	5.371	18.183	31.242

	FY2005	FY2006	FY2007	FY2008	Total
North Dakota	0	0.609	0	1.518	2.127
Ohio	1.319	1.881	2.255	3.737	9.192
Oklahoma	0.147	0.699	0.531	2.782	4.159
Oregon	1.710	2.141	2.649	2.071	8.571
Pennsylvania	1.244	1.475	2.633	3.515	8.867
Rhode Island	0.400	0	0.105	0	0.505
South Carolina	0.456	0.863	3.218	8.158	12.695
South Dakota	0.063	0.311	0.211	0.552	1.137
Tennessee	2.700	2.719	3.683	1.856	10.958
Texas	0.951	10.961	8.779	19.06	39.751
Utah	0.900	3.312	2.098	5.162	11.472
Vermont	0	0.621	0.632	0	1.253
Virginia	2.091	3.554	0.782	1.849	8.276
Washington	2.298	2.897	7.340	9.476	22.011
West Virginia	0	0.187	0.681	0.16	1.028
Wisconsin	0	0.072	1.223	4.502	5.797
Wyoming	0	0	0.316	2.329	2.645
Puerto Rico	0	0	0	0	0
Northern Mariana Islands	0	0	0	0	0
Marshall Islands	0	0	0	0	0
Guam	0	0	0	0	0
American Samoa	0	0	0	0	0
Virgin Islands	0	0	0	0	0
Republic of Palua	0	0	0	0	0
Total	**61.356**	**105.142**	**113.665**	**208.618**	**488.781**

Source: Department of Homeland Security. FY2008 awards data current as of October 16, 2009.

Table 6. Requests and Awards for Fire Grant Funding, FY2008

State	Number of fire/EMS departments	Number of applications	Federal funds requested ($millions)	Federal funds awarded ($millions)	Funds awarded as a % of funds requested
Alabama	966	779	98.572	23.332	23.7%
Alaska	75	56	11.639	0.990	8.5%
Arizona	283	178	37.546	5.440	14.9%
Arkansas	826	420	57.787	7.107	12.3%
California	823	534	107.544	26.198	24.4%
Colorado	375	166	23.557	2.490	10.6%
Connecticut	401	253	48.993	6.925	14.1%
Delaware	77	34	6.658	0.231	3.5%
District of Columbia	18	1	1.171	1.171	100%
Florida	755	289	61.767	6. 738	10.9%
Georgia	799	395	65.445	7.959	12.2%
Hawaii	20	3	0.790	0.772	97.7%
Idaho	212	116	17.866	2.687	15.0%
Illinois	1090	885	139.872	21.325	15.2%
Indiana	670	507	79.752	13.092	16.4%
Iowa	864	560	66.413	9.877	14.9%
Kansas	680	276	36.251	3.928	10.8%
Kentucky	796	630	93.814	17.153	18.3%
Louisiana	557	262	43.389	7.033	16.2%
Maine	431	307	42.884	4.904	11.4%
Maryland	418	205	39.909	5.525	13.8%
Massachusetts	408	349	70.441	9.532	13.5%
Michigan	865	776	110.679	15.482	14.0%
Minnesota	770	521	66.066	13.082	19.8%
Mississippi	756	435	58.775	7.761	13.2%
Missouri	865	520	67.270	11.589	17.2%
Montana	283	193	25.466	4.670	18.3%
Nebraska	486	180	25.167	4.324	17.2%
Nevada	161	32	6.619	0.687	10.4%
New Hampshire	256	145	22.804	2.723	11.9%
New Jersey	1044	618	95.824	13.201	13.8%
New Mexico	341	91	16.717	1.101	6.6%
New York	1894	1315	186.879	30.204	16.2%
North Carolina	1411	728	111.791	18.460	16.5%

State	Number of fire/EMS departments	Number of applications	Federal funds requested ($millions)	Federal funds awarded ($millions)	Funds awarded as a % of funds requested
North Dakota	322	153	21.491	3.297	15.3%
Ohio	1338	1062	171.359	26.938	15.7%
Oklahoma	772	397	52.973	6.875	13.0%
Oregon	360	231	37.603	8.438	22.4%
Pennsylvania	2635	2255	342.725	41.041	12.0%
Rhode Island	101	74	12.840	1.395	10.9%
South Carolina	592	419	59.058	11.040	18.7%
South Dakota	345	179	23.363	2.069	8.8%
Tennessee	649	660	92.595	16.074	17.3%
Texas	1883	775	132.007	20.458	15.5%
Utah	221	120	17.539	0.934	5.3%
Vermont	255	104	13.314	1.046	7.8%
Virginia	822	327	57.327	8.370	14.6%
Washington	543	357	67.575	13.050	19.3%
West Virginia	476	365	55.026	7.238	13.1%
Wisconsin	901	713	98.293	15.216	15.5%
Wyoming	135	51	7.779	1.023	13.1%
Puerto Rico	7	8	1.354	0.074	5.5%
Northern Marianas	Not available	2	0.497	0	0%
Virgin Islands	Not available	2	0.437	0.233	53.3%
Guam	Not available	2	1.145	0	0%
Total	**30,185**	**21,015**	**3212.427**	**492.527**	**15.3%**

Sources: Department of Homeland Security (FY2008 application and awards data as of November 30, 2009) and firehouse.com (number of firehouse/EMS departments, updated June 2009).

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