

# 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 17<sup>th</sup> year. The Fire Act statute was reauthorized in 2012 (Title XVIII of P.L. 112-239) and provided new 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.

The Consolidated Appropriations Act, 2017 (P.L. 115-31) provided \$690 million for firefighter assistance in FY2017, including \$345 million for AFG and \$345 million for SAFER. For FY2018, the Administration requested \$688.688 million for firefighter assistance, including \$344.344 million for AFG and \$344.344 million for SAFER.

With the current authorization of the fire act statute expiring on September 30, 2017, and with the current AFG and SAFER statute containing a sunset provision for each program that goes into effect on January 2, 2018, the 115<sup>th</sup> Congress will likely consider legislation to reauthorize the AFG and SAFER programs. On April 5, 2017, S. 829, the AFG and SAFER Program Reauthorization Act of 2017, was introduced by Senator McCain and referred to the Committee on Homeland Security and Governmental Affairs. On May 17, 2017, the committee ordered S. 829 to be reported with an amendment in the nature of a substitute.

The 115<sup>th</sup> Congress will also consider budget appropriations for AFG and SAFER. As is the case with many federal programs, concerns over the federal budget deficit could impact budget levels for AFG and SAFER. At the same time, firefighter assistance budgets will likely receive heightened scrutiny from the fire community, given the local budgetary shortfalls that many fire departments now face.

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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, 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 106<sup>th</sup> 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 Floyd D. Spence National Defense Authorization Act (P.L. 106-398).<sup>1</sup> 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.

Since its establishment, the Assistance to Firefighters Grant program has been reauthorized twice. The first reauthorization was Title XXXVI of the FY2005 Ronald W. Reagan National Defense Authorization Act (P.L. 108-375), which authorized the program through FY2009. The second and current reauthorization is Title XVIII, Subtitle A of the FY2013 National Defense Authorization Act (P.L. 112-239), which authorizes the program through FY2017 and modifies program rules for disbursing grant money.

## Fire Grants Reauthorization Act of 2012

On January 2, 2013, the President signed P.L. 112-239, the FY2013 National Defense Authorization Act. Title XVIII, Subtitle A is the Fire Grants Reauthorization Act of 2012, which authorizes the fire grant program through FY2017. **Table 1** provides a summary of key provisions of the 2012 reauthorization, and provides a comparison with the previous statute.

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<sup>1</sup> “Firefighter assistance” is codified as §33 of the Federal Fire Prevention and Control Act (15 U.S.C. 2229).

**Table I. Key Provisions of Fire Grant Reauthorization**

<b>Previous Statute (15 U.S.C. 2229 and 15 U.S.C. 2229a)</b>	<b>Fire Grant Reauthorization Act of 2012 (Title XVIII of P.L. 112-239)</b>
<i>Grant money allocation</i>	
volunteer and combination fire departments shall receive a proportion of the total grant funding that is not less than the proportion of the U.S. population that those departments protect	not less than 25% to career fire departments not less than 25% to volunteer fire departments not less than 25% to combination and paid-on-call fire departments not less than 10% for open competition among career, volunteer, combination, and paid-on-call fire departments
5% (minimum) to fire prevention and safety grants	not less than 10% to fire prevention and safety grants no fire prevention and safety grant may exceed \$1.5 million includes establishment of fire-safety research centers to conduct research to improve firefighter health and safety no fire prevention and safety grant may be provided to the Association of Community Organizations for Reform Now (ACORN)
3.5% (minimum) to EMS provided by fire departments and nonaffiliated EMS organizations	not less than 3.5% to EMS provided by fire departments and nonaffiliated EMS organizations
2% (maximum) to nonaffiliated EMS organizations	not more than 2% to nonaffiliated EMS organizations not more than 3% to State training academies, no more than \$1 million per state academy in any fiscal year not more than 25% for purchasing vehicles
<i>Grant recipient limits</i>	
populations over 1 million—lesser of \$2.75 million or 0.5% of total appropriation	\$9 million—over 2.5m population
populations of 500K to 1 million—\$1.75 million	\$6 million—1m to 2.5m population
populations under 500K—\$1 million	\$3 million—500K to 1m population
no single grant can exceed 0.5% of total funds appropriated for a single fiscal year	\$2 million—100K to 500K population
	\$1 million—under 100K population
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	FEMA may not award a grant exceeding 1% of all available grant funds, unless FEMA determines extraordinary need
<i>Nonfederal match requirements</i>	
20% for populations over 50,000	15% for populations over 1 million
10% for populations 20,000 to 50,000	10% for populations 20,000 to 1 million
5% for populations less than 20,000	5% for populations under 20,000
No match requirement for non-fire department prevention and firefighter safety grants	5% match required for fire prevention and safety grants
<i>Maintenance of expenditures</i>	
requires applicants to maintain expenditures at the same level as the average over the preceding two fiscal years	requires applicants to maintain expenditures at or above 80% of the average over the preceding two fiscal years
<i>Economic hardship waivers</i>	
no economic hardship waivers available	waivers available for nonfederal matching and

Previous Statute (15 U.S.C. 2229 and 15 U.S.C. 2229a)	Fire Grant Reauthorization Act of 2012 (Title XVIII of P.L. 112-239)
	maintenance of expenditures requirements, FEMA will develop economic hardship waiver guidelines considering unemployment rates, percentages of individuals eligible to receive food stamps, and other factors as appropriate.
<i>Authorization levels</i>	
FY2005—\$900 million FY2006—\$950 million FY2007—\$1 billion FY2008—\$1 billion FY2009—\$1 billion	FY2013—\$750 million for each of FY2014-FY2017, an amount equal to the amount authorized the previous fiscal year, increased by the percentage by which the Consumer Price Index for the previous fiscal year exceeds the preceding year.
<i>Congressionally Directed Spending</i>	
no provision	no funds may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives)
<i>Sunset</i>	
none	the authority to award assistance and grants shall expire five years after the date of enactment
<i>SAFER grants</i>	
grant period is 4 years, grantees are required to retain for at least 1 year beyond the termination of their grants those firefighter positions hired under the grant	shortens the grant period to three years, with no requirement that fire departments must retain SAFER funded firefighters for an extra year
year 1—10% local match year 2—20% local match year 3—50% local match year 4—70% local match	year 1—25% local match year 2—25% local match year 3—65% local match
total funding over 4 years for hiring a firefighter may not exceed \$100K, adjusted annually for inflation	for the first year, the amount of funding provided for hiring a firefighter may not exceed 75% of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted for the second year, the amount of funding provided for hiring a firefighter may not exceed 75% of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted for the third year, the amount of funding provided for hiring a firefighter may not exceed 35% of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted
state, local, and Indian tribal governments eligible for recruitment and retention funds	additionally makes national organizations eligible for recruitment and retention funds  allows FEMA, in the case of economic hardship, to waive cost share requirements, as well as the prohibition on supplanting local funds and maintenance of expenditure requirements (which would allow grants to be used for retention and rehiring laid-off firefighters)
authorized for 7 years starting at \$1 billion in FY2004, ending at \$1.194 billion in FY2010	reauthorizes the SAFER grant program at \$750 million for FY2013; for each of FY2014-FY2017, an amount equal to the amount authorized the previous fiscal year, increased by the percentage by which the Consumer

Previous Statute (15 U.S.C. 2229 and 15 U.S.C. 2229a)	Fire Grant Reauthorization Act of 2012 (Title XVIII of P.L. 112-239)
	Price Index for the previous fiscal year exceeds the preceding year no funds may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives)
authority to make grants shall lapse 10 years from November 24, 2003	the authority to award assistance and grants shall expire five years after the date of enactment

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

## Fire Grants Reauthorization in the 115<sup>th</sup> Congress

The current authorization of both the AFG and SAFER program expires on September 30, 2017. Additionally, the current AFG and SAFER statute contains a sunset provision for each program that goes into effect on January 2, 2018.

### Senate

On April 5, 2017, S. 829, the AFG and SAFER Program Reauthorization Act of 2017, was introduced by Senator McCain and referred to the Committee on Homeland Security and Governmental Affairs. On May 17, 2017, the committee ordered S. 829 to be reported with an amendment in the nature of a substitute. The committee-approved AFG and SAFER Program Reauthorization Act of 2017 would

- extend the AFG and SAFER authorizations through FY2023;
- repeal the sunset provisions for both programs;
- provide that the U.S. Fire Administration in FEMA may develop and make widely available an online training course on AFG and SAFER grant administration;
- expand SAFER hiring grant eligibility to cover the conversion of part-time or paid-on-call firefighters to full-time firefighters;
- direct FEMA, acting through the Administrator of USFA, to develop and implement a grant monitoring and oversight framework to mitigate and minimize risks of fraud, waste, abuse, and mismanagement related to the AFG and SAFER grant programs; and
- make various technical corrections to the AFG and SAFER statute.

### House

To date, fire grant reauthorization legislation has not been introduced into the House. Regarding related legislation, H.R. 1571, the Fire Department Proper Response and Equipment Prioritization Act, was introduced on March 16, 2017, by Representative Herrera-Beutler. H.R. 1571 would amend the fire act statute to direct FEMA to give high priority consideration to grants providing for planning, training, and equipment to firefighters for crude oil-by-rail and ethanol-by-rail derailment and incident response.

## 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 fire grant program is in its 17<sup>th</sup> year. **Table 2** shows the appropriations history for firefighter assistance, including AFG, SAFER, and the Fire Station Construction Grants (SCG) provided in the American Recovery and Reinvestment Act of 2009 (ARRA). **Table 3** shows recent and proposed appropriated funding for the AFG and SAFER grant programs.

**Table 2. Appropriations for Firefighter Assistance, FY2001-FY2017**

	<b>AFG</b>	<b>SAFER</b>	<b>SCG<sup>a</sup></b>	<b>Total</b>
FY2001	\$100 million			<b>\$100 million</b>
FY2002	\$360 million			<b>\$360 million</b>
FY2003	\$745 million			<b>\$745 million</b>
FY2004	\$746 million			<b>\$746 million</b>
FY2005	\$650 million	\$65 million		<b>\$715 million</b>
FY2006	\$539 million	\$109 million		<b>\$648 million</b>
FY2007	\$547 million	\$115 million		<b>\$662 million</b>
FY2008	\$560 million	\$190 million		<b>\$750 million</b>
FY2009	\$565 million	\$210 million	\$210 million	<b>\$985 million</b>
FY2010	\$390 million	\$420 million		<b>\$810 million</b>
FY2011	\$405 million	\$405 million		<b>\$810 million</b>
FY2012	\$337.5 million	\$337.5 million		<b>\$675 million</b>
FY2013	\$321 million	\$321 million		<b>\$642 million</b>
FY2014	\$340 million	\$340 million		<b>\$680 million</b>
FY2015	\$340 million	\$340 million		<b>\$680 million</b>
FY2016	\$345 million	\$345 million		<b>\$690 million</b>
FY2017	\$345 million	\$345 million		<b>\$690 million</b>
	<b>\$7.625 billion</b>	<b>\$3.535 billion</b>	<b>\$210 million</b>	<b>\$11.4 billion</b>

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)

	<b>FY2016 (Admin. request)</b>	<b>FY2016 (P.L. 114- 113)</b>	<b>FY2017 (Admin. request)</b>	<b>FY2017 (P.L. 115-31)</b>	<b>FY2018 (Admin. request)</b>
FIRE Grants (AFG)	335	345	335	345	344.344
SAFER Grants	335	345	335	345	344.344
<b>Total</b>	<b>670</b>	<b>690</b>	<b>670</b>	<b>690</b>	<b>688.688</b>

**FY2015**

The Administration's FY2015 budget proposed \$670 million for firefighter assistance, including \$335 million for AFG and \$335 million for SAFER. Funding for management and administration would be drawn from a separate FEMA account (Salaries and Expenses). The Firefighter Assistance Grants would be categorized under First Responder Assistance Programs (FRAP), one of three activities under FEMA's State and Local Programs (SLP) appropriation.

On June 11, 2014, the House Appropriations Committee approved H.R. 4903/S. 2534, the Department of Homeland Security Appropriations Act, 2015. The bill would provide \$680 million in firefighter assistance, including \$340 million for AFG and \$340 million for SAFER. The committee would continue to fund firefighter assistance under its own account, and declined the Administration's request to place firefighter assistance under the State and Local Programs account. In the accompanying report (H.Rept. 113-481) the committee directed FEMA to continue to administer the Fire Grant programs as directed in prior year committee reports and encouraged FEMA to ensure that the formulas used for equipment accurately reflect the current cost of equipment.

On June 26, 2014, the Senate Appropriations Committee approved its version of the Department of Homeland Security Act, 2015. As did the House Committee, the Senate bill would provide \$680 million in firefighter assistance, including \$340 million for AFG and \$340 million for SAFER. The Senate bill would continue to fund firefighter assistance under its own separate account. In the accompanying report (S.Rept. 113-198), the committee expressed its expectation that funding for rural fire departments should be consistent with the previous five-year funding history and that FEMA will brief the committee if there is an anticipated fluctuation.

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

**FY2016**

The Administration's FY2016 budget proposed \$670 million for firefighter assistance, including \$335 million for AFG and \$335 million for SAFER. Funding for management and administration would be drawn from a separate FEMA account (Salaries and Expenses). The Firefighter Assistance Grants would be categorized under First Responder Assistance Programs (FRAP), which is part of FEMA's State and Local Programs (SLP) appropriation.

On June 18, 2015, the Senate Appropriations Committee reported S. 1619, the Department of Homeland Security Act, 2016. Identical to the funding level in FY2015, the Senate bill would provide \$680 million in firefighter assistance, including \$340 million for AFG and \$340 million

for SAFER. The Senate bill would continue to fund firefighter assistance under its own separate account. In the accompanying report (S.Rept. 114-68), the committee directed DHS to continue the present practice of funding applications according to local priorities and those established by the USFA, and to continue direct funding to fire departments and the peer review process. The committee stated its expectation that funding for rural fire departments remain consistent with their previous five-year history, and directed FEMA to brief the committee if there is a fluctuation.

On July 21, 2015, the House Appropriations Committee approved H.R. 3128, the Department of Homeland Security Appropriations Act, 2016. The bill would provide \$680 million in firefighter assistance, including \$340 million for AFG and \$340 million for SAFER. In the committee report (H.Rept. 114-215), the committee emphasizes the need for local first responders to be adequately prepared for crude- and ethanol-by-rail incidents and encourages FEMA to categorize AFG hazmat and other applications related to crude- and ethanol-by-rail preparation and response as “high priority.”

On December 18, 2015, the President signed the Consolidated Appropriations Act, 2016 (P.L. 114-113). The law provided \$690 million for firefighter assistance in FY2016, including \$345 million for AFG and \$345 million for SAFER. Firefighter assistance continued to be funded under its own separate appropriations account.

## **FY2017**

For FY2017, the Obama Administration requested \$335 million for AFG and \$335 million for SAFER, a reduction of \$10 million for each program from the FY2016 enacted level. The budget justification stated that the proposed reduction in AFG and SAFER “reflects FEMA’s successful investments in prior year grants awarded.”

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

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

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

The Consolidated Appropriations Act, 2017 (P.L. 115-31) provided \$690 million for firefighter assistance in FY2017, including \$345 million for AFG and \$345 million for SAFER. The firefighter assistance account is transferred to FEMA's broader Federal Assistance account.

## **FY2018**

For FY2018, the Administration requested \$688.688 million for firefighter assistance, including \$344.344 million for AFG and \$344.344 million for SAFER, slightly below the FY2017 level. AFG and SAFER are under Grants in the Federal Assistance budget account.

## **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 nonfederal 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 (§603) that waived the matching requirement for SAFER grants funded by appropriations in FY2009 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 nonfederal 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.

DHS/FEMA received 6,025 SCG applications for \$9.9 billion in federal funds.<sup>2</sup> As of October 1, 2010, 119 SCG grants were awarded, totaling \$207.461 million to fire departments within the United States. A complete list of SCG awards is available at <http://www.fema.gov/rules-tools/assistance-firefighters-station-construction-grants>.

## **SAFER Grants**

In response to concerns over the adequacy of firefighter staffing, the 108<sup>th</sup> 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. For more

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<sup>2</sup> Detailed SCG application statistics are available at <http://www.firegrantsupport.com/docs/2009AFSCGAppStats.pdf>.

information on the SAFER program, see CRS Report RL33375, *Staffing for Adequate Fire and Emergency Response: The SAFER Grant Program*, by (name redacted) .

## 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."<sup>3</sup> 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,"<sup>4</sup> 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."<sup>5</sup>

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

In October 2009, GAO sent a report to Congress finding that FEMA has met most statutory requirements for awarding fire grants.<sup>6</sup> GAO recommended that FEMA establish a procedure to track EMS awards, ensure that grant priorities are better aligned with application questions and scoring values, and provide specific feedback to rejected applicants.

During 2014 and 2015, the DHS Office of the Inspector General (OIG) conducted an audit of AFG grants for fiscal years 2010 through 2012. On June 9, 2016, the DHS OIG released its report finding that 64% of AFG grant recipients over that period did not comply with grant guidance and

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<sup>3</sup> For full report see <http://www.usfa.fema.gov/downloads/pdf/affgp-fy01-usda-report.pdf>.

<sup>4</sup> 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 [https://www.oig.dhs.gov/assets/Mgmt/OIG\\_Review\\_Fire\\_Assist.pdf](https://www.oig.dhs.gov/assets/Mgmt/OIG_Review_Fire_Assist.pdf).

<sup>5</sup> National Academy of Public Administration, *Assistance to Firefighters Grant Program: Assessing Performance*, April 2007, p. xvii. Available at <http://www.napawash.org/wp-content/uploads/2007/07-06.pdf>.

<sup>6</sup> U.S. Government Accountability Office, *Fire Grants: FEMA Has Met Most Requirements for Awarding Fire Grants, but Additional Actions Would Improve Its Grant Process*, GAO-10-64, October 2009, <http://www.gao.gov/new.items/d1064.pdf>.

requirements to prevent waste, fraud, and abuse of grant funds. The report recommended that FEMA's Grant Programs Directorate develop and implement an organizational framework to manage the risk of fraud, waste, abuse, and mismanagement. According to the report, FEMA has concurred with the OIG findings and has taken corrective actions to resolve the recommendations.<sup>7</sup>

Meanwhile, the Fire Grants Reauthorization Act of 2012 (P.L. 112-239) directed GAO to prepare a report to Congress that includes an assessment of the effect of the changes made by P.L. 112-239 on the effectiveness, relative allocation, accountability, and administration of the fire grants. GAO was also directed to evaluate the extent to which those changes have enabled grant recipients to mitigate fire and fire-related and other hazards more effectively. In September 2016, GAO released its report, entitled *Fire Grants: FEMA Could Enhance Program Administration and Performance Assessment*. The report concluded that FEMA's fire grant policies and the awards made in FY2013 and FY2014 generally reflected the changes to the fire grant statute made by P.L. 112-239, and that FEMA enhanced its assessment of program performance by establishing and reporting on measures of effectiveness of the grants. However, GAO also concluded that those performance measures do not include measurable performance targets linked to AFG and SAFER program goals, and that "aligning the fire grants programs' use of data on, and definitions of, critical infrastructure to award fire grants and assess program performance with the more objective, quantitative approach used by DHS and GPD [the Grants Program Directorate] for other programs and non-fire preparedness grants could enhance GPD's efforts to integrate the fire grants program into larger national preparedness efforts and more objectively assess the impact of fire grants."<sup>8</sup>

In November 2016, the National Fire Protection Association (NFPA) released its *Fourth Needs Assessment of the U.S. Fire Service*, which seeks to identify gaps and needs in the fire service, and assesses the extent to which fire grants target those gaps and needs. According to the study:

For respondent departments, fire service needs are extensive across the board, and in nearly every area of need, the smaller the community protected, the greater the need.

While some needs have declined, many others have been constant or have shown an increase. Gaps remain across the board in staffing, training, facilities, apparatus, personal protective equipment, and health and wellness. Evidence of the need for staffing engines; training for structural firefighting, Hazmat and wildland firefighting; and updated SCBA and personal protective clothing is concerning.

Roles and responsibilities of the fire service are expanding apparently at the same time appears that resources are being cut. EMS and Hazmat are now common responsibilities while active shooter response, enhanced technical rescue and wildland-urban interface firefighting are up and coming challenges for many departments.

AFG and SAFER grant funds are targeted towards areas of need. As other resources are cut back, more departments turn towards these grants for support. If anything, these grant programs should grow in order to address the considerable multifaceted need that continues in the fire service.<sup>9</sup>

<sup>7</sup> Department of Homeland Security, Office of Inspector General, *FEMA's Grant Programs Directorate Did Not Effectively Manage Assistance to Firefighters Grant Program—AFG Grants*, OIG-16-100, June 9, 2016, 25 pp., available at <https://www.oig.dhs.gov/assets/Mgmt/2016/OIG-16-100-Jun16.pdf>.

<sup>8</sup> Government Accountability Office, *Fire Grants: FEMA Could Enhance Program Administration and Performance Assessment*, GAO-16-744, September 2016, p. 33, available at <http://gao.gov/assets/680/679787.pdf>.

<sup>9</sup> National Fire Protection Association, *Fourth Needs Assessment of the U.S. Fire Service*, November 2016, p. xvii, available at <http://www.nfpa.org/news-and-research/fire-statistics-and-reports/fire-statistics/the-fire-service/> (continued...)

## Distribution of Fire Grants

The AFG statute prescribes different purposes for which fire grant money may be used. These are training firefighting personnel; creating rapid intervention teams; certifying fire inspectors and building inspectors whose responsibilities include fire safety inspections and who are associated with a fire department; establishing wellness and fitness programs, including mental health programs; funding emergency medical services (EMS) provided by fire departments and nonaffiliated EMS organizations; acquiring firefighting vehicles; acquiring firefighting equipment; acquiring personal protective equipment; modifying fire stations, fire training facilities, and other facilities for health and safety; educating the public about arson prevention and detection; providing incentives for the recruitment and retention of volunteer firefighters; and supporting other activities as FEMA determines appropriate. FEMA has the discretion to decide which of those purposes will be funded for a given grant year. This decision is based on a Criteria Development Panel, composed of fire service and EMS representatives, which annually recommends criteria for awarding grants.

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 (at least 3.5% of annual AFG funding) are eligible for fire grants, including a limited number (no more than 2%) to non-fire department 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 fire departments; national, state, local, tribal, or nonprofit organizations recognized for their fire safety or prevention expertise; and to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers. For official program and application guidelines, frequently asked questions, the latest awards announcements, and other information, see the Assistance to Firefighters Grant program web page at <http://www.fema.gov/welcome-assistance-firefighters-grant-program>.

The FIRE Act statute provides overall guidelines on how fire grant money will be distributed. Previously, the law directed 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). Reflecting concerns that career fire departments (which are primarily in urban and suburban areas) were not receiving adequate levels of funding, the Fire Grants Authorization Act of 2012 altered the distribution formula, directing that not less than 25% of annual AFG funding go to career fire departments, not less than 25% to volunteer fire departments, not less than 25% to combination and paid-on-call fire departments, and not less than 10% for open competition among career, volunteer, combination, and paid-on-call fire departments. Additionally, P.L. 112-239 raised award caps (up to \$9 million) and lowered matching requirements for fire departments serving higher population areas.

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(...continued)

administration/needs-assessment.

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, in evaluating applications, FEMA may take into consideration the type of department (paid, volunteer, or combination), geographic location, and type of community served (e.g., urban, suburban, or rural).<sup>10</sup>

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 FY2015, while **Table 5** shows a state-by-state breakdown of SAFER grant funding for FY2005 through FY2015. **Table 6** shows the percentage distribution of AFG grant funds by type of department (career, combination, volunteer, paid-on-call) for FY2009 through FY2014, while **Table 7** shows the percentage distribution of AFG grant funds by community service area (urban, suburban, rural) for FY2009 through FY2014.

## Issues in the 115<sup>th</sup> Congress

With the current authorization of the fire act statute expiring on September 30, 2017, and with AFG and SAFER slated to sunset on January 2, 2018, the 115<sup>th</sup> Congress will likely consider legislation to reauthorize the AFG and SAFER programs and to repeal the sunset provisions. As part of this reauthorization process, Congress may examine the impact of grant distribution guidelines mandated by P.L. 112-239, the Fire Grant Authorization Act of 2012. AFG assistance is distributed to career, volunteer, combination, and paid-on-call fire departments serving urban, suburban, and rural areas. The continuing issue is how equitably and effectively grants are being distributed and used to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

The 115<sup>th</sup> Congress will also consider budget appropriations for AFG and SAFER. As is the case with many federal programs, concerns over the federal budget deficit could impact budget levels for AFG and SAFER. At the same time, firefighter assistance budgets will likely receive heightened scrutiny from the fire community, given the local budgetary shortfalls that many fire departments now face.

**Table 4. State-by-State Distribution of AFG Grants, FY2001-FY2015**

(millions of dollars)

	FY2001-FY2005	FY2006-FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	Total
AL	84.85	99.819	18.591	11.943	16.104	14.215	13.531	259.053
AK	14.819	5.701	0.568	1.375	0.807	0.759	0.511	24.54
AZ	30.173	22.002	4.952	3.781	4.562	4.712	3.377	73.559
AR	40.729	35.89	4.253	4.009	2.86	3.365	2.139	93.245
CA	110.367	108.192	35.334	21.467	20.481	15.599	18.242	329.682
CO	22.797	19.924	5.213	2.175	2.137	3.731	2.827	58.804
CT	34.622	27.431	3.67	4.085	4.093	3.487	2.77	80.158

<sup>10</sup> 44 C.F.R. Part 152.6(c).

	FY2001- FY2005	FY2006- FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	Total
DE	4.516	3.389	0.366	0.199	0.345	2.742	0.66	12.217
DC	0.673	1.915	1.38	0	0	0	1.085	5.053
FL	63.26	46.951	16.2	9.782	6.687	11.529	9.35	163.759
GA	44.27	41.087	5.174	5.849	2.829	5.983	7.541	112.733
HI	4.198	2.342	1.534	0.433	2.685	0.906	2.78	14.878
ID	19.173	14.94	0.439	2.069	2.602	2.108	0.887	42.218
IL	97.296	104.417	12.753	12.508	8.46	9.717	13.986	259.137
IN	66.323	67.308	7.728	4.696	3.247	5.051	5.388	159.741
IA	54.221	44.752	6.629	2.978	4.214	3.283	4.036	120.113
KS	34.497	24.151	3.072	2.947	2.121	2.297	4.224	73.309
KY	60.308	64.731	5.426	4.686	5.48	7.104	7.78	155.515
LA	48.407	31.928	6.337	3.369	3.918	3.455	5.346	102.76
ME	32.093	21.902	2.118	1.296	1.866	3.622	2.025	64.922
MD	31.97	33.371	4.524	6.848	6.737	5.938	4.065	93.453
MA	53.889	50.173	10.679	9.365	9.336	9.609	11.629	154.68
MI	64.103	74.226	16.904	12.714	9.606	9.206	10.782	197.541
MN	61.295	80.576	10.638	5.398	4.959	6.726	5.861	175.453
MS	45.382	37.794	3.694	2.617	2.272	4.674	2.255	98.688
MO	64.946	57.585	7.594	4.79	7.097	6.272	7.297	155.581
MT	27.178	26.222	0.725	1.44	0.569	1.419	1.676	59.229
NE	22.939	17.948	1.378	0.674	2.579	0.988	2.712	49.218
NV	8.391	5.366	0.564	0.459	1.526	1.575	0.448	18.329
NH	17.322	13.579	1.69	1.209	3.403	2.082	2.243	41.528
NJ	60.096	64.042	10.402	8.569	5.197	8.658	8.089	165.053
NM	15.878	7.166	2.122	1.796	0.975	0.355	0.613	28.905
NY	124.065	123.274	10.253	14.595	13.735	17.715	15.186	318.823
NC	76.727	90.818	13.864	13.583	8.157	12.903	8.166	224.218
ND	14.328	12.977	0.71	0.316	0.653	0.947	0.564	30.495
OH	99.921	132.083	23.281	20.617	17.512	20.346	21.748	335.508
OK	36.493	35.713	3.187	2.142	2.367	1.921	1.476	83.299
OR	36.52	35.987	5.59	2.693	2.47	3.275	3.859	90.394
PA	152.17	182.764	26.227	21.358	19.697	26.727	27.96	456.903
RI	8.287	8.268	2.314	3.75	3.284	4.082	2.57	32.555
SC	43.337	49.449	4.948	6.774	4.303	7.635	7.09	123.536
SD	17.911	10.812	1.135	0.292	0.682	0.458	2.119	33.409
TN	67.008	64.808	6.268	5.37	5.312	7.336	7.092	163.194

	<b>FY2001- FY2005</b>	<b>FY2006- FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>	<b>Total</b>
TX	102.203	85.594	11.031	7.887	2.766	6.525	8.409	224.415
UT	14.35	11.805	0.883	0.987	1.584	11.732	0.291	41.632
VT	14.403	6.985	0.498	0.775	0.599	0.718	1.913	25.891
VA	57.697	39.486	3.5	5.763	1.985	5.466	8.222	122.119
WA	63.215	60.176	7.341	8.01	7.327	10.941	8.65	165.66
WV	34.251	30.645	2.173	2.232	1.981	6.646	6.892	84.82
WI	65.182	73.388	8.635	9.344	3.436	3.72	4.829	168.534
WY	10.052	5.378	0.488	0.179	0.429	0.225	0.478	17.229
PR	4.926	1.775	0.876	0.024	0	0.26	0	7.861
MP	0.59	0.172	0	0	0	0	0	0.762
GU	0.016	0.287	0	0.422	0	0	0	0.725
AS	0.448	0	0	0	0	0	0.124	0.572
VI	1.285	0.233	0	0	0	0	0.761	2.279
	<b>2386.366</b>	<b>2319.697</b>	<b>345.85</b>	<b>282.64</b>	<b>248.033</b>	<b>300.208</b>	<b>304.558</b>	<b>6187.354</b>

Source: Department of Homeland Security.

**Table 5. State-by-State Distribution of SAFER Grants, FY2005-FY2015**  
(millions of dollars)

	<b>FY2005- FY2007</b>	<b>FY2008- FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>FY2015</b>	<b>Total</b>
AL	12.062	20.133	1.293	6.923	3.73	3.895	1.721	49.757
AK	1.674	7.838	0.074	0.951	0.066	0.738	0.76	12.101
AZ	9.547	23.738	2.809	7.895	14.135	11.379	17.17	86.673
AR	2.591	7.016	1.136	1.019	0.208	2.632	1.007	15.609
CA	14.692	98.843	56.356	49.992	50.12	35.522	30.877	336.402
CO	6.793	6.359	5.432	1.636	0.85	4.106	1.823	26.999
CT	1.177	7.446	5.099	4.474	5.278	0	4.789	28.263
DE	0.135	2.121	0	0.946	0	0	0	3.202
DC	0	0	0	3.468	0	5.675	0	9.143
FL	22.122	59.011	30.494	26.243	37.927	22.83	19.527	218.154
GA	10.281	32.666	1.273	4.606	3.076	3.944	8.156	64.002
HI	0	1.726	0	0	0.944	0	0	2.67
ID	1.31	5.007	4.068	1.323	0	0	0	11.708
IL	15.736	19.194	2.456	5.704	4.806	4.843	5.39	58.129
IN	2.786	22.803	4.587	6.777	5.735	8.595	2.711	53.994
IA	1.293	2.414	1.604	0.08	1.104	0.498	3.227	10.22

	FY2005- FY2007	FY2008- FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	Total
KS	1.741	6.963	0.381	1.991	0.833	0	1.237	13.146
KY	3.471	3.697	0.155	1.164	2.574	0.973	2.307	14.341
LA	11.236	19.317	1.672	3.509	1.724	1.326	2.018	40.802
ME	0.397	2.737	0.518	1.183	1.442	0	0	6.277
MD	3.484	9.745	4.299	2.488	6.154	14.304	15.068	55.542
MA	7.751	55.497	23.127	4.955	17.336	25.612	14.681	148.959
MI	2.351	36.407	47.646	25.161	33.87	14.374	19.792	179.601
MN	1.764	5.291	4.463	0.797	0.871	1.026	2.107	16.319
MS	1.465	2.817	0.488	0.093	0.088	1.613	0.19	6.754
MO	9.565	9.473	10.619	2.86	1.284	2.196	5.271	41.268
MT	2.924	4.386	1.252	1.046	0	0.737	0.456	10.801
NE	1.505	3.246	0	0.37	3.779	0	3.417	12.317
NV	3.846	3.122	13.438	2.702	6.564	3.654	4.435	37.761
NH	2.963	0.578	1.479	0.976	0.651	0.666	0	7.313
NJ	13.298	61.593	18.073	34.462	23.791	55.874	38.484	245.575
NM	4.432	2.461	0	0	1.357	0.586	0.824	9.66
NY	7.376	30.878	6.142	8.949	2.149	8.164	10.63	74.288
NC	13.059	26.814	5.833	2.472	4.502	5.703	6.064	64.447
ND	0.609	5.174	0.048	0.066	0	0	3.298	9.195
OH	5.455	54.383	18.654	18.266	15.748	14.564	27.307	154.377
OK	1.377	11.909	1.435	0.676	0.83	1.091	6.574	23.892
OR	6.5	8.914	8.354	4.437	11.402	6.418	6.479	52.504
PA	5.352	12.617	13.831	27.608	4.462	27.122	4.915	95.907
RI	0.505	5.81	3.108	8.716	0	0.544	17.777	36.46
SC	4.537	12.632	2.147	4.757	6.763	1.869	6.886	39.591
SD	0.585	1.2	0.255	0	0.272	0.58	1.469	4.361
TN	9.102	10.378	0.993	3.034	3.58	1.97	4.324	33.381
TX	20.691	34.868	2.881	5.225	5.401	11.715	5.157	85.938
UT	6.31	10.362	0.208	0.598	0	0	0.17	17.648
VT	1.253	0.119	0	0	0	0	0	1.372
VA	6.427	15.735	4.978	9.883	7.691	12.48	9.441	66.635
WA	12.535	26.102	16.139	13.293	8.511	9.763	16.648	102.991
WV	0.868	0.845	0	0.46	0.311	1.921	13.694	18.099
WI	1.295	4.622	3.101	2.205	0	1.087	0.144	12.454
WY	0.316	3.589	1.148	0	0.24	0	0.978	6.271
PR	0	0	0	0	0	0	2.506	2.506

	FY2005- FY2007	FY2008- FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	Total
MP	0	1.404	0	0	0	0	0	1.404
MH	0	0	0	0	0	0	0	0
GU	0	0	0	0	0	0	0	0
AS	0	0	0.474	0	0	0	0	0.474
VI	0	0	0	0	0	0	1.881	1.881
PW	0	0	0	0	0	0	0	0
Total	280.163	822.055	334.03	316.439	304.238	332.595	341.468	2730.978

Source: Department of Homeland Security.

**Table 6. Distribution of Funding from AFG Awards by Department Type, FY2009-FY2014**

	Department Type			
	Career	Combination	Volunteer	Paid on call/stipend
FY2009	26%	25%	43%	5%
FY2010	27%	34%	33%	6%
FY2011	38%	34%	25%	3%
FY2012	34%	30%	31%	4%
FY2013	34%	31%	32%	4%
FY2014	35%	31%	31%	3%

Source: GAO, *Fire Grants: FEMA Could Enhance Program Administration and Performance Assessment*, p. 47.

**Table 7. Distribution of Funding from AFG Awards by Community Service Area, FY2009-FY2014**

	Community Service Area			
	Urban	Suburban	Rural	State Fire Training Academies
FY2009	19%	19%	62%	0
FY2010	19%	24%	58%	0
FY2011	31%	26%	44%	0
FY2012	24%	27%	50%	0
FY2013	23%	21%	53%	3%
FY2014	21%	22%	54%	3%

Source: GAO, *Fire Grants: FEMA Could Enhance Program Administration and Performance Assessment*, p. 50.

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