

# CRS Report for Congress

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## Assistance to Firefighters Program

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### Summary

The Assistance to Firefighters Program,<sup>1</sup> also known as 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 United States Fire Administration (USFA) within the Federal Emergency Management Agency (FEMA), the program provides federal grants directly to local fire departments to help address a variety of equipment, training, and other firefighter-related needs. The program was funded at \$100 million in FY2001 and \$360 million in FY2002. In the 108<sup>th</sup> Congress, the final version of the FY2003 Omnibus Appropriations (H.J.Res. 2) provides \$745 million to the Assistance to Firefighters Program. The Administration's FY2004 budget requests \$500 million. The FY2004 proposal would place the fire grant program within the Department of Homeland Security's (DHS) Office for Domestic Preparedness, located within the Border and Transportation Security Directorate. Under this proposal, the Assistance to Firefighters Program would be removed from the USFA, which will remain in the DHS Directorate of Emergency Preparedness and Response. This report will be updated as events warrant.

### Background

Firefighting activities are traditionally the responsibility of states and local communities. As such, funding for firefighters is provided mostly by state and local governments. During the 1990s, shortfalls in state and local budgets, coupled with increased responsibilities (i.e. counterterrorism) of local fire departments, led many in the fire community to call for additional financial support from the federal government. While federally funded training programs existed (and continue to exist) through FEMA's National Fire Academy, and while federal money has been available to first responders for counterterrorism training and equipment through the Department of Justice,<sup>2</sup> there did

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<sup>1</sup> See the official Assistance to Firefighters grant program web page at: [<http://www.usfa.fema.gov/dhtml/inside-usfa/grants.cfm>].

<sup>2</sup> For further information on federal assistance to first responders, see: CRS Terrorism Briefing (continued...)

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.

## **Authorization: The FIRE Act**

During the 106<sup>th</sup> Congress, many in the fire community asserted that local fire departments require and deserve greater support from the federal government. In response, H.R. 1168, the Firefighter Investment and Response Enhancement (FIRE) Act, was introduced on March 17, 1999 by Rep. Pascrell. The bill authorized the Director of FEMA “to make grants to fire departments for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.” In the Senate, the FIRE Act was introduced by Senator Dodd (S. 1941) and Senator Campbell (S. 1899). Ultimately, FIRE Act language was agreed to in the Senate by unanimous consent as an amendment offered by Senator Dodd to the FY2001 National Defense Authorization Act (P.L. 106-398, signed into law on October 30, 2000).

Title XVII of P.L. 106-398 amends the Federal Fire Prevention and Control Act (P.L. 93-498)<sup>3</sup> to establish a new office in FEMA to administer grants to fire departments and fire prevention organizations for a variety of purposes, including: hiring and training personnel, prevention programs, equipment and facilities, and public education. The law stipulates that at least 5% of the funds go to prevention programs, that recipients agree to contribute a 30% nonfederal match (10% for fire departments serving jurisdictions of 50,000 or less), that a grant recipient may not receive more than \$750,000 for any fiscal year, and that volunteer departments receive a proportion of the total grant funding that is not less than the proportion of the U.S. population that those departments protect. Meanwhile, FEMA was directed to conduct an 18-month study (in conjunction with the National Fire Protection Association) on the need for federal assistance to state and local communities to fund firefighting and emergency response activities. The study, entitled, *A Needs Assessment of the U.S. Fire Service*, was released in January 2003 and found that many fire departments – particularly volunteer companies in rural communities – report shortfalls in facilities, equipment, and training of personnel.<sup>4</sup>

For firefighter assistance, P.L. 106-398 authorized \$100 million for FY2001 and \$300 million for FY2002. However, in the wake of the September 11, 2001 terrorist attack on the World Trade Center and the Pentagon, the Senate amended the FY2002 Department of Defense Authorization Act (S. 1438) to include language providing increased authorization levels for the Assistance to Firefighters Program. An additional

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<sup>2</sup> (...continued)

Book, *State and Local Preparedness Grant Programs*, by Ben Canada and Pam Smith, available at: [<http://www.congress.gov/brbk/html/ebter229.html>], and *Financing Homeland Security Efforts*, by Ben Canada and Steven Maguire, [<http://www.congress.gov/brbk/html/ebter223.html>.] For a list of federal programs providing assistance to state and local first responders, see CRS Report RL31227, *Terrorism Preparedness: A Catalog of Federal Assistance Programs*, by Ben Canada.

<sup>3</sup> “Firefighter assistance” is codified as section 33 of the Federal Fire Prevention and Control Act (15 USC 2229).

<sup>4</sup> Study available at: [<http://www.nfpa.org/PDF/needsassessment.PDF?src=nfpa>]

increase was inserted during the House-Senate conference on the defense authorization bill, authorizing the program at \$900 million per year through FY2004, and expanding the scope of the grants to include equipment and training to help firefighters respond to a terrorist attack or an attack using weapons of mass destruction. The bill was signed into law (P.L. 107-107) on December 28, 2001.

## Appropriations

The Assistance to Firefighters Program, sometimes referred to as the “fire grants” program or the “FIRE Act grants,” is currently administered by FEMA’s United States Fire Administration (USFA),<sup>5</sup> which is being reorganized into the Emergency Preparedness and Response Directorate of the Department of Homeland Security. The grant program’s principal appropriation has been provided in FEMA’s Emergency Management Planning and Assistance (EMPA) account.<sup>6</sup> This account is funded in the annual VA-HUD-Independent Agencies appropriations bills. However, other appropriations bills have also provided additional funding for the program. Table 1 shows recent appropriated funding for the Assistance to Firefighters Program.

**Table 1. Appropriations for Assistance to Firefighters Program, FY2001 - FY2004**

<b>FY01</b>	<b>FY02</b>	<b>FY03 (H.J.Res.2)</b>	<b>FY04 (req.)</b>
\$100 million	\$360 million	\$745 million	\$500 million

**FY2001.** On December 21, 2000, President Clinton signed into law the Consolidated Appropriations Act 2001 (H.R. 5666; P.L. 106-554). P.L. 106-554 provided \$100 million in FY2001 funding for the Assistance to Firefighters Program.

**FY2002.** In its preliminary FY2002 budget document, “Blueprint for a New Beginning,” the Bush Administration proposed abolishing the fire grant program, arguing that it did not represent an appropriate responsibility of the federal government. After intense opposition from the fire community, the Administration reversed its position and proposed \$100 million in FY2002 for the Assistance to Firefighters Program. The FY2002 VA-HUD-Independent Agencies appropriation for the firefighter grant program, passed by the House on July 30, 2001, matched the Administration’s proposal of \$100 million, while the Senate-passed bill (August 2) would have provided \$150 million. The November 6, 2001 House-Senate conference agreement (H.Rept. 107-272) set the Assistance to Firefighters Program at \$150 million for FY2002. The conferees stated that FEMA should consider making grants in the area of emergency medical services, and that expansion into other categories should be considered only after substantial progress has been made in addressing the needs associated with fire prevention, firefighting equipment, personal protective equipment, training, vehicles, and wellness and fitness programs. The

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<sup>5</sup> For more information on the USFA, see: CRS Report RS20071, *United States Fire Administration: An Overview*, by Lennard G. Kruger.

<sup>6</sup> In the FY2003 Omnibus Appropriations Act (H.J.Res. 2), the Assistance to Firefighters Program is funded under its own separate FEMA account: “Firefighter Assistance Grants.”

FY2002 VA-HUD appropriations act was signed into law (P.L. 107-73) on November 26, 2001.

Supplemental FY2002 funding for the firefighter grant program was provided in the homeland security package contained in the FY2002 Defense Appropriations Act (P.L. 107-117, H.R. 3338), signed into law on January 10, 2002. P.L. 107-117 appropriated an additional \$210 million in FY2002 funding for the Assistance to Firefighters grant program. Thus, the total FY2002 appropriation for the fire grant program was \$360 million.

**FY2002 Supplemental Appropriations.** The FY2002 Supplemental Appropriation (P.L. 107-206), signed into law on August 2, 2002, included \$150 million in additional funding for the Assistance to Firefighters Program. However, on August 13, 2002, President Bush announced he would not spend \$5.1 billion of funding in the bill that is designated as "emergency contingent funding." The \$150 million of supplemental appropriations for the fire grant program is included in this \$5.1 billion, and was therefore not allocated.

**FY2003.** The President's FY2003 budget proposal sought to transfer \$150 million of funding for the Assistance to Firefighter Program into FEMA's newly formed Office of National Preparedness, where the fire grant program would be incorporated into the President's proposed \$3.5 billion First Responder grant program.<sup>7</sup> The Senate Appropriations Committee approved the FY2003 VA-HUD-Independent Agencies appropriations bill (S. 2797, S.Rept. 107-222) on July 25, 2002. S. 2797 would provide \$900 million to the Assistance to Firefighters Program (its fully authorized level), \$180 million for other grants to firefighters and related emergency medical services for interoperable communications equipment, and \$60 million for emergency responder training primarily through the U.S. Fire Administration. The Senate Appropriations Committee report language directs FEMA to "independently administer" the fire grant program at the USFA's National Fire Academy in Emmitsburg, Maryland. The House Appropriations Committee, in its version of the FY2003 VA-HUD-Independent Agencies appropriations (H.R. 5605, H.Rept. 107-740), would fund the Assistance to Firefighters Program at \$450 million. The House bill would establish a separate appropriations account for the program – "Firefighter Assistance Grants."

The 107<sup>th</sup> Congress was not able to complete passage of the VA-HUD-Independent Agencies appropriation for FY2003. FEMA and USFA are currently being funded by a Continuing Resolution. The 108<sup>th</sup> Congress is considering the FY2003 funding level for the Assistance to Firefighters Program. The FY2003 Omnibus Appropriations (H.J.Res. 2), passed by the House and Senate on February 13, 2003, provides \$745 million to the Assistance to Firefighters Program. Similar to the House bill, H.J.Res. 2 establishes a separate appropriations account for the program – "Firefighter Assistance Grants." According to the Conferees, this new appropriations account is being established "so that there will be no doubt as to the importance of this program, and to protect this program from being lost in the morass of the Department of Homeland Security."

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<sup>7</sup> See: CRS Report RL31475, *First Responder Initiative: Policy Issues and Options*, by Ben Canada.

**FY2004.** The Administration's FY2004 budget requests \$500 million for the Assistance to Firefighters Program. The budget proposal would fund the fire grant program as part of the \$3.5 billion Office for Domestic Preparedness, located within the Department of Homeland Security's Directorate of Border and Transportation Security.

## **Program Implementation**

The Assistance to Firefighters Program is currently administered by FEMA's U.S. Fire Administration. The purpose of the program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards, and to provide assistance for fire prevention programs. At present, the program does not award funding for major building construction or for hiring of personnel. Eligible applicants are limited 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). Additionally, national, state, local, or community fire prevention or safety organizations are eligible to receive fire prevention grants. 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.usfa.fema.gov/dhtml/inside-usfa/grants.cfm>].

In FY2002, FEMA/USFA received over 19,900 applications requesting a total of \$2.98 billion. Volunteer and combination fire departments accounted for approximately 90% of applications, with career departments filing the remaining 10%. An additional competition offering up to \$10 million in fire prevention and safety grants was announced on August 23, 2002. In all, nearly \$360 million in grant money was awarded in FY2002 in four broad program areas: fire operations and firefighter safety; firefighting vehicles; emergency medical services; and fire prevention programs. After a peer review process involving over 300 representatives of fire service organizations, FEMA/USFA began announcing FY2002 awards on July 11, 2002. As of January 27, 2003, USFA has awarded over 5300 grants under the FY2002 program.<sup>8</sup> Meanwhile, USFA has begun scheduling grant applicant workshops for the FY2003 grant program.<sup>9</sup>

## **Department of Homeland Security (DHS)**

The Homeland Security Act of 2002 (P.L. 107-296) incorporates FEMA and the USFA into the Emergency Preparedness and Response Directorate of the new Department of Homeland Security. FEMA's antiterrorism activities, coordinated by the Office of National Preparedness, will be transferred to the Office for Domestic Preparedness within the Border and Transportation Security Directorate. The Administration, in its FY2003 budget request, had proposed transferring the Assistance to Firefighters Program to FEMA's Office of National Preparedness as part of the \$3.5 billion First Responder program. However in FY2003, the Assistance to Firefighters Program will be kept

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<sup>8</sup> For award totals and recipients, see:  
[<http://www.usfa.fema.gov/dhtml/inside-usfa/02awards.cfm>]

<sup>9</sup> See: [<http://www.usfa.fema.gov/dhtml/inside-usfa/03wrkshps.cfm>]

separate from antiterrorism programs and remain part of FEMA/USFA within the Emergency Preparedness and Response Directorate.

The Administration's FY2004 budget proposal would fund the fire grant program as part of the \$3.5 billion Office for Domestic Preparedness, located within the Department of Homeland Security's Directorate of Border and Transportation Security. Under this proposal, the Assistance to Firefighters Program would be removed from the USFA, which remains in the Directorate of Emergency Preparedness and Response.

## **Issues**

The Assistance to Firefighters Program is currently providing an unprecedented level of direct federal financial assistance to local fire departments. The program is strongly supported by the firefighting community, which argues that the grant program should be expanded to include funding to fire departments for hiring personnel. In the 107<sup>th</sup> Congress, the Senate DHS legislation, S. 2452, contained such a provision, as did similar legislation previously introduced into the House (H.R. 3185 and H.R. 3992, the Staffing for Adequate Fire and Emergency Response Firefighters (SAFER) Act). On October 2, 2002, the House Committee on Science held a hearing on the SAFER Act (H.R. 3992) and on H.R. 4548 (see below). In the 108<sup>th</sup> Congress, Title II of S. 6 – the Comprehensive Homeland Security Act of 2003 – contains the SAFER Act.

Another issue is the question of where the Assistance to Firefighters program should reside within the Department of Homeland Security. Currently, the fire grant program is administered by the USFA in FEMA, soon to be part of the Emergency Preparedness and Response Directorate. In the FY2004 budget request, the Administration proposes to maintain the fire grant program as a discrete and separate program within the Border and Transportation Security Directorate's Office for Domestic Preparedness (ODP), whose mission is to provide state and local governments with assistance to improve their readiness for terrorism incidents. Many in the fire service community have previously expressed opposition to removing the fire grant program from the USFA, which is beginning its third year of administering the program. At issue is whether the ODP is the appropriate office to administer the fire grant program. Whereas most ODP grant programs distribute money primarily through state governments and are focused on first responder preparedness in the event of a terrorist incident, the Assistance to Firefighters Program distributes money directly and exclusively to fire departments, and is focused on basic firefighting needs.