



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

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## Summary

In response to concerns over the adequacy of firefighter staffing, the Staffing for Adequate Fire and Emergency Response Act—popularly called the “SAFER Act”—was enacted by the 108<sup>th</sup> Congress as Section 1057 of the FY2004 National Defense Authorization Act (P.L. 108-136). The SAFER Act authorizes grants to career, volunteer, and combination local fire departments for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards. Also authorized are grants to volunteer fire departments for activities related to the recruitment and retention of volunteers. The SAFER grant program is authorized through FY2010.

With the economic downturn adversely affecting budgets of local governments, concerns have arisen that modifications to the SAFER statute may be necessary to enable fire departments to more effectively participate in the program. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included a provision (section 603) that waives the matching requirements for SAFER grants awarded in fiscal years 2009 and 2010. The FY2009 Supplemental Appropriations Act (H.R. 2346) included a provision authorizing the Secretary of Homeland Security to waive further limitations and restrictions in the SAFER statute for FY2009 and FY2010. Because of the statutory modifications made to SAFER’s applicant eligibility criteria in the ARRA and the FY2009 Supplemental Appropriations Act, the FY2009 SAFER application round is expected to commence later in the year than usual, likely sometime in the fall of 2009.

For FY2010, the Obama Administration proposed \$420 million for SAFER, double the amount appropriated in FY2009. Both the House and Senate Appropriations Committees have also approved \$420 million for SAFER in FY2010. The budget proposal for SAFER is likely to receive heightened scrutiny, given the national economic downturn and local budgetary cutbacks that many fire departments are now facing. Concerns over local fire departments’ budgetary problems may also frame debate of the SAFER reauthorization bill, which is expected to be considered during the 111<sup>th</sup> Congress.

This report will be updated as events warrant.

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## Background and Genesis of SAFER

Firefighting and the provision of fire protection services to the public is traditionally a local responsibility, funded primarily by state, county, and municipal governments. During the 1990s, however, shortfalls in state and local budgets—coupled with increased responsibilities (i.e., counterterrorism) of local fire departments—led many in the fire community to call for additional financial support from the federal government. Since enactment of the FIRE Act<sup>1</sup> in the 106<sup>th</sup> Congress, the Assistance to Firefighters Grants program (also known as “fire grants” and “FIRE Act grants”) has provided funding for equipment and training directly from the federal government to local fire departments.<sup>2</sup>

Since the fire grant program commenced in FY2001, funding has been used by fire departments to purchase firefighting equipment, personal protective equipment, and firefighting vehicles. Many in the fire service community argued that notwithstanding the fire grant program, there remained a pressing need for an additional federal grant program to assist fire departments in the hiring of firefighters and the recruitment and retention of volunteer firefighters. They asserted that without federal assistance, many local fire departments would continue to be unable to meet national consensus standards for minimum staffing levels, which specify at least four firefighters per responding fire vehicle (or five or six firefighters in hazardous or high risk areas).<sup>3</sup> Fire service advocates also pointed to the Community Oriented Policing Services (COPS) program<sup>4</sup> as a compelling precedent of federal assistance for the hiring of local public safety personnel.

In support of SAFER, fire service advocates cited and continue to cite studies performed by the U.S. Fire Administration and the National Fire Protection Association,<sup>5</sup> the *Boston Globe*,<sup>6</sup> and the National Institute for Occupational Safety and Health (NIOSH)<sup>7</sup> which concluded that many fire departments fall below minimum standards for personnel levels. According to these studies,

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<sup>1</sup> Title XVII of the FY2001 National Defense Authorization Act (P.L. 106-398).

<sup>2</sup> For more information, see CRS Report RL32341, *Assistance to Firefighters Program: Distribution of Fire Grant Funding*, by Lennard G. Kruger.

<sup>3</sup> These refer to consensus standards developed by the National Fire Protection Association (NFPA): NFPA 1710 (“Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments”), and NFPA 1720 (“Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments”). NFPA standards are voluntary unless adopted as law by governments at the local, state, or federal level, and are also often considered by insurance companies when establishing rates. Another applicable standard to this debate is the federal Occupational Safety and Health Administration (OSHA) standard on respiratory protection in structural firefighting situations (29 CFR 1910.134(g)), which requires at least four firefighters (two in and two for backup) before entering a hazardous environment wearing a Self-Contained Breathing Apparatus.

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

<sup>5</sup> U.S. Fire Administration and the National Fire Protection Association, *Four Years Later—A Second Needs Assessment of the U.S. Fire Service*, FA-303, October 2006, 159 p. Available at <http://www.usfa.dhs.gov/downloads/pdf/publications/fa-303-508.pdf>.

<sup>6</sup> Dedman, Bill, “Deadly Delays: The Decline of Fire Response,” *Boston Globe Special Report*, January 30, 2005. Available at <http://www.boston.com/news/specials/fires/>.

<sup>7</sup> National Institute for Occupational Safety and Health, “National Institute for Occupational Safety and Health (NIOSH) Fire Fighter Fatality Investigation and Prevention Program, 1998 - 2005,” March 2006, 16 p. Available at <http://www.cdc.gov/niosh/fire/pdfs/progress.pdf>.

the result of this shortfall can lead to inadequate response to different types of emergency incidents, substandard response times, and an increased risk of firefighter fatalities.

On the other hand, those opposed to SAFER grants contend that funding for basic local government functions—such as paying for firefighter salaries—should not be assumed by the federal government, particularly at a time of high budget deficits. Also, some SAFER opponents disagree that below-standard levels in firefighting personnel is necessarily problematic, and point to statistics indicating that the number of structural fires in the United States has continued to decline over the past twenty years.<sup>8</sup>

## Authorization—The SAFER Act

In response to concerns over the adequacy of firefighter staffing, the Staffing for Adequate Fire and Emergency Response Act—popularly called the “SAFER Act”—was introduced into the 107<sup>th</sup> and 108<sup>th</sup> Congresses.<sup>9</sup> The 108<sup>th</sup> Congress enacted the SAFER Act as Section 1057 of the FY2004 National Defense Authorization Act (P.L. 108-136; signed into law November 24, 2003). The SAFER provision was added as an amendment to S. 1050 on the Senate floor (S.Amdt. 785, sponsored by Senator Dodd) and modified in the FY2004 Defense Authorization conference report (H.Rept. 108-354). The SAFER grant program is codified as Section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

The SAFER Act authorizes grants to career, volunteer, and combination fire departments for the purpose of increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards. Also authorized are grants to volunteer fire departments for activities related to the recruitment and retention of volunteers. SAFER grants are authorized through FY2010. **Table 1** shows the authorization levels for the SAFER grant program.

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

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

Two types of grants are authorized by the SAFER Act: hiring grants and recruitment and retention grants. *Hiring grants* cover a four year term and are cost-shared with the local jurisdiction. According to the statute, the federal share shall not exceed 90% in the first year of the grant, 80% in the second year, 50% in the third year, and 30% in the fourth year. The grantee must commit to retaining the firefighter or firefighters hired with the SAFER grant for at least one additional year after the federal money expires. Total federal funding for hiring a firefighter over the four year

<sup>8</sup> See Lehrer, Eli, “Do We Need More Firefighters?” *Weekly Standard*, April 12, 2004, p. 21-22. Available at <http://www.sipr.org/default.aspx?action=PublicationDetails&id=44>. See also Easterbrook, Gregg, “Where’s the Fire?” *New Republic Online*, August 9, 2004. Available at <http://www.tnr.com/doc.mhtml?i=express&s=easterbrook080904>.

<sup>9</sup> 107<sup>th</sup> Congress: S. 1617 (Dodd), H.R. 3992 (Boehlert), H.R. 3185 (Green, Gene). 108<sup>th</sup> Congress: S. 544 (Dodd), H.R. 1118 (Boehlert).

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.

## Appropriations

The SAFER grant program receives its annual appropriation through the House and Senate Appropriations Subcommittees on Homeland Security. Within the appropriations bills, SAFER is listed under the line item, “Firefighter Assistance Grants,” which is located in Title III—Protection, Preparedness, Response, and Recovery. “Firefighter Assistance Grants” also includes the Assistance to Firefighters Grant Program.

Although authorized for FY2004, SAFER did not receive an appropriation in FY2004. **Table 2** shows the appropriations history for firefighter assistance, including SAFER, AFG, and the Fire Station Construction (FSC) grants provided in the American Recovery and Reinvestment Act (ARRA). The Bush Administration requested no funding for SAFER in each its budget proposals for FY2005 through FY2009. **Table 3** shows recent and proposed FY2010 appropriated funding for the SAFER and AFG grant programs.

**Table 2. Appropriations for Firefighter Assistance, FY2001-FY2009**

	<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>
<b>Total</b>	<b>\$4.812 billion</b>	<b>\$689 million</b>	<b>\$210 million</b>	<b>\$5.711 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>FY2009 (Admin. request)</b>	<b>FY2009 (P.L. 110-329)</b>	<b>FY2010 (Admin. request)</b>	<b>FY2010 (H.Rept. 111- 157)</b>	<b>FY2010 (S.Rept. 111- 31)</b>
FIRE Grants (AFG)	300	565	170	380	380
SAFER Grants	0	210	420	420	420
Total	300	775	590	800	800

## FY2009

The Bush Administration’s budget proposal requested no funding for SAFER Act grants in FY2009. The FY2009 budget justification stated that the federal government already spends “billions of dollars in annual support to train, exercise, and equip state and local public safety personnel, including firefighters, so that they are adequately prepared to respond to a terrorist attack or other major incident.” The budget justification argued that federal support “has been directed in order to better focus scarce resources on enhancing target capabilities, and to avoid supplanting basic public safety investments at the state and local level” and that “a federally funded hiring program for firefighters risks replacing state and local funding for general purpose public safety staffing with federal resources, and therefore does not forward the common goal of enhancing national preparedness capabilities.”

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

On June 24, 2008, the House Appropriations Committee approved its version of the FY2009 appropriations for the Department of Homeland Security, and reported its bill on September 18, 2008 (H.R. 6947; H.Rept. 110-862). The Committee provided \$230 million for SAFER grants. The Committee directed FEMA to continue granting funds directly to local fire departments and to include the U.S. Fire Administration during the grant administration process, while also maintaining an all-hazards focus and not limiting the list of eligible activities. The Committee would continue the requirement that FEMA peer review grant applications that meet criteria established by FEMA and the fire service, rank order applications according to peer review, fund applications according to their rank order, and provide official notification detailing why applications do not meet the criteria for review. The Committee also directed FEMA to encourage regional applications.

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329)—which contains the FY2009 Department of Homeland Security Appropriations Act—provided \$210 million for SAFER. The DHS explanatory statement directed FEMA to continue

the present practice of funding applications according to local priorities and those established by the USFA.

## **FY2010**

For FY2010, the Obama Administration proposed \$420 million for SAFER, double the amount appropriated in FY2009. According to the budget justification, this increase will enable fire departments to increase staffing and deployment capabilities to attain 24-hour staffing and ensure that communities have adequate protection from fire and fire-related hazards.

Both the House and Senate Appropriations Committees have approved \$420 million for SAFER in FY2010. According to the House Appropriations Committee (H.Rept. 111-157), the additional funding is part of a targeted and temporary effort to “stem the tide of layoffs and ensure our communities are protected by an adequate number of firefighters.” The Committee directed FEMA to consider the prospect and occurrence of firefighter layoffs at a local fire department when evaluating SAFER grant applications.

## **Modifications of SAFER Program for FY2009 and FY2010**

With the economic downturn adversely affecting budgets of local governments, concerns have arisen that modifications to the SAFER statute may be necessary to enable fire departments to more effectively participate in the program. The American Recovery and Reinvestment Act of 2009 (P.L. 111-5) included a provision (section 603) that waives the matching requirements for SAFER grants awarded in fiscal years 2009 and 2010. Currently, 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. Legislation introduced into the 111<sup>th</sup> Congress, H.R. 2759, would waive those cost-share requirements for SAFER grants already awarded in FY2008.

Additionally, H.R. 2346, the FY2009 Supplemental Appropriations Act, passed by the House and Senate and presented to the President for signing, includes 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.

Because of the statutory modifications made to SAFER’s applicant eligibility criteria in the ARRA and the FY2009 Supplemental Appropriations Act, the FY2009 SAFER application round is expected to commence later in the year than usual, likely sometime in the fall of 2009.

## **Implementation of the SAFER Program**

Prior to FY2007, the SAFER grant program was administered by the Office of Grants and Training within the Preparedness Directorate of the Department of Homeland Security (DHS). However, Title VI of the Conference Agreement on the DHS appropriations bill (P.L. 109-295;



H.Rept. 109-699), the Post Katrina Emergency Management Reform Act of 2006, transferred most of the existing Preparedness Directorate (including SAFER and fire grants) back to an enhanced FEMA.

**Table 4** shows the state-by-state distribution of SAFER grant funds, from FY2005 through FY2008. Of the total federal share requested for FY2008, 34.4% was requested by all paid/career departments, 14.7% by all volunteer, 19.2% by combination (majority paid/career), and 28.1% by combination (majority volunteer).<sup>10</sup> The most recent SAFER annual report (for FY2006) shows that grants for hiring accounted for 84.3% of the total federal share awarded. The majority of SAFER funds awarded in FY2006 went to career departments and suburban areas.<sup>11</sup> For the latest information and updates on the application for and awarding of SAFER grants, see the official SAFER grant program website at <http://www.firegrantsupport.com/safer/>.

## Issues in the 111<sup>th</sup> Congress

The Obama Administration's FY2010 budget proposal for SAFER is likely to receive heightened scrutiny, given the national economic downturn and local budgetary cutbacks that many fire departments are now facing. Concerns over local fire departments' budgetary problems may also frame debate of the SAFER program reauthorization bill, which is expected to be considered during the 111<sup>th</sup> Congress. Possible reauthorization issues might include whether the scope and size of the program should be altered, as well as how grant allocation rules and criteria might be modified.

**Table 4. State-by-State Distribution of SAFER Grants,  
FY2005-FY2008**  
(millions of dollars)

	FY2005	FY2006	FY2007	FY2008	Total
Alabama	1.611	6.215	4.236	6.418	18.48
Alaska	1.051	0.205	0.418	1.438	3.112
Arizona	1.560	3.559	4.428	4.337	13.884
Arkansas	0.394	1.820	0.377	1.873	4.464
California	5.221	5.212	4.259	3.738	18.43
Colorado	1.584	3.479	1.730	1.642	8.435
Connecticut	0.130	0.191	0.856	0.949	2.126
Delaware	0	0.135	0	0.398	0.533
District of Columbia	0	0	0	0	0
Florida	6.576	9.329	6.217	18.378	40.5
Georgia	5.354	2.085	2.842	11.103	21.384
Hawaii	0	0	0	1.626	1.626

<sup>10</sup> Latest SAFER application statistics are available at <http://www.firegrantsupport.com/docs/2008SAFERApps.pdf>.

<sup>11</sup> A complete statistical run-down is available at <http://www.firegrantsupport.com/docs/2006SAFERReport.pdf>.

	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>Total</b>
Idaho	0.063	0.621	0.626	0.309	1.619
Illinois	1.340	4.463	9.933	3.035	18.771
Indiana	0	0.099	2.687	4.877	7.663
Iowa	0.169	0.144	0.980	1.288	2.581
Kansas	0.667	0.045	1.029	1.465	3.206
Kentucky	0.152	2.890	0.429	1.335	4.806
Louisiana	3.430	3.078	4.728	3.743	14.979
Maine	0.081	0	0.316	0.535	0.932
Maryland	0.096	1.862	1.526	3.171	6.655
Massachusetts	1.300	2.079	4.372	1.823	9.574
Michigan	1.759	0.592	0	0.655	3.006
Minnesota	0.300	1.089	0.375	0.491	2.255
Mississippi	0.756	0.594	0.115	0.875	2.34
Missouri	1.467	3.547	4.551	1.549	11.114
Montana	0.034	0.255	2.635	2.748	5.672
Nebraska	0	0.873	0.632	1.951	3.456
Nevada	1.500	1.714	0.632	0	3.846
New Hampshire	0.400	1.035	1.528	0.008	2.971
New Jersey	6.374	3.971	2.953	3.724	17.022
New Mexico	0	3.123	1.309	0.108	4.54
New York	1.540	2.991	2.845	3.579	10.955
North Carolina	2.155	5.533	5.371	13.762	26.821
North Dakota	0	0.609	0	1.518	2.127
Ohio	1.319	1.881	2.255	3.520	8.975
Oklahoma	0.147	0.699	0.531	0.622	1.999
Oregon	1.710	2.141	2.649	2.015	8.515
Pennsylvania	1.244	1.475	2.633	2.283	7.635
Rhode Island	0.400	0	0.105	0	0.505
South Carolina	0.456	0.863	3.218	5.373	9.91
South Dakota	0.063	0.311	0.211	0.048	0.633
Tennessee	2.700	2.719	3.683	1.176	10.278
Texas	0.951	10.961	8.779	12.575	33.266
Utah	0.900	3.312	2.098	4.512	10.822
Vermont	0	0.621	0.632	0	1.253
Virginia	2.091	3.554	0.782	1.374	7.801
Washington	2.298	2.897	7.340	8.336	20.871
West Virginia	0	0.187	0.681	0	0.868

	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>Total</b>
Wisconsin	0	0.072	1.223	4.227	5.522
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
<b>Total</b>	<b>61.356</b>	<b>105.142</b>	<b>113.665</b>	<b>152.847</b>	<b>433.01</b>

**Source:** Department of Homeland Security. FY2008 awards data current as of June 11, 2009.

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