



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 108th 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 turndown 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 (P.L. 111-32) included a provision authorizing the Secretary of Homeland Security to waive further limitations and restrictions in the SAFER statute for FY2009 and FY2010.

For FY2010, the Obama Administration proposed \$420 million for SAFER, double the amount appropriated in FY2009. The budget proposal for SAFER received heightened interest, given the national economic downturn and local budgetary cutbacks that many fire departments are now facing. P.L. 111-83, the FY2010 Department of Homeland Security appropriations bill, provided \$420 million for SAFER.

Concerns over local fire departments’ budgetary problems have also framed debate over the SAFER reauthorization, which is included in H.R. 3791, the Fire Grants Reauthorization Act of 2009. Congress is considering whether some SAFER rules and restrictions governing the hiring grants should be permanently eliminated or altered in order to make it economically feasible for more fire departments to participate in the program.

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 Act¹ in the 106th 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.²

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).³ Fire-service advocates also pointed to the Community Oriented Policing Services (COPS) program⁴ 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,⁵ the *Boston Globe*,⁶ and the National Institute for Occupational Safety and Health (NIOSH)⁷ which concluded that many fire departments fall below minimum standards for personnel levels. According to these studies,

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

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

³ 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.

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

⁵ 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>.

⁶ 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/>.

⁷ 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 20 years.⁸

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 107th and 108th Congresses.⁹ The 108th 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

⁸ 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>.

⁹ 107th Congress: S. 1617 (Dodd), H.R. 3992 (Boehlert), H.R. 3185 (Green, Gene). 108th 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-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 (House- passed H.R. 2892)	FY2010 (Senate- passed H.R. 2892)	FY2010 (P.L. 111- 83)
FIRE Grants (AFG)	300	565	170	390	390	390
SAFER Grants	0	210	420	420	420	420
Total	300	775	590	810	810	810

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-passed versions of H.R. 2892, the FY2010 Department of Homeland Security appropriations bill, provided \$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.

The Conference Report for the FY2010 Department of Homeland Security Appropriations Act (H.Rept. 111-298) was passed by the House on October 15, and by the Senate on October 20. H.Rept. 111-298 provided \$420 million for SAFER, identical to the levels in both the House and Senate. The bill was signed into law, P.L. 111-83, on October 28, 2009.

Modifications of SAFER Program for FY2009 and FY2010

With the economic turndown 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 111th Congress, H.R. 2759, would waive those cost-share requirements for SAFER grants already awarded in FY2008.

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.

Reauthorization of SAFER in the 111th Congress

The current authorization of SAFER expires on September 30, 2010, and the 111th Congress has begun to consider reauthorization. On July 8, 2009, the House Committee on Science and Technology, Subcommittee on Technology and Innovation, held a hearing on the reauthorization of both SAFER and AFG.¹⁰ Testimony was heard from FEMA and many of the major fire-service organizations including the International Association of Fire Chiefs (IAFC), the International Association of Fire Fighters (IAFF), the National Volunteer Fire Council (NVFC), and the National Fire Protection Association (NFPA).

Witnesses asserted that under current economic conditions, many jurisdictions find it difficult to comply with current SAFER statutory restrictions governing the hiring grants sought by career and combination departments. For example, according to the IAFF, DHS data show that “since SAFER’s inception four years ago, seventy-eight grantees have had to repay the federal government a total of \$62.7 million because they failed to meet the rigorous requirements,” and that an “additional seventy-one grants totaling \$51.4 million were declined by municipalities that felt they could not meet the program’s obligations.”¹¹ According to the IAFC, in 2008, “the DHS reported a greater than 12 percent drop in SAFER grant applications from 2007, including a 20 percent drop in applications from all-career and combination departments with a majority of career firefighters.”¹²

According to hearing witnesses, current restrictions that make it difficult for fire departments to use SAFER hiring grants include the requirement that a SAFER hiring grant extend for five years with an increasing local match required each year (with the fifth year completely funded by the local fire department); the requirement that departments must maintain staffing levels over that five-year period; the statutory cap of \$100,000 per firefighter; and restrictions on using SAFER funds to rehire laid-off firefighters and fill positions eliminated through attrition.

The ARRA and the FY2009 Supplemental Appropriations Act gave DHS the authority to waive some of those SAFER restrictions only for FY2009 and FY2010. With respect to the longer-term reauthorization provisions affecting SAFER hiring grants, witnesses at the July 8 hearing recommended:

- establishing an across-the-board 20% match rather than the sliding scale under current law;
- shortening the length of the grant period from five years to three years;
- eliminating the funding cap of 100K per firefighter for hiring grants that currently cover salary and benefits over a four year period; and

¹⁰ See http://science.house.gov/publications/hearings_markups_details.aspx?NewsID=2539.

¹¹ Kevin O’Connor, Assistant to the General President, International Association of Fire Fighters, written statement before the House Subcommittee on Technology and Innovation, Committee on Science and Technology, July 8, 2009, p. 8, http://democrats.science.house.gov/Media/file/Commdocs/hearings/2009/Tech/8jul/OConnor_Testimony.pdf.

¹² Jeffrey Johnson, First Vice President, International Association of Fire Chiefs, written statement before the House Subcommittee on Technology and Innovation, Committee on Science and Technology, July 8, 2009, p. 6, http://democrats.science.house.gov/Media/file/Commdocs/hearings/2009/Tech/8jul/Johnson_Testimony.pdf.

- making the temporary waiver authority granted in the ARRA and the 2009 Supplemental Appropriations Act permanent, thereby granting DHS authority to waive the restriction on using grants to avoid or reverse layoffs, to waive the local match, and to waive the requirement that personnel levels must be maintained during the life of the grant.

Meanwhile, the NVFC expressed strong support for the recruitment and retention SAFER grants, and argued that in addition to currently eligible state and local interest organizations, national interest organizations should also be eligible for those grants.

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), and passed by the House on November 18, 2009.

H.R. 3791, as passed by the House, reauthorizes SAFER grants 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.

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).¹³ 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.¹⁴ For the latest

¹³ Latest SAFER application statistics are available at <http://www.firegrantsupport.com/docs/2008SAFERApps.pdf>.

¹⁴ A complete statistical run-down is available at <http://www.firegrantsupport.com/docs/2006SAFERReport.pdf>.

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/>.

**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	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

	FY2005	FY2006	FY2007	FY2008	Total
New York	1.540	2.991	2.845	4.412	11.788
North Carolina	2.155	5.533	5.371	18.183	31.242
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.

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