



# International Association of Fire Chiefs

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**TO:** IAFC Board of Directors

**FROM:** Ken LaSala, Director  
 Government Relations and Policy

**DATE:** 18 March 2019

**RE:** **Government Relations Report – March 2019**

The 116<sup>th</sup> Congress convened on January 3, 2019 amidst a partial shutdown of the federal government. After 35 days, the standoff was resolved, and the Fiscal Year (FY) 2019 Consolidated Appropriations Act (P.L. 116-9) was signed into law on February 15.

## Appropriations

Funding for the federal government in FY 2019 was resolved with the passage of P.L. 116-9. On March 11, President Trump began a two-week rollout of his FY 2020 budget. The major budget figures were released on March 11, but detailed funding information about specific programs will not be released until March 18. Overall, the FY 2020 budget request included an 8.5 percent cut to nondefense discretionary spending and an increase in defense spending.

For FY 2020, there is a \$576 billion cap on defense spending and a \$542 billion spending cap on non-defense spending. The Trump Administration proposes \$750 billion for defense spending, partly out of the Overseas Contingency Operations fund for military wartime operations and other emergency funds. The U.S. Departments of Agriculture (USDA), Education, Health and Human Services (HHS), State and Transportation received the steepest cuts, while the Departments of Commerce, Homeland Security (DHS), Treasury and Veterans Affairs received increases.

## Homeland Security Funding

Here is how funding looks for fire service programs at DHS:

In Millions (\$)

Program	FY 2018 (Enacted)	FY 2019 (Enacted)	FY 2020 (President's Budget Request)
Assistance to Firefighters Grant Program	350	350	344.344
SAFER	350	350	344.344
U.S. Fire Administration	44.397	45.679	46.605

<b>Urban Areas Security Initiative</b>	630	640	426.461
<b>State Homeland Security Grant Program</b>	507	525	331.939

As part of the budget request, DHS is requesting a new National Priorities Security Grant Program that would be funded at \$430.35 million. For this program, FEMA would establish a set of national priorities to drive investments that address emerging natural hazards and evolving terrorism threats. This program “will be rigorously evaluated to ensure the best use of taxpayer dollars to make the nation more prepared.” It looks like U.S. Fire Administration’s (USFA) State Fire Training Grants were targeted for elimination again. The funding for Urban Search and Rescue teams has not been released yet.

### Wildland Fire Funding

While many of the specific details for federal wildland fire programs are not available at the time of this writing, the top-level information is available. Here is how the funding situation looks:

	In Millions (\$)		
	<b>FY 2018 (Enacted)</b>	<b>FY 2019 (Enacted)</b>	<b>FY 2020 (President’s Budget Request)</b>
<b>USDA Fire</b>	2,880	3,004	2,350
<b>DOI Fire</b>	948.1	941.2	920
<b>VFA/RFC<sup>1</sup></b>	16	17	11
<b>SFA/NFC<sup>2</sup></b>	80	81	65.9

The IAFC was pleased by the appropriations bill that Congress passed on February 15, since it contained funding increases for the VFA and SFA programs within the U.S. Forest Service (USFS). The IAFC is continuing to work with the National Association of State Foresters (NASF) and National Volunteer Fire Council (NVFC) to seek increases in the funding levels of VFA and SFA for FY 2020. The IAFC, NASF, and NVFC plan to recommend funding levels of \$18 million for VFA and \$87 million for SFA in FY 2020.

On March 11, the White House released the President’s FY 2020 Budget Request. While additional details are not immediately available, the summaries that the White House released indicate the President plans to seek significant reductions in funding for the State and Private Forestry (S&PF) account within the USFS. The S&PF line item houses the VFA and SFA grant programs, thus it is likely that the President will recommend reductions to the VFA and SFA funding levels when his full budget request is released later this month.

In 2018, Congress passed legislation to address the annual shortfall in wildland fire suppression funding. Beginning in FY 2020, the USDA will be able to access the discretionary spending cap when the costs of wildland fire suppression activities exceed the appropriations which the USDA received for any given year. When Congress first passed this solution in 2018, they included additional wildland fire suppression

<sup>1</sup> In H.J. Res 31, Congress renamed the VFA program to be: Volunteer Fire Assistance (Rural Fire Capacity).

<sup>2</sup> In H.J. Res 31, Congress renamed the SFA program to be: State Fire Assistance (National Fire Capacity).

funds to bridge the funding gap that was expected to occur in FY 2018 and FY 2019 before access to the cap adjustment was made available to the USDA. As a result, the decline in the wildland fire management account was expected since the USDA is now able to access the cap adjustment for additional emergency funding.

### SIREN Funding

In December, Congress passed the Supporting and Improving Rural EMS Needs Act (SIREN Act) as part of the Agriculture Improvement Act of 2018 (P.L. 115-334). The amended language in the SIREN Act reauthorized and revised this grant program to target the EMS-related needs of rural fire and EMS agencies. While Congress kept the IAFC's language in terms of eligible uses of funds and the exclusion of for-profit EMS agencies, Congress removed the specific authorization level of \$20 million. As a result, Congress left the authorization level of the SIREN grants as a relatively open-ended figure.

The main supporters of the SIREN Act are attempting to come to agreement on a proposed funding level for the program. Most of the supporters have generally identified \$20 million as the floor of their recommendation and Senator Dick Durbin (D-IL) has recommended a goal of \$50 million for the SIREN grants in FY 2020.

The IAFC is working closely with other national EMS and local government organizations to encourage Congress fully fund the SIREN grants. The IAFC plans to echo Senator Durbin's recommendation to fund the SIREN grants at \$50 million in FY 2020.

### Passed Legislation

#### **Wildland Firefighting Technology**

On March 12, President Trump signed the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9), which contained many land management initiatives. This bill also contained several provisions to expand federal support for the use of technology in responding to wildland fires. The following technology-related wildland fire issues were addressed through this bill:

- 1) Unmanned Aerial Systems (UAS): P.L. 116-9 called upon the Secretaries of Interior and Agriculture to develop a program to research, develop, and test the use of UAS for wildland fire response and suppression. Additionally, the bill directs the two secretaries to collaborate with the Federal Aviation Administration (FAA) and state wildland firefighting agencies to develop uniform UAS policies for wildland fire response.
- 2) Location Mapping System: P.L. 116-9 calls on the Secretaries of Interior and Agriculture to work with state wildland firefighting agencies to develop and implement a system to track the locations of resources assigned to Type I fires and potentially other fires. P.L. 116-9 also instructs the Secretaries to initiate at least two pilot programs to test this tracking system.
- 3) Decision Support System: P.L. 116-9 directs the Secretaries of Interior and Agriculture to create a decision tracking system to analyze response and operational decisions which result in either significant additional costs, firefighter injuries and/or deaths, and decisions which deviate from USDA and/or DOI fire management plans

- 4) Smoke Mapping: P.L. 116-9 directs the USDA and DOI to develop a program to map and predict the spread of smoke from a wildland fire. This section requires the USDA and DOI, when possible, to deploy at least one air quality assessment expert to all Type I fires. P.L. 116-9 also authorizes the USDA and DOI to deploy an air quality expert to Type II fires if possible.
- 5) Firefighter Injury Tracking: P.L. 116-9 requires the National Fire Data Center (NFDC) to add an additional capability to track firefighter injuries by the type of firefighter. This section also required the NFDC to track injuries sustained by firefighters during pack testing and aircraft crashes.
- 6) Erosion Monitoring System: P.L. 116-9 directs the Department of Commerce (DOC) and the National Aeronautics and Space Administration (NASA) to develop a system to track post-fire erosion and provide recommendations on emergency treatments to drainage systems after a fire.
- 7) Fire Prediction System: P.L. 116-9 directs the USDA and DOI to collaborate with the DOC, NASA, and Department of Energy to create a system to forecast fire dangers and where wildland fires might be likely to occur. P.L. 116-9 requires that this system work in conjunction with the Fire Danger Assessment System.

## **Pending Legislation**

### **Repeal of the T-Band Auction Requirement**

On January 10, 2019 Representative Eliot Engel (D-NY) introduced the Don't Break Up the T-Band Act (H.R. 451), which was referred to the House Energy and Commerce Committee. The bill repeals the mandate for the Federal Communications Commission (FCC) to auction the T-Band spectrum channels used by public safety. H.R. 451 currently has four co-sponsors: Representative Lee Zeldin (R-NY), Representative Max Rose (D-NY), Representative Peter King (R-NY), and Representative Al Green (D-TX). The Congressional Budget Office is preparing a cost study of the bill for the House Energy and Commerce Committee. The study will determine whether the bill will score positively, neutrally, or negatively against the budget. Discussions with congressional staff are underway and the IAFC is working with key partners, such as the New York City mayor's office to encourage further support for the bill.

Senator Ed Markey is working to get a companion bill introduced in the Senate and has identified potential co-sponsors. We have had discussions with Senator Ted Cruz's office to identify solutions that would spur them to co-sponsor the bill and are still in discussions regarding potential solutions. Some of our key supporters in the telecommunications space proposed "swapping" alternative public safety spectrum for the T-Band. We have repeatedly rejected such proposals.

### **Volunteer Responder Incentive Protection Act**

The IAFC is continuing to work with members of Congress to address the Internal Revenue Service's requirement for volunteer and combination fire departments to issue W-2s to their volunteers. On February 14, Representatives John Larson (D-CT), Mike Kelly (R-PA), Bill Pascrell (D-NJ), and Peter King (R-NY) introduced the Volunteer Responder Incentive Protection Act (VRIPA; H.R. 1241). This legislation would allow volunteer firefighters and EMS personnel to receive property tax-based benefits and up to \$600 in other benefits without those benefits being considered taxable income. H.R. 1241 would

make this policy change by permanently reauthorizing an expired provision of the tax code which allowed volunteer firefighters and EMS personnel to receive property tax-based benefits and up to \$360 in other incentives before being considered taxable income. H.R. 1241 currently has 23 cosponsors. Senators Susan Collins (R-ME) and Ben Cardin (D-MD) are expected to introduce an identical version of VRIPA soon.

On February 6, Representative Ron Kind (D-WI) introduced the Retirement Enhancement and Savings Act of 2019 (RESA; H.R. 1007). This legislation would make a number of changes to the tax code and includes a one-year version of the VRIPA. Congress nearly passed RESA in 2018, however a disagreement between then-chairman of the Senate Finance Committee, Senator Orrin Hatch (R-UT), and then-chairman of the House Ways and Means Committee, Representative Kevin Brady (R-TX), prevented the bill from advancing. H.R. 1007 is the original, bipartisan version of RESA before Rep. Brady significantly modified the bill in 2018. It is unclear if RESA will advance, however there continues to be strong bipartisan support for RESA in the House and Senate.

## **HERO Act**

On March 8, Representative Ami Bera (D-CA) introduced the Helping Emergency Responders Overcome Act of 2019 (HERO Act; H.R. 1646). The IAFC worked closely with the International Association of Fire Fighters (IAFF) and the National Association of EMTs (NAEMT) to develop this legislation to create new resources to combat the rise in mental health concerns among firefighters and EMS personnel. The HERO Act would establish several main programs at HHS and USFA:

- Data Collection System: The HERO Act would establish a system housed at the Centers for Disease Control and Prevention (CDC) to collect data on first responders who commit suicide. The HERO Act also would establish privacy protections for the data gathered by this system in order to ensure that the data collected would be anonymized and could not be used to retroactively deny any life insurance payments to survivors of suicide victims.
- Peer Counseling: The HERO Act would require HHS to work with fire-and-emergency-service-focused, nonprofit organizations to develop the curriculum for a peer counseling program. This program would be implemented by individual fire and EMS agencies and would use firefighters and EMS personnel as peer counselors within their own organizations. The IAFF has expressed interest in working with the IAFC to develop a program focused on volunteer, combination, and career fire departments.
- Educational Resources: The HERO Act would require the USFA and HHS to collaborate on the development of resources to educate mental health professionals on the needs of firefighters and EMS personnel. These resources also would include information on the stressors unique to chief officers in fire and EMS agencies.
- Best Practices: The HERO Act requires HHS to review current best practices in treating PTSD and similar disorders to identify best practices which would be applicable for first responders. HHS also is required to make these best practices available to individual first responders as well as national organizations.

## **Fire Sprinkler Legislation**

The IAFC is continuing to support legislation that corrects the drafting error contained within the Tax Cuts and Jobs Act (P.L. 115-97) which prevents fire sprinkler systems and other qualified improvement properties (QIPs) from being eligible for a 15-year depreciation schedule as well as bonus depreciation

through 2027. On March 14, Senators Pat Toomey (R-PA) and Doug Jones (D-AL) introduced the Restoring Investment in Improvements Act (S. 803), which restores the eligibility of QIPs to receive this preferential tax treatment.

The IAFC also has been working with the National Fire Sprinkler Association (NFSA) and the Congressional Fire Services Institute (CFSI) to develop legislation to allow fire sprinkler systems in residential high-rise buildings to qualify for a 15-year depreciation rate rather than the current 29-year depreciation. This legislation is still being developed.

### **Public Safety Employer-Employee Cooperation Act**

On February 13, Representative Daniel T. Kildee (D-MI) introduced the Public Safety Employer-Employee Cooperation Act (H.R. 1154). This legislation would establish nationwide collective bargaining rights for public safety employees. Specifically, the Federal Labor Relations Authority (FLRA) would audit each state to see if it:

- Allows public safety officers to join a labor union.
- Requires public safety employers to recognize the labor union and agree to bargain with it.
- Provides for the right to bargain over hours, wages, and terms and conditions of employment.
- Provides for binding interest arbitration in case of an impasse
- Requires enforcement of collective bargaining rights and any written contract or memorandum of understanding by a state administrative agency or court of justice.

For states that do not meet these requirements, the FLRA would establish collective bargaining procedures for employers and public safety officers. Strikes and lockouts would be prohibited, and states would be allowed to enforce right-to-work laws. This bill does not contain protections for two-hatters as past bills have.

The bill has 21 cosponsors and was referred to the House Education and Labor Committee.

### **Federal Employee Eligibility for Urban Search and Rescue Teams**

On January 17, Representative Vicki Hartzler (R-MO) introduced legislation (H.R. 639) to clarify that federal employees can join Urban Search and Rescue (US&R) teams. In 2016, Congress passed the National Urban Search and Rescue (US&R) Response System Act (P.L. 114-326). The bill expanded the authorization of the US&R system and granted certain legal protections for non-federal US&R team members. In early 2017, the FEMA general counsel's office interpreted the definition of "system member" to read that federal firefighters and other federal employees could no longer participate in US&R teams.

Representative Hartzler's bill would overrule the FEMA general counsel's office and allow federal employees to serve on US&R teams. The IAFC endorsed the bill on February 26. It was reported out of the House Transportation and Infrastructure Committee on February 27.

### **Public Safety Officers' Benefits Legislation**

Several bills regarding the Public Safety Officers' Benefits (PSOB) program and related issues have been introduced:

- **Heroes Lesley Zerebny and Gilbert Vega First Responders Survivors Support Act (H.R. 1210):** This legislation was introduced by Representative Raul Ruiz (D-CA) on February 13. It would make several changes to the Public Safety Officers' Benefits (PSOB) program including:

- Raising the PSOB death and disability benefit from \$350,000 to \$500,000.
  - Basing the PSOB benefit on the date of disbursement by the PSOB office, not the date of death.
  - Increasing the PSOB education benefit from the current monthly reimbursement of \$1,041 per month to \$2,00 per month. The benefit would increase in the future based on the rate of inflation for college tuition and fees.
- **Never Forget the Heroes: Permanent Authorization of the September 11<sup>th</sup> Victim Compensation Fund Act (H.R. 1327/S. 546):** This legislation introduced by Senator Kirsten Gillibrand (D-NY) and Carolyn Maloney (D-NY) would extend the authorization of the September 11<sup>th</sup> Victim Compensation Fund through FY 2090 and extend the filing deadline through October 1, 2089. The bill has 172 cosponsors in the House and 26 cosponsors in the Senate.

Senator Gillibrand and Representative Bill Pascrell (D-NJ) also are working on legislation to address issues for public safety officers that became disabled from illness due to exposure while working at Ground Zero. The bill would change the eligibility date so that the first responder would receive disability benefits based on the date of diagnosis of the 9/11-related illness, instead of the date of exposure (September 11, 2001). The bill also would change the definition of “child” to allow children born after 9/11 to a 9/11 responder at Ground Zero, but before a first responder’s death, to receive the PSOB death benefit. The child also could utilize the PSOB education benefit.

### **FRIENDS Act**

On January 3, Representative Sheila Jackson-Lee introduced the First Responder Identification of Emergency Needs in Disaster Situations (FRIENDS) Act (H.R. 42). The bill would direct the Government Accountability Office (GAO) to conduct a study of first responder needs in the case of a terrorist attack, specifically looking at plans to protect families; personal protective equipment and the availability of Med kits (with drugs to prevent infection from a bioterrorism or pandemic incidents) for first responders and their families. The IAFC had supported the bill in past Congresses and endorsed H.R. 42 on January 14.

### **Portable Fuel Container Safety Act**

On January 28, Representative Mike Thompson (D-CA) introduced the Portable Fuel Container Safety Act (H.R. 806). The bill would require the Consumer Product Safety Commission (CPSC) to promulgate a technical standard for flame mitigation devices on portable fuel containers to reduce deaths and injuries. The CPSC also could adopt a voluntary standard if it was developed by ASTM or another standards development organization. The IAFC endorsed the bill on February 26. It has 40 cosponsors.

### **Outstanding Issues**

#### **New CMS Emergency Triage, Treat and Transport (ET3) Model**

In 2018, the IAFC worked with Dr. David Prezant, New York Fire Department’s Chief Medical Officer, to develop a proposal to encourage the Center for Medicare and Medicaid Innovation (CMMI) to establish a pilot program dedicated to assessing the possibility of reimbursing fire/EMS agencies for providing treatment without transportation and transportation to alternative destinations. On February 14, CMMI announced that it would be creating the ET3 model which will test whether these new reimbursement opportunities will yield either overall healthcare savings for Medicare or an improvement in patient care quality and satisfaction.

CMMI anticipates releasing the application for EMS agencies to apply to become an ET3 participant. All Medicare-enrolled ambulance suppliers and providers will be eligible to participate. This means that any transport agency will be eligible to participate, however non-transport agencies will be ineligible. CMMI has not released many details of the application yet. However, CMMI plans to open the application process this summer.

CMMI has stated that only responses to 911-generated EMS calls will be eligible for either of the new reimbursement opportunities. Additionally, CMMI only will provide these new reimbursements for Medicare patients. Any healthcare services provided to patients with Medicaid, commercial insurance, or no insurance will be ineligible for reimbursement. While CMMI is continuing to develop many of the regulations surrounding the program, they have released some details on the two new reimbursement opportunities for ET3 participants:

- Treatment Without Transportation: Under the portion of ET3, participating agencies will be reimbursed for treating a patient on-scene and then not transporting the patient. Agencies will be reimbursed at the current BLS emergency rate under the current ambulance fee schedule. CMMI will only pay mileage for the response to the patient and not for the return trip from the patient's location. Part of the treatment of the patient also must include a "telehealth" consultation with a "qualifying healthcare practitioner (QHP)." CMMI has not yet finalized who will be considered a QHP, but it likely will be a physician assistant, nurse practitioner, or advanced practice nurse. Additionally, the "telehealth" consultation likely will need to be via a two-way voice and video communication device.
- Transportation to Alternative Destinations: Under this portion of ET3, participating agencies will be permitted to transport low acuity patients to destinations such as an urgent care clinic or primary care provider's office. All transports of patients will be reimbursed at the BLS nonemergency rate of the current Medicare Ambulance Fee Schedule. CMMI has not developed their definition of which destinations would be permissible.

Lastly, CMMI also announced that they will provide up to 40 additional awards of funding to jurisdictions for the establishment of a nurse triage line. In order to be eligible for this funding, awardees must have full control of the 911 public safety answering point in their system. Additionally, there must be at least one ET3 participating EMS agency in their jurisdiction. The funding for these awards likely will be available in 2020. The nurse triage line may be used by any caller to the 911 system and not just Medicare beneficiaries.

CMMI has stated that the ET3 program is currently authorized and funded to operate in calendar years 2020-2025. CMMI estimates that they have sufficient funding to provide these alternative services for approximately 30% of the patient volume nationwide. CMMI has stated that, if supported by the data, they are able to apply for permanency of this model beginning in Year 2. If successful, this would mean that the policy of reimbursing for treatment without transportation and transportation to alternative destinations would become effective for all ambulance service suppliers and providers nationwide. This policy change would effectively end the ET3 program because it permanently would open these new reimbursement opportunities for any Medicare-enrolled ambulance agency.

## **Next-Generation 911 Legislation**

The IAFC has been involved in a working group that has developed legislative language for Next Generation 911. Because of the conflicting interests of some group members, negotiations have been long and difficult. However, it appears that we are close to agreed-upon language that requests \$12 billion in federal funds to achieve Next Generation 911.

Many congressional offices have expressed interest in the legislation, particularly Representative Anna Eshoo (D-CA) and Senator Amy Klobuchar (D-MN). It is critical that key 911 stakeholders such as National Emergency Number Association (NENA) and Association of Public-Safety Communications Officials (APCO) International are aligned on such groundbreaking legislation. This was not the case last Congress, and Next Generation 911 legislation stalled as a result.

We expect potential legislation to be introduced the week of March 25, 2019 and to accompany a future infrastructure package.

### **Ryan White Act Compliance**

The EMS Section has continued to monitor concerns regarding hospital non-compliance with the source patient testing required by the Ryan White HIV/AIDS Treatment and Extension Act of 2009 (P.L. 111-87). The Centers for Disease Control and Prevention (CDC) is continuing to develop a proposed regulation which will establish an administrative process to report incidences of hospital noncompliance with source patient testing. The CDC also is planning to use this proposed regulation as an opportunity to transfer the responsibility of maintaining the list of covered illness from the CDC to the National Institute for Occupational Safety and Health (NIOSH).

### **Medicare Ambulance Cost Reporting**

The CMS is continuing to work with the RAND Corporation to develop the EMS cost collection process required by Congress. CMS and RAND greatly appreciated the opportunity to hear from IAFC members to gain a better understanding of considerations related to the management of EMS agencies. CMS has shared that they are nearing completion of a draft cost reporting form. CMS anticipates publishing their draft cost reporting form and methodology in the Federal Register in early-June. The IAFC Government Relations and Policy Department will work with the EMS Section to analyze and comment on the CMS' proposal.

### **Infrastructure Legislation**

Both the House and the Senate have been focused on pushing infrastructure legislation this Congress. Infrastructure legislation will be a boon to the IAFC, because it would provide an opportunity to solidify permanent authorization of the ALERT Grant for local responder rail incident training as well as a source of funding for potential Next Generation 911 legislation.

The infrastructure push has faced a significant uphill battle because Democrats and Republicans cannot agree on how to fund an infrastructure package. Democrats on the House side have advocated strongly for a 20-25 cent increase in the gas tax. Alternatively, Republicans have floated a vehicle-miles-traveled (VMT) system, that charges according to how far each driver has traveled. Both sides are looking for strong leadership from the White House on infrastructure, but thus far President Trump has signaled only a slight willingness to see \$1 trillion federal dollars go towards infrastructure. The White House has instead proposed a \$200 billion figure that will fast-track state investment in infrastructure.

The IAFC has joined a loose coalition organized by the National Association of Manufacturers composed of approximately 150 associations and industry groups urging Congress to take action on infrastructure. The next coalition meeting will take place on March 25.

### **Z-Axis Metric**

On March 15, the FCC voted on a proposed Z-Axis metric of +/- 3 meters. The IAFC will remain engaged with National Public Safety Telecommunications Council (NPSTC) as far as filing comments in response to the Further Notice of Proposed Rulemaking that will be discussed. CTIA, on behalf of the carriers, filed an ex parte on March 7 expressing their desire for further testing before the metric is finalized. We are not supportive of further testing and, depending on the decision of the Commission in its open meeting, will be responding with this in mind.

One critical issue that has arisen repeatedly is CTIA's effort to push two definitions of "Dispatchable Location," rather than the one mandated by the FCC. This is referred to as the "door to kick down." The IAFC remains vigilant of all efforts on behalf of the industry to dilute this definition that has the potential to send responding departments to the wrong building, much less the wrong floor.

### **NPSTC Funding**

The DHS National Programs and Protection Directorate underwent a recent reorganization that elevated its status to an agency. Now, the NPPD is the Cybersecurity and Infrastructure Security Agency. The office that was formerly the Office of Emergency Communications that was responsible for SAFECOM has now become the Emergency Communications Division. The reorganization has caused shifts in funding obligations within the DHS. As a result, the sole-source NPSTC contract held by the Highland Group, LLC was re-bid on a competitive basis. The application period closed September 2018. Recent discussions with CISA leadership have suggested that the contract will go to another association within the NPSTC governing board. There are member organizations of the board that see NPSTC as a direct competitor. Therefore, the IAFC will be contending with a potential "capture and kill" effort once the contract is awarded.

Employees of the Highland Group have been pressuring the IAFC to take legislative action to restore the sole-source contract setup. We have not participated nor plan to participate in meetings on the Hill related to NPSTC funding.

### **Pensions Eligibility**

The North Carolina Fire Chiefs Association recently raised a pensions-related issue with the IAFC Government Relations and Policy Department. According to the NC Chiefs, the state of North Carolina had previously included full-time firefighters employed by 501(c)(3) fire departments in their local government employees pension system. However, in 2003, the Internal Revenue Service informed the North Carolina Attorney General that these individuals were ineligible for inclusion in the pension system since they were not directly employed by a local government. As a result, many 501(c)(3) fire departments in North Carolina struggle to retain career firefighters since their retirement benefits are not as strong as the benefits offered by municipal fire departments.

In February, the IAFC began working with the NVFC and Representative Patrick McHenry (R-NC) to develop legislation which would force the IRS to permit states to include career firefighters employed by 501(c)(3) fire departments in their pensions systems. This legislation would not require states to make changes to include career firefighters, but merely amend the Internal Revenue Code so that it is

permissible for states to enact state-level legislation including these career firefighters in local government pension plans. Representative McHenry is expected to introduce his legislation soon.

### **Firefighter Cancer Registry Update**

The NIOSH informed the IAFC that it is in the process of standing up the National Firefighter Registry that was created by the Firefighter Cancer Registry Act (P.L. 115-194). NIOSH informed us that it will be issuing a Request for Information discussing enrollment approaches and a list of questions for stakeholders. The IAFC will be asking Congress to appropriate \$2.5 million for the registry.