



INTERNATIONAL ASSOCIATION OF FIRE CHIEFS LEGISLATIVE HOT SHEET

A Guide for Talking with Members of Congress

April 2012

The 112th Congress

FIRE/SAFER Grant Programs

- **The Problem:** Many fire departments across the country cannot afford the equipment, training, and staffing necessary to meet a baseline level of readiness. This situation puts firefighters and their communities in danger.
- **The Solution:** The FIRE and SAFER grant programs augment local funding and provide much needed assistance to meet these needs. To date, the programs are working well to improve preparedness and response capabilities, but much more needs to be done. For Fiscal Year (FY) 2012, Congress appropriated \$337.5 million each for FIRE and SAFER. President Obama requested \$335 million for each program in FY 2013. Congress also is working on legislation (S. 550/H.R. 2269) to reauthorize the FIRE and SAFER grant programs. However, S. 550 would sunset the FIRE and SAFER grant programs on October 1, 2016.
- **The Explanation:** *If you have received a grant under the FIRE or SAFER grant programs, explain how you used the money and how it has improved your ability to serve your community. If you have not received a grant under these programs, explain how you could use that grant money. Give a specific example of how a FIRE or SAFER grant has helped or could help you serve your community.*
- **The “Ask:”** Ask your Representatives and Senators to support \$405 million each for the FIRE and SAFER grant programs in FY 2013 and to extend the waivers that allow fire departments to use SAFER grants to re-hire and retain firefighters. Also, ask your Representatives to cosponsor H.R. 2269. Ask your Senators to cosponsor S. 550, the Fire Grants Reauthorization Act, but to oppose terminating the programs in 2016.

Funding for the U.S. Fire Administration (USFA) and National Fire Academy (NFA)

- **The Problem:** Many fire service leaders have been concerned about the level of funding that the USFA and NFA receive, and whether they will be able to fulfill their missions and respond to emerging challenges. Congress appropriated \$44.04 million for the agency in FY 2012. President Obama requested \$42.52 million for FY 2013, which is a 3 percent cut. In addition, the legislative authorization for the USFA expires on October 1.
- **The Solution:** Because America’s fire service is critically important to national preparedness and response, the fire service needs to have a strong voice within the U.S. Department of Homeland Security and fire programs need a consistent and high level of funding. To achieve this goal, Senators Joe Lieberman (ID-CT) and Susan Collins (R-ME) have introduced the U.S. Fire Administration Reauthorization Act (S. 2218), which would authorize \$76.49 million for the USFA through FY 2017.
- **The Explanation:** Explain the importance of receiving training through the NFA. If you have taken NFA courses on campus or online, explain what you learned and how it has helped you to do your job better. Also, discuss why your community needs up-to-date information from the National Fire Incident Reporting System.

- The “Ask:” Ask your Representatives and Senators to support \$44.04 million for the USFA and NFA in FY 2013, and to reauthorize the USFA. Ask your Senators to cosponsor S. 2218.

Federal Taxation of Volunteer Incentives

- The Problem: State and local governments use property tax rebates and other incentives to recruit and retain volunteer firefighters. The Internal Revenue Service (IRS) views these incentives as income. A previous federal law excluded from taxable income any property tax benefit and up to \$360 per year of all other payments to volunteer firefighters and EMS personnel from a state or local unit of government. *This law expired at the end of the 2010 tax year.*
- The Solution: Senators Charles Schumer (D-NY) and Susan Collins (R-ME) introduced the Volunteer Responder Incentive Protection Reauthorization Act (S. 933) to reinstate the tax benefit and raise the \$360 cap to \$600 through the end of the 2013 tax year. Representatives John Larson (D-CT), Dave Reichert (R-WA), Tammy Baldwin (D-WI) and Tom Latham (R-IA) have introduced the Volunteer Responder Incentive Protection Reauthorization Act (H.R. 2353) in the House to reinstate the tax benefit and raise the \$360 cap to \$600 through the end of the 2015.
- The Explanation: Explain that taxing such incentives makes them ineffective, and may hinder recruitment and retention of volunteer emergency responders. Further, point out that the number of volunteer firefighters nationwide has decreased from 880,000 in 1984 to 768,150 according to the NFPA’s *U.S. Fire Department Profile*. State and local incentives are important when recruiting and retaining volunteers who must struggle to balance their career and the obligations of today’s two-income families.
- The “Ask:” Ask your Representatives and Senators to protect state and local benefits for volunteer firefighters by cosponsoring H.R. 2353 and S. 933, respectively. Ask that H.R.2353/S. 933 be included in comprehensive tax reform legislation or a tax extenders package.

Addressing the National Drug Shortage

- The Problem: Fire departments and EMS agencies throughout the U.S. are experiencing critical shortages of drugs that are used to save the lives of patients that may be suffering from trauma or a medical emergency. These medications have clinical indications for treatment of cardiac arrest and life-threatening cardiac arrhythmias, pain management, and protracted seizures. When shortages cause a spike in prices for drugs or when EMS agencies have to purchase more expensive alternatives, they are not able to pass along the cost to the patients like hospitals can due to the current Medicare reimbursement models.
- The Solution: Paramedics must have crucial and necessary drugs to save the lives of their patients. Congress must pass legislation to help address this issue.
- The Explanation: The number of drug shortages in the U.S. has nearly tripled between 2005 and 2010, and the shortages are becoming more severe and frequent. According to data from the U.S. Food and Drug Administration (FDA), a large number of shortages are being attributed to manufacturing and supply issues as well as regulatory delays. The IAFC has issued a position statement on drug shortages, which additionally calls on fire chiefs to review their department’s current ordering and storage policies to ensure the fire service is not adding to the crisis.
- The “Ask:” Ask your Representatives and Senators to support legislation that will require 12-month advanced notice of shortages by the pharmaceutical companies; better cooperation between the federal government and manufacturers to improve the supply of drugs necessary for EMS; and improvements to the drug approval process for alternative medically necessary drugs to make up for EMS drug shortages.

Clarify the IRS' Treatment of Volunteer Firefighters

- **The Problem:** Using a “common law” test, the IRS has decided that volunteer firefighters must be treated as “employees” of fire departments and issued W-2 forms, instead of 1099 forms. This decision requires fire departments to withhold taxes from the benefits that volunteer firefighters receive and can trigger other employee-employer requirements.
- **The Solution:** The Volunteer Firefighter Fairness Act (H.R. 2630) was introduced to revise the Internal Revenue Code and clarify that volunteer firefighters are not considered “employees” of fire departments.
- **The Explanation:** Explain the effects of issuing W-2 forms to volunteer firefighters, including that taxes must be withheld and the ramifications of this decision on your state’s laws. Also, explain that the Fair Labor Standards Act classifies volunteer firefighters differently than career firefighters.
- **The “Ask:”** Ask your Members of Congress to cosponsor H.R. 2630, which would allow fire departments to issue 1099 forms to their volunteer firefighters.

Tax Incentives for Retrofit of Fire Sprinkler Systems

- **The Problem:** Buildings without sprinklers are a life hazard.
- **The Solution:** Retrofitting existing buildings with sprinklers would improve public safety and reduce fire deaths. Enhancing a federal tax incentive would encourage building owners to retrofit by reducing the depreciation period for investments in sprinkler systems. Representatives Aaron Schock (R-IL) and James Langevin (D-RI) and Senators Tom Carper (D-DE) and Susan Collins (R-ME) introduced the Fire Sprinkler Incentive Act (H.R. 1792/S. 1035) to reduce the federal tax depreciation allowance on sprinkler systems and provide economic incentives to building owners who retrofit their commercial and commercial-residential buildings with fire sprinklers.
- **The Explanation:** Use an example from your community about why a particular fire would not have been as devastating if the building had a sprinkler system, or how a sprinkler system improved your ability to contain a fire. The NFPA has no record of a fire killing more than two people in a completely sprinklered public assembly or educational, institutional, or residential building where the system was working properly.
- **The “Ask:”** Ask your Representatives and Senators to cosponsor H.R. 1792 and S. 1035, respectively.

Ensure Adequate Funding for EMS

- **The Problem:** Provisions in the Patient Protection and Affordable Care Act (P.L. 111-148) and subsequent actions by the Centers for Medicare & Medicaid Services (CMS) resulted in a cut to the Ambulance Fee Schedule which governs EMS reimbursements for services. Under the current structure, EMS agencies are reimbursed only if they transport a patient to a health care facility. Additionally, Congress has created bonus payments for Medicare ambulance services in urban, rural, and super-rural areas that receive short-term extensions causing uncertainty.
- **The Solution:** The reimbursement model for EMS must be modernized and reformed beyond a transport-based system. The CMS Innovation Center will be issuing Innovation Challenge grants and many fire-based EMS agencies have applied to test “treat-and-release” and “alternative destination” pilot projects. In addition, Representative Charles Boustany (R-LA) and Senator Charles Schumer (D-NY) have introduced the Medicare Ambulance Access Preservation Act (H.R. 1005/S. 424) to extend the Medicare bonus payments for ambulance transport through January 1, 2018.
- **The Explanation:** The current reimbursement model of pay-for-transport does not take into account the advances of care since 1965 as today’s paramedics can treat many conditions at the scene and under direct medical consultation from a physician. EMS leaders believe that “treat-and-release” and

“alternative destination” programs can provide better patient care and drive down health care costs. If adequately funded through the CMS Innovation Challenge grants, EMS agencies will be able to test these concepts on a larger scale and provide data and researchable results. The bonus payments must be extended for a longer length of time to provide certainty for local governments and EMS agencies to ensure the service is available when needed.

- The “Ask:” Ask your Representatives and Senators to cosponsor H.R. 1005 and S. 424. In addition, ask them to support efforts to modernize the Medicare reimbursement model for EMS by incentivizing EMS personnel to treat and release patients or transport patients to other care locations.

Campus Fire Safety Education

- The Problem: Since 2000, there have been over 152 campus-related fire fatalities at colleges across the country. Eighty percent of these deaths occurred off-campus, which demonstrates the need for better fire safety education.
- The Solution: Senator Frank Lautenberg (D-NJ) and Representative Bill Pascrell (D-NJ) introduced the Campus Fire Safety Education Act (H.R. 1199/S. 620) to authorize a grant program to support fire safety education programs on college campuses.
- The Explanation: This legislation would establish a \$15 million grant program at the U.S. Department of Education with a 25 percent matching requirement. These grants would be used to educate college students about basic fire safety; evacuation planning; fire extinguisher use; and fire prevention.
- The “Ask:” Ask your Representatives and Senators to cosponsor H.R. 1199 and S. 620, respectively.

For further information about federal legislative issues, please feel free to contact the IAFC’s Government Relations and Policy department at (703) 273-0911 or go to www.iafc.org/gr.