Fair Return for Employees on Their Initial Retirement Earned Act of 2017

LOBBETING SUGGESTIONS

preface

This is a very convoluted, complex bill with many facets/elements. I've always made sure that no matter what bill I'm going to be discussing with a member of Congress or their staff, I know as much as I can about the bill to the point where the member of Congress or their staff can't possibly know more than I do and that I am prepared for any potential questions. I would of course try to get "briefed" by the staff from either Tester's office or Collins' office on important points they'd want me to make about the bill but just as importantly questions to be prepared to answer that may come from "hostile" offices.

Obviously having both a Democrat & Republican co-author on any bill is important. However as I mentioned Sen. Collins is considered a very moderate Republican and can be viewed by her Republican colleagues as such...maybe even a "turncoat." Therefore if I were going into an office of a Republican who is a bit more to the Right than Collins, I wouldn't try to make a big deal about Collins being a co-author. Also keep in mind if you're going in as a NFFE representative, many Republicans have a dim look on unions and labor groups and with all the rhetoric on the Hill about going after federal employee retirement & benefits etc., you'll no doubt encounter both friendly and hostile offices.

Check to see if either Tester's office or that of Collins...or both, have sent out a Dear Colleague letter on the bill. If so, get a copy. If not, ask if they are going to put one out. I've learned that "less is best" when providing info to those in Congress...especially when meeting with a "20 something" staffer who's armed with their little notepad and who are seated in a position to face either the clock on the wall or the TV monitor and pay more attention to it than you. It is critical to know that if you are meeting with a staffer, whether they are the staffer assigned to the particular issues you are addressing or simply a stand-in.

That said, I don't have an "off" button when it comes to talking about firefighters or their issues so it is incredibly important that I know my audience.
As I mentioned the FWFSA is focused on federal wildland firefighter issues and how legislation affects only those employees. Such was the case with Sen. Daines S. 3544 the **Federal Wildland Firefighter Retirement & Disability Compensation Benefits Act of 2016** that will be re-introduced shortly.

S. 29 is fundamentally similar but obviously is looking to provide benefits for a far greater number of federal occupations. Whereas S. 3544 would require federal firefighters to continue to pay their slightly higher retirement contribution rates in order to access the benefits of the bill, I think it would be important to know what special retirement provisions each of the occupations listed in S. 29 have. Does a **Supreme Court Police** officer have the same retirement provisions as a **Nuclear Materials Courier** or an **Air Traffic Controller** or an **LEO** from the Forest Service? What are those special provisions? If these employees currently make a higher contribution to enjoy that special retirement provision, would they be required to continue to pay that higher rate if they were placed in an equivalent Agency position. While S. 3544 doesn't specifically address that point, we assume that they would be required to continue paying the higher rate in order to receive the same benefits as if they were retiring as a firefighter. Additionally S. 3544 does not specify whether a firefighter who is placed in an equivalent position would have to retire at the mandatory retirement age of 57 for firefighters? Similar questions may have to be answered for these other occupations under S. 29.

Federal firefighters can retire at age 50 under certain conditions. However they are also required to retire by age 57. There is currently a great debate on whether they should be allowed to work longer than 57 given the fact that by that age, most federal firefighters are in chief officer/command positions and not pulling hose and actually fighting fire. However some are concerned that if the maximum age of 57 is increased (it was increased from 55 to 57 several years ago) it would negatively impact any special retirement provisions. One of the drawbacks to that relatively young mandatory retirement age and the early retirement age of 50 is that some State (such as Cal-Fire) and local government fire agencies (most in Southern California) take advantage of the age requirements and "raid" the Forest Service of its FIRE "brain trust" and hire these experienced wildland firefighting chief officers which are then sent out as a "single resource" to the same wildfires they’d have gone on if they were still a federal employee only now they (the employee) is making a lot more; the State or local Gov't agency is making a lot of money and costing all of us, the taxpayer a lot more.

**Do any of these other occupations have a mandatory retirement age?**

**What is this going to Cost?**

As I discussed you are likely going to be hit with "what is this going to cost." Having a CBO score on a bill is all fine and dandy but it isn't going to answer the next question of "how are you going to pay for it."
As an example, shortly after 9/11 we could go to DC and get whatever we wanted…after all we were firefighters. Not anymore. We have had to completely change our marketing strategy to ID how some of our reforms with a cost factor can be paid for.

I would certainly contact the lead staff from both Tester & Collins' offices to 1) find out if a CBO score has been requested 2) what the offices believe the costs would be and how the Senator(s) believe the costs of implementing the bill would be paid for.

Obviously data you or even they (Teser/Collins) would need to know is on average how many employees of these various occupations end up losing their covered positions each year due to injury or disease. That is likely a question you'll get from either a Republican or Democrat office. Certainly having to foot the bill for 1000 employees is going to far more expensive than 100 employees. Just something to be prepared for.

**Know the differences between CSRS and FERS for these various occupations**

If some or all of these "covered" occupations in S. 29 don't have a mandatory retirement age, there is a greater likelihood that more of these employees may still be covered under CSRS. With the mandatory age for federal firefighters, very few CSRS employees remain. Don't be surprised if you encounter a member of Congress who doesn't even know what CSRS is!

I would suspect that NFFE represents employees in some or all of these occupations. If so, before I went into any congressional office lobbying this bill, I would determine 1) the demographics of that particular congressional district, (House or Senate) to see what kind of workforce would be affected in the district i.e. does the member of congress you're visiting with even have a constituency that would benefit from the bill? We know that every member of Congress has a constituency that would have to PAY for the bill. 2) get feedback from such employees/constituents as to what they think of the bill. If you go in to a congressional office that does have a constituency that would benefit from the bill, engage that constituency to follow up with their congressional representative.

For example I can go in to any congressional office and talk about a bill. However 99.9% of the time I'm not a voting constituent of that office. Thus, regardless of whether I'm speaking on behalf of constituents from any particular congressional district, if the office doesn't hear from that constituency, whatever I've had to say will have been in vain.

**Understand the strategy for moving the bill—Understand politics 101**

Few of the thousands of bills introduced each session actually go to the Floor for a vote. Most sit and languish without action in the committee to which it was referred. Therefore going into offices to secure a cosponsor is certainly important but so too is
NFFE using its legislative/political resources to access members of the committee(s) of jurisdiction in an effort for the committee to "take up the bill" in committee.

Bills are introduced for a variety of reasons and are moved in a variety of ways. Truth be told yes there are "back room deals" made just off the House & Senate floor to get those in a position of power to "sign off" on how a bill is to be moved. I've been involved in more than my fair share of such meetings in the Rayburn Room just off the House Floor.

Many bills are passed in a manner that actually violates congressional rules. All it takes is for Congress to vote to "suspend" such rules. Actually folks in the business of lobbying should watch the House & Senate work on C-SPAN and I guarantee you by the end of a few hours they'll be scratching their heads.

It is usually a violation of the rules to "legislate (or change the law such as S. 29 would do) on an appropriations bill. There are 13 "must pass" appropriations bill each session. In fact I think only 1 was passed last session, thus the frequent need at the end of a session for a Continuing Resolution (CR) or Omnibus budget bill.

However, if the authors of a bill get the "sign offs" referred to, their bill language can be added as an amendment to a must pass appropriations bill. When that bill hits the Floor, Congress votes to "suspend the rules" and pass the bill. Occasionally, there will be a member of Congress who opposes the language of a particular bill that has been inserted into a must pass bill being debated on the Floor and they demand a line by line reading of the full bill.

When the language they are opposed to comes up, all the member has to do is say "point of order" and the "offending" language is struck from the bill.

Thus it is important for anyone hitting the Hill on any bill to have somewhat of an understanding of how things work...and don't work in Washington. Therefore it is important o get an idea from the offices of Tester & Collins on how they expect to move the bill.

Hopefully this will be enough to get you started. If you have any questions please just email me or give me a call.

Casey