



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

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2012 IAFF Congressional Candidate Questionnaire

Candidate Name: _____

Office Sought: _____ U.S. Senate: _____ U.S. House: House District #: _____

Party Affiliations: _____

Campaign Committee Name: _____

Campaign Address: _____

City: _____ State: _____ Zip Code: _____

Campaign Phone Number (_____) _____

Campaign Fax Number (_____) _____

Email Address: _____

Web Site Address: _____

Campaign Manager: _____

Campaign Manager's Phone Number: (_____) _____

Filing Deadline: _____

Primary Date: _____

Run-Off Election Date: _____

Do you have primary election opposition? (Please circle one) YES NO

1. SAFER and FIRE Act Grant Funding and Waivers

The Staffing for Adequate Fire and Emergency Response (SAFER) and Assistance to Firefighters (FIRE Act) grant programs were created by Congress with tremendous bi-partisan support to help address the significant staffing, equipment, training and health and safety needs of fire departments. Under SAFER, fire departments apply for federal grants to help pay the costs associated with hiring new personnel to maintain safe staffing levels, the importance of which has been well documented by independent studies and incorporated into Occupational Safety and Health Administration (OSHA) regulations. Under the FIRE Act, departments apply for grants to purchase protective equipment and provide needed training. Together, these programs have improved the effectiveness of fire department operations and protected the health and safety of fire fighters.

For Fiscal Years 2009 and 2010, in response to the recession, Congress enacted waivers to SAFER allowing communities to use the grant to retain or rehire fire fighters laid off as a result of the economic downturn. Congress also waived a number of budgetary requirements, including requirements to maintain the fire department's budget, funding caps and local matching requirements. As a direct result of the waivers, 1,236 fire fighter jobs were created or saved with Fiscal Year 2009 grants, and as estimated 2,500 additional jobs will be created or saved with Fiscal Year 2010 grants.

The SAFER waivers were intended to be a temporary measure to help fire departments weather the recession, and expired in Fiscal Year 2010. However, as the recession lingers locally and staffing reductions continue, it is imperative that they be extended.

The weak economy is causing communities to reduce fire department staffing and cut back on training and equipment, posing significant threats to public safety and local preparedness. Robust funding of SAFER and the FIRE Act will help communities secure the resources needed to protect the public. Additionally, extending the SAFER waivers will ensure that those departments which need SAFER funds most will be able to use SAFER to maintain or restore safe staffing levels.

Because the last Congress did not complete work on Fiscal Year 2011 appropriations, the 112th Congress, in February, passed HR 1, which contained \$810 million for SAFER and FIRE Act grants and the waiver language. For Fiscal Year 2012, the House passed the DHS appropriations bill that contained \$670 million for SAFER and FIRE Act grants. Both HR 1 and the DHS bills had amendments that dealt with the funding and waivers and both passed with strong bi-partisan support. The Fiscal Year 2012 bill now awaits action in the Senate.

As a member of Congress, would you support or oppose maintaining robust funding for SAFER and FIRE Act grants? Would you also support or oppose extending the waivers so that the grant funds could continue to be used to retain or rehire fire fighters?

2. Public Sector Pensions

In recent months, there has been a great deal of discussion about the solvency of public employee pension plans. Some elected officials have called for dismantling defined benefit pension plans, and replacing them with 401(k)-style defined contribution plans. Others have suggested allowing states to declare bankruptcy to avoid their financial obligations to their employees and retirees.

While the current economic downturn has placed many states in dire fiscal straits, public employee pensions are not the cause. Misleading media reports have created a false impression that public employees have been promised overly generous benefits paid for by tax dollars.

A realistic assessment of state and local pension systems shows a very different picture. Most pension plans are in sound financial shape, even after the stock market collapse of 2008-2009. While there are some instances in which plans are dangerously underfunded, these states have been moving aggressively to change their systems and return to solid financial footing.

Moreover, the vast majority of funding in pension plans does not come from taxpayers. More than 70 percent of funds in pensions have been contributed by workers or earned by making prudent investments. Contrary to the claims about pensions bankrupting states, only about 3 percent of state budgets are devoted to pension contributions.

The primary cause of pension plan underfunding has been the failure of states to make their required annual contributions. When the stock market was rising and plans were showing a surplus, states simply opted to forgo contributing their share. Rather than acknowledge that their failures caused the shortfalls, some government officials are now using fire fighters as scapegoats and are proposing slashing the benefits that fire fighters earned over their years of service to the community.

Dismantling pensions in favor of 401(k)-style defined contribution plans would be catastrophic for the retirement security of fire fighters and other public employees, and would not save state governments money. States would still contribute to employees' retirement, but the benefits received by employees would be significantly less. Wall Street firms, which are behind much of the misinformation campaign, are the only ones who stand to benefit from such a change.

Representative Devin Nunes (R-CA) and Senator Richard Burr (R-NC) introduced the Public Employee Pension Transparency Act (PEPTA). HR 567 and S. 347 would require states to calculate their long-term obligations using unrealistically low rates of return to investments, and create a false picture of the plans funded status. Specifically, PEPTA would require new federally-funded mandated reporting requirements on state and local governments, require certain information to be made public on a web site, and prohibit the federal government from providing any financial assistance or bailouts to public pension funds in the future. Failure to comply with the bill's new requirements would result in state or local governments losing their ability to issue tax-exempt bonds.

Although the bill's intent seems harmless, the Transparency Act would effectively undermine public confidence in defined benefit pension plans. For the first time ever, the federal government would force state and local governments to list pension fund liabilities based on "risk free" rates, which would be equivalent to the interest earned on federal Treasury bonds, currently at 4 percent. In contrast, traditional actuarial accounting standards use an expected rate of return based on a 25-year yield of past performance, which is around 8 percent. By forcing public pension funds to use the lower Treasury bond rate, the overall pension liability will appear drastically larger, prompting calls for

unnecessary reforms or, worse, disbanding pensions altogether in favor of 401(k)-style defined contribution plans.

The Public Employee Pension Transparency Act also represents a fundamental lack of understanding regarding the strong accounting rules and strict legal constraints already in place that require open and transparent governmental financial reporting and processes. This legislation conflicts with existing governmental accounting standards, increases state and local government costs, and undermines investor confidence in the municipal bond market.

As a member of Congress, would you support or oppose the Public Employee Pension Transparency Act (HR 567/S. 347)?

3. Taxing Health and Pension Benefits

As Congress looks for ways to address the budget deficit, there has been growing interest in finding ways to increase tax revenue without increasing tax rates. The bipartisan commissions that produced deficit reduction plans in 2010 and the so-called “Gang of Six” senators have all focused on removing tax deductions and exclusions, rather than raising rates.

While tax deductions are often thought of as special carve outs that favor corporations and the wealthiest Americans, the vast majority of these provisions benefit middle-income workers. The tax exclusion for employer-provided health care has been essential to providing health care to millions of American families. And the exclusion for contributions to retirement funds has enabled Americans to plan for a secure retirement.

Removing or significantly curtailing these long-standing tax exclusions would have far reaching consequences. Employers would cease offering health care and retirement plans, forcing millions of families onto government assistance. Moreover, the middle-class would be forced to bear an increased share of the tax burden. At a time when the income gap between the wealthiest Americans and the rest of us is growing, it is unwise public policy to further raise taxes on middle-income wage earners.

As a member of Congress, will you oppose taxing employer-provided health care and pension benefits?

4. Mandatory Social Security Coverage

When the Social Security system was created in 1935, government employees were expressly excluded. Even when state and local governments were given the option to join the system in the 1950s, many fire departments were still legally barred from electing Social Security coverage until 1994. Because of this long exclusion from the Social Security system, local governments created pension systems for fire fighters to address their retirement needs without Social Security. An estimated 70 percent of all fire fighters are covered by pension plans that are independent of Social Security. These comprehensive plans are tailored to meet the unique needs of fire fighters by taking into consideration the early retirement ages and high rates of disability retirement that are characteristic of public safety occupations.

Throughout the 1980s and 90s, Congress considered various proposals to bring all public sector workers into the Social Security system, but decided each time to maintain the current practice of allowing public employees the option of joining Social Security or retaining their separate pensions systems.

Recently, the issue has been resurrected as a way to generate additional revenue for the Social Security Trust Fund. In 2010, two separate national commissions on reducing the deficit included identical proposals in their recommendations to bring all newly hired public employees into Social Security in the year 2020.

A second, more recent, argument contends that public pension plans are unstable, and Social Security coverage would provide public employees with retirement income if their pension plan went bankrupt.

Opponents of mandatory coverage believe that forcing all public employees into Social Security, even if it is only new hires, would undermine existing pension systems that provide superior benefits and reflect the unique circumstances of public safety work. They argue further that the overwhelming majority of public pensions are on sound financial footing, and rumors about plans going bankrupt are not supported by the facts.

Opponents also note that any influx of funding to the Social Security Trust Fund would have a negligible and temporary impact on the Fund's long-term solvency. Moreover, Congress already fully addressed concerns about people receiving benefits without paying in their fair share. The Social Security benefits of people who also receive a pension from non-Social Security covered employment are significantly reduced.

Forcing fire fighters into the Social Security system would amount to an unfair 6.2 percent tax increase on these middle-income workers. At a time when many fire fighters have been forced to accept pay cuts and wage freezes, such a large tax hike would have a significant detrimental impact on family budgets. In addition, paying the employer's share of the Social Security tax would place a financial strain on many cash-strapped municipalities. This would lead to cutbacks in municipal services, including fire protection. It is unfair to force public agencies to now curtail or abolish these well-funded, financially stable plans just to generate a small amount of revenue to the Social Security Trust Fund.

As a member of Congress, would you support or oppose universal Social Security coverage for non-covered state and municipal government employees?

5. Public Safety Employer-Employer Cooperation Act

Fire and police departments benefit immeasurably from productive partnerships between employers and employees. Studies have shown that communities which promote such cooperation enjoy more effective and more efficient delivery of emergency services. Such cooperation, however, is difficult in states that do not provide public safety employees with the fundamental right to bargain with their employers.

Over the years, Congress has expanded the scope of collective bargaining laws to cover private sector employees, non-profit association employees, transportation workers, federal government employees and, most recently, congressional employees. One of the few groups of workers not covered by a federal law is state and local government employees, including public safety officers.

Most states have enacted legislation providing meaningful collective bargaining rights for fire fighters, but many have not. The results of this uneven application of collective bargaining rights are labor-management breakdowns, which can endanger public safety. Many, including the IAFF, believe that the best way to address this issue is to pass a national collective bargaining bill to guarantee a minimum standard of collective bargaining rights for all state and municipal fire fighters.

While Congress has historically given states and localities wide latitude in managing their own employees, the increasing role of the public safety community in homeland security creates an obligation for the federal government to ensure that public safety officers have basic collective bargaining rights.

In the 111th Congress, the Public Safety Employer-Employee Cooperation Act was introduced in the House of Representative by Representatives Dale Kildee (D-MI) and John Duncan (R-TN) as HR 413 and in the Senate by Senator Judd Gregg (R-NH) and the late Senator Ted Kennedy (D-MA) as S. 1611. This legislation enjoyed broad bipartisan support in both chambers. In the 110th Congress, the bill passed the House of Representatives by a vote of 314-97. To date, the legislation has not been reintroduced in the 112th Congress.

The legislation establishes minimum standards for state collective bargaining laws, including: 1) the right of public safety officers to bargain over wages, hours and working conditions; 2) a dispute resolution mechanism, such as fact finding or mediation; and 3) enforcement of contracts through state courts. The legislation expressly prohibits strikes and lockouts, does not infringe upon right to work law, and does not interfere with existing state laws and collective bargaining agreements. The IAFF supports the Public Safety Officers Employer-Employee Cooperation Act.

If re-introduced, as a member of Congress, would you support or oppose the Public Safety Employer-Employee Cooperation Act? Would you co-sponsor the legislation?

6. Federal Fire Fighter Presumptive Disability

Fire fighters are exposed on a daily basis to stress, smoke, heat and various toxic substances. As a result, fire fighters are far more likely to contract heart disease, lung disease or cancer than other workers. And as fire fighters increasingly assume the role of the nation's leading providers of emergency medical services, they are also exposed to infectious diseases. These diseases are now among the leading causes of death and disability for fire fighters, and numerous studies have found that those illnesses are occupational hazards of fire fighters.

In recognition of this risk, 42 states have enacted presumptive disability laws, which presume that cardiovascular diseases, certain cancers and certain infectious diseases contracted by fire fighters are job-related for purposes of workers' compensation and disability retirement unless proven otherwise. No such law covers fire fighters employed by the federal government.

Under the Federal Employees Compensation Act (FECA), federal fire fighters must be able to pinpoint the precise incident or exposure that caused a disease in order for it to be considered job-related. This burden of proof is extraordinarily difficult for fire fighters to meet because they respond to a wide variety of emergency calls, constantly working in different environments under different conditions. As a result, very few cases of occupational disease contracted by fire fighters have been deemed to be service-connected.

In the 112th Congress, bi-partisan legislation to address this problem has been introduced in the House by Representatives Lois Capps (D-CA) and Todd Platts (R-PA). In the Senate, Senators Tom Carper (D-DE) and Susan Collins (R-ME) plan on reintroducing a bill that they sponsored in the 111th Congress. This legislation, the Federal Fire Fighters Fairness Act, would create a rebuttable presumption that cardiovascular disease, certain cancers and certain infectious diseases are job-related for the purpose of qualifying for workers' compensation and disability retirement benefits.

As a member of Congress, would you support or oppose the Federal Fire Fighters Fairness Act?

7. State Taxing Authority

State and local governments continue to struggle in the current economy. Projected budget deficits have forced dramatic decreases in spending on public safety and other essential services. Fire fighters have paid a heavy price, facing layoffs, furloughs, wage cuts and reduced benefits.

The weak economy is even more problematic for state governments than the federal government because states and municipalities rely on property taxes and sales taxes. Even as the economy is beginning to show some signs of recovery, property values and consumer sales remain at record lows.

Adding insult to injury, Congress is seeking ways to further limit the ability of states to generate revenue. In the 21st century, commerce is increasingly being conducted outside the concept of traditional "bricks and mortar" business establishments. States have responded to this new reality by imposing taxes on Internet sales and other business activities that cross state boundaries.

In an effort to prevent states from collecting these taxes, members of Congress have proposed federal legislation restricting state taxing authority, and requiring a strict "physical nexus" standard for taxing the sale of goods and services.

These restrictions not only harm public safety and other state and local government services, they also violate the principles of federalism. Unless the federal government is willing to assume more responsibility for providing states with funding for public services, it must allow states the freedom to generate the necessary revenue.

As a member of Congress, will you oppose congressional efforts to prevent states and municipalities for generating tax revenue, including the Business Activity Taxes and taxing Internet sales?

8. Aid to States / FMAP

Many public services are jointly funded by federal and state government. As the federal government seeks to reduce its own budget, one alternative is to force states to pick up an increasing share of these costs. Unfortunately, states are suffering under even greater budget constraints and cannot increase their share of spending on these programs without significant cuts to public services, including public safety.

The largest of these joint federal-state ventures is the Medicaid program. The federal government currently makes payments, known as FMAP, to states to enable states to provide health care to those who cannot afford to purchase health insurance. Although the federal government imposes stringent requirements on states on how they administer the Medicaid program, the federal government is failing to pay its fair share of the costs. Recent proposals in Congress are calling for further cuts in FMAP.

As a member of Congress, will you support congressional efforts to fund FMAP payments to states and oppose attempts to further reduce federal assistance to state and local governments?



Please return completed questionnaire to:

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