

## **National Federation of Federal Employees Forest Service Council**

### **Legislative Committee Report to Convention October 4-5, 2008**

We have grown our legislative capacity and influence steadily over the last four years and have seen our efforts pay off in some really amazing ways. It's hard to believe it now that the pressure is off, but only four short years ago we were still front and center in the administration's efforts to gut the Forest Service by privatization – the so-called competitive sourcing initiative.

**Competitive Sourcing.** We began working the Hill hard on this issue in 2003, carrying specific information about the wasteful nature of this program. We submitted two detailing briefing papers and written testimony in 2003<sup>1</sup>, and Council representatives met with scores of Congressional staff to discuss the issue. Because we had a compelling story, because we had it carefully documented, and, above all, because we were telling the TRUTH, we became a credible voice in the Halls of Congress. But if ever there were a case of David facing Goliath, this was one. We were taking on a popular president's<sup>2</sup> pet initiative, and he had a compliant Congress. More like an ant facing down a racing locomotive. What could we hope to achieve?

In 2004, based on quotas straight from the Whitehouse, the Forest Service was still moving forward with plans to competitively source 35% of its commercial workforce by the end of fiscal year 2005. While we were unable to stop all of these, it was as a direct result of our advocacy that a House Appropriations investigation into Forest Service competitive sourcing was undertaken. This report verified what we had reported about this deeply flawed initiative. In fact, things were so bad that the Appropriations Committee took the unusual step of publicly releasing the report.

The Appropriations report was so scathing that the agency voluntarily put its competitive sourcing activities on hold for approximately 2 years, saving untold thousands of jobs. Although the quotas stayed in place, the agency took a "time out." In addition, legislation was passed to restrain this radical privatization program, including a limit on how much the agency could spend on competitive sourcing activities. In fact, reforms first put in place in the 2004 Interior bill were subsequently extended to other government funding bills as well. So in fighting the power, we helped not only ourselves but also our brothers and sisters in other agencies.

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<sup>1</sup> Briefing materials dating from 2003-2006 are posted at <http://home.centurytel.net/BehindTheCurtain/>. More recent materials are posted at <http://www.nffe-fsc.org/Documents/CSIndex/CSIndex.html>, including the long-awaited GAO report on Forest Service competitive sourcing.

<sup>2</sup> Hard to believe, but true during the 2003-2004 timeframe. The American people have wised up. Question is, will they be fooled again this time around?

Even though the heat was off, we knew the respite was only temporary. Sure enough, the agency notified us in late 2005 of their intent to crank up competitive sourcing again, with communications work being the first out of the shoot. And the new competitive sourcing “Green Plan” was even more radical than its predecessor: over 21,000 jobs were to undergo outsourcing studies by the end of fiscal year 2009. Many folks may not realize how close over 8,000 employees performing NEPA-related work were to the A-76 chopping block. We will never know how far the competitive sourcing train would have gone down the tracks without that Council ant dug in, pushing against it with all its might!

We knew this was coming – and we were ready. All along, we continued to fight for keeping spending limits in place, for an honest accounting of costs, and for appeal rights for federal employees. We fought for fundamental reform in A-76 procedures that were outrageously biased in favor of private bidders. In 2005, we worked with Senator Feingold’s staff on legislation to require an independent audit of the Forest Service competitive sourcing program. While not passed into law, this led to a bipartisan request for a GAO audit on Feb. 14, 2006. GAO agreed to conduct the audit in short order. And we were able to keep strong restrictions in place, while making forceful arguments for an outright ban until the audit results were known.

This write-up is already too long, so let me cut to the chase: in the waning days of 2007, we finally got an outright ban on competitive sourcing in the Forest Service. Our support in Congress was so strong that no-one would even offer an amendment to strike the ban down: during the debate, I spoke with staff in three Congressional offices that passed an amendment around like a hot potato. And on Feb. 21, 2008, the GAO released a scathing report that verified much of what we had been saying for years, firming up support to keep the ban in place.

**Looking to the Future.** The vast majority of our legislative efforts during 2004-2007 went into battling competitive sourcing. As our victory in this arena became more certain, we began to put more resources into other issues. In addition to the 2007 competitive sourcing ban, we realized another big success in getting legislation passed to authorize the agency to pay 50% of the premium for liability insurance taken out by temporary fire managers. The agency has favored this benefit for years, and with our shoulder and theirs to the task we were able to push it over the top. Our involvement was instrumental in getting a broad benefit passed, rather than the one limited only to supervisors that was originally reported out of Committee.

We continue to work on a variety of other issues: privilege in safety investigations, restoring credit for NWCG courses, retirement credit for accrued sick leave for FERS employees, a funding mechanism for catastrophic wildfires to fix the annual transfers from other accounts, etc. While there has been legislative action on some of these issues, we are facing the most polarized Congress in history (the Senate blew away the all-time record for filibusters by the minority) and it is unlikely anything will happen until after the election. However, we’ll keep at it. This is long-term work. In baseball, a really good batter fails 70% of the time. In legislative work, it’s more like 99%. That just

means we have to climb in the batters' box 100 times. And that's what we'll continue to do.

**Solidarity Forever.** These Council success stories are truly amazing to me. If someone would have told me 6 years ago that I'd be involved in this sort of thing, I would have thought they were crazy. Our successes would not have been possible without the help of far too many of our brothers and sisters to name here. But I cannot stop myself from acknowledging the leadership of past FSC Presidents John Obst and Bill Dougan, who made Legislative Committee work a top priority of the Council; and of past Legislative Chairs Art Johnston and Ron Thatcher, who started the long-term work of building our relationships and reputation on the Hill. I don't know if these guys are giants or not, but I do know I'm standing on their shoulders. Finally, I'd like to thank the many brothers and sisters it's been my privilege to work with during Legislative Conference. These folks have put up with a lot because, as each and every one can tell you, logistics is not my strong suit.

Respectfully submitted,

Mark Davis, Chair  
NFFE Forest Service Council Legislative Committee