



NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Affiliated with the International Association of Machinists & Aerospace Workers, AFL-CIO

Roger Hodge
Editor-in-Chief
The Intercept
July 31, 2023

Dear Editor-in-Chief Hodge,

While I appreciate the interest in the ongoing federal wildland firefighter crisis, the article published by The Intercept, “*Sinema Bill on Firefighter Pay is ‘Slap in the Face’ to Workers Battling Blazes,*” (July 27, 2023) was dynamically incomplete in terms of accurately describing pending legislation and the combined effort by stakeholders to prevent a devastating pay cliff for wildland firefighters in September. The Intercept, via omission and misleading contextual structures within the article, misrepresented the larger undertaking to modernize the federal wildland fire services while inaccurately blending with it a separate, more immediate crisis regarding an approaching pay cliff.

In doing so, The Intercept created new challenges for us to prevent the pay cliff by politicizing and consequently jeopardizing support for a stopgap measure before current authorities expire in two months when firefighter pay checks will take a nosedive. I presume this is not the intent of The Intercept, however this is the unintended consequence of publishing an unvetted article that reads more like a political hit piece than a work of journalistic integrity.

The article included references to the National Federation of Federal Employees (NFFE) and a direct quote from me taken from a previous statement unrelated to the article itself. Both of which were strategically placed without proper context and without requesting an interview from any NFFE source before publishing. Rather than rehash and pick apart the article, I request that you consider the following points and issue a public clarification to set the record straight. It is important that The Intercept try to repair the damage it likely caused to the movement to save federal wildland firefighters.

Misrepresentation #1: There is a consistent theme throughout the article that one congressional bill that will solve the federal wildland firefighter crisis. In fact, multiple bills are required for separate legislative endeavors in congress to properly address all the issues currently outstanding.

The Intercept article inaccurately depicts the solution to the firefighter crisis as a single endeavor with a single solution (the Hart Act). The truth is there are multiple legislative efforts to address different issues, and these endeavors are as complex as the congress itself. The article erroneously dissolved at least three separate legislative projects into one, inappropriately blending and then rating each against the other, claiming they are identical in cause and function.

Specifically, the article referred to the Wildland Firefighter Paycheck Protection Act (WFPPA), the president’s budget proposal for FY 2024 appropriations, and the Tim Hart Wildland Firefighter Classification and Pay Parity Act (Hart Act). The first is an emergency supplemental funding bill, the second is the president’s budget request for annual fiscal appropriations, and the third is an authorizing bill. Each of these is required to effectively manage the current crisis, however they are not comparable in terms

of their content nor compatible in terms of the congressional procedures required of each to become law.

Misrepresentation #2: The misstated purpose and value of the Wildland Firefighter Paycheck Protection Act.

The Intercept article misidentified the Wildland Fighter Paycheck Protection Act (WFPPA) as an annual authorizing bill instead of what it is—an emergency supplemental funding bill—and the article went on to improperly link the WFPPA to the president’s budget request for fiscal appropriations. The WFPPA is not an annual authorization bill, nor is it a substitute for annual appropriations as requested by the president’s budget proposal. Elements of the president’s budget were included in WFPPA to garner the support of the executive branch, however the WFPPA does not supplant our efforts on fiscal appropriations for FY 2024 that continues very perilously this year in congress.

The WFPPA is designed to do only two things: 1) stop a major pay cliff in September, and 2) prevent a future pay cliff of this magnitude from happening again. The WFPPA is in response to sunseting authorities from the Bipartisan Infrastructure Law of 2021 (BIL) that granted emergency funding to allow for a 50% increase in base pay up to a maximum of \$20,000 per year. This law was passed after President Biden signed an executive order to raise the minimum wage for federal wildland fighters to \$15 per hour. Without WFPPA as a stopgap measure, wages will immediately drop by the same amount with many bottoming out at the \$15 per hour level again. This is the pay cliff, and it will take effect on September 30 of this year during the heart of wildland fire season unless WFPPA passes into law.

The clock is ticking.

If WFPPA passes in time, it will serve as a new permanent base rate of pay from which negotiations can continue to establish truly competitive pay to recruit and retain federal wildland firefighters. If it does not pass in time, even a short lapse in current wages will begin a mass exodus of federal firefighters to state and local fire departments and other industries where they can make much more, work less physically excruciating jobs, and spend more time with family. The exodus is estimated to be between 30% and 50% of the workforce. This is not fantasy. State and local departments and the private sector, such as PG&E, are actively pursuing these highly trained professionals for thousands of job openings. The short-term damage will be significant, and the long-term damage may be permanent as institutional memory and superior talent leaves creating deep knowledge gaps for future generations of firefighters.

Misrepresentation #3: The distorted perspective on the greater effort to save the federal wildland fire services and firefighters.

The Intercept article offered a distorted perspective via omission regarding the wider fight by many stakeholders to help wildland firefighters. Focusing on the WFPPA, the article failed to mention that this bill is the result of months of hard negotiations within congress to get a bill in print that can quickly pass. The WFPPA is not a typical bill. It is a stopgap measure to prevent something bad from happening. Like most stopgap measures that must pass under a strict timeline, it is not a perfect bill. It is a functional bill. It represents a complicated political negotiation during a combative congress that provides a workable path to stop the worst-case scenario from happening.

Given we have 60 days, we do not have time for the perfect to be the enemy of the good, nor will we allow a total failure that leads to a massive pay cliff because we cannot get the ideal in the first round of several this year under exigent circumstances. This is a measure to ensure bipartisan support to avoid crippling

fighters that can stall it before September 30. In terms of timing, this is an exceptionally ambitious goal by any congressional standard.

With that said, our support for the WFPPA is separate from our work to pass wildland fire service and firefighter enhancements via annual appropriations this year and it is separate from our continuing work on the Hart Act. The Hart Act is a comprehensive authorizing bill to modernize the federal wildland fire services and its workforce to include competitive pay issues, working conditions, career options, work-life balance, mental and physical wellness, and programmatic improvements to improve recruiting and retention. NFFE secured Senator Michael Bennet (D-CO) as the sponsor of the Hart Act in the Senate, and we coordinated the reintroduction of the Hart Act in the House with Representative Joe Neguse (D-CO).

NFFE began its early work with the Biden administration before transition which led to the \$15 per hour minimum executive order. NFFE lobbied for improvements to pay, working conditions, and mental and physical wellness for wildland firefighters in every presidential budget request during this administration. NFFE continues to work with congressional appropriators to pass the related elements of the president's budget request through the regular fiscal appropriations process. Separately, NFFE is working through abbreviated congressional channels of authorizers and appropriators in the House and Senate commonly required for supplemental or emergency funding bills like the WFPPA.

The Intercept article pitted the WFPPA against the Hart Act, remarking that the WFPPA does not contain most of the provisions in the Hart Act, and it further compares WFPPA to the president's budget proposal for annual appropriations. As I have made clear, these are separate legislative efforts for different purposes that are on different timelines and are under different committees of congressional jurisdiction and have different political constraints. Except for the fact that all these endeavors are focused on modernizing the wildland fire services and helping its firefighters, they have nothing else in common, legislatively speaking.

Misrepresentation #4: The article violated basic journalistic integrity by portraying political shaming as truth.

From the tone and focus of The Intercept article, it is obvious that it is a political hit piece and little more. Unfortunately, by politically shaming the senate sponsor of the WFPPA, Sen. Kyrsten Sinema (I-AZ), The Intercept damaged the credibility and political viability of the bill and, in doing so, created new challenges to preventing a devastating pay cliff in two months. The article failed to mention that Sen. Sinema co-authored the temporary pay increases for federal wildland firefighters in the 2021 BIL through the Infrastructure Investment and Jobs Act, and she continues to provide leadership on the WFPPA and on other urgent and critical policy fronts. Senator Sinema's leadership is critical to federal wildland firefighters.

I thought it was odd that notably absent from criticism in the article were the other sponsors and original cosponsors who are providing leadership for both the WFPPA and the Hart Act in the House and Senate. All these members of congress see value in both the WFPPA and the Hart Act, and they support the president's budget proposal regarding wildland firefighters. The failure by The Intercept to disclose the truth behind each of the bills reduced its level of journalistic integrity to political tabloid junk. Sadly, this junk took federal wildland firefighters one step closer to the pay cliff.

Misrepresentation #5: The reoccurring theme that the future for federal wildland firefighters is nothing but bleak.

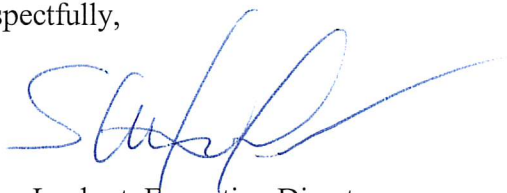
What NFFE and other stakeholders are trying to fix, along with members of congress, is an antiquated legacy system that remained stagnant for too long. Longer and larger fire seasons each year is placing incredible pressure and anxiety on the wildland fire workforce, and the high cost of inflation brought low pay to the foreground. These stress points, combined with other historical problems brought about by decades of neglect, broke the system.

However, while national recognition of the antiquated system came late, it did not come too late. At least not yet. This is why critical stakeholders are arming themselves with every possible tool to prevent the worst-case scenario now and also provide an immediate path forward for the modernization of the federal wildland fire services to include programmatic and workforce enhancements. President Biden has declared his support for a permanent fix, the Departments of Agriculture and Interior are making internal changes and investments, the congress has pledged bipartisan support, and unions and other organizations are fully engaged to guide the effort to success. We are making progress by pushing the possible to the brink.

In particular, NFFE members who are federal wildland firefighters have a lot to look forward to. While we continue to lead the congressional effort to provide relief for our members, NFFE is not willing to wait for Congress to pass all the legislation needed to implement change. NFFE's status as a federal labor union gives us the right to bargain directly with the agencies to address immediate fixes that are possible without congressional approval. For instance, NFFE is in negotiation with the U.S. Forest Service to establish new master agreement that will benefit NFFE members covered by the agreement. Another example is NFFE's status to engage directly with the White House, the Executive Offices of the President, the agencies, and various congressional committees, bringing NFFE members in front of the highest-ranking officials in government to hear the truth straight from the source.

Again, we are grateful that The Intercept has an interest in the federal wildland firefighter crisis. The NFFE communications team stands ready to work with your reporters. As a former municipal firefighter, I hold a deep kinship with federal wildland firefighters. I take personally their struggle to receive professional pay in a professional setting. We need a law passed in 60 days that will do the most good for as many as possible in an austere and challenging political environment. At some point, negotiations end and it becomes time for action. While this occurs, NFFE will continue our other work in congress and in the executive branch to improve the pay and working lives of the nation's federal wildland firefighters.

Respectfully,



Steve Lenkart, Executive Director
National Federation of Federal Employees, IAMAW, AFL-CIO