



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 13, 2008
(Senate)

STATEMENT OF ADMINISTRATION POLICY

H.R. 980 – Public Safety Employer-Employee Cooperation Act of 2007

(Rep. Kildee (D) MI and 280 cosponsors)

The Administration believes that State and local governments should determine the nature and range of collective bargaining rights exercised by the public safety workers they employ. The Administration strongly opposes this Act because its severe intrusions on State sovereignty and emergency management conflict with the fundamental principles of federalism. If H.R. 980 were presented to the President, his senior advisors would recommend that he veto the bill.

The relationship between a State government and its employees, particularly employees who assist in discharging the State's police powers, should not be the subject of Federal interference absent a compelling Federal need. In the Administration's view, H.R. 980 does not satisfy this test, because there is no demonstrated Federal need for the regulations proposed by the bill, certainly none that outweigh the long-standing principles that limit Federal intervention in areas of State sovereignty. States have responsibly considered the type of bargaining that is compatible with their execution of public safety responsibilities, and a majority already allow public safety employees to collectively bargain to some degree, while other States have used different approaches to labor-management relations after considering local needs and costs. H.R. 980 disregards these decisions, reflected in both statutes and constitutions, and instead forces States and localities to adopt a federally imposed mandate which could undermine State and local authority.

The Administration is also concerned that this bill could upset our nation's carefully crafted emergency response functions. The President has effectively restructured and reformed the Federal government to focus its significant public safety resources on security against terrorist attacks and disasters. Our emergency response functions rely heavily on coordination with first responders in public safety agencies at the State, local, and territorial levels. The Administration recognizes that the sacrifices and contributions of these first responders are critical to ensuring the safety of the communities they serve. Any legislation establishing a uniform standard for collective bargaining could dangerously reduce the flexibility needed to prevent and respond to a shifting series of threats and hazards.

Finally, H.R. 980 raises serious Constitutional concerns under the Tenth Amendment. It is not clear that courts would uphold the Federal Government's authority to impose a comprehensive regulation of the labor relations between a State and its employees in the manner prescribed by the bill. Current Supreme Court case law suggests that the Tenth Amendment permits the Federal Government to require State compliance with a general regulatory scheme, but does not permit the Federal Government to require States in their sovereign capacities to regulate their own citizens.

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