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National Secretary-Treasurer

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Honorable Adam Smith
Chairman
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

Honorable Jim Inhofe
Chairman
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

Honorable Mac Thornberry
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

Honorable Jack Reed
Ranking Member
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairmen and Ranking Members:

On behalf of the American Federation of Government Employees, AFL-CIO, (AFGE) which represents more than 700,000 federal employees who serve the American people in 70 different agencies, including approximately 300,000 in the Department of Defense (DoD), we appreciate your support of a strong national defense and your recognition of the importance of a professional, apolitical civil service supporting our uniformed warfighters.

Section 1704 of the President's legislative proposal for establishing a U.S. Space Force would reintroduce the "spoils system" into the DoD civil service by establishing an employment system where ideology and political favoritism rather than competence and professionalism would govern the hiring, compensation, management and termination or reduction in force of federal employees. The proposal exempts the Space Force from chapter 71 of title 5 pertaining to Labor Management Relations. The proposal's general statement that "merit principles apply" is subject to all kinds of exceptions that make the statement meaningless. Appeals for Senior Executive Service (SES) employees are explicitly excluded from Merit Systems Protection Board jurisdiction, and for other non-SES Space Force employees, appeals of "adverse actions" are generally internal to DoD and not subject to outside review. Most importantly, the Secretary of Defense could terminate the employment of any employee in the Space Force "in the interests of the United States," which could presumably mean based on the political preferences of the day. Under this framework, an employee or whistleblower adhering to their oath of office could be terminated "at will," without cause, not based on their competence or performance or adherence to the rule of law. This is fundamentally the antithesis of having a merit-based civil service, and corrodes any principles of sound governance.



The President's proposal establishes an arbitrary and broad authority to appoint term or temporary employees for three-year terms without regard to the enduring nature of the underlying work or mission requirements, or the harmful effects such appointments have in recruiting and retaining a quality workforce. Authority recently granted for the so-called "Pilot Program" for "Cybersecurity and Legal Professions" in section 1110 of the Fiscal Year 2018 National Defense Authorization Act is a recent illustration of the folly of converting an important mission of DoD into a temporary "at will" workforce. AFGC predicted that the Department's ability to recruit and retain a quality workforce would flounder if this provision were enacted and efforts made to implement it. Recent news media reporting shows our prediction was well-grounded as recruitment goals have not been achieved. *See*, Federal Computer Week, Lauren C. Williams, "Why the Cyber Fast Track is Stalled at DoD" (February 26, 2019).

The last time the Department had similar broad authority to establish its own compensation system was under the failed National Security Personnel System (NSPS) which is now proposed for the Space Force. Under NSPS, morale plummeted because of the discriminatory manner in which the NSPS was implemented to the detriment of minority groups and women, with favoritism shown toward persons at higher headquarters levels. Ironically, per capita costs under NSPS were much higher than under the GS compensation system, primarily resulting from skewed compensation favoring supervisors, managers, and executives.

Finally, the so-called "Transitional Budget and Resource Plan" in Chapter 5 of the Under Secretary of Defense (USD) (Comptroller) Defense Budget Overview (FY 2020) is very misleading in its description of the costs, growth and transfers to standup the Space Force, and completely inconsistent with the broad authorities requested in the accompanying legislative proposal. The President's legislative proposal for establishing a U.S. Space Force in the Department of the Air Force would provide broad discretion to the Secretary of Defense to involuntarily transfer Department of Defense civil service employees from any Military Department or Defense Component to the Space Force without any mission or workload analysis or consideration of the impact that such arbitrary treatment will have on employees. This kind of treatment of the workforce would further detract from the ability of the Department to recruit and retain the most qualified workforce.

Moreover, the broad untrammelled discretion to re-assign employees to grow the Space Force would exist on top of existing DoD statutory personnel reduction targets, a sure recipe for degrading the readiness of the missions performed by the rest of the Department. For example, arbitrary restrictions remain on other Military Department and Defense Component headquarters personnel while the President's proposal imposes no workload analysis and cost analysis or restrictions on the staffing of the Space Force. The implication is that the mission of the proposed Space Force is more important than that of the Army, Navy, Air Force, Marine Corps, Combatant Commands, or Defense Agencies. Last year's imposition of 25 percent targets on the Defense Agencies, such as the Defense Finance and Accounting Service, Defense Contract Audit Agency, Defense Information Systems Agency, and the Defense Logistics Agency will likely become mandates for gutting these important mission areas and personnel will be arbitrarily reassigned to the Space Force. The requirement to offset any growth of the civilian workforce elsewhere in DoD when combined with unfettered discretion to grow the Space Force creates terrible incentives to weaken important mission areas throughout the rest of the Department.

Accordingly, we urge the Armed Services Committees to reject the President's proposed civilian personnel authorities for the Space Force. Aside from destroying the workforce within DoD, the proposal, which appears to be hastily cobbled together from other failed personnel proposals, also would impair DoD mission performance.

Thank you for considering these concerns. Should you or your staff have any questions, please contact John Anderson, (202) 639-6485, john.anderson@afge.org; or Richard Loeb, (202) 639-6466, richard.loeb@afge.org.

Sincerely,



J. David Cox, Sr.
National President

cc: SASC Committee Members
HASC Committee Members
SAC-D
HAC-D