



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

Dr. Everett B. Kelley
National Secretary-Treasurer

J. David Cox, Sr.
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July 10, 2019

U.S. House of Representatives
Washington, DC 20515

Dear Representative:

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.

AFGE strongly supports passage of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) and urges you to vote “yes” on the Rule when it comes to the floor later today.

The House version of the NDAA expressly recognizes the importance of the Department’s civilian workforce in performing critical functions in intelligence, equipment maintenance, medical care, family support, base operating services, and other activities that directly support the military forces and readiness. The House NDAA bill:

- Directs a federally funded Research and Development Center study on the “size and composition” of the DoD civilian workforce to fully support operational capabilities by ensuring military are used for warfighting functions in a manner that can be executed and is sustainable.
- Directs a Comptroller General review of the mis-use of overseas contingency operations funds, exempt from the Budget Control Act of 2011, to fund enduring missions and circumvent whistleblower protections and probationary periods through the mis-use of term or temporary hiring authorities.
- Protects unpaid interns in the federal government from workplace harassment and discrimination. It strengthens federal antidiscrimination laws enforced by the Equal Employment Opportunity Commission and expands accountability.
- Consolidates direct hiring authorities within existing limits and requires a federally funded Research and Development Center study to evaluate steps to improve the competitive hiring process and diversity of the workforce.
- Repeals recent unwarranted extensions of probationary periods for DoD employees.
- Repeals the draconian, disruptive, wasteful and arbitrary personnel caps on the size of the DoD civilian workforce.
- Clarifies the military necessity before converting DoD civilian jobs to military performance.



- Directs a Government Accountability Office audit on the impact of borrowed military manpower replacing civilian employees on readiness.
- Clarifies accountability for contract services budgets.
- Directs a needed Government Accountability Office review on the ability of military exchanges and commissaries to provide needed benefits and savings to military patrons and their families.
- Extends authority to waive annual pay limitations for federal civilian employees working overseas and to grant allowances, benefits and gratuities to civilian personnel on official duty in a combat zone.
- Directs important reforms required immediately to address the scandalous living conditions resulting from military housing privatization.
- Protects DoD firefighters from exposure to various harmful chemicals.

The Rules Committee supported adoption of the MALONEY Amendment (#363) as part of the Managers Amendment sponsored by Chair Adam Smith (#680) that in addition to a 3.1 percent pay raise for military, would provide 12 weeks of paid family leave to federal employees for qualified purposes. Lack of paid family leave forces families to make difficult decisions when coping with newly arrived children, medical emergencies, or separations due to military service. Studies show that providing this leave costs relatively little but results in happier and more productive employees – reducing employee turnover and increasing employee morale. This amendment recognizes the value of federal employees and their families.

Additionally, the Rules Committee made the following amendments in order and AFGE asks that you:

SUPPORT the Speier Amendment (#74) striking language that would deprive members of the Acquisition Workforce from their representation rights under chapter 71 of Title 5. The Federal Service Labor–Management Relations Statute governs federal labor relations and is codified in Title 5, Chapter 71 of the U.S. Code. This statute gives federal employees various labor rights, including the right “to form, join, or assist any labor organization, freely and without fear of penalty or reprisal,” the right “to act for a labor organization in the capacity of a representative,” and the right “to engage in collective bargaining.” Id. § 7102. To protect these rights, the statute authorizes the Federal Labor Relations Authority (FLRA) to adjudicate unfair labor practice complaints based on rights protected by the law. See id. §§ 7104, 7118. The language being stricken would arbitrarily deprive at least 200,000 Department of Defense civilian employees in the acquisition workforce from exercising these rights. Proponents of this language misleadingly claimed these provisions were merely “enforce[ing] acquisition reforms already enacted by Congress . . .”, a misrepresentation that clearly does not apply to such a drastic action.

SUPPORT the Connolly Amendment (#10) prohibiting the transfer of the functions of the Office of Personnel Management to Office of Management and Budget or the General Services Administration. This amendment would prohibit the Administration from dismantling the Office of Personnel Management (OPM) by merging its policy functions with the Office of Management and Budget and sending its remaining functions to the General

Services Administration. The Administration's plans to dismantle OPM are merely a continuation of its ongoing effort to politicize federal government employment practices and break the framework that has safeguarded merit-based federal government employment since the era of the "spoils system" was abolished in the late 19th century. This amendment is a good start in establishing a minimal firewall against ongoing efforts to destroy OPM through reorganization.

SUPPORT the CONNOLLY Amendment (#17) prohibiting involuntary conversions of military technician (dual status) positions to Active, Guard and Reserve (AGR) status in the Reserve Component. The AGR program was originally intended to provide Army National Guard, Army Reserve soldiers and Air National Guard and Air Force Reservists temporary appointments on federal active duty status or full time National Guard duty for a period of 180 consecutive days or greater for the purpose of leading, organizing, administering, recruiting, instructing or training the Reserve Components. Dual Status Military Technicians are assigned to a civilian position in the organizing, administering, instructing, or training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve or the armed forces. Dual Status Military Technicians are required to maintain military membership in a National Guard unit or as a reservist as a condition of employment. The Dual Status Military Technician Program was established in 1958 as a cost savings measure, a finding continually validated by recent Congressionally-directed federally funded Research and Development Center studies, the most recent one performed by the Institute for Defense Analyses. Primarily in the Air National Guard, there have been efforts to arbitrarily convert Dual Status Military Technician positions to temporary AGR status at a greater cost to the Government. That practice, if allowed to continue, will weaken the ability to recruit and retain a viable Dual Status Military Technician Program while substantially increasing costs.

OPPOSE the KHANNA/LEE/DEFAZIO/OMAR/PRESSLEY Amendment (#370) (or #49 in Rule) reducing OCO funding by \$16.8 billion. This amendment would result in federal employees who provide vital services losing their jobs, including employees responsible for depot maintenance and repair in direct support of warfighting missions. The Budget Control Act has created bad incentives to use OCO for enduring functions that should be included in the base budget. Rather than placing national security missions and jobs at risk through a draconian cut, a better approach would involve directing a Government Accountability Office audit on the mis-use of OCO funds for enduring missions, something already covered in the base FY 2020 NDAA.

OPPOSE the SCHRADER Amendment (#227) that would wastefully direct further recycling of misdirected reporting and analysis of the McKinsey study for the Defense Business Board. Reports surrounding the study claimed that DoD has the capacity to find \$125 billion in savings; however, the study unfortunately was completely lacking in detail on how to achieve those savings. The study itself was largely discredited on a bipartisan basis during hearings before the House Oversight and Government Reform Committee in March 2017. Any further reporting on the McKinsey study is wasteful and an inefficient use of taxpayer dollars.

OPPOSE the GRAVES Amendment (#498) that would require a report to encourage cutting Commissaries and Exchanges by \$2 billion without raising costs for patrons. Aggressive reforms are already underway within the Defense Resale System. This amendment will require an assumed level of savings that will result in a budget cut that will

inevitably have a negative effect on military members and their families and jeopardize the viability of Defense Commissaries and Exchanges. It is impossible to make such a significant cut without adversely affecting those who use these benefits.

SUPPORT the HORN/COLE Amendment (#626) that directs the Department of Defense Inspector General audit of each of the military services and DoD agencies to determine if there has been any excess profit or excessive cost escalation in sole source, commercial depot maintenance contracts, including parts, supplies, equipment and maintenance services. As a recent Department of Defense Inspector General report on Transdigm Group, a manufacturing company, indicated, the current definition of a “commercial item” is so broad that it is often subject to severe abuse resulting in taxpayers paying extraordinarily inflated prices for military and specialized goods that are represented by defense contractors as being “commercial” in character. This report would direct DoD to continue reviewing sole source commercial contracts in an effort to identify and address excessive contractor profits.

SUPPORT the LAMBORN Amendment (#31) (or #238 in Rule) limiting further privatization of the U.S. Transportation Command (TRANSCOM) global household goods functions until certain conditions are met. The Amendment requires TRANSCOM to brief Congressional Defense Committees on its business case analysis and the Comptroller General to review and analyze the effects that outsourcing of the management and oversight of the movement of household goods would have on members of the Armed Forces and their families. We have recently seen the adverse consequences of military housing privatization on military members and their families when DoD leadership effectively “divested” themselves of their responsibilities and shifted all its responsibilities to the private sector. Eliminating federal government jobs involved in the oversight and management of the movement of household goods to private entities is similarly a dangerous abdication of a core governmental responsibility.

SUPPORT the TAKANO Amendment (#123) limiting consolidation and relocation of elements of the of Defense Media Activity until a report is provided to Congress.

SUPPORT the SHERRILL Amendment (#398) expressing the Sense of Congress that Army Contracting Command plays a vital role in support of major weapons, armaments, and ammunition systems for the Army and other Department of Defense customers.

OPPOSE the NORMAN Amendment (#491) creating a pilot program of public-private partnerships with cybersecurity organizations to train and place veterans as cybersecurity personnel within the Department of Defense. Veterans preference already exists when hiring veterans in the federal workplace. Developments in cybersecurity are fast paced and the appropriate public-private partnership arrangement for developing the most up to date skills may change. The best source of selecting talent would uphold the principles of the merit-based civil service and ensure that candidates from all accredited and recognized cybersecurity training institutions, and not just the organization that happened to be selected for this public-private partnership program.

SUPPORT the LURIA Amendment (#441) which recognizes non-spousal relationships for purposes of reimbursing the moves of federal employees under Title 5.

SUPPORT the CLARK Amendment (#261) ensuring that federal employees may enroll in federal employee health benefits program (FEHBP) should they experience a qualifying life event during a lapse in appropriations and prohibits the loss of life insurance coverage, dental, vision, and long-term care benefits for federal employees in the case of a lapse in federal appropriations.

SUPPORT the LEVIN/HAALAND Amendment (#353) directing the Government Accountability Office to submit a report regarding the number of defense contractors in the last five years who have been found to have committed willful or repeat violations of the Occupational Safety and Health Act and the Fair Labor Standards Act.

SUPPORT the SCHAKOWSKY Amendment (#265) that tasks the Inspector General of DoD to analyze all contracts and task orders that provide private security firms access to U.S. theaters of military operation in order to compile a report that will inform Congress about the size of the contracting force; the total value of contracts; the number of casualties, and the disciplinary actions that have been taken against individual contractors. This amendment would help improve the scope of the contractor inventory required by section 2330a of Title 10.

Thank you for considering these concerns. Should you or your staff have any questions, please contact John Anderson at (202) 639-6485.

Sincerely,

A handwritten signature in black ink, appearing to read "J. David Cox, Sr.", written in a cursive style.

J. David Cox, Sr.
National President