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July 13, 2022

Members of the House of Representatives:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents more than 700,000 federal and District of Columbia government employees in more than 70 federal agencies, we strongly support the following floor amendments to the 2023 National Defense Authorization Act (H.R. 7900).

Please support Amendment Number 390 (originally posted as 1004) proposed by Rep. Bennie Thompson (D-MS) that would enhance the security operations of the Transportation Security Administration and stability of the transportation security workforce by applying the personnel system under title 5, United States Code, to employees of the Transportation Security Administration. The Transportation Security Administration (TSA) workforce is among our first line defenses in the Homeland Security mission, and recruitment and retention of a quality workforce is greatly enhanced by affording this workforce the same title 5 collective bargaining rights afforded to the rest of the federal government and most of the workforce in the Department of Defense. This is a bipartisan bill that reflects TSA input. This amendment honors Transportation Security Officers' dedication to America's aviation security by:

- Statutorily repealing the TSA Administrator's authority to maintain a separate and unequal personnel system that applies only to the TSO workforce.
- Ending the current TSA personnel directives that have allowed TSA to be the judge and jury, with no neutral third-party review, in workforce disciplinary matters and providing statutory access to the Merit Systems Protection Board.
- Requiring TSA to follow the labor-management employee relations statutes that provide workplace rights and protections to most federal employees under title 5 of the U.S. Code; and
- Putting TSOs on the General Schedule pay scale with regular step increases, under which most federal employees' pay is determined. While it takes 18 years to advance to the top step in the GS system, it takes **30 years to advance through a TSA pay band.**

Please support Amendment Number 580 (originally posted as 315) proposed by Rep. McGovern (D-MA), Rep. McKinley (R-WV), Rep. Pascrell (D-NJ), Rep. Fitzpatrick (R-PA), Rep. Kirkpatrick (D-AZ), Rep. Neal (D-MA), Rep. Johnson (R-SD), Rep. Golden (D-ME), and Rep. Leger Fernandez (D-NM) that eliminates the VA Asset and Infrastructure Review Commission. Authorized in the 2018 VA MISSION Act, the Commission was tasked with approving a series of misguided recommendations to close or downsize almost one-third of VA



medical centers, with no assurance that replacement facilities would ever be built. The recommendations were developed based on discredited, pre-pandemic data on the availability of private care. The law limited Congressional authority to modify these ill-conceived recommendations and would have a catastrophic impact on veteran health care, particularly in rural and underserved communities. This amendment eliminates the Commission and helps to reestablish Congressional responsibility for overseeing and funding VA's essential infrastructure.

Please support Amendment Number 481 (originally posted as 330) proposed by Rep. Carbajal (D-CA) and others that would add the Federal Firefighters Fairness Act (H.R. 2499) to the bill, which would create the presumption that federal firefighters who become disabled by certain serious diseases contracted the illness on the job.

Please support Amendment Number 183 (originally posted as 513) proposed by Rep. Houlahan (D-PA), Rep. Gallagher (R-WI), Rep. Turner (R-OH) and Rep. Garbarino (R-NY) that would direct the Secretary of Defense to establish a program to provide financial support for pursuit of programs of education at institutions of higher education that have been designated as a Center of Academic Excellence in Cyber Education. Recipients of the financial support will incur a post-award employment obligation for a period equal to the length of the scholarship in a cyber or digital technology relation mission of the Department of Defense. While this program is an improvement over current programs that only cover three years, this is still not comparable to the military Reserve Officer Training Corps (ROTC) scholarship programs which cover complete undergraduate, and where appropriate, professional and graduate degrees. Greater diversity in participation will occur the more this program is patterned after ROTC scholarships, as people from modest economic backgrounds are unlikely to be able to incur the debt to complete degrees under this program.

Please support Amendment Number 25 (originally posted as 5) proposed by Rep. Norton (D-D.C.) and Rep. Brown (D-MD) to give the Mayor of the District of Columbia the same authority over the National Guard (NG) that the governors of states and territories have. This amendment is critical to maintaining the rule of law during periods of civil unrest such as the events of January 6.

Please support Amendment Number 509 (originally posted as 1115) proposed by Rep. Espaillat (D-NY) that would require that Veterans Affairs Hospitals submit a Locality Pay Survey to ensure that VA nurse pay stays competitive with the private sector.

Please support Amendment Number 137 (originally posted as 764) proposed by Rep. Courtney (D-CT), Rep. Case (D-HI), Rep. Kilmer (D-WA), Rep. Norcross (D-NJ), Rep. Wittman (R-VA), and Rep. Bobby Scott (D-VA) that would direct a GAO review of the parity between the Federal Wage System (FWS) and the prevailing wage rate for wage grade workers who maintain, repair, or help support those who maintain or repair U.S. Navy ships or submarines at the four U.S. Navy public shipyards or at naval bases in competitive job markets. Directive report language in the National Defense Authorization Act for Fiscal Year 2022, page 269 states: "We note again that OPM is responsible for overseeing the implementation and administration of the FWS in consultation with other agencies, labor organizations, and the advice of the Federal Prevailing Rate Advisory Committee (FPRAC). Since 2010, the FPRAC

has voted three times to recommend that OPM align FWS wage areas with GS locality pay areas across the country. OPM has not implemented these recommendations. We recommend OPM address these longstanding issues as soon as possible.” This directive report language is a repeat of language from the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 Conference Report 116-617 to accompany H.R. 6395, pages 1772-3. This problem affects not just some shipyards but also much of the organic industrial base in the depots, arsenals and Defense Logistics Agency locations in places ranging from New England and the Middle Atlantic states to California. Accordingly, in our view, the scope of this amendment should be expanded to include the depots, arsenals and DLA sites and not just the shipyards. Finally, we believe the GAO should compare the wage grade pay system to the GS pay system and look for the best elements of each system when performing a review.

Please support Amendment Number 3 (originally posted as 809) proposed by Rep. Schakowsky (D-IL) that would establish a preference for Department of Defense offerors that meet certain requirements pertaining to labor relations.

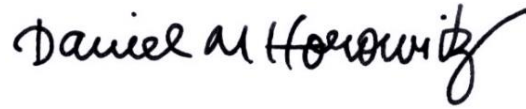
Please support Amendment Number 454 (originally posted as 220) proposed by Rep. Connolly (D-VA) and Rep. Fitzpatrick (R-PA) that would prevent any position in the competitive service from being reclassified to an excepted service schedule that was created after September 30, 2020 and limits federal employee reclassifications to the five excepted service schedules in use prior to fiscal year 2021.

While we currently intend to support final passage of the National Defense Authorization Act, there are several provisions in the underlying bill that are of significant concern that will need to be addressed in Conference, and for which the Statement of Administration Policy has also expressed strong reservations. These include two provisions which would:

- Undermine the viability of the Military Exchanges by restricting the sale of goods made in China (such as Apple products and most household appliances) that are not imposed on their private sector competitors (such as Walmart, Target and Amazon). This provision ironically would do nothing to address trade from China because of the failure to apply the same standards to the private sector and only result in substantial job losses to the nonappropriated fund workforce that supports military personnel by providing access to affordably priced goods;
- Privatize Navy and Air Force lodging through a provision that the Congressional Budget Office stated would cost an additional \$5 billion. When this change was implemented in Army lodging, it was not found to meet expectations for facility restoration and resulted in higher per diem rates for Army personnel.. Both of these misguided provisions would result in substantial job losses to the Morale, Welfare and Recreation workforce we represent.

We urge you to consider AFGE's position on the above amendments to the H.R. 7900, the "National Defense Authorization Act for Fiscal Year 2023" and plan to support passage, under the assumption the underlying defects will be addressed in Conference. For questions or more information please contact John Anderson at john.anderson@afge.org or 703-943-9438.

Sincerely,

A handwritten signature in black ink that reads "Daniel M. Horowitz". The signature is written in a cursive style with a prominent flourish at the end.

Daniel Horowitz
Deputy Director for Legislation