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September 26, 2024

The Honorable Jack Reed
Chair
Senate Armed Services Committee
228 Russell Senate Building
Washington, D.C., 20510

The Honorable Roger Wicker
Ranking Member
Senate Armed Services Committee
228 Russell Senate Building
Washington, D.C. 20510

The Honorable Mike Rogers
Chair
House Armed Services Committee
2216 Rayburn House Office Building
Washington, D.C., 20515

The Honorable Adam Smith
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, D.C. 20515

Dear Chair Reed, Ranking Member Wicker, Chair Rogers and Ranking Member Smith:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents 750,000 federal and District of Columbia government employees in more than 70 agencies, including approximately 250,000 in the Department of Defense (DoD), I write to provide AFGE’s views on the two bills Congress is considering for the National Defense Authorization Act for Fiscal Year 2025 for a possible conference between the U.S. Senate and U.S. House of Representatives, namely the Servicemember Quality of Life Improvement and National Defense Authorization Act (H.R. 8070), which passed the House of Representatives in June and the National Defense Authorization Act (S. 4638) and several amendments that were submitted to the Congressional Record as the Senate Armed Services Committee prepares to consider the bill.

H.R. 8070, the “Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025,” as passed by the House on June 14, 2024

AFGE opposes Sec. 528 that would eliminate offices of diversity, equity, and inclusion and personnel of such offices. The U.S. Department of Defense has stated on the record that current diversity, equity, inclusion, and accessibility (DEIA) efforts are essential to ensuring military readiness, a position with which AFGE strongly agrees.

AFGE opposes Sec. 903 that would eliminate the Chief Diversity Officer of the Department of Defense. The U.S. Department of Defense has stated on the record that current diversity, equity, inclusion, and accessibility (DEIA) efforts are essential to ensuring military readiness, a position with which AFGE strongly agrees.

AFGE supports Sec. 1102 that would authorize the extension of living quarters allowance to civilian DOD employees stationed in Guam. The living quarters allowance is critical for civilian DOD employees to afford the high cost of living in Guam.



AFGE supports Sec. 1103 that would authorize a one-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for federal civilian employees working overseas. Premium pay fairly compensates employees for working longer hours on holidays and during unscheduled times.

AFGE supports Sec. 1104 that would authorize a one-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone. This authority would extend benefits comparable to those provided by the State Department to members of the Foreign Service to individuals on official duty in a combat zone.

AFGE supports Sec. 1105 that would end the five-year limit for overseas work-period for DOD competitive service positions. AFGE represents American citizens working overseas who have been negatively impacted by the current five-year limit on civilian employees serving in a competitive position outside of the United States.

AFGE supports Sec. 1107 that would direct the Defense Department to redesign the agency child development compensation model. The Defense Department's child development centers that serve military families have long struggled to recruit and retain qualified child care professionals, in large part because pay is not commensurate with the demands associated with the child care profession.

AFGE supports Sec. 1112 that would authorize an increase in military leave accrual and accumulation for federal employees. This provision would ensure that federal employees who serve in the National Guard or Reserves are not forced to use their accumulated sick or annual leave days to perform their military duties.

AFGE supports Sec. 1113 that would authorize flexibilities for federal employees who are spouses of members of the armed forces. This section would help federal employees whose spouse is an active-duty member of the armed services continue to serve in their jobs when a military spouse is relocated.

AFGE supports Sec. 1115 that would expand Defense Department civilian employment. This commonsense provision would improve efficiency within the Department of Defense by both saving taxpayers billions of dollars, based on a Congressional Budget Office analysis, and increase military readiness.

AFGE opposes Sec. 1116 that would authorize a limitation on establishment of new diversity, equity, and inclusion positions. The U.S. Department of Defense has stated on the record that current diversity, equity, inclusion, and accessibility (DEIA) efforts are essential to ensuring military readiness, a position with which AFGE strongly agrees.

AFGE supports Sec. 1118 that would authorize sufficient firefighter personnel at covered installations. AFGE represents thousands of Defense Department firefighters at military installations. This provision will ensure DOD installations have a minimum number of firefighters to safeguard life and property.

S. 4638: National Defense Authorization Act for Fiscal Year 2025, as reported by the Senate Armed Services Committee on July 8, 2024

AFGE supports Sec. 1101 that would authorize a one-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for federal civilian employees working overseas. Premium pay fairly compensates employees for working longer hours on holidays and during unscheduled times.

AFGE supports Sec. 1102 that would authorize a one-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone. This authority would extend benefits comparable to those provided by the State Department to members of the Foreign Service to individuals on official duty in a combat zone.

AFGE supports Sec. 1103 that would authorize the extension of enhanced appointment and compensation authority for civilian health care professionals for care and treatment of wounded and injured members of the Armed Forces. This provision would support retaining skilled and experienced health care professionals serving at the U.S. Department of Defense.

AFGE opposes Sec. 1104 that would authorize an extension of direct hire authority and bypass the competitive civil service hiring process for domestic industrial base facilities.

AFGE supports Sec. 1106 that would provide authority to increase voluntary separation incentive pay for civilian employees of the Department of Defense.

AFGE opposes Sec. 1110 that would authorize permanent authority for noncompetitive appointments of military spouses by federal agencies. Such authority bypasses the competitive civil service hiring process. AFGE, in principle, does not support exclusions to the longstanding competitive civil service system. On this issue, Section 1101 in the House-passed NDAA is preferred because that provision is time-limited while the Senate NDAA's Section 1110 would make this policy permanent.

AFGE opposes Sec. 1112 that would authorize the use of direct hire authority to include positions within the Navy Supervisor of Shipbuilding, Conversion, and Repair under the direct hire authority for the domestic defense industrial base authorized by that section. This authorization would unnecessarily expand direct hire authority, which undermines the longstanding competitive civil service hiring process.

AFGE opposes Sec. 1113 that would impose a prohibition on establishment of new diversity, equity, and inclusion positions and a prohibition on filling vacancies. The U.S. Department of Defense has stated on the record that current diversity, equity, inclusion, and accessibility (DEIA) efforts are essential to ensuring military readiness, a position with which AFGE strongly agrees.

Although the Senate has not considered S. 4638 on the floor, AFGE wishes to express its views on proposed amendments that were entered into the Congressional Record as the House and Senate complete consideration of the FY 2025 NDAA.

AFGE supports the following amendments to S. 4638:

Protecting the Integrity of the Civil Service: Kaine (D-VA) amendment 2081 that would protect the competitive civil service by preventing existing civil servants from being arbitrarily transferred into at-will positions. This amendment would protect the merit-based federal hiring system and help ensure federal workers are hired based on their qualifications, not their politics. Schedule F, if implemented, would transform thousands of merit-based positions in the Executive Branch into partisan appointments. Simply put, Schedule F would undermine the civil service system that for almost 150 years has ensured that only the most qualified and committed civil servants occupy the federal government.

Securing Title 5 Bargaining Rights for TSA Employees: Schatz (D-HI) amendment 2424 that would ensure that more than 45,000 Transportation Security Administration employees – including frontline Transportation Security Officers – are afforded the same worker rights and protections afforded to other federal workers under Title 5 of the U.S. Code.

Aviation Security Checkpoint Technology Fund: Cardin (D-MD) amendment 2113 that would establish an aviation security checkpoint technology fund to strengthen security measures to prevent potential threats and ensure funds designed for airport security are not diverted for other purposes.

Retention of DoD Nurses: Murray (D-WA) amendment 2326 that would help the military health care system retain experienced nurses who often leave the system for the private health care sector after obtaining advanced degrees.

Federal Employees Married to Military and Foreign Service Personnel: Murkowski (R-AK) amendment 2414 creating flexibilities for federal employees who are armed forces or foreign service spouses. This amendment, if enacted, would help ensure federal employees who are married to military and foreign service personnel do not suffer career setbacks when the latter face deployment or transfer.

Promoting Smart Use of Artificial Intelligence through Collaboration: Schatz (D-HI) amendment 2428 that would establish artificial intelligence implementation working groups throughout the Defense Department. Bringing together DoD management and employees for the purpose of improving the use of artificial intelligence throughout the Department would be a significant step toward ensuring that this cutting-edge technology improves America's national security and defense posture.

Federal Leave: Schatz (D-HI) amendment 2430 that would provide federal workers with paid leave for the purpose caring for their own health or their family members. Federal workers should not have to make the impossible choice between caring for their families and keeping their jobs.

Military Leave Accrual for Federal Employees: Fetterman (D-PA) amendment 2623 that would increase military leave accrual and accumulation for federal employees serving in the

Reserves or National Guard. Active duty military personnel who work for the federal government often must take leave without pay from their federal jobs to participate in military training. Amendment 2623 would ensure Reserves and National Guardsmen who work for the federal government receive adequate time to complete their required trainings and serve the nation without taking a pay cut.

Supporting Arsenals: Durbin (D-IL) amendment 2436 that would establish a pilot program on Army arsenal workload sustainment that would strengthen the nation's defense organic industrial base. Maintaining sufficient workloads at arsenals helps these critical facilities maintain a skilled workforce during peacetime and protects their ability to quickly and efficiently ramp up production during a national emergency.

Ensuring that Commissaries are Affordable: Marshall (R-KS) amendment 2395 that would direct the Defense Department and Treasury Department to issue a report on credit and debit card user fees imposed on veterans and caregivers at commissaries. High fees undermine the mission of commissaries to provide low-cost groceries and household goods to military families, many of whom are low-income and face food insecurity.

Helping Federal Firefighters: Carper (D-DE) amendment 2504, Padilla (D-CA) amendment 2554, Sinema (I-AZ) amendment 2591, Hirono (D-HI) amendment 2621 that would enhance firefighting capabilities and improve pay and rights for wildland and federal firefighters. These hardworking civil servants face increasingly dangerous, intense, and longer fire seasons each year, even as they suffer from low pay and poor working conditions that result in recruitment and retention issues.

Assessing the State and Future Needs of Naval Centers: Shaheen (D-NH) amendment 3005 that would direct the Navy Department to issue a report on the state of the nation's 15 Naval Warfare Centers, including (1) the material condition of the facilities; (2) hiring and retention at the facilities; and (3) a plan to remain relevant, competitive, and technically advanced.

Spouses of Foreign Service Officers: Brown (D-OH) amendment 3029 that would allow for expanded flexibilities for federal employees who are spouses of a member of the Armed Forces or the Foreign Service.

State Department Salaries and Recruitment: Cardin (D-MD) amendment 3282 that would reauthorize the U.S. Department of State. This amendment would increase hiring of State Department employees, increase compensation for employees with bilingual skills and strengthen recruitment and retention.

Toxic Mold in Defense Facilities: Blumenthal (D-CT) amendment 3219 that would require a study of the health impacts of indoor mold and develop model standards for preventing, detecting and remediating Department of Defense housing. The amendment would establish new model construction standards and techniques for preventing and controlling indoor residential mold in residential properties on military installations.

Chemical Facility Anti-Terrorism Standards Program (CFATS): Carper (D-DE) and Peters (D-MI) amendment 2502 would extend the CFATS program for a two-year period. This critical national security program was allowed to lapse last year, making chemical sites less safe against terrorist attacks, and preventing the screening of chemical plant personnel for terrorist ties. The program enjoys overwhelming bipartisan support as well as support from labor and the chemical industry.

AFGE opposes the following amendments to S. 4638:

Establishment of a Fiscal Commission: Manchin (I-WV) amendment 2120 creating a fiscal commission. Recent experience shows that fiscal commissions charged with addressing the national debt fail to recommend policies that balance revenue increases with spending reductions, instead proposing one-sided policies that would weaken vital entitlement programs such as Medicare, Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and Social Security.

Restricting the Authority of Federal Agencies to Maintain Alternative Workplace Arrangements: Romney (R-UT) amendment 2111 would limit the use of telework arrangements at federal agencies. Congress should respect the authority of federal agencies to decide whether alternative workplace policies like telework are suited to their specific needs and determine the extent to which such policies apply to their respective workforces.

Bypassing the Competitive Hiring Process: Cornyn (R-TX) amendment 2144 that would authorize direct hire authority for certain personnel of the Defense Department in the Indo-Pacific and Cotton (R-AR) amendment 2532 that would authorize direct hire on matters relating to defense manufacturing. These amendments, if enacted, would bypass the competitive hiring process and veterans' preference for positions subject to the civil service laws that ensure applicants receive fair and equal treatment in the hiring process and are hired strictly on the basis of merit.

Undermining DoD's Diversity and Inclusion Programs: Rubio (R-FL) amendment 2475 that would eliminate the chief diversity officer of the Defense Department. DoD has made significant strides in recent years to ensure it has a workforce that reflects the nation, in part because of this office. Its elimination would do nothing to improve the department's performance or ability to maintain the highest state of readiness.

Federal Annuities: Cotton (R-AR) amendment 2305 that would prohibit the payment of annuities to Defense Department civilian employees convicted of certain offenses. Current law provides a wide range of stiff penalties for anyone convicted of defrauding the federal government, including imprisonment.

Undermining the Mission of Commissaries: Cornyn (R-TX) amendment 2150 requiring a pilot program that would undermine the DoD commissary system's mission of ensuring that military families, many of whom are low-income, have convenient access to affordable household goods and groceries. This amendment, if enacted, would risk increasing the prices of basic food items sold at commissaries at a time when food insecurity is a real problem in the military.

Cost of Defense Contracts: Cornyn (R-TX) amendment 2142 modifying evaluation factors for defense contracts to include consideration of cost-saving potential. The modification of the evaluation factors proposed by this amendment would encourage the government to pay higher prices today for highly speculative cost savings that would allegedly accrue in the future.

Costs at Naval Shipyards: Cornyn (R-TX) amendment 2143 requiring a report on price elasticity of labor supply at shipyards and supplier firms. This amendment would effectively result in a report that justifies price increases on fixed-priced contracts into which the Navy has already entered.

Federal Employees: Cotton (R-AR) amendment 3055 that would impose extra-judicial penalties on federal employees convicted of certain federal charges for which appropriate legal punishments are already available, including imprisonment.

Workplace Conditions and Culture: Daines (R-MT) amendment 2920 that would eliminate the Chief Diversity Officer and Senior Advisors for Diversity and Inclusion.

Defense Industrial Base: Young (R-IN) amendment 3240 that would require a study on unrestricted contracting for small businesses within the defense industrial base.

AFGE opposes the following amendment subject to changes:

Privatized VA Healthcare: Scott (R-GA) and Ossoff (D-GA) amendment 2961. AFGE opposes amendment 2961 as currently written. We support holding Veterans Administration (VA) and private care to the same access standards but the relationship to existing standards under the MISSION Act needs clarification. Reporting requirements place the burden of implementation solely on the VA and does not hold third-party administrators accountable for tracking and ensuring appointment timeliness. The VA has no ability to conduct this tracking to ensure accountability. Timeliness requirements should differentiate between urgent and non-urgent care and consider veterans who choose to wait longer for VA care even if private care is available earlier.

AFGE thanks the Committees for considering its views on these base bills and proposed amendments. For questions or more information please contact Sergio Espinosa at Sergio.Espinosa@afge.org or Keith Abouchar at Keith.Abouchar@afge.org.

Sincerely,



Julie N. Tippens
Director, Legislative and Political Mobilization