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March 2, 2021

Honorable Adam Smith
Chairman
House Armed Services Committee
2120 Rayburn House Office Building
Washington, D.C. 20515

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

Dear Chairman Smith and Chairman Reed:

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), this letter reiterates our priorities for the Fiscal Year 2022 National Defense Authorization Act (NDAA), each of which are described with accompanying proposed bill language attached:

- 1) AFGE urges inclusion of language in the FY 2022 NDAA that clarifies the civilian personnel cap prohibition in Section 129 of title 10. Conference language from two years ago in the FY 2020 NDAA included an ambiguous, contradictory word “solely” in an inappropriate place. The misuse of term and temporary appointments is a result of the Department’s practice of not counting term or temporary hires against civilian full time equivalent program lines over the Future Year Defense Program (FYDP) years, particularly when enduring functions are funded with overseas contingency operations funding.
- 2) AFGE urges inclusion of language in the FY 2022 NDAA that requires compliance with contract service planning, programming, and budgeting statutory requirements and Total Force Management statutory limitations on privatization (including compliance with the public-private competition moratorium). This addresses several GAO findings in its “high risk” list related to services contracts. See GAO-21-267R: “Services Acquisitions: DOD’s Report to Congress Identifies Steps Taken to Improve Management, But Does Not Address Some Key Planning Issues” (Feb. 22, 2021).
- 3) AFGE urges inclusion of language in the FY 2022 NDAA that aligns the Federal Wage System Areas with General Schedule Locality Pay Areas. Today, some GS localities include several FWS wage areas. Thus, while everyone in a GS locality receives the same annual raise, hourly workers in a GS locality may receive vastly different and often lower base wages. AFGE urges the Committee to include language that prohibits the use of funds to provide for or administer more than one Federal Wage System wage area within the boundaries of a General Schedule locality pay area, except for the General Schedule locality pay area entitled “Rest of the United States.”



- 4) AFGE supports the inclusion of language in the FY 2022 NDAA that requires compliance of Reductions in Force procedures under Section 3502 of Title 5 (Seniority, Veterans' Preference, Performance) repealing inconsistent provisions included in Section 1597(f) of title 10, United States Code, enacted in section 1101 of the National Defense Authorization Act for Fiscal Year 2016 (P. L. 114-92) (2016 NDAA).
- 5) AFGE urges inclusion of language in the FY 2022 NDAA that prohibits the downsizing of military medical treatment facilities. Such language would require Military Department Surgeon General Certifications and Government Accountability Office reviews addressing TRICARE quality of care standards and capacity; third party collections; readiness impacts; and efforts to backfill military structure with government civilian employees.
- 6) AFGE urges inclusion of language in the FY 2022 prohibiting the merger of commissaries with exchanges, carrying forward and making permanent the prohibition in the FY 2021 NDAA.
- 7) AFGE urges inclusion of language in the FY 2022 NDAA prohibiting global household goods contracts, repealing the authority for this exception to normal procurement practices and the public-private competition moratorium that was provided in Section 375 of the FY 2020 NDAA.
- 8) AFGE urges inclusion of language in the FY 2022 NDAA clarifying governmental access to technical data for spare parts for major weapon systems, repealing Section 865 of the FY 2019 NDAA.
- 9) AFGE urges inclusion of language in the FY 2022 NDAA to improve workforce planning for major weapon systems sustainment by mandating the manpower estimate requirement of the military civilian and contract support requirements for operating, maintaining, and sustaining major weapon systems, formerly required by Section 2434 of title 10 that was repealed in the FY 2017 NDAA. Deferring this planning until after a system is deployed contributes to escalating sustainment costs and readiness risks from systems unduly reliant on the private sector.
- 10) AFGE urges inclusion of language in the FY 2022 NDAA that would require reporting of borrowed military manpower, reviving the reporting requirement that was in Section 482 of title 10, prior to repeal in the FY 2013 NDAA. Both the GAO, and the National Commission on Military Aviation Safety (NCMAS) have identified the adverse readiness, retention, and mission impacts when military are diverted from training and operational missions to perform functions by civilian employees. See, e.g., final report from NCMAS: "224 Lives, \$11.6 Billion, 186 Aircraft," (Dec. 1, 2020).
- 11) AFGE urges inclusion of language in the FY 2022 NDAA requiring a "Government Accountability Office review on whether DoD security clearance determinations have been applied in a discriminatory manner.

12) AFGE urges inclusion of language in the FY 2022 to provide paid family and medical leave to Federal employees by including care of a sick child, spouse, or parent.

13) AFGE urges inclusion of language repealing Section 1599e of title 10 that provides a two-year probationary period to DoD employees as an exception to the one-year probationary period applicable across the rest of the federal government in sections 3321 and 3393(d) of title 5.

Thank you for your consideration of these important issues. Should you or your staff have any questions, please contact John Anderson at (703) 943-9438 or john.anderson@afge.org.

Sincerely,

A handwritten signature in black ink that reads "Alethea Predeoux". The signature is written in a cursive, flowing style.

Alethea Predeoux
Director, Legislative Department

13 Attachments (each proposal)