



**Eric Bunn Sr.**  
*National Secretary-Treasurer*

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September 16, 2022

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

The Honorable Jack Reed  
Chairman  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, DC 20510

The Honorable Michael Rogers  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

The Honorable James Inhofe  
Ranking Member  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Smith, Chairman Reed, Ranking Member Rogers, and Ranking Member Inhofe:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE) which represents over 700,000 federal and District of Columbia 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 servicemen and women. This letter addresses four additional issues not addressed in our August 18, 2022, pre-Conference letter.

1. Please support H.R. 7900, Section 780, "Limitation On Realignment or Reduction of Military Medical Manning End Strength; Certification Requirement and Other Reforms." Among the certification requirements is a requirement to identify any plans of the Department to backfill military medical personnel positions with civilian personnel; and further requires a "plan to address persistent vacancies for civilian personnel in health or medical related positions, with a risk analysis associated with the hiring, onboarding and retention of such civilian personnel, taking into account provider shortfalls across the United States." This plan is to include required funding across the fiscal years of the FYDP. The Department's ongoing medical reorganization is being implemented in many locations by constraining hiring in a misguided effort to offload the work to oversaturated TRICARE networks, resulting in reduced access to care for military beneficiaries who have been relying on obtaining treatment in Military Medical Treatment Facilities. This also results in further workload stresses and credentialing problems with the organic health care workforce, undermining retention. We recommend section 780 be



strengthened by including suspension of the reorganization until the Department comes into compliance with existing total force management limitations against privatizing work currently embodied in section 129, 129a, 2461, 2463 and 4506 of title 10, including withholding funds from the USD (P&R) who has been derelict in issuing guidance to comply with these requirements.<sup>1</sup>

2. Please support H.R. 7900, Section 387, “National Standards For Federal Fire Protection At Military Installations.” The Department’s manpower, program, and budget personnel have sometimes reduced existing DoD civilian firefighter structure protecting military installations in ways that would undermine compliance with the National Consensus Standards developed by the National Fire Protection Association, assuming risk that could have catastrophic consequences, particularly in an era of climate change. We recommend further clarification of this provision to preclude shifting reductions in DoD civilian firefighter personnel to already stressed military, as operational demands increase with reduced accessions.
3. In the event there is an opportunity for Senate floor amendments to S. 4543, “The James M. Inhofe National Defense Authorization Act for FY 2023,” please consider including S. 1888 “The Law Enforcement Officers Equity Act,” within the bill, at least with respect to the approximately 15,000 DoD personnel with law enforcement duties. We should not forget that the DoD police officer, Kimberly Munley, who heroically ended the Fort Hood massacres on November 6, 2009, where 13 people were killed by an insider threat, and other DoD police like her are not afforded the same kind of retirement and compensation as people in the FBI, Border Patrol and Drug Enforcement Administration. This bipartisan bill has been languishing for an inexcusably long time and it is time we fairly compensate everyone who bears the stresses, risks, and significant physical demands of this kind of work, particularly as the potential for insider threats may be growing when extremism within the ranks is a real issue that must be addressed. This would greatly help with recruitment and retention at the affected agencies, which is

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<sup>1</sup>See Office of Assistant Secretary of Defense for Manpower and Reserve Affairs, Office of the Under Secretary of Defense (Personnel and Readiness), Memorandum distributed to all Defense Components, subject: update on OMB Circular A-76 Public-Private Competition Prohibition -FY2018, dated May 11, 2018: “These provisions [Section 325 of Th 2010 NDAA and Section 742 from FSGG Approp] prohibit the conversion of any work currently performed (or designated for performance by civilian personnel to contract performance and apply to functions and work assigned to civilian personnel, regardless of whether a position or billet is established for that work, or whether than position or billet is encumbered. This includes workload and positions/billets that are impacted as a result of ongoing agency reform initiatives and/or position vacancies and workload impacted by hiring constraints or funding shortfalls.” This policy was annually issued by the OUSD (P&R) since the Obama Administration and was last promulgated in 2018. See also, H. Rep. 117-397, National Defense Authorization Act for Fiscal Year 2023, Report of the Committee on Armed Services, House of Representatives for H.R. 7900 (July 1, 2022). “Total Force Management,” pp. 237-239: “The committee observes with concern that the Department has not submitted the plan, including in particular any changes to programming guidance, the roles and responsibilities of the Under Secretary of Defense Comptroller, Under Secretary of Defense for Acquisition and Sustainment, Under Secretary of Defense for Personnel and Readiness, and Office of Cost Assessment and Program Evaluation, due June 1, 2022, for improving visibility on future services requirements in the future years defense program, as required by section 815 of the NDAA for FY2022. The committee further observes that the Department of Defense Instruction [DODI 1100.22, the Under Secretary of Defense policy for total force management, has not been updated since December 1, 2017.”

especially important considering the specialization of federal law enforcement officers' work, including VA police officers and the detailed training they receive to prevent veteran suicide at VA facilities as well as DoD officers who ensure children on military bases are not abused. We have for too long been "penny wise pound foolish" in this area where there are growing threats and a strong need to retain highly trained and competent officers.

4. We have an ongoing concern with the lack of compliance with existing title 10 "total force management" provisions enacted in prior National Defense Authorization Acts since 2017. The Under Secretary of Defense, Personnel and Readiness, who is responsible for "total force management," has not updated policies that would serve to improve compliance with changes enacted since December 1, 2017, particularly updates in section 129a that are also reflected in several other statutes, such as sections 129 and 4506 of title 10, and corresponding defense appropriation language in section 8012.<sup>2</sup> These matters include not just a disregard of limitations against privatization that increase costs or risk to the Department, but also continued use of personnel caps and misguided conversions of functions from civilian to military performance in a period of increased stresses on high demand low density military occupational specialties due to reduced accessions. There is language in sections 129 and 129a of title 10, and section 8012 of the defense appropriation, added since 2017, that is directly relevant to the conversion of civilian positions to military, as well as FY 2022 NDAA direction to account for the adverse readiness impacts of such conversions in section 482 of title 10 when these conversions divert military from operational units or training. Such conversions adversely affect lethality, readiness and stress on the force, and are costly as well. There could be anti-deficiency act fiscal law issues if these conversions violate section 8012, and all require express analyses to be performed and approved at the Defense Component Head or Secretary level. Additionally, when the fully burdened costs of military compensation start placing stresses on readiness, lethality and modernization because of profligate misuses of military for functions that civilians can perform more economically, these cumulative actions undermine the work previously performed by the Military Compensation Commission. Already in the Air Force there are egregious examples of these conversions occurring. Conferees should go beyond the language in House directive report language on total force management and withhold funds from the USD (P&R) until they issue updated guidance and start ensuring compliance with these statutory clarifications of total force management.

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<sup>2</sup> Ibid. H. Rep. 117-397: "The committee further observes that the Department of Defense Instruction [DODI] 1100.22, the Under Secretary of Defense policy for total force management, has not been updated since December 1, 2017."

5. Please support the \$750 million increase in the Defense Commissary Agency Working Capital (DeCA) appropriation in H.R. 7900. Congressional investment in DeCA provides an infrastructure and distribution network crucial for addressing hunger and food insecurity in the military. During the pandemic, DeCA employees continued to serve military families. DoD recognized the crucial role of DeCA in dealing with food insecurity in its July 2022 report *Strengthening Food Security in the Force: Strategy and Roadmap*.

For additional information or questions, please contact John Anderson, (703) 943-9438, [john.anderson@afge.org](mailto:john.anderson@afge.org) or Richard Loeb, [richard.loeb@afge.org](mailto:richard.loeb@afge.org).

Sincerely,

A handwritten signature in black ink that reads "Daniel M. Horowitz". The signature is written in a cursive, flowing style.

Daniel Horowitz, Ph.D.  
Deputy Director of Legislation