

Stenographic Transcript  
Before the

Subcommittee on Personnel

COMMITTEE ON  
ARMED SERVICES

**UNITED STATES SENATE**

MARKUP FOR THE SUBCOMMITTEE ON  
PERSONNEL FISCAL YEAR 2019

Tuesday, May 22, 2018

Washington, D.C.

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U.S. Senate

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Subcommittee on Personnel

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Committee on Armed Services

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Washington, D.C.

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10 The subcommittee met, pursuant to notice, at 2:34 p.m.

11 in Room SH-216, Hart Senate Office Building, Hon. Thom

12 Tillis, chairman of the subcommittee, presiding.

13 Committee Members Present: Senators Tillis

14 [presiding], Ernst, Sasse, Gillibrand, McCaskill, and

15 Warren.

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1           OPENING STATEMENT OF HON. THOM TILLIS, U.S. SENATOR  
2 FROM NORTH CAROLINA

3           Senator Tillis: Good afternoon. The Personnel  
4 Subcommittee will come to order.

5           The subcommittee meets today to mark up the original  
6 bill, the National Defense Authorization Act of 2019. We  
7 will hold this committee markup in open session.

8           I'm confident that we can publicly conduct our business  
9 without disclosing classified information or adversely  
10 impacting the process. In this regard, though, I ask that  
11 any senator wishing to offer an amendment or raise an issue  
12 of a classified nature defer that to the full committee for  
13 consideration.

14           While the subcommittee meeting is open, the entire  
15 contents of the markup vote are subject to amendment  
16 throughout its consideration by the Armed Services Committee  
17 and are therefore embargoed until the passage by the full  
18 committee and the report to the Senate.

19           Many members remain concerned about the proliferation  
20 of Department of Defense report requirements that have made  
21 their way to the NDAA and that few of these reports assist  
22 this committee in performing its necessary oversight of the  
23 Department of Defense. Unnecessary reports are a waste of  
24 time and taxpayers' money, sometimes costing hundreds of  
25 thousands of dollars to prepare. For that reason, our

1 staffs have worked together to minimize the number of report  
2 requirements included in this bill.

3 Before we begin, I want to thank Ranking Member  
4 Gillibrand for her hard work on this subcommittee. We  
5 worked together in a bipartisan manner to draft this year's  
6 Personnel mark, and I appreciate her dedication to our  
7 service members and their families.

8 Finally, I want to thank the Personnel Subcommittee  
9 staff -- Sean O'Keefe, Gary Leeling, John Clark, Katie  
10 Magnus, and Al Edwards -- for their hard work and dedication  
11 throughout this process.

12 We have before us today a legislative package that  
13 contains 92 legislative provisions, 20 items of special  
14 interest, and two budget items. Since the details of the  
15 legislative package were briefed to the staffs of the  
16 committee members last week, I will limit my comments to  
17 only a few of the highlights.

18 Key aspects of this markup include authorizing a 2.6  
19 percent pay increase or pay raise for members of the  
20 uniformed services. It authorizes targeted increases in  
21 military and end strength. It introduces the most  
22 comprehensive reform of the Defense Officer Personnel  
23 Management Act since its inception in 1980, which includes  
24 key provisions to better align officer management with the  
25 objectives included in the National Defense Strategy.

1           It clarifies authorities for the Director, Defense  
2 Health Agency, to manage military medical treatment  
3 facilities with a focus on total force readiness and  
4 operational medical force readiness. It requires a new  
5 organizational framework of the military health system to  
6 provide better support for combatant commanders. It  
7 requires a three-year pilot program to minimize early opioid  
8 exposure and to prevent opioid misuse and abuse. I might  
9 add there that some of that was instructed by field hearings  
10 that we've done in preparation for the committee mark.

11           It requires TRICARE Pharmacy Program to share  
12 information with state prescription drug monitoring  
13 programs, again something that we're hearing from the VA,  
14 the DOD, and from the private sector that will be very  
15 helpful.

16           It authorizes \$40 million in supplemental impact aid to  
17 local educational agencies with military-dependent children,  
18 and \$10 million in impact aid for schools with military-  
19 dependent children with severe disabilities.

20           It establishes policies and procedures on sexual  
21 harassment in the Department of Defense Education Activity  
22 Schools. It authorizes a pilot program on prevention of  
23 child abuse, and training on safe child care practices among  
24 military families. It establishes multidisciplinary teams  
25 for military installations on child abuse and domestic

1 violence, and establishes a new punitive article in the  
2 Uniform Code of Military Justice prohibiting domestic  
3 violence.

4 It authorizes provisional or interim security  
5 clearances for DOD child care workers, and it expands  
6 authority for non-competitive appointments of military  
7 spouses by Federal agencies.

8 These are only a few of the highlights of the  
9 legislative package that we present for markup today. As I  
10 indicated earlier, your staffs have been fully briefed on  
11 the provisions contained in the package.

12 At this point I want to offer Ranking Member Gillibrand  
13 the opportunity to make an opening statement.

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1           STATEMENT OF HON. KIRSTEN GILLIBRAND, U.S. SENATOR  
2 FROM NEW YORK

3           Senator Gillibrand: Thank you, Senator Tillis, for  
4 your leadership and collegiality and collaborative efforts.  
5 I want to thank you and your staff for continuing the  
6 subcommittee's bipartisan approach again this year under  
7 your leadership.

8           We have held a number of important and thoughtful  
9 hearings this year on TBI, intimate partner violence, and  
10 child abuse within the ranks, and officer management reform.  
11 I believe on balance this markup is a good starting point  
12 for a debate and discussion about how we best serve our men  
13 and women in uniform, and particularly I'm pleased that the  
14 mark includes provisions that begin to address the issue of  
15 intimate partner violence and child abuse in the ranks,  
16 including two provisions from the Military Protect Act that  
17 Senator Tillis and I introduced which requires the service  
18 secretaries to establish and maintain multidisciplinary  
19 teams on child abuse and intimate partner violence at  
20 military installations; two, establishes a pilot program  
21 providing universal home visits to new parents as a means of  
22 reducing child abuse and neglect.

23           Additionally on this issue, there are provisions in the  
24 mark that establish a new punitive article in the UCMJ  
25 prohibiting domestic violence, encouraging the training of

1 all military first responders, medical personnel,  
2 investigators and prosecutors to understand the occurrence  
3 of TBI resulting from intimate partner violence; urging DOD  
4 to work with a Federally funded research and development  
5 center to conduct anonymous surveys of military family  
6 members to better understand the prevalence of intimate  
7 partner violence and child abuse and neglect in the  
8 military; allow the military court system to issue and  
9 enforce military protective orders as a means of protecting  
10 survivors and ensuring that dangerous individuals are  
11 tracked in civilian law enforcement databases; and require  
12 the Department of Defense to share Federal jurisdiction over  
13 juvenile crimes on installations, including juvenile sexual  
14 abuse, with surrounding states, giving victims and children  
15 with problematic behavior resources and counseling that they  
16 need and deserve.

17 This year's bill also includes provisions that will  
18 improve the lives of our military families by making it  
19 easier for military spouses to find employment. Earlier  
20 this year I was proud to join Senator Kaine as an original  
21 co-sponsor of S. 2379, the Military Spouse Employment Act of  
22 2018. Several of the bill's major provisions are included  
23 in the Chairman's personal mark, including an expansion of  
24 the availability period of online military One Source  
25 program for military families, improvement of My Career



1 Advancement Program for military families, and an expansion  
2 of authority for non-competitive appointments of military  
3 spouses by Federal agencies. These and other measures in  
4 the bill will help ensure that more military spouses are  
5 positioned to seek full employment.

6 The markup also includes other provisions that I  
7 strongly support, including applying the protections of  
8 Title IX of the Education Amendments of 1972 to K-12 schools  
9 on military bases so they can more effectively address  
10 discrimination and harassment between students; requiring  
11 these K-12 schools to craft a new policy combatting sexual  
12 harassment among students that provides at least some level  
13 of protection afforded by Title IX in our colleges and  
14 universities; authorizing \$40 million in supplemental impact  
15 aid and \$10 million in impact aid for severely disabled  
16 military children to address clusters of underserved  
17 disabled military children. Both of these amounts match  
18 last year's authorizations.

19 Authorizing a pay raise to the service members, which  
20 we've now done every year since 1986; increasing  
21 constructive credit for specialized training and experience,  
22 including for cyber for appointments up to the grade of  
23 colonel so that we'll be able to make sure we recruit people  
24 we need; and encouraging the services to use their existing  
25 personnel authorities to attract and retain personnel for

1 the cyber mission force, particularly for those in the  
2 Reserve and National Guard.

3 This is the beginning of a long process, and I look  
4 forward to working with you more, Senator Tillis, here and  
5 in the full committee. I know we both want to end up with a  
6 good bill that supports our men and women in uniform and  
7 their families.

8 I also want to thank your staff -- Eric Swabb, Al  
9 Edwards, Sean O'Keefe, Katie Magnus, Bo Prosh, Joey Nelson -  
10 - for your cooperation and effort. I also want to thank  
11 Minority staff John Clark and Gary Leeling for their hard  
12 work.

13 Thank you.

14 Senator Tillis: Any other members wishing to make a  
15 statement?

16 [No response.]

17 Senator Tillis: Thank you all.

18 Traditionally, the subcommittee has used the Chairman's  
19 mark as the markup vehicle. Without objection, we will use  
20 the Chairman's mark as the markup vehicle, subject to  
21 amendment.

22 It has been the practice of the Armed Services  
23 Committee that any amendment adding funding must also be  
24 accompanied by an offset. The total funding levels for  
25 military personnel and Defense health programs authorized by

1 the subcommittee mark are consistent with the President's  
2 budget request. Accordingly, if any senator proposes an  
3 amendment that would increase spending, the amendment must  
4 also have an offset to pay for it.

5 We've actually processed 46 amendments to the  
6 Chairman's mark that have been cleared by both sides. I  
7 think that's a significant number, and we appreciate all the  
8 work on the staff to make that happen, and cooperation with  
9 the members.

10 The package has been provided to all members, and it is  
11 in front of you. Now, in the script it says I will now go  
12 about listing all 46 amendments, but I do believe that all  
13 of you have the handout in front of you, and if you would  
14 prefer for me not to read every amendment number, every  
15 title, and every sponsor's name, without objection, we'll  
16 have you refer to the attachment.

17 Without objection, these amendments to the Chairman's  
18 mark will be adopted by the subcommittee.

19 Are there any other amendments?

20 [No response.]

21 Senator Tillis: I'll entertain a motion that the  
22 subcommittee adopt the agreed-to amendments as a part of the  
23 Personnel Subcommittee mark.

24 Is there a second?

25 Senator Warren: Second.

1           Senator Tillis: A second having been heard, all in  
2 favor say aye?

3           [Chorus of ayes.]

4           Senator Tillis: All opposed, say no?

5           [No response.]

6           Senator Tillis: The ayes appear to have it.

7           The ayes do have it. The motion is agreed to.

8           I now move that the recommendations of the subcommittee  
9 be reported to the full committee and that the staff be  
10 authorized to draft the bill report language implementing  
11 agreements reached today, and to make necessary technical  
12 and conforming changes.

13          Is there a second?

14          Senator McCaskill: Second.

15          Senator Tillis: A second having been heard, all in  
16 favor say aye?

17          [Chorus of ayes.]

18          Senator Tillis: All opposed, say nay?

19          [No response.]

20          Senator Tillis: The ayes appear to have it.

21          The ayes do have it. The motion is agreed to.

22          Is there any other business to come before the  
23 subcommittee today?

24          [No response.]

25          Senator Tillis: Before we conclude, again I want to

1 recognize Senator Gillibrand once more for her work as the  
2 Ranking Member of the subcommittee and express my  
3 appreciation for our partnership.

4 I also appreciate the active participation of other  
5 members during a number of the subcommittee hearings. I  
6 think it was very helpful, and I appreciate you allocating  
7 the time to do it.

8 As I've said before, we've always set the standard for  
9 bipartisan cooperation, and I think we've done that again  
10 this year.

11 Thank you all very much for your participation.

12 The subcommittee is adjourned.

13 Senator Gillibrand: Thank you.

14 [Whereupon, at 2:45 p.m., the hearing was adjourned.]

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