

Stenographic Transcript  
Before the

Subcommittee on Personnel

COMMITTEE ON  
ARMED SERVICES

## **UNITED STATES SENATE**

MARKUP OF THE NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 2024

Wednesday, June 21, 2023

Washington, D.C.

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1 MARKUP OF THE NATIONAL DEFENSE AUTHORIZATION ACT  
2 FOR FISCAL YEAR 2024

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4 Wednesday, June 21, 2023

5  
6 U.S. Senate

7 Subcommittee on Personnel

8 Committee on Armed Services

9 Washington, D.C.

10  
11 The subcommittee met, pursuant to notice, at 11:15 a.m.  
12 in Room SD-106, Dirksen Senate Office Building, Hon.  
13 Elizabeth Warren, chairwoman of the subcommittee, presiding.

14 Committee Members Present: Senators Warren  
15 [presiding], Blumenthal, Hirono, Duckworth, Scott, Rounds,  
16 Sullivan, and Budd.

1           OPENING STATEMENT OF HON. ELIZABETH WARREN, U.S.  
2 SENATOR FROM MASSACHUSETTS

3           Senator Warren: The Personnel Subcommittee will come  
4 to order.

5           The subcommittee meets today to markup an original  
6 bill, the National Defense Authorization Act for Fiscal Year  
7 2024. We will hold this subcommittee markup in open  
8 session.

9           I am confident that we can conduct our business  
10 publicly without disclosing classified information or  
11 adversely impacting the process.

12           In this regard, I ask that any senator wishing to offer  
13 an amendment or raise an issue of a classified nature defer  
14 that for the full committee's consideration.

15           While this subcommittee is meeting in open session, the  
16 entire contents of the markup book are subject to amendment  
17 through its consideration by the Armed Services Committee  
18 and are, therefore, embargoed until passed by the full  
19 committee and reported to the Senate.

20           Traditionally, the subcommittee has used the chairman's  
21 mark as a markup vehicle. Without objection, we will use  
22 the chairman's mark as a markup vehicle subject to  
23 amendment.

24           There being no objection, it is so ordered.

25           I remind members when calling up an amendment for

1 consideration please identify the amendment by amendment  
2 number. This courtesy will help eliminate confusion and  
3 speed up consideration of all amendments.

4 Consistent with the practice and precedent of both this  
5 subcommittee and the full committee, the following  
6 amendments will not be an order and will not be considered:  
7 amendments involving a significant matter which is not  
8 within the jurisdiction of the subcommittee; amendments that  
9 involve the jurisdiction of another committee that has not  
10 agreed to consideration of the amendment for inclusion in  
11 this subcommittee's markup; and amendments that would  
12 constitute an earmark.

13 Further, it has been the practice that any amendment to  
14 add funding must be accompanied by an offset. Accordingly,  
15 if any senator proposes an amendment that would increase  
16 spending she or he must also identify an offset to pay for  
17 it.

18 Unless the offset can be made from funding under the  
19 jurisdiction of this subcommittee the amendment must be  
20 offered at the full committee.

21 It is our obligation to live up to our promises to  
22 support service members and their families. All three of my  
23 brothers served in the military. I know how hard service  
24 members work and I know how hard their service can be on  
25 their families.

1           This mark and the work of this subcommittee continue a  
2 long tradition of bipartisanship. I want to thank Senator  
3 Scott, Ranking Member, for being a great partner as the  
4 ranking member of this subcommittee.

5           We come from opposite sides of the aisle but we are in  
6 fierce agreement that we must do everything we can to  
7 support those who serve.

8           I am proud of this mark, which supports a 5.2 percent  
9 pay raise for all service members and for our civilian  
10 defense workforce. This is the largest pay raise in  
11 decades.

12           This mark also fully supports the administration's  
13 request to fund family programs, childcare programs, and  
14 health care for service members, their families, and  
15 retirees.

16           The mark before us consists of 78 legislative  
17 provisions, 34 items of special interest, and two budget  
18 items. This mark strengthens the all-volunteer force,  
19 improves the quality of life for everyone who serves, and  
20 ensures that we instill command climates to prevent sexual  
21 assault and harassment.

22           This mark also includes important steps to address a  
23 deeply troubling trend of military suicides. I particularly  
24 thank Senator Blumenthal and Senator Sullivan for their work  
25 on this important issue.

1           Last September, Senators Hirono, Blumenthal,  
2 Gillibrand, and I opened an investigation into the Junior  
3 Reserve Officer Training Corps, or JROTC. Our investigation  
4 was prompted by disturbing reports of instructors in the  
5 program sexually harassing or assaulting the students  
6 enrolled in the program.

7           This mark strengthens program oversight and instructor  
8 certification requirements. It also provides the DOD with  
9 authority to hold programs accountable if they fail to  
10 protect students.

11           It requires annual reporting on allegations of  
12 instructor misconduct and makes sure students know their  
13 rights. Following reports of some schools forcing students  
14 to participate in JROTC the mark also makes clear that this  
15 is a voluntary program.

16           I look forward to studies this bill requires from the  
17 GAO that will help guide our work to address any other  
18 shortfalls in keeping students in the JROTC program safe.  
19 It also includes a provision requested by Ranking Member  
20 Wicker to establish and support more JROTC units.

21           I am also proud of how this mark addresses medical  
22 debt. No one should be pursued by debt collectors because  
23 they had a medical emergency.

24           This bill allows civilian debts owed to military  
25 treatment facilities to be held in abeyance until DOD issues

1 its interim rule to waive those fees. It also requires DOD  
2 to provide briefing on how medical debt is affecting service  
3 members.

4 One of the greatest risks to our national security is  
5 allowing defense contractors to distort our national  
6 security priorities.

7 The American people deserve to know that our nation's  
8 decisions are based on what is best for our security, not on  
9 what results in the biggest payday for Lockheed Martin or  
10 Raytheon. I will continue my efforts to strengthen these  
11 laws in the NDAA.

12 Similarly, it is important that our military decisions  
13 not be influenced by well-organized lobbying efforts  
14 conducted by foreign governments.

15 A recent investigation revealed that an astounding  
16 number of retired military officers secretly working for  
17 other countries. This mark strengthens the review process  
18 for approving any such work. It also subjects those  
19 approvals to public scrutiny by removing the cloak of  
20 secrecy.

21 This mark also includes a provision to require the  
22 Secretary of Defense to ensure that each installation of the  
23 Department of Defense that has an Indian tribal nation or  
24 tribal interests located near the installation has a  
25 dedicated tribal liaison at the installation. The mark also

1 enhances due process rights for civilians who hold security  
2 clearances.

3 And, finally, as the military continues to struggle to  
4 meet its recruiting goals, I am proud of the many provisions  
5 in this bill to enhance recruiting and to support service  
6 members and their families.

7 We still have a lot of work to do and I plan to offer  
8 additional amendments throughout the process to address  
9 these shortfalls. Even so, this is a strong start.

10 The Biden administration just announced major steps to  
11 support military families. Our mark takes those steps  
12 further, including initiating a pilot program to determine  
13 whether enhanced pay can help address the childcare crisis  
14 that is particularly acute for service members.

15 This is a matter of concern for all families with  
16 children but it is a particularly urgent problem for service  
17 members who are often stationed in places where they do not  
18 have family nearby as a safety net and who may have a spouse  
19 or partner whose schedules are as unpredictable and  
20 demanding as their own. This mark is an important first  
21 step in addressing the childcare crisis.

22 The mark also take steps to address the mental health  
23 issues facing many of our military families. The mark  
24 expands nonmedical counseling services provided by the  
25 Department of Defense to qualifying populations without



1 regard to their geographic location.

2           These are only a few of the highlights of the  
3 legislative package we present for markup. I want to thank  
4 all of the members of the subcommittee and the full  
5 committee for their work as well as their staff.

6           I especially want to thank the committee staff: Jon  
7 Clark, Gary Leeling, Andy Scott, Sofia Kamali, Noah Sisk,  
8 Jenny Davis, Sean O'Keefe, Katie Magnus, and Brendan Gavin.

9           And at this point I invite Ranking Member Scott to make  
10 a statement.

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1           STATEMENT OF HON. RICK SCOTT, U.S. SENATOR FROM  
2 FLORIDA

3           Senator Scott: First, I want to thank Chairwoman  
4 Warren for her leadership of the Personnel Committee.

5           In keeping with the tradition of the Armed Services  
6 Committee she and I have worked together in a bipartisan  
7 manner on this year's Personnel mark.

8           I truly believe the Armed Services Committee is the  
9 only committee in Washington that works the way it was  
10 designed. I am proud of the mark we have produced and will  
11 now briefly go over some of the highlights.

12           For our military families the mark includes a provision  
13 that authorizes \$50 million in impact aid for local school  
14 districts serving military children and an additional \$30  
15 million for school districts providing support to military  
16 children with severe disabilities. This is an increase of  
17 12 percent from last year.

18           Additionally, the mark authorizes contracted mental  
19 health professionals to work with eligible military and  
20 their families without regard to home state licensing, which  
21 we hope will increase the availability of these services.

22           The mark also requires a briefing on parental  
23 involvement in Department of Defense education activity  
24 schools, which is the first step to ensuring our parents  
25 know that they are encouraged to be involved in their

1 child's education.

2 In the area of military end strength the mark  
3 authorizes active duty end strength based on current service  
4 projections, which account for the historic recruiting  
5 challenge.

6 The mark also would provide additional flexibility to  
7 the Secretary of Defense to manage the overall end strength  
8 of the force.

9 To address the recruiting challenge the mark requires  
10 each military department to establish a future service  
11 member preparatory course to increase the number of  
12 Americans who are eligible for military service.

13 I want to commend the Army on their efforts to  
14 establish a course at Fort Jackson that is already helping  
15 the Army address their recruiting challenges.

16 The mark also provides significant new authorities to  
17 the JROTC, which is another proven method to increase  
18 interest in military service.

19 For military compensation the mark reauthorizes  
20 numerous special and bonus payout authorities and creates a  
21 new methodology for computing junior enlisted basic  
22 allowance for housing rates.

23 The mark also expands the eligibility for domestic cost  
24 of living allowances and protects service members living  
25 overseas from excessive reductions to their cost of living

1 allowance.

2 For military health care the mark would waive cost  
3 sharing requirements for these annual mental health visits  
4 for active duty family members and expand the ability for  
5 on-base dental clinics to provide care for military  
6 dependents.

7 To make becoming a military medical provider more  
8 attractive we would increase the living stipend for  
9 recipients of the Department of Defense Health Professional  
10 Scholarships by 40 percent.

11 These are just a few of the highlights in this year's  
12 overall bill. I would like to -- I believe this mark is  
13 good legislation that will help solve the main problems  
14 facing this subcommittee, which is the ongoing military  
15 recruiting crisis.

16 Again, I want to thank Chairwoman Warren for her  
17 leadership of this subcommittee. I also want to thank  
18 professional staff members Sean O'Keefe, Katie Magnus,  
19 Brendan Gavin, Jon Clark, Gary Leeling, and Andy Scott for  
20 their great work on the mark.

21 I look forward to our continued collaboration as we  
22 work to pass a final version of the National Defense  
23 Authorization Act.

24 Thank you, Chairwoman Warren.

25 Senator Warren: Thank you.

1           So members have before them a list of 29 amendments  
2 starting with Hirono Amendment No. 26 MOD 1 and ending with  
3 Rosen Amendment 438 MOD 1.

4           Is there any objection to adopting these amendments?

5           [No response.]

6           Senator Warren: Without objection, the Manager's  
7 Package is adopted. Are there any other amendments?

8           [No response.]

9           Senator Warren: I will entertain a motion that the  
10 subcommittee adopt these agreed amendments as part of the  
11 Personnel Subcommittee mark.

12          Voice: So moved.

13          Senator Warren: Is there a second?

14          Voice: Second.

15          Senator Warren: All in favor, say aye.

16          All opposed, say nay.

17          Motion is agreed to.

18          I move that the recommendations of the subcommittee be  
19 reported to the full committee and that the staff be  
20 authorized to draft bill and report language implementing  
21 agreements reached today and to make necessary technical and  
22 conforming changes.

23          Is there a second?

24          Voice: Second.

25          Senator Warren: All in favor, say aye.

1 All opposed, say nay.

2 The motion is agreed to.

3 Is there any other business to come before the  
4 subcommittee?

5 [No response.]

6 Senator Warren: The subcommittee is adjourned.

7 [Whereupon, at 11:27 a.m., the hearing was adjourned.]

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