

**DEPARTMENT OF DEFENSE AUTHORIZATION OF
APPROPRIATIONS FOR FISCAL YEAR 2019 AND
THE FUTURE YEARS DEFENSE PROGRAM**

HEARINGS

BEFORE THE

**COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

ON

S. 2987

TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2019 FOR MILITARY
ACTIVITIES OF THE DEPARTMENT OF DEFENSE AND FOR MILITARY
CONSTRUCTION, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS
FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES

**PART 6
PERSONNEL**

FEBRUARY 14, 2018



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Printed for the use of the Committee on Armed Services



Available via: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2022

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**DEPARTMENT OF DEFENSE AUTHORIZATION
OF APPROPRIATIONS FOR FISCAL YEAR
2019 AND THE FUTURE YEARS DEFENSE
PROGRAM**

WEDNESDAY, FEBRUARY 14, 2018

UNITED STATES SENATE,
SUBCOMMITTEE ON PERSONNEL,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

**MILITARY AND CIVILIAN PERSONNEL PROGRAMS AND
MILITARY FAMILY READINESS**

The Subcommittee met, pursuant to notice, at 3:03 p.m. in room SR-232A, Russell Senate Office Building, Senator Thom Tillis (Chairman of the Subcommittee) presiding.

Subcommittee Members present: Senators Tillis, Ernst, Gillibrand, McCaskill, Kaine, and Warren.

OPENING STATEMENT OF SENATOR THOM TILLIS

Senator TILLIS. I'm going to bring the hearing to order. Ranking Member Gillibrand will be joining us, but, in the interest, making sure we have time for both panels, thank you all for being here.

The Senate Armed Services Subcommittee on Personnel meets this afternoon to receive testimony on military and civilian personnel programs and on military family readiness. We are fortunate today to have the Under Secretary of Defense for Personnel and Readiness and the Services' personnel chiefs to discuss the Department's military and civilian personnel programs, and to have several important civilian witnesses to discuss military family readiness.

On panel 1, we will hear from the Honorable Robert Wilkie, Under Secretary of Defense in Personnel and Readiness, and, actually, a former colleague of mine in my office; Lieutenant General Thomas Seamands, Deputy Army Chief of Staff; Vice Admiral Robert Burke, the Chief of Naval Personnel, Deputy Chief of Naval Operations for Manpower, Personnel, Training, and Education; Lieutenant General Gina Grosso, Deputy Air Force Chief of Staff for Manpower, Personnel, and Services; and Lieutenant General Rocco—Michael Rocco, Deputy Marine Commandant, Manpower and Reserve Affairs.

Thank you all for being here.

I'll introduce the second panel during the transition.

The recently released National Defense Strategy correctly states that creativity and talent of the American warfighter is our military's greatest enduring strength. Therefore, the topics this subcommittee will discuss today are vital to the health and effectiveness of our All-Volunteer Force. As the Nation faces an increasingly complex global security environment, our military's personnel programs and policies must build on an agile and adaptable force capable of responding to the uncertain threats we face.

A high-quality military and civilian workforce must appeal to this Nation's best and brightest young people, provide greater stability and flexibility to servicemembers in their professional and personal lives, and provide compensation commensurate with the level of responsibility inherent to a military career.

As we do all of this, we can't lose sight of the military families who support our troops much better than any personnel policy ever could. Military families confront unique stressors and challenges which must be considered in any discussion of military personnel management. The Congress needs to understand military families' concerns and work diligently to ensure that the Department of Defense (DOD) provides the support and the services families need. The readiness of our Armed Forces, and, ultimately, our Nation's security, depends on it, because, if the Defense Department fails to support military families, our volunteer servicemembers will simply walk away.

Finally, I look forward to hearing from Secretary Wilkie and the personnel chiefs about their efforts to improve recruitment and retention of military and civilian personnel, to improve military personnel and family readiness, to prevent sexual assault and harassment, to reduce servicemember and family suicides, to combat domestic violence and child abuse, and to enhance childcare services, and, finally, to improve employment opportunities for military spouses.

I hope the civilian witnesses on the panel—on panel 2 will describe the challenges faced by military families and give us good ideas about how we can improve family readiness.

I want to thank all the witnesses for being here today, and I look forward to hearing your testimony.

I want to especially thank Senator Ernst. She's a frequent attendee of subcommittees. I know she's got a lot of subcommittees today; she's bouncing in and out.

Senator Ernst, I would offer time for you to make any opening comment.

STATEMENT OF SENATOR JONI ERNST

Senator ERNST. Certainly. This is a rare occasion, since I'm not a Chair or Ranking Member of this Committee. So, I don't have any prepared statements, but I do want to thank you for being here today.

A number of questions that I have from—later on, if we get to those—Senator Tillis addressed most of them in his opening comments. One that I want to raise awareness on, and something that we do talk about, is recruitment of our forces, and how do we sustain readiness with an ever-decreasing population that will not meet the height-weight standards to come into the service.

Senator Tillis and I engaged in a ruck march last week, something we frequently do on the Hill, so—

Senator TILLIS. It was cold.

Senator ERNST. It was—for a North Carolinian, it was cold. It was a beautiful day for an Iowegian. But, we were joined by Sergeant Major of the Army Daley, and we had a great discussion about recruiting young people, and we talked a lot about the benefits and opportunities that are extended to these young people. But, the fact of the matter is, we need a pipeline of people coming into the service. I had some physical education teachers from Iowa in this morning, and they stated that 71 percent of our students will not be able to qualify for Military Service, because they're simply not ready, coming out of high school, because of those height-weight standards. So, I'm not suggesting that we need to lower standards at all. I think we keep the standard, but what we have to do is focus on that pipeline and make sure that, if they want to serve, they are ready to serve as they exit high school.

So, thank you very much for the opportunity, Mr. Chair.

Senator TILLIS. Thank you, Senator Ernst.

Ranking Member Gillibrand.

STATEMENT OF SENATOR KIRSTEN E. GILLIBRAND

Senator GILLIBRAND. Thank you. I really appreciate your work.

As we begin our review of DOD's military and civilian personnel budgets and programs, I remain concerned about the pace of accessing and signing women into all military occupations and units that were previously denied to them. It has been 2 years now since the Secretary of Defense and the Obama administration lifted the remaining restrictions. A lot of progress has been made, but we must be vigilant that occupational standards remain rooted in everyday requirements of military duty, as required by law, to ensure an equal playing field for all, and that we field the best possible military we can, and recruit and retain the best people.

Second, I applaud the Department, and you, Mr. Wilkie, for finally publishing a Uniform Anti-Harassment Policy applicable to all uniformed military members, required by the 2013 defense bill, which is nearly 5 years late. I have some questions about what you choose to include and what is not included in the policy. I understand that the next steps, which you are working on, is a policy for the Department's civilian and contractor workforces. I'm also interested in hearing about your efforts to curb retaliation against those who report sexual assault and harassment within the ranks. The reported retaliation rate against survivors has consistently been around 60 percent, which is deeply troubling.

An area that we have not talked about sufficiently is intimate partner violence and child abuse. This came to the forefront last year with the shooting by Devin Patrick Kelley, in Texas. In that instance, the system failed in keeping a gun out of his hands. I know that the Services have been looking at how this had happened, and working to ensure that it doesn't happen again. But, a less reported data point I think is staggering is that, in fiscal year 2016, there were 13,916 reports of suspected incidents of child abuse and neglect, and, horribly, 18 child abuse-related fatalities. All of the deceased victims were under 5 years old, and half of

them were under 1 year old. In addition, there were nine spouse or intimate-partner fatalities. Unfortunately, we do not have prevalence data for these crimes, but the data that is out there suggests to me that we should be paying more attention to this issue. So, I'm grateful to Senator Tillis for agreeing to hold a hearing devoted to intimate-partner violence and child abuse next month.

In terms of the Department's budget request, the fiscal year 2018 request for military personnel, including healthcare, totaled \$180 billion. This year's request is \$187 billion. I look forward to hearing from our government witnesses where these additional funds would be used in order to increase military family readiness. I do have to say, however, that I'm extremely disappointed that, even with \$85 billion in additional funding provided by the budget deal passed by Congress, that the President has proposed freezing the pay of Federal civilian workforce, half of whom work within DOD and its S.O services. I believe this is shortsighted, unnecessary, and will further erode morale and trust among our civilian employees.

Thank you, Senator Tillis, for including the second panel today, which is the focus of a military families program. I am especially pleased to welcome Dr. J. Michael Haynie, from Syracuse University's Institute for Veterans and Military Families, which he leads, and which has done some very important work supporting military families' post-service employment and financial readiness.

Thank you, Mr. Chairman.

Senator TILLIS. We'll just share this mic.

Senator Kaine has joined us. Senator Kaine is not on this subcommittee, but I understood yesterday that he was talking about stepping in. So, Senator Kaine, before we receive testimony from the first panel, if you'd like to make some comments, we'll recognize you at this time.

STATEMENT OF SENATOR TIM KAINE

Senator KAINE. I want to thank the Chair and the Ranking, and thank the witnesses and colleagues for forbearance on this. I am the ranking on the Readiness Subcommittee, and we're meeting around the corner. So, I wanted to just make brief comments on a readiness and personal matter, and then race back.

Family readiness. Family readiness, which is so critical to personnel, but to the entire military mission. I firmly believe that family readiness, and specifically military spouse unemployment, is a military readiness issue. I have a child in the military who recently is married, and so now I'm experiencing the discussions about this issue in a different way than I have before. But, I hear about it from folks all over the Commonwealth, and I'm sure it's the same for all my colleagues. They hear about it in their State.

Military families face significant financial strain in security and sacrifice because of having single incomes or also because of the frequent moves. This places an enormous strain on the force. I think we've often heard our military leaders testify, in the full hearings, that often it's the servicemember that makes the decision to enlist, but whether somebody stays or not is most often a family decision. So, we need to focus on retaining top talent. Military life will never be easy on those who serve or their families, but, while

we can't make Military Service easy, sometimes we can lighten the burden on families and make it a little bit more doable.

Within the last 2 weeks, I introduced S. 2379, the Military Spouse Employment Act. I want to thank Senators Gillibrand, Murray, and Purdue for being cosponsors of the legislation. Truly bipartisan. It's been introduced in a bipartisan way on the House side, as well.

Spouses are facing unemployment rates two to—at least three times higher than the national average, and some surveys have that rate as seven times higher. The only reason there is a range is, we haven't cared enough about the figure to really accurately measure it. We do measure veterans' unemployment rate very well through the Department of Labor, but military spouse unemployment hasn't been a priority, so the measures are more difficult, and they have to be done via survey.

When we saw, collectively, similar rates among veterans—a veterans unemployment rate higher than the national average in the late 2008, 2009, 2010, 2011 space, we did a bunch of things, together with society, and then the veterans unemployment rate of Iraq and Afghan war vets actually dropped down to be now below the national average. That's good. So, if we were able to do it there, with some persistent attention, I think we can do it here, too. I hope we can make a similar effort, connected to the NDAA [National Defense Authorization Act] this year, to take this really talented, resilient workforce of military spouses and help them tackle the challenge.

The bill that I passed, which I hope we'll be discussing during the NDAA, came from stories that I heard around Virginia, and basically falls into four pillars:

First, assistance with direct hiring. To the extent that we can use expedited hiring into Federal jobs—we sometimes do that for veterans—we can do it for military spouses, too. Often, the best jobs around military bases are other Federal jobs, either DOD civilian or other Federal agencies.

Second, training. The MyCAA, career advancement account, can be used by spouses, but we've found a whole lot of people don't really know about the account. There's even some uses of it we think we can expand. So, it's one thing to use that account to take a course, to advance your employability, but how about using the account to pay for a credential? If you move from one State to the next and you're a teacher, a real estate agent, lawyer, cosmetologist, and you need to get a new credential, how about using the CAA account to recredential or reregister?

Third, counseling. The Military OneSource offers counseling resources for servicemembers and spouses after the transition. But, we heard from a lot of folks that the 6 month availability of these resources—career coaching, counseling—was just too quick to help some people in the transition. That 6 months comes fast. The transition isn't done. We can extend that for a year.

Then, finally, there are transition assets on military bases, Transition Assistance Program, that are now guaranteed access for the military servicemember, but not guaranteed access for spouses. Since transition is a family matter, we think we ought to guarantee spouses access to those resources, as well.

There's a lot to it. The nice thing is, this is a matter that I know there's not a partisan issue to. It's my hope that whether it's tackling it on the readiness side or in the personnel side as we go through the NDAA process this year, this bipartisan idea might find favor with the Committee. Mr. Chair, I thank you. Senator Gillibrand, thanks so much for being a cosponsor of the bill.

Thanks for letting me interrupt. You're actually going to hear from some witnesses in panel 2 who have been very instrumental in helping us realize what we need to do in this area. I thank them for their help.

Thanks, Mr. Chair.

Senator TILLIS. Thank you, Senator Kaine.

Secretary Wilkie, welcome. We'll then move from right to left on opening statements from the personnel Service Chiefs.

Secretary Wilkie.

**STATEMENT OF HON. ROBERT L. WILKIE, JR., UNDER
SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS**

Secretary WILKIE. Well, thank you, Mr. Chairman, Senator Gillibrand, and Senator Ernst.

As you said, Mr. Chairman, this is a bit of a homecoming for me. I can never begin to repay the Senators here and my colleagues on the staff for your kindness to me through the years.

I also want to thank you for your herculean efforts on behalf of our troops to provide them stable and predictable funding for our operations for the next 2 years.

Mr. Chairman, during my nomination hearing, you charged me with making life easier for the men, women, and families who carry our future on their shoulders. Since my confirmation, I am happy to report that the role of personnel and readiness (P&R) has not only changed to make that charge real, but it has changed to provide a wider use of personnel issues as we inform the National Defense Strategy (NDS).

Secretary Mattis first laid out three Department of Defense priorities in the new National Defense Strategy. One is rebuilding military readiness as we build a more lethal joint force. Two, strengthening alliances as we attract new partners. Three, reforming the Department's business and family practices for greater performance. P&R has a role in all of these areas.

The Secretary has also given us new responsibilities for the strategic readiness of the force. He has instructed us to address resource gaps in capabilities, readiness, and the capacity to project power in globally contested environments. He has charged us with updating readiness goals in line with the NDS, working with the Joint Staff and Services to establish a standardized demand signal to determine the forces essential to address future warfighting scenarios. He has also tasked us with implementing a readiness recovery framework that includes a plan on specific Military Service identified areas for improvement, such as maintenance, access to training, sufficient manpower, depot maintenance, and the time needed to plan, coordinate, and execute readiness across the Services.

As I mentioned last year, the Department has too often been caught up in chasing the shiny object, like the new carrier or the

new fighter. We have forgotten many of the family issues that make our All-Volunteer Force work. But, we have also forgotten servicemembers on the front line. The front line is where 80 to 90 percent of the casualties occur. It is where the human dimension of conflict is its most bloody. It is a world that is brutal and unforgiving, and a world in which the grim reality now is that the enemy is catching up and exploiting areas of weakness. The Israeli Defense Force experienced that in Lebanon against Hezbollah in 2006. We have experienced it against foes in Iraq and Afghanistan, and now look to a world where threats are proliferating from North Korea, China, Russia, and Iran.

Our goal in reassessing the way we carry the fight to deter and, if need be, defeat any enemy is to make sure that our soldiers, sailors, airmen, and marines get home alive quickly—and get home quickly to their families. What does that mean? It means no more fair fights. That means overmatching our enemies. That means providing our troops with the same level of investment and scholarly attention that we do with the billion-dollar programs that tend to grab headlines across the country.

Mr. Chairman, as I mentioned at my nomination hearing, this is not the military that Chairman McCain and my father joined at the dawn of the Kennedy administration. Yet, we are still faced with policies and procedures in place then to run that force of multiple millions, refreshed each year by tens of thousands of draftees and thousands of ROTC [Reserve Officers' Training Corps] graduates.

Today, our military is vastly different. It is comprised entirely of high-quality volunteers. As Senator Gillibrand noted, 17 percent of the force is female, many of them serving on the front lines in numbers and missions unimaginable in the days of the Women's Army Corps. Yet, we still rely on a 20 year up-or-out model for servicemembers who are forced to leave the military in their prime. Promotion models often see the bottom performer advanced at the same pace as the frontrunner. Success in the Information Age will increasingly rely on the technical ability of our troops. Their assignment system values breadth over depth of experience. Recruiting is often stovepiped and not reaching a wider audience online. Our servicemembers cannot move freely amongst Active, Guard, and Reserve components to meet changing circumstances in their lives.

As part of a holistic talent management strategy, I am working with the Services, and will work with you, to ensure that our legislative authorities and policies meet these requirements and the requirements laid out by the Secretary of Defense and the National Defense Strategy.

Our families, as I mentioned, are our priority, as well. In my father's day, very few servicemembers had families. Today, almost 70 percent do. For our families, the military health system has been slow to keep up with modern medical advances for conditions like autism, as the Chairman and Ranking Member have often pointed out, and other behavioral disorders. The Department will continue to enhance and provide DOD support for military families with special medical or educational needs through the ongoing Exceptional Family Member Program standardization, with oversight and anal-

ysis of policy implementation, increased communication of available resources, and continuous process improvement.

We still have military families making their medical appointments on paper. P&R, in accord with the direction of this Committee, is consolidating our military healthcare systems into one streamlined and efficient military healthcare administration.

Constant rotation, again based on a 19th Century Army model and an issue addressed in Senator Kaine's recent legislation, causes stress on our force. It prevents families from putting down roots, and spouses from garnering meaningful employment. We are mindful of this. We are undertaking a review of ways in which we can mitigate those stresses through greater stability, particularly at large posts, camps, and stations, locations where stability can be balanced with the readiness imperative for servicemembers' professional development.

We are also reviewing our childcare service, and will implement strategies to improve access to, and the quality of, Department of Defense-provided childcare across our services.

The bottom line is that readiness is holistic, and, if the families are not happy, the soldier walks.

Importantly, we have finally provided our Members with a comprehensive anti-harassment and bullying policy, as instructed by this Committee over 6 years ago. To mark the seriousness of this endeavor, I have instructed the elevation of the DOD Office of Resiliency to include the Sexual Assault Prevention and Response Office to be a direct report to me, so that it is no longer lost within the layers of the Pentagon's bureaucracy. This office will be responsible for Department policy and enforcement on sexual assault, harassment, suicide prevention, and equal opportunity.

Mr. Chairman, the All-Volunteer Force has performed miracles, but certain communities within the joint force are still deploying at a higher rate than desired, and, in some cases, their current deploy-to-dwell rate is not sustainable to achieve our readiness recovery goals. We must address those hard facts or the force will break.

One way we address this is to ensure our servicemembers are performing warfighting operations while we rely on our civilian workforce to meet support missions that enhance our military's readiness. To that effort, I am reviewing not only how the Department can optimize staffing at our shipyards, hospitals, and especially our headquarters, but how we can hire the right people to make them accountable to perform at the highest level.

Mr. Chairman, this Committee has kept faith with the finest military in the world, and the solutions for many of the issues I have mentioned have already begun to be put in place by you. I pledge P&R to continue to build upon your work and help you keep that faith.

Thank you, sir.

[The prepared statement of Mr. Wilkie follows:]

PREPARED STATEMENT BY THE HONORABLE ROBERT WILKIE

Mr. Chairman, Senator Gillibrand, and distinguished Members of the Subcommittee on Personnel, this is a bit of a homecoming and I can never begin to repay the kindness shown me by the Senators here and their wonderful staff.

Mr. Chairman, during my nomination hearing I noted that you were charging me with making life easier for those men and women who carry our future on their shoulders.

Since my confirmation, the role of Personnel & Readiness (P&R) has changed to comport with Secretary Mattis' vision. The Secretary has laid out three Department of Defense (DOD) priorities in the new National Defense Strategy:

1. Rebuilding military readiness as we build a more lethal Joint Force
2. Strengthening alliances as we attract new partners
3. Reforming the Department's business practices for greater performance P&R has a role in all these areas, most significantly in building readiness and reforming DOD.

The Secretary has also given P&R new responsibilities for the Strategic Readiness of the force. He has instructed us to:

- Address resource gaps in the capabilities, readiness, and capacity to project power globally in contested environments.
- Update the readiness goals in line with the National Defense Strategy—working with Joint Staff and Services, establish a standardized demand signal to determine the forces essential to address various future warfighting scenarios and identify actions to maximize force readiness.
- Implement a Readiness Recovery Framework (R2F) that includes a plan on specific Military Service-identified areas for improvement, such as sufficient maintenance; access to training ranges; sufficient manpower; depot maintenance capacity; and time needed to plan, coordinate, and execute readiness and training activities.

In my opinion, the Department has too often been caught up in chasing the shiny object—the new carrier or fighter. We have forgotten the servicemembers on the frontline. The frontline is where 80 percent of the casualties occur.

It is where the *human dimension* of conflict is its most bloody. It is a world that is brutal and unforgiving—a world in which the grim reality now is that the enemy is catching up and exploiting areas of weakness. The mighty Israeli Defense Force experienced it in Lebanon against Hezbollah. We have experienced it against foes in Iraq and Afghanistan and now look to a world where threats are proliferating from North Korea, China, Russia, and Iran.

The threshold question then is whether each decision made by the Department enhances America's ability to deter—and if need be defeat—any enemy while keeping our soldiers, sailors, airmen, and marines alive and getting them back home quickly.

That means no more fair fights. That means overmatching our enemies. That means providing our marines and Army infantry with the same level of investment and scholarly attention that we do with the billion-dollar programs that grab the headlines in this town.

Mr. Chairman, as I mentioned at my nomination hearing—this is not the military that Senator McCain or my father joined at the dawn of the Kennedy Administration, yet we are hamstrung by the policies and procedures emplaced then to run that force of multiple millions refreshed each year by tens of thousands of draftees and thousands of ROTC graduates. Today, our military is vastly different. Comprised entirely of high-quality volunteers. Seventeen percent of the force is female—many of whom are serving on the frontlines—in numbers and missions unimaginable in the days of the Women's Army Corps.

We rely on a 20-year-up-or-out model for servicemembers who are forced to leave the military in their prime. Promotion models often see the bottom performer advanced at the same pace as the front runner. Success in the information age will increasingly rely on the technical ability of our troops, yet our assignment system values breadth over depth of experience and expertise. Recruiting is stove piped and not reaching a wide audience online. Servicemembers cannot move freely amongst Active, Guard and Reserve components to meet changing circumstances in their lives. As part of a holistic talent management strategy, I am working with the Services and will work with you to ensure our legislative authorities and policies meet the requirements laid out in our National Defense Strategy.

I will also make our families a priority. In my father's day, few servicemembers had families—today over 60 percent do. For our families, the Military Health System has been slow to keep up with modern medical advances for conditions like autism and other behavioral disorders as Senators Gillibrand and Tillis have pointed out. The Department will continue to enhance and improve DOD support for military families with special medical or educational needs through ongoing Exceptional Family Member Program standardization efforts, oversight and analysis of policy

implementation, increased communication of available resources, and continuous processes improvement.

We still have military families making their medical appointments on paper and P&R, in accord with the direction of this committee, is consolidating our multiple military health care systems into one streamlined and efficient military health care administration.

Constant rotation—again based on a 19th Century Army model—causes stress on our force and prevents families from putting down roots and spouses from garnering meaningful employment. We are mindful of this and are undertaking a review of ways in which we can mitigate those stressors through greater stability, particularly at large posts, camps, and stations—locations where stability can be balanced with the readiness imperative for servicemember professional development. We are also reviewing our childcare services and will implement strategies to improve access to and the quality of Defense Department-provided child care services. The bottom line is that readiness is holistic—if the families are not happy, the soldier walks.

Importantly, we have finally moved to provide our members with a comprehensive anti-harassment and bullying policy as instructed by this committee over 6 years ago. To mark the seriousness of this endeavor—I have instructed the elevation of the DOD Office of Resiliency to include the Sexual Assault Prevention & Response Office to be a direct report to me, so that it is no longer within the layers of the Pentagon infrastructure. This office will be responsible for Department policy and enforcement on sexual assault, harassment, suicide prevention, and equal opportunity.

The All-Volunteer Force has performed miracles but certain communities within the Joint Force are still deploying at a higher rate than desired and in some cases their current deploy to dwell rate is not sustainable to achieve our readiness recovery goals. We must address those hard facts, or the force will break.

One way we address this is to ensure our servicemembers are performing warfighting operations while we rely on our civilian workforce to meet the support missions that enable our military's readiness. To that effort, I am reviewing not only how the Department can optimize staffing at our shipyards, our hospitals, and especially our headquarters, but how we can hire the right people and make them accountable to perform at the highest level.

Mr. Chairman, this committee has kept faith with the finest military in the world and the solutions for many of the issues I mentioned have already begun to be put in place. I pledge to continue to build on your work and help keep that faith.

Senator TILLIS. Thank you.
General Rocco.

**STATEMENT OF LIEUTENANT GENERAL MICHAEL A. ROCCO,
USMC, DEPUTY COMMANDANT FOR MANPOWER AND RE-
SERVE AFFAIRS**

General ROCCO. Chairman Tillis, Ranking Member Gillibrand, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss your Marine Corps.

Your 186,000 marines are the foundation of the Corps. They are the Corps' most critical resource, and always will be. Marines are recruited, trained, and educated, and retained to win our Nation's battles. They are smart, resilient, fit, disciplined, and able to overcome adversity. Marines are warfighters. They are lethal, and they are ready.

Recruiting high-quality men and women, and retaining those whose past service and future potential continues to make the Corps stronger and is our highest priority. Our marines ensure that we will be no better friend to our allies and those we have come to help, and no worse enemy to those who oppose us.

We will meet our recruiting missions again this year, while, at the same time, exceeding all quality goals. The Department requires 90 percent of marine enlistees to be in the top education

tier. We are over 99 percent. We require 60 percent of enlistees to be in the highest mental aptitude group. We are over 72 percent.

Just as we recruit the best, so must we retain the best. The Marines are capable of fulfilling our leadership roles and operational requirements. There is a continuous challenge to keep high-quality marines in the service, especially in the current economy and increasingly competitive civilian job market. This is particularly true for cyber and many of the other high-tech occupations that are of critical and enduring importance. Incentive pays and bonuses remain vital to our retention effort, and we appreciate your continued support. We are open to, and always assessing, new ways to recognize, reward, and ultimately retain quality marines in the Corps. The Commandant's top priority in this regard is to increase flexibility for officer promotions. We believe that this is a simple yet very real and effective way to recognize excellence.

We look forward to working with all of the services, the Department, and Members of the Subcommittee on other initiatives that will enhance personnel quality, readiness, and lethality. We must remain adaptable and consider new ways to recruit and retain the high-tech force we need for the future as we build on the foundation of the quality marines we have today.

I look forward to answering your questions. Thank you.

[The prepared statement of Lieutenant General Rocco follows:]

PREPARED STATEMENT BY LIEUTENANT GENERAL MICHAEL A. ROCCO

INTRODUCTION

Chairman Tillis, Ranking Member Gillibrand, and distinguished Members of the Subcommittee, it is my privilege to appear before you today to provide an overview on Marine Corps personnel.

Since our founding in 1775, marines have answered our Nation's call, faithfully serving the American people and maintaining a standard of military excellence. Your Marine Corps is, and will continue to be, our Nation's expeditionary force in readiness. We are warfighters who are ready to rapidly respond to crises around the globe to ensure the continued security of the American people and to protect the interests that underpin our Nation. Marines will be *always faithful* to the trust which the American people have vested in them.

OUR PEOPLE

Mission first, people always. Marines are the foundation of the Marine Corps. They are the Corps' most critical resource, and always have been. Your marines are recruited, trained, educated, and retained to win our Nation's battles. They are smart, resilient, fit, disciplined, and able to overcome adversity. Recruiting high quality youth and retaining those whose past service and future potential continues to make the Corps stronger are our highest priorities; they ensure we remain no better friend and no worse enemy.

End Strength

We thank you for the increased end strength authorization to 186,000 in the Fiscal Year 2018 National Defense Authorization Act (NDAA). This increase is allowing us to strengthen our capabilities to meet warfighting requirements. Nevertheless, the Marine Corps operating forces continue to average a deployment-to-dwell ratio of 1:2. This tempo is not sustainable over the long term; our optimal deployment-to-dwell is 1:3. Our marines want to deploy, serve our Nation, and protect our country from threats overseas, but we owe our marines and their families the appropriate time to reconnect with family, refocus, learn from their most recent deployment, and train for the next deployment or contingency. In the near term, we have made the decision to fund modernization and recover our readiness to continue to ensure our marines are fully equipped for today's conflict. However, we must not accept a 1:2 deployment-to-dwell as the new normal.

Recruiting

Unique to all services, all recruiting efforts across the Marine Corps—officer, enlisted, regular, reserve, and prior-service—fall under the purview of a single entity, the Marine Corps Recruiting Command. Operationally, this provides us with tremendous flexibility and unity of command, facilitating efforts to meet accession requirements.

Last fiscal year, we successfully achieved all enlisted and officer recruiting goals for both the Active and Reserve components, and we expect to do the same again this year. We also will exceed all quality goals. The Department of Defense requires 90 percent of enlistees to have a high school diploma or equivalent (Education Tier 1), and 60 percent of enlistees to belong to Mental Groups I–IIIA (mental aptitude). Last year, the Marine Corps achieved 99.9 percent of Tier 1, 72 percent mental group I–IIIA, and expects to be at or near these levels for fiscal year 2018.

While only 8 percent of new Marine Corps recruits receive an enlistment bonus, these incentives are critical to enable us to ship new recruits at the right times to balance recruit loads at the recruit depots and meet school seat requirements. We appreciate Congress' support for these priority programs that assist our contracting high quality marine recruits.

To meet future challenges in the current recruiting environment, it is imperative that we maintain our high standards both for our recruiters and those who volunteer to serve in our Corps. Recruiting quality young individuals translates into higher performance, reduced attrition, and improved readiness for the operating forces. Our actions, commitment, and investments in recruiting today ensure a high state of readiness in our Corps tomorrow.

Retention

As the Marine Corps manages its 186,000 force, we work to retain the very best available marines capable of fulfilling our leadership and operational needs. This is accomplished through a competitive career designation process for officers and a thorough evaluation process for enlisted marines, both of which are designed to measure, analyze, and compare our marines' performance and accomplishments. However, there is a continuous challenge to keep high-quality marines in the service, especially in a competitive civilian job market.

Marine Corps retention models, systems, policies, and processes emphasize consistency of leadership, personnel stability, and sustained readiness across the force. Officer career designation incorporates a board system that enables leaders to examine officer records and accomplishments. After designation, the promotion process continues the evaluation of marine officers. It is a primary tool by which we retain only the best and most qualified marines.

For enlisted marines, a tiered rating system takes into account a number of quantifiable performance factors and includes inputs from both immediate and more senior leaders. It helps to set achievable goals for marines as they compete for retention. After initial reenlistment, the evaluation and continued retention of high quality enlisted marines is supported by a detailed and continual performance evaluation system which is fully integrated with the promotion process. Those marines with the best proven performance are retained and promoted.

Incentive pays remain critical to our retention effort, allowing the Marine Corps to fill hard to retain positions, such as cyber security technicians, special operators, and counter intelligence specialists. Similarly, Selective Reenlistment Bonuses (SRBs) allow us to shape our career force by targeting critical military occupational specialties (MOSs) and supporting lateral movement of marines to these MOSs. Continuing resolutions have delayed payments of promised SRBs, and can negatively impact re-enlistments. We appreciate the committee's continued support to ensure we have the resources required to meet our retention goals. We are open to, and always assessing, new ways to recognize and reward excellence in the Corps to ensure quality remains high and retention strong.

Reserves

Your Marine Corps Selected Reserve is fully manned at its authorized end strength of 38,500, and our reserve unit personnel readiness stands at its highest level in a generation. Unit reserve personnel readiness continues to increase from 71 percent in 2013 to over 86 percent today, with significant improvement in both enlisted and officer force management.

While these are welcome and positive trends, we continue to assess ways to further improve personnel readiness. We have implemented a comprehensive manpower management plan to provide full service support to our Reserve officers and staff NCOs [non-commissioned officers] for their career management. We have expanded this plan to provide full-service manpower management support for the en-

ture Selected Reserve. This is a talent management initiative that will help our NCOs, staff NCOs, and officers move between commands to enhance their development and military career goals.

The increase in our officer manning has been driven in part by bonuses and incentives to attract more marines from the Active component. In addition, our Reserve Officer Commissioning Program has produced 1,199 lieutenants for the Marine Corps reserves since its creation in 2006. As a result, our ground company grade officer manning has increased from 21 percent in 2007, to 89 percent today.

Your Marine Corps Reserves has increased the number of Reserve marines activating under the 12304b mobilization authority for pre-planned training missions supporting combatant commander requirements. Approximately 1,100 Reserve marines are scheduled to deploy during the remainder of this fiscal year. The fiscal year 2018 NDAA extended pre- and post-deployment health care to marines who deploy under 12304b, and the Veterans Educational Assistance Act of 2017 provided them with post 9/11 G.I. Bill benefits. We appreciate this subcommittee's work to implement these changes.

Blended Retirement System

The new Blended Retirement System (BRS) went into effect on January 1, 2018. The BRS is a significant change from the legacy retirement system and, while it confers a monetary benefit on the large majority of marines who do not reach retirement eligibility, we remain concerned on the potential impact on retention behavior of the force. With over 184,000 marines—both Active and Reserve—having to make an “opt-in” decision this year, will be closely monitoring BRS execution progress for any of these and other impacts.

During 2017, the Marine Corps focused on training those current marines who may elect to enroll in the BRS this year. Headquarters Marine Corps subject matter experts visited major bases and installations, briefing over 2,000 officer and enlisted leaders on the tools available to educate their marines. The Marine Corps implemented an integrated communications plan employing administrative messages and a website with training links, videos, and robust reference material. We utilized the Marine Corps' social media platforms to increase awareness and knowledge regarding the BRS and the associated training requirements. We are closely tracking BRS execution progress and will continue to do so throughout 2018.

Marine Corps Integration

Executing our successful gender integration plan is key to sustaining readiness, as well as ensuring we afford all marines the opportunity to succeed as valued members of the Corps. The Marine Corps is fully committed to sustaining the most combat effective force by capitalizing on the knowledge, skills, abilities, demonstrated performance, and potential of every marine.

To date, our plan is progressing very well. Female marines are now represented in all previously-restricted occupational fields. Performance standards are working to ensure both male and female marines possess the requisite ability to successfully perform the critical skills of their chosen military occupational specialty. We continue to collect data and assess all aspects of our plan through the lenses of 1) combat effectiveness; 2) unit readiness; and 3) talent management.

Civilian Marines

Our civilian marines support the mission and daily functions of the Marine Corps and are an integral part of our Total Force. They exemplify our core values; they embrace esprit de corps, teamwork, and pride in belonging to our Nation's Corps of Marines. Serving alongside our marines throughout the world, in every occupation and at every level, our civilian appropriated-funded workforce remains by far the leanest of all services, with a ratio of one civilian to every ten Active Duty marines.

Approximately 95 percent of our appropriated funded civilians work outside the Washington, DC, beltway at 57 bases, stations, depots, and installations around the world. Sixty-nine percent are veterans who have chosen to continue to serve our Nation; of those, 18 percent are disabled veterans. Our civilian non-appropriated funded workforce steadfastly continues to provide vital support to our marines, Reserve marines, their families, and our wounded, ill and injured.

The last few years have not been easy on our civilian marines. Attracting and retaining top civilian talent when faced with personnel reductions, limited pay raises, and furloughs is challenging. Continued continuing resolutions also create an environment of uncertainty and threat of furlough. Nevertheless, our civilians have truly shown themselves as Semper Fidelis, keeping our marines and their families in the forefront. For that, they have my personal admiration.

TAKING CARE OF MARINES AND THEIR FAMILIES

Taking care of marines and their families is a key element of overall readiness and combat effectiveness. The adage “we recruit marines, we retain families” remains as true today as ever. Our comprehensive package of services seeks the holistic fitness and readiness of our marines and families—body, mind, spirit, and social.

Behavioral Health

The Marine Corps Behavioral Health Program is an integrated community-based service model that includes community counseling, family advocacy, suicide prevention, substance abuse, and combat operational stress. We provide world-class prevention and counseling services at each installation, and all of our behavioral health programs provide free confidential services offered by licensed counselors. These services are available to individuals, couples, families, and children. During fiscal year 2017, we provided nearly 15,000 assessments and more than 100,000 counseling hours to marines and their families.

Suicide Prevention

Suicide prevention is one of the Marine Corp’s highest priorities; one death is too many. Preventing suicide has proven to be a very challenging task given the complex nature of the problem, but we are steadfast in our commitment to eliminating it.

Our Marine Intercept Program (MIP) is targeted intervention for marines who have had a suicidal ideation or attempt. MIP combines efforts from fellow marines, commanders, installation counselors, and Marine Corps headquarters elements. It assists marines with a suicide ideation or attempt through care coordination, regular telephone outreach by care managers, development of safety plans, and suicide assessments for marines with a reported suicidal ideation or attempt. MIP is a very effective program that results in marines receiving assistance faster, keeping their appointments, and, ultimately, saving lives.

The Marine Corps DSTRESS Line is a 24/7/365, marine-specific call center providing phone, chat, and video-telephone capability for anonymous counseling for circumstances across the stress continuum. DSTRESS calls can discuss stress and anger management, grief and loss, deployment cycles, parent-child relationships, couples communication, marital issues, relationships, relocations, and suicidal crisis. To date, the DSTRESS Line has had approximately 45,000 sessions with marines, attached sailors, and their families. Since its inception in 2010, DSTRESS has helped save 39 marines who were in imminent danger situations.

Our current social media campaign—“#BeThere—Marine”—is a call to action that motivates marines to take steps and pay attention to individuals experiencing emotional distress or expressing suicidal thoughts. To date, nearly 800,000 individuals have viewed and shared these social media posts and public service announcements worldwide.

Sexual Assault Prevention & Response

Protecting our marines and eradicating sexual assault from our ranks are top priorities for me and our Corps. We are committed to eliminating incidents of sexual assault by increasing awareness through prevention and education, victim centered support, intimidation free reporting, thorough investigation, and accountability for those who commit sexual crimes. Any marine who comes forward to report a sexual assault will receive support, even when the sexual assault occurred prior to service.

Based on results from the 2016 Workplace and Gender Relations Survey for Active Duty Servicemembers, sexual assault prevalence has decreased by 30 percent since 2014. Conversely, reporting levels have increased. We believe that reduced prevalence with increased reporting means we are reducing the number of unreported incidents, ensuring that marines who experience sexual assault get the support they need.

In an effort to better reach junior enlisted marines and officers, the Marine Corps has developed “Join the Conversation,” a professional military education campaign that helps guide marines in identifying five destructive behaviors—hazing, sexual assault, sexual harassment, retaliation, and alcohol misuse. Marines are educated on the importance of understanding destructive behaviors, the negative impact of those behaviors to the unit and the Corps at large, and what marines can do to combat them. This initiative is now formal instruction at The Basic School.

Male marines are less likely to report a sexual assault than females. Since so few studies focus on males, the Marine Corps conducted interviews with its Sexual Assault Response Coordinators (SARCs) and Sexual Assault Prevention & Response (SAPR) Victim Advocates (VAs) to learn about their interactions with male marines who experienced a sexual assault. We learned valuable information regarding bar-

riers to reporting, reasons why male marines report, and techniques to build rapport with this population. This information is part of current SAPR training for SARCs and VAs.

Personal and Professional Development

Our Marine For Life Cycle is a career-long process that helps marines prepare for transition to civilian life. We provide a continuum of tangible learning or experienced-based opportunities at nine different action points with specific emphasis at the marine's first permanent duty station, promotion to corporal, and the Transition Readiness Seminar.

At their first permanent duty station, marines complete the Personal Readiness Seminar within 90 days of arrival to the installation. This seminar provides an overview of personal and professional development services to include voluntary education, career technical/credentialing, personal financial management, family member employment assistance, and information and referral; the seminar also emphasizes financial readiness awareness.

At time of promotion to corporal, all marines must complete "Your Readiness" training. This online, MarineNet training provides an overview of personal and professional development services, the reenlistment process, transition readiness, developing the Individual Transition Plan, and an introduction to available resources and support provided at our installations.

Approximately 12 to 14 months prior to separation, or 24 months prior to retirement, marines complete the Transition Readiness Seminar. The week-long program seminar includes a mandatory standardized core curriculum followed by three 2-day track options to align with their future goals and aspirations—accessing higher education, career and technical training, or entrepreneurship.

No later than 90 days prior separation, marines meet with their commanding officer for Capstone. During Capstone, the commanding officer will validate whether the marine has met their career readiness standards. If a marine does not meet their career readiness standards or have a viable transition plan, a warm handover will be provided to Department of Labor or Veterans Affairs partner agencies for additional post-transition assistance.

The mission of Marine Corps Credentialing Opportunities On-Line (COOL) is to help marines receive transferable credit for their military skills and work experience. COOL links marines with civilian certifications related to their military occupational specialties. It is a public website accessible to all current marines, as well as veterans, spouses, potential employers, enterprises, credentialing agencies, and associations. A credential translates Marine Corps technical skills into marketable language recognized by employers. The Marine Corps will pay for examination fees and annual maintenance for enlisted marines to earn civilian/industry credentials closely aligned with their occupational specialty.

The Marine Corps continually collaborates with the other services, the Department of Labor, and the Department of Veterans Affairs to improve our transition programs. We recently participated in a Transition Assistance Program hearing and follow-up roundtable with these partners and the House Committee on Veterans Affairs. The Marine Corps plans to meet throughout the year with the committee to continuously improve the metrics relating to successful transition from military to civilian employment.

Wounded Warrior Care

The Marine Corps' Wounded Warrior Regiment (WWR) continues to execute our Recovery Coordination Program in support of wounded, ill, or injured (WII) marines and their families, in a manner that greatly facilitates their recovery and upholds our enduring commitment to "keep faith" with those who have incurred life changing impairments in service to our Nation. Regardless of the origin of affliction, our marines require and genuinely deserve access to the comprehensive recovery care available through the WWR.

WWR recovery care coordinators, in coordination with medical providers and unit leaders, help WII Marines develop and execute their individual comprehensive recovery plans, which provide the road map for a successful transition. WII Marines with complex care coordination needs are assessed for post-separation support requirements. When appropriate, those marines are transferred to a Department of Veterans Affairs (VA) designated lead coordinator prior to their medical discharge to ensure seamless support.

WWR maintains faith with our marines through our district injured support coordinators, who are geographically dispersed around the country and provide one-on-one support as needed, and the Sergeant Merlin German Call Center, which con-

ducts outreach calls to marines and receives and responds to calls for assistance 24 hours a day, 7 days a week.

Since our WWR was established in 2007, thousands of WII marines and family members transitioning from Active service have benefitted from a full spectrum of support services that begins with physical recovery needs and increasingly focuses on post-service employment and education opportunities as they heal. Marines and their families, Members of Congress, and the public at large can be assured that the Marine Corps, through the WWR, will continue to expertly provide recovery care coordination support at all times.

Marine Corps Business and Support Services

The Marine Corps delivers many of its quality of life programs via an integrated Marine Corps Community Services (MCCS) construct that combines Morale, Welfare and Recreation (MWR); Marine Corps Exchange (MCX); Warfighter and Family Services; and Child Development Programs. This integrated model is unique within DOD and provides many operating efficiencies, including consolidated non-appropriated fund (NAF) back-office support, e.g., human resources, finance and accounting, procurement, construction, and information technology. Our focus on efficiency continues today with transformation and innovation pursuits, such as a shared services center for all MCCS NAF transactional accounting functions that will utilize robotics functionality; we are expecting a significant cumulative NAF benefit over a 10 year period.

The MCX is an integral self-sustaining business component of MCCS, delivering products and services in garrison and expeditionary environments, while producing an invaluable NAF dividend to our MWR and family programs. Marines and their families can count on real savings when they shop at the MCX. The 2017 market basket survey showed an average savings of approximately 26 percent. Further, the MCX is proud to employ military family members who represent approximately 33 percent of our workforce.

Transformation and innovation are the fabric of MCCS as we continue to assess and implement new delivery models by leveraging technology, partnerships, and sponsorships. The Marine Corps is also an active participant in DOD Business Reforms that encompass many of the programs and services within the MCCS portfolio. We are committed to seeking efficiencies across the Department while preserving our highly effective MCCS organization that is best attuned to meeting Marine Corps operational requirements.

CONCLUSION

The marines of our Corps represent the individuals of our Nation who have stepped forward and sworn to defend and protect it. Through recruiting, training, education, and retention of men and women of character who take up our challenge to become one of “the Few and the Proud,” we will enhance the quality of our Corps and our overall combat effectiveness. By ensuring that we take care of all marines and their families, we fulfill our responsibility to keep faith with the honor, courage, and commitment they have so freely given.

Our individual marines are our most precious asset. They are proud of what they do. They are proud of the “Eagle, Globe, and Anchor” and what it represents to our Nation. With your support, a vibrant Marine Corps will continue to meet our Nation’s call.

Thank you again for the opportunity to present this testimony.

Senator TILLIS. Thank you.
General Grosso.

**STATEMENT OF LIEUTENANT GENERAL GINA M. GROSSO,
USAF, DEPUTY CHIEF OF STAFF FOR MANPOWER, PERSONNEL AND SERVICES**

General GROSSO. Chairman Tillis, Ranking Member Gillibrand, Senator Ernst, thank you for the opportunity to appear before you today to deliver the United States Air Force’s personnel posture for fiscal year 2019.

Increasing end strength is the Air Force’s number-one priority to accelerate readiness. We appreciate the Fiscal Year 2018 National Defense Authorization Act’s support for continued end-strength growth to 675,000 Total Force airmen. This growth allows the Air

Force to compete, deter, and win in a more competitive and dangerous international security environment. The Air Force's Fiscal Year 2019 President's Budget continues that growth to 680,000 Total Force airmen. This end-strength growth increases training capacity to address foundational disconnects in the training pipeline. It also funds instructors to boost pipeline capacity and increases intelligence, remotely piloted aircraft operations support, and cyber mission capability.

As of October 2017, our Total Force pilot shortage was approximately 2,000, with the largest shortage in our fighter pilot inventory. The Fiscal Year 2019 President's Budget continues to address the pilot shortage by funding increased pilot production capacity. This increased capacity assists in rapidly producing new pilots to meet operational requirements. In addition, the budget funds implementation of myriad programs and policies designed to address assignment, operational tempo, and quality-of-life issues targeted to improve pilot retention.

The Fiscal Year 2019 President's Budget increases support to airmen and families through a variety of capabilities that drive mission readiness by focusing on resiliency and retention. The budget increases child and youth funding by \$54 million, for a total of \$114 million. This funding will expand childcare for those airmen needing care outside of normal duty hours, provides fees to support 4,000 children who only have access to off-base childcare, and funds youth resiliency camps. The Exceptional Family Member Program assists more than 33,000 airmen who have special-needs family members. This budget adds 15 installation-level family support coordinators across the Air Force and also funds increasing respite childcare for primary caregivers from 12 to 40 hours per child per month. Taking care of our airmen's children and caregivers removes worries and distractions to allow the airmen to fully focus on the mission.

Today's threat environment requires agile and inclusive military and civilian personnel management systems to ensure the Air Force continues to retain the highly skilled talented—talent needed to defend our Nation. In our enlisted force, we are conducting a triennial review of an enlisted evaluation process following the transition to a new system in 2015. Within our officer corps, we are looking into options to enhance the Air Force's ability to execute the right size and mix of capabilities required to meet and sustain emerging mission demands. We are reviewing multiple initiatives, to include exploring the possibility of modifying our current promotion competitive category structure and establishing technical tracks. We fully support the Defense Officer Personnel Management Act (DOPMA) reform efforts; in particular, opting out of promotions, constructive credit, merit-based promotions, and secretarial authority for a small number of spot promotions. We look forward to continuing the discussions with this—on this topic with you.

Our civilian workforce is essential to the Air Force's mission in joint warfighting readiness. Recruiting and hiring top civilian talent is critical to our success. In fiscal year 2018, we implemented a Premier College Intern Program. This initiative enables the Air Force to recruit top talent directly from college campuses via sum-

mer intern program, starting their junior year, using direct-hire authorities to streamline the process. Our target for fiscal year 2019 onboarding is 500 new civilians, and we currently have 450 acceptances, to date. This approach ensures we will leverage the new congressional hiring authorities and stay competitive with aggressive private-sector recruiting.

Finally, the Air Force is modernizing information technology infrastructure across our human resource systems to provide exceptional personnel service to airmen and their families. In a digitally connected world, our airmen deserve the best human resource systems available today. We have a 6-year plan to migrate 115 technology platforms and 400-plus applications to the Cloud. As we modernize our information technology platform, we will provide more modern systems for our airmen, and we will enhance our ability to make data-driven decisions.

In conclusion, we ensure—we must ensure our airmen have the resources, training, and tools to compete, deter, and win in an increasingly complex world. We are committed to prioritizing and resourcing what is most important to make the Air Force more ready and lethal. We welcome the opportunity to partner with Congress in our endeavors to protect and defend our Nation.

I thank you for your continued support, and I look forward to your questions.

[The prepared statement of Lieutenant General Grosso follows:]

PREPARED STATEMENT BY LIEUTENANT GENERAL GINA M. GROSSO

INTRODUCTION

Chairman Tillis, Ranking Member Gillibrand, distinguished Members of this Committee, thank you for the opportunity to appear before this Committee to talk about our airmen. America's airmen remain "Always There" providing global vigilance, reach and power to protect and defend our Nation. Our airmen, Active, Guard, Reserve and civilian, have been engaged globally for the longest continuous stretch of combat in our Nation's history. As noted in the National Defense Strategy, we are facing a complex and volatile global environment with increasing disorder resulting from the decline of the long-standing rules-based international order under which we previously operated. Great power competition has reemerged as the central challenge to U.S. prosperity and security. In this environment, we must prioritize and resource what is most important to field a lethal, expertly trained, resilient, and rapidly adapting Air Force to meet today's and tomorrow's warfighting demands.

ACCELERATING READINESS

Our airmen, both military and civilian, are our most important asset. Increasing end strength, as requested in the Fiscal Year 2019 President's Budget, will allow the Air Force to better meet today's warfighting demands as well tomorrow's. Without continued end strength growth, readiness will decline and the Air Force will find it increasingly difficult to meet evolving combatant commander requirements.

End Strength

The Air Force appreciates the Fiscal Year 2018 National Defense Authorization Act support for continued end strength growth to 675,300 Total Force airmen. This growth allows the Air Force to compete, deter and win in a more competitive and dangerous international security environment. The Air Force's Fiscal Year 2019 President's Budget continues that growth to 680,400 Total Force airmen—329,100 Active Duty, 107,100 Guard, 70,000 Reserve, and 174,200 civilians. This growth will accelerate our readiness and provide more lethal airmen to protect and defend our Nation.

Recruiting and Accessing

Readiness is first and foremost about the airmen who make up your Air Force. Today only 25 percent of 17 to 24 year old men and women in the United States are eligible to serve—our prime recruiting pool. Despite this low ratio, the Air Force achieved its fiscal year 2017 enlisted Active (31,000) and Reserve component (6,583) recruiting goals. The Air National Guard missed its enlisted recruiting goal by 280 airmen (achieving 94 percent of the goal), but was able to offset this with increased retention.

The fiscal year 2018 Air Force Active Duty enlisted recruiting goal is 29,450. Thus far, we have met 33 percent of the overall goal and have identified recruits with projected dates for basic military training at 55 percent of the goal. The fiscal year 2018 Air Force Reserve enlisted recruiting goal is 7,240 with 31.6 percent already met. In summary, Active Duty, Reserve and Air National Guard are on track to meet fiscal year 2018 enlisted recruiting goals.

The Fiscal Year 2019 President's Budget Active Component enlisted recruiting target is 28,250. The fiscal year 2019 Air Force Reserve enlisted recruiting target is 7,497 and the fiscal year 2019 Air National Guard enlisted recruiting target is still being worked.

In fiscal year 2019 the Active component officer recruiting target is 5,450, a 350 increase from fiscal year 2018. The fiscal year 2019 Air Force Reserve's is 1,253, an increase of 43, and the Air National Guard recruiting target remains steady.

The Fiscal Year 2019 President's Budget increases Reserve Officer Training Corps scholarship funding by \$18.1 million to allow the Air Force to offer 1,000 additional scholarships. We are confident we can meet our fiscal year 2018 and fiscal year 2019 recruiting targets.

The Fiscal Year 2019 President's Budget also increases training capacity to "right-size" the student pipeline with a focus on critical skills production as identified in the National Defense Strategy. These increases address foundational disconnects in the training pipeline, fund instructors to boost pipeline capacity, increase Remotely Piloted Aircraft operations support and cyber mission capability. Specifically, we are adding 248 authorizations to assist in pipeline technical training in addition to adding 74 authorizations to increase Military Training Instructors and Military Training Leaders at Basic Military Training.

To further assist with overall pilot shortages, we are actively seeking retired pilots to return to Active Duty. As of the end of January, 22 applications are in the review process. Though not large numbers, these returning pilots will mitigate manning shortages and augment other programs to help restore our pilot inventory.

The end strength increases in this budget begin to restore squadron manning by filling gaps that were created by years of declining end strength.

Retaining Airmen and Families

While the Air Force is experiencing historically high retention rates in both the officer and enlisted corps, we do have pockets of retention challenges. For our enlisted career fields, we have lower retention for linguistic analysts, special operations aircraft maintenance, and nuclear medicine specialties. For officer career fields, retention is challenged for pilots, combat systems officers, and various medical specialties.

We appreciate Congress' generous support of special and incentive pays. The Fiscal Year 2019 President's Budget includes \$1.2 billion for special and incentive pays allowing the Air Force to target critical skill shortages. Further it assists in compensating airmen for hazardous duty or earned skill sets that are critical to our warfighting excellence. To ensure we are making the best use of our aviation bonus authorities, we will continue to use a business case model to target payments based on four main criteria: manning levels, retention, cost to train and the length of time to train.

The Total Force pilot shortage for fiscal year 2017 ended at 1,812 and was most acute in our fighter pilot inventory. This budget continues to address the pilot shortage by continuing the aviator bonus and allowing the Air Force flexibility to focus those resources to address our greatest needs. In addition, this budget adds required training production capacity in our formal training units to assist in rapidly producing new accessions to fill our cockpits. Finally, this budget permits implementation of a myriad of programs and policies designed to address assignment, promotion, operational tempo, and quality of life issues targeted to improve retention.

That said, monetary incentives are just one small piece of our retention portfolio. The majority of the retention portfolio are in fact non-monetary. Commanders have the authority to approve high year of tenure extensions for personnel in undermanned key career fields to retain much needed experience. We are adding flexibility into the assignments process for aviators by leveraging technology to improve

our assignment matching system. After researching industry best practices, we implemented an information technology solution known as “Talent Marketplace.” Talent Marketplace uses an algorithm, based on the Nobel-Prize winning National Medical Residency Matching Program, to assist in matching officers to available assignments. This algorithm takes into account 1) the officer’s assignment preferences and 2) the hiring manager’s ranking of officers being considered, and produces a match. While Talent Marketplace provides an automated “scientific” match at the beginning of the process, it then assists the Air Force’s Personnel Center assignment team in applying the “art” to finalize the process. This two-pronged process approach of “science” and “art” assists with transparency in the assignment process and will assist with better managing talent. A demonstration of the Talent Marketplace concept was first tested with our operations researchers analyst career field in the spring of 2017, with successful results. Incremental implementation is underway with fighter pilots and combat system operators for the summer 2018 assignment cycle. As funding allows, we will bring all officer and enlisted skill sets into the Talent Marketplace program.

Having a lethal, agile and flexible force, capable of winning in any environment, goes beyond solely the overall size of the force. It also encompasses looking after airmen’s mental and physical wellbeing and ensuring we take care of their families so they can focus on the mission.

Airmen must be able to withstand, recover, and grow in the face of stressors and changing demands. Our airmen must be resilient to be fully mission-ready and lethal. The Fiscal Year 2019 President’s Budget increases support to airmen and families through a variety of capabilities that drive mission readiness and improve the resilience and retention of our human weapon system.

CHILD AND YOUTH PROGRAMS

Airmen cannot be effective if they are worried about their children. In fiscal year 2019 we increased child and youth funding by \$53.6 million for a total of \$114.2 million. This funding will (1) expand child care for those needing childcare outside of normal duty hours, (2) provide fees to support 4,000 children who must use off-base child care, and (3) fund youth resiliency camps. The funding increase also includes 119 additional civilian child care positions across the Air Force; supplies, closed circuit television repair and replacement, and national youth partnerships such as Boys and Girls Clubs and 4–H.

EXCEPTIONAL FAMILY MEMBER PROGRAMS

More than 33,000 Total Force airmen have special needs families currently enrolled in the Exceptional Family Member Program and retention of these skilled airmen is critical to readiness. To assist in the retention efforts, we are improving support to Exceptional Family Member Program families by increasing installation-level family support coordinators from 84 to 99, providing additional coordinator training, improving assignment management processing, and offering online information for airmen and their spouses to assist in planning for future assignments. We are also increasing Exceptional Family Member Program Respite Child Care from 12 to 40 hours per child each month. These efforts, along with increased communication with our Exceptional Family Member Program families through quarterly webcasts, accelerate the readiness and lethality of the Air Force.

Recharge for Resiliency

Air Force Morale, Welfare, and Recreation capabilities build skills and self-confidence, reduce stress, and enhance quality of life for airmen and families. With our Morale, Welfare, and Recreation budget, we will implement new capabilities designed to drive unit cohesion, stability and resiliency in our squadrons. One capability highlight is our Recharge for Resiliency Program which was originally designed to provide airmen and families an outlet to decompress and adjust after returning home from a deployment. In fiscal year 2019, we are expanding Recharge for Resiliency to include activities commanders in the field can use specifically to build unit cohesion and drive squadron vitality. One such example is the Team Cohesion Challenge, an adventure race incorporating the four comprehensive airman fitness pillars (mental, physical, social and spiritual). The event lasts approximately 4 to 5 hours and focuses on team building.

FOUNDATIONAL READINESS IMPERATIVES

The Air Force’s core values—Integrity First, Service before Self, and Excellence in All We Do—are the foundation of all airmen performance.

Wounded Warriors

The Air Force has 3,200 Wounded Warriors serving today. Our commitment to our wounded, ill and injured airmen remains resolute as these airmen, their families and caregivers deserve nothing less. As such, the Air Force Wounded Warrior Program provides world-class medical treatment along with physical, psychological, social and family healing through a variety of avenues to include recovery care coordinators that provide care management assistance. Our goal is to return airmen to duty, whether back to their unit or to another opportunity to serve in uniform. For those who cannot return to duty, we provide personalized transition support from housing and education services, to employment and financial coaching.

Airmen with Invisible Wounds

Airmen with Invisible Wounds—post traumatic stress disorder, traumatic brain injury or other cognitive, psychological or behavioral disorders—experience unique challenges requiring an agile, comprehensive approach to support and care. The Air Force has 2,355 airmen with invisible wounds. Recognizing these challenges, the Invisible Wounds Initiative began in 2016 with a complete review and revision of medical care and support programs along with a long-term culture change on how we care for airmen with invisible wounds. Since then, we established a specific medical separation review to ensure individuals were diagnosed appropriately and received a thorough course of treatment before meeting a medical review board. We also developed a communication campaign to educate commanders and leaders at all levels on the challenges faced by airmen with invisible wounds with the intent to bring clarity, understanding and open doors for more members to seek help rather than hide mental health issues.

Personal Violence Prevention and Response

Interpersonal violence and suicide are detriments to our airmen, our culture, and our core values. These acts negatively impact victims, those who perpetrate, and their units. As a result, unit cohesion, mission effectiveness, and ultimately Air Force readiness are threatened. We are deeply committed to the prevention of interpersonal violence and suicide on all fronts from sexual assault, child maltreatment, domestic violence, to workplace violence. Should these events occur despite prevention efforts, we are committed to providing victims the care they need across a robust response system.

Effective prevention is necessary to accelerate readiness. Our prevention strategy involves leveraging cutting edge, evidence based innovations to deliver holistic prevention. We are in the final stages of validating a tool that will screen for individuals with a high propensity for unethical decision-making and risk of engaging in counterproductive behaviors and integrity violations inconsistent with the Air Force culture and core values.

At our accessions sources we are adapting the best available interventions from civilian settings to develop tailored and holistic prevention for entry-level airmen. At Basic Military Training, we are using mobile technology to provide prevention interventions matched to each trainee's unique risk profile. At the Air Force Academy, the Cadet Healthy Personal Skills program is showing tremendous promise in not only working to eradicate sexual assault but also fostering healthy personal and interpersonal skills to build resilience and exceptional leaders.

Across the Total Force, we are moving to the sustainability phase of our evidence-based bystander intervention approach. This integrated bystander approach combines sexual assault, dating and domestic violence, stalking, and suicide prevention, and reduces these forms of violence. Evaluation results indicate the approach is increasing hope, efficacy, and positive behavior changes. Final results from the 2017 DOD Annual Report on Sexual Assault will be released this summer; our early analysis shows promising indications of increases in sexual assault reporting. The complete analysis will be available late spring 2018.

We are also implementing Task Force True North, a comprehensive approach to increase help seeking behavior and decrease negative behavior outcomes. This approach embeds mental health providers within at-risk units. Bold initiatives are also underway to prevent suicide, sexual harassment and workplace harassment. These initiatives highlight scientific innovations in prevention, such as computer-based learning for suicide risk detection and intentional climate design to create environments in which workplace harassment is less likely to occur. Time-based prevention, an initiative designed to separate someone who is suicidal from the most lethal means to kill themselves, is also being developed to reduce suicide (i.e. free volunteer storage of personally owned firearms). Taken together, these innovations have the potential to result in substantial decreases in interpersonal violence and suicide.

We are committed to continuous improvement and critical evaluation of our systems. We will partner with external experts from academia, industry, other government agencies and non-profit organizations to improve our ability to support leaders in the field. We remain dedicated to implementing bold ideas that leverage technology and strategic communications to improve leaders' ability to support their airmen and families.

DEVELOPING EXCEPTIONAL LEADERS AND TALENT MANAGEMENT

The Air Force continues to improve its Force Development processes to ensure alignment with the 2018 National Defense Strategy. Through that lens, we have been working hand-in-hand with our joint partners on several leadership development programs.

The deliberate development of Air Force leaders includes education, training and experience. Our enterprise-level development programs focus on improving leadership, management, and warrior ethos. They are designed to produce airmen who possess the tactical expertise, operational competence, and strategic vision to lead and execute Air Force and Joint missions, now and in the future. The Air Force executes a senior leader development portfolio emphasizing the continued development of enterprise-level senior leaders (targeted for GS-15s, senior executives, chief master sergeants, colonels, and general officers). Senior leaders' development is managed by specific officer, enlisted, and civilian management teams and the development portfolio consists of approximately 35 tailored courses and development opportunities annually.

We are examining our professional military education to improve how we develop leaders capable of critical and strategic thought, clear communication, and adept in the art and science of warfighting. We will emphasize intellectual leadership and military professionalism, deepen our knowledge of history, embrace new technology and techniques to counter competitors.

We need airmen with the right operational and international skills who can work with partner nations to meet global threats and challenges. The National Defense Strategy highlights the importance of "strengthening allies and attracting new partners." Critical to meeting this line of effort is developing a workforce with the skills to build partnerships, strengthen capabilities and capacities as partner airmen. In tandem with Department of Defense efforts, we are assessing how we train and develop our airmen to meet the demands of the increasingly complex security cooperation environment. We are working cross-functionally to build a security cooperation workforce that is appropriately trained, certified, resourced, and managed to meet the dynamic, global challenges.

Performance Management

Today's threat environment requires agile, responsive military and civilian personnel management systems to ensure the Air Force continues to retain the highly skilled talent needed to defend the Nation. Cultivating workforce talent is a priority.

Enlisted

In our enlisted force, we are finishing a triennial review of our enlisted evaluation system since transitioning to the new system in 2015. The review centered around answering two strategic questions: 1) "How do we get the very best out of our airmen so they give their very best to accomplishing the mission?" and 2) "Are there any alternative performance management models that may be used other than forced distribution for promotion recommendations?" Initiatives include re-examining what is valued in documenting performance feedback, transforming the current evaluation form to more precisely document performance, developing an evaluation tool that encourages more candid performance feedback, and clarifying stratification rules to reinforce performance feedback. When completed, senior leaders can use the review's recommendations as a baseline to ensure our Enlisted Evaluation System is reinforcing the development and feedback for our enlisted force. It is also an example of the deliberate and continuous process we use to strengthen the capabilities, readiness, and professionalism of our vital enlisted force.

Officer

Within our officer corps, we are looking into what we can do to enhance the Air Force's ability to execute the right size and mix of capabilities required to meet and sustain emerging mission demands. Currently, we are exploring ways to transform officer performance management using the lessons learned from the transition to the enlisted evaluation system. In 2017, we began an initiative to look at officer performance management, which includes a deliberate review of our officer evaluation system and officer promotion processes. We have a dedicated team exploring various

officer evaluation and promotion considerations which include starting at the foundation with thoughtful work focused on what the Air Force values in its officer corps. Building on that sturdy foundation, we are reviewing a number of initiatives to ensure our officer corps is able to meet strategic challenges.

The Department is reviewing proposed statutory changes for the fiscal year 2019 National Defense Authorization Act to recruit, develop, promote and retain officers for today's operational requirements. Once we have completed our review and obtained approval of our proposed changes not just within the Department, but also by the Administration, we will share these proposals with you and provide you with more details.

Civilian

Our civilian workforce is essential to the Air Force's mission and joint warfighting readiness. Recruiting and hiring top civilian talent is critical to our success. Civilian airmen represent 25 percent of our Total Force. The vast majority of our civilian airmen, 94 percent, are at the tip of the spear in our depots and squadrons—not on headquarters staffs as many believe. The Air Force's strategy to improve its civilian hiring process has four lines of effort: (1) Information technology—increasing reliability and automation, (2) Authorities—utilizing current authorities and expanding them as able, (3) Process improvements and (4) Modest additional manpower.

In addition to these lines of effort, the Air Force recognizes the need for a more agile and flexible talent management system responsive to warfighter needs. Air Force civilian force management leaders, partnered with other key stakeholders, have begun developing a concept plan for a pilot civilian talent management system, modeled after a successful demonstration project already in place.

The Air Force has also made strides in civilian workforce recruiting, developing, and retaining talent by launching an accredited civilian associate degree in Leadership and Management Studies program, as well as implementing a Premier College Intern Program. The purpose of the associate degree program is to allow the 50 percent of Air Force civilians without a college degree to begin their educational journey. The degree enables personal and professional development, improves communication and critical thinking skills, and invests in building a cadre of future Air Force leaders. In fiscal year 2019, the Premier College Intern Program will enable the Air Force to recruit top talent directly from college campuses via a summer intern program using direct hiring authorities to streamline the process. The intent is to recruit college students who have completed their junior year by giving them summer internships followed by a guaranteed civilian intern developmental position immediately upon graduation. The premier internship program will provide the Air Force with a strategic approach to target specific fields of study, build a campus talent pipeline and introduce the Air Force as an employer of choice. Our target for fiscal year 2019 is 500—we currently have 415 acceptances. This approach ensures we will leverage the new congressional hiring authorities and stay competitive with private sector companies like IBM and Google who hire directly from college campuses.

HUMAN RESOURCE MANAGEMENT INFORMATION TECHNOLOGY REFORM

The Air Force is modernizing the information technology infrastructure across its human resources systems to provide exceptional service to Total Force airmen and their families. In a digitally connected world, our airmen deserve the best Human Resource Systems available today. To improve these systems, our efforts are focused on providing all airmen a modern cloud-based, mobile-enabled, self-service oriented digital experience. The way forward requires analyzing the Human Resource Management Information Technology portfolio which includes 115 talent management information technology platforms and 400+ applications, to identify business redundancies and opportunities for consolidation. At the foundation of this effort is our transition to cloud services which will enhance Privacy Information security. As we modernize our Information Technology platforms, we will increase our ability to make data-driven decisions.

MyVector

MyVector, is a web-based Total Force development platform and is an example of how we are evolving our human resources information technology capabilities to enhance support to airmen in an efficient, agile, and cost effective manner. It underpins the force development for all airmen and allows them to be actively involved in their own career development process. Presently, more than 176,000 Total Force airmen, military and civilians, (15,000 more than last year) are registered on MyVector and more than 17,000 airmen have matched mentoring connections. We are currently posturing the platform to accomplish Officer Developmental Education

Boards, enlisted deliberate development, and foreign language proficiency tracking capabilities.

Air Force Integrated Personnel and Pay System

Another example of modernizing our Information Technology platform is the Air Force Integrated Personnel and Pay System (AFIPPS). This program will enhance our already fully operational personnel system for all three components, Active, Reserve and Guard, by integrating payroll. Our strategy has greatly reduced the life cycle cost estimate of the program from \$1.8 billion to \$0.7 billion. It has also dramatically reduced risk by using our existing Oracle Electronic Business Suite platform, established system infrastructure and trained workforce. Contract award will occur early this spring and once completed in January 2021, the Air Force will have a fully integrated personnel and pay system that will meet all Federal audit compliances and resolve existing pay issues airmen experience today.

CONCLUSION

We must ensure our airmen have the resources, training and tools to compete, deter, and win in an ever increasingly complex security environment. Resilient and ready airmen, both military and civilian, are the foundation of the Air Force's readiness and lethality. Your Air Force will remain "Always There" providing global vigilance, reach and power to protect and defend our Nation. We are committed to prioritizing and resourcing what is most important and look forward to partnering with Congress in our endeavors to protect and defend our Nation. I thank you for your continuing support of your Air Force.

Senator TILLIS. Thank you.
Admiral Burke.

**STATEMENT OF VICE ADMIRAL ROBERT P. BURKE, USN,
DEPUTY CHIEF OF NAVAL OPERATIONS, N-1**

Admiral BURKE. Chairman Tillis, Ranking Member Gillibrand, and distinguished Members of the Subcommittee, thank you for the opportunity to represent the men and women of the United States Navy. The stalwart support for them and their families continues to have a profound impact on the health of our force today.

Global demands on the Navy continue to grow. We must continue to recruit, develop, and retain the highly skilled workforce needed to meet the growing demands of our naval forces.

Our force structure is expected to grow as we build the navy the Nation needs, which will require increasing end strength. As we grow, our need for highly talented people increases. At the same time, propensity to serve is declining, and each of the services, as well as the civilian sector, are vying for the same limited talent pool. We are clearly in a war for talent.

Current forecasts, based on leading economic indicators, suggest difficult times ahead. Labor market factors may pull sailors with critical skills into the growing civilian job market. We took note of these indicators and initiated preemptive action to retain these sailors using all available policy levers to posture us to meet this anticipated growth. Despite this, we just made our fiscal year 2017 end-strength targets. This year's trajectory is good, but we will require steady and reliable funding, going forward, to stay on track. The new 2-year budget is great news for us and is an excellent step in that direction, and we are very appreciative of your work on that.

While recruiters experienced challenges last year, the increased fiscal year 2018 recruiting mission will be even more difficult, as certain fields are in short supply. Our projected growth profile requires a balanced approach of accessions increases as well as reten-

tion improvement. While aggregate retention remains high, the new fields, special warfare, advanced electronics, aviation, and cyber demand close attention. Targeted bonuses continue to be the most cost-effective monetary tool in addressing retention challenges. But, we're aggressively applying a combination of monetary and nonmonetary incentives, with good effect.

Toward that end, we continue to implement and expand our Sailor 2025 Program, a dynamic set of over 45 initiatives that work to provide today's sailors and their families the choices, flexibility, and transparency they expect and deserve. Combined with our manpower, personnel, training, and education enterprise transformation efforts, we will provide these programs to our sailors with a renewed focus on customer service through streamlined, efficient businesses processes and systems. We will also better meet the needs of our fleet commanders through agility, responsiveness, and use of predictive analytics to be the pillar of stability in an uncertain world.

We're moving out now with purpose and a committed sense of urgency on these initiatives. We also remain actively engaged in your Department's review of officer management policies. We are very grateful for the Subcommittee's interest in a committed partnership in modernizing DOPMA to meet the future needs of each of the services.

I look forward to your questions, and thank you.

[The prepared statement of Vice Admiral Burke follows:]

PREPARED STATEMENT BY VICE ADMIRAL ROBERT P. BURKE

INTRODUCTION

Chairman Tillis, Ranking Member Gillibrand, and distinguished Members of this Subcommittee, thank you for the opportunity to appear before you today to discuss the personnel posture of the United States Navy and our manpower, personnel, training, education (MPT&E), and family support programs.

READY AND CAPABLE GLOBAL NAVY

For over 240 years, the U.S. Navy has been a cornerstone of American security and prosperity. In an increasingly globalized world, America's success is ever more dependent on the U.S. Navy. As Chief of Naval Personnel, I am responsible for manning our ships, squadrons, submarines, and stations with sailors ready to undertake the challenging jobs and tasks demanded of them. This entails recruiting talented individuals and providing efficient and effective training pipelines that transform sailors into highly-skilled maritime warriors—the best in the world! My team manages the single resource that cuts across every warfare specialty, platform and organization in the Navy—our most prized treasure—our sailors. As we stand on the horizon of a new fleet with new operating concepts, we must also seek out people with diverse backgrounds, experiences, critical thinking skills and the mental agility to operate across the spectrum of change that lies ahead. This requires a personnel system that is equally agile and flexible, ready to meet the challenges and uncertainty of a great power era.

COMPETING FOR TALENT

While recruiting and retention are generally healthy, it is clear that competition for talent is steadily increasing. Propensity to serve has declined among young people possessing the requisite academic and physical aptitude necessary for service. The improving economy is beginning to impact recruiting and retention. We are in strong competition with the civilian sector and the other Military Services for the same talent pool. As our Navy grows in the years ahead, our need for additional highly talented people will increase, even as we enhance our ability to retain our current talent base and reestablish required fleet wholeness.

It has been more than a decade since we experienced widespread challenges in the recruiting and retention markets. In the period since, the civilian unemployment rate has become a less accurate predictor of retention and recruiting behavior. The Center for Naval Analyses (CNA) recently concluded a study on the impact of various economic metrics on retention, and created a useful economic index, which is more indicative of overall economic health, relying more heavily on factors beyond unemployment, and more closely matching historical retention and recruiting behavior. Comprised of different economic variables and monthly economic forecasts, we consider it a reliable leading indicator.

Current forecasts suggest difficult times ahead. Several MPT&E metrics, which normally serve as the bellwether for change in Navy workforce behavior, are consistent with an improving economy, and demonstrate that the competition has indeed begun. Forecasts predict regional labor shortages in working age population in some states and skill-sets, e.g., computers, mathematics, and healthcare. Technically-skilled labor is at high risk for both shortages and accelerated wage growth, based on a large number of anticipated retirements and few new workforce entrants. These labor market factors may pull sailors in certain critical skill-sets away from the Navy and into the civilian job market. We must heed these market indicators and take preemptive action to retain key labor skills as challenges increase in the coming years. We are using these predictive analytics to apply modest increases in enlistment and retention bonuses ahead of need, rather than wait for the large reactionary swings of the past.

End Strength

Navy end strength and budget growth, in fiscal year 2018 and fiscal year 2019, will further efforts begun in fiscal year 2017 to restore fleet wholeness, while beginning force growth. Following three consecutive years of declining end strength, we will achieve growth through a balanced approach of maximizing retention, increasing accessions, and ensuring the right sailor, with the right skills and experience, is in the right place to meet mission requirements (a metric we call “fit”). To position us for success in implementing anticipated force structure growth, we recently initiated a number of important policy changes. We have effectively eliminated voluntary Enlisted Early Transition Program (“early-outs”) and incentivized early return to sea duty for career sailors, to narrow gaps at sea and retain sailors through completion of their service commitments. Despite aggressive use of all policy levers throughout fiscal year 2017, we only just met our end strength requirement, a challenge caused largely by a cut in accessions we had to take in fiscal year 2016 due to Military Personnel, Navy (MPN) funding limitations associated with Budget Control Act top line requirements. While overall strength is near programmed levels, the funded levels at the end of fiscal year 2017 left over 7,500 gapped sea duty billets because new accessions primarily fill sea duty billets. We also face significant challenges in meeting the demand for specific technical skills in our nuclear, cyber, and special operations programs, certain type/model/series aviation platforms, and in the healthcare professions.

The President’s Budget for fiscal year 2019 supports growth in accounts for fleet manpower, student and training, special and incentive pays, and transients, patients, prisoners, and holdees (TPPH), furthering Navy’s commitment to fully fund total ownership costs for people. Funding total ownership costs ensures adequate lead-time for Permanent Change of Station (PCS) moves, student training and special and incentive pays. This is critical to maintain good faith with our sailors to increase retention and better position us to properly man the growing future fleet.

Recruiting

Recruiting risk was moderate in fiscal year 2017, although recruiters were already experiencing challenges in meeting mission goals in an improving labor market, with decreasing propensity of qualified youth to serve in the military, constrained marketing and advertising budgets, and security clearance delays. We continue to closely monitor the labor market and other leading indicators, appropriately adjusting risk mitigation strategies to accomplish the mission.

Meeting an increased fiscal year 2018 recruiting mission will be even more challenging as market conditions continue to improve. We have begun to position ourselves to address these challenges by restoring 226 fleet recruiters and career recruiting force billets across the Future Years Defense Program (FYDP), and re-phasing the end strength growth-profile to reduce risk and stress on the supply chain.

Since 2015, overall recruit quality has declined slightly, as indicated by a decrease in the number of new-contract applicants scoring above 50 percent on the Armed Forces Qualification Test (AFQT). The number scoring at least 65 percent, necessary to fill special programs such as Naval Special Warfare/Operations (NSW/NSO), is

also in decline. During 2017, we missed new contract goal for NSW/NSO for the month of September, and for the year. Nuclear field shipping-goal also presents unique challenges to the recruiting force. The requirement and necessity for a fully-adjudicated security clearance imposes delays in shipping future sailors from the Delayed Entry Program (DEP) to Recruit Training Command (RTC).

We continue to see strong interest in commissioning opportunities through both the U.S. Naval Academy (USNA) and Naval Reserve Officer Training Corps (NROTC) program, as the number of highly qualified applicants vastly exceeds the number of available appointments. Officer accession sources continue to attract the finest applicants and graduate well-rounded, technically competent leaders for commissioned naval service.

Enlisted Retention

For fiscal year 2018 and fiscal year 2019, production of new sailors will be largely limited by first term sailor training capacity, making retention of every capable sailor critical to operational readiness as the Navy grows. We continue to maximize retention behavior by focusing on retaining proven performers in the right mix of ratings and pay grades through targeted use of enlisted retention incentives to position us to meet current and future mission requirements. In light of growth anticipated in the coming years, we expect most ratings will find it difficult to continue achieving required retention. While aggregate enlisted retention remains high, nuclear field, special warfare, advanced electronics, aviation maintenance and information technologies retention require focused efforts.

Previously-mentioned changes in force management policies to retain sailors through completion of their current obligations include adjusting High Year Tenure (HYT) gates for sailors in pay grades E3–E6, discontinuing the Enlisted Early Transition Program, revising our Physical Fitness Assessment separation policy, and reducing Recruit Training Command attrition. We also expanded reenlistment and rating conversion opportunities. Special and incentive pays continue to play a vital role in retaining sailors in high-demand and/or high-investment skills under the greatest stress. Monetary incentives will continue to be an integral part of our retention strategy as we proactively address force structure challenges to meet operational requirements. As part of sailor 2025, we will also pilot use of a merit component to enlisted retention bonuses.

Officer Retention

Competition is increasing to recruit America's top talent into our officer corps, train them with cutting-edge technology and techniques, and retain their expertise to preserve our competitive advantage in the maritime security environment. Generally, officer retention is sufficient to meet most community-milestone requirements. However, we continue to face challenges within some historically retention-challenged communities, particularly among aviators in specific model/type/series platforms, nuclear-trained surface warfare officers, submarine officers, and within naval special warfare, specifically among Navy SEALs.

Active component aviation concerns are primarily among the Strike Fighter (VFA), Electronic Attack (VAQ), and Helicopter Mine Countermeasure (HM) communities—each did not retain sufficient numbers of O–4 pilots to meet all operational department head requirements in our aviation squadrons. Similarly, the Reserve component is struggling to retain aviators in these same communities, as well as among Maritime Patrol (VP) and Fleet Logistics (VR) squadrons.

While Aviation Incentive Pay (AvIP) and Aviation Bonus (AvB) are the primary, and most-effective, monetary incentives for addressing aviator retention shortfalls, as with other communities, Navy is applying a combination of monetary and non-monetary incentives focused on meeting aviator career expectations and quality of life/service. Increases in statutory caps for both pays, enacted in the fiscal year 2017 National Defense Authorization Act, were well received and appreciated by naval aviators. The Aviation Department Head Retention Bonus (ADHRB) offered to aviators in pay grades O–3 and O–4 targets communities with the greatest retention challenges, including VFA, VAQ and HM. Aviation Command Retention Bonus (ACRB) incentivizes officers in pay grade O–5, particularly those needed to fill post-command commander assignments.

Submarine and surface warfare (nuclear) communities are working to retain their best talent by combining monetary and non-monetary incentives. Monetary incentives include retention bonuses for officers willing to commit early to future service, and special duty pays for challenging nuclear billets.

We restructured naval special warfare officer bonus programs to increase bonus take rates. We now offer two SEAL officer retention bonuses at critical career decision points: Naval Special Warfare Officer Continuation Pay (NSWOCP) to

paygrades O-3 and O-4, and Naval Special Warfare Officer Retention Bonus (NSWRB) to pay grades O-4 and O-5.

Historically, targeted bonuses have proven most effective and cost-efficient in addressing retention problems in specific communities, jobs, and experience levels to retain high-quality personnel to meet operational requirements. Additionally, recently-implemented adjustments to add performance components to surface warfare officer bonuses were very effective—we are moving to make similar adjustments to aviation officer bonus programs. We are complimenting monetary incentives with non-monetary initiatives, to include open communication and transparency in officer detailing, mentorship, and fleet feedback mechanisms to optimize retention policy changes.

SAILOR 2025

To attract and retain the very best sailors in an increasingly competitive talent market will require continued flexibility and transparency in our policies and practices. Sailor 2025 is a dynamic set of over 45 initiatives designed to help us do just that. It is a roadmap designed to improve personnel programs by providing sailors with choice and flexibility.

Sailor 2025 is modernizing personnel management and training policies and systems to identify, recruit, and train, talented people more effectively, and manage the force of tomorrow while improving warfighting readiness. The modern, innovative, information technology (IT) infrastructure we are building will help improve the way we recruit, train and retain talent, more accurately and efficiently assign talent across the force, better design and account for compensation packages, and generate a system that affords greater flexibility and permeability. Sailor 2025 is built on a framework of three pillars:

- A modern personnel system,
- A career learning continuum with modernized delivery methods, called Ready, Relevant Learning (RRL), and
- Shaping resilient, tough, sailors bolstered by a family support network that fosters a career of service.

Personnel System Modernization

The first pillar is a wholesale modernization of our entire personnel system. We are creating flexible policies and additional career choices, and empowering commanding officers with tools to retain the best and brightest sailors. We have already implemented programs, including the meritorious advancement program, increased credentialing and graduate education opportunities, and tours with industry. We are also working to expand “Marketplace Detailing” pilot initiatives, overhaul the performance evaluation system, modernize delivery and tailoring of advancement examinations coincident with a rating modernization effort, and achieve greater permeability between the Active and Reserve components.

Ready Relevant Learning

The second pillar “Ready, Relevant Learning”, is a holistic approach to training our career enlisted force, which will accelerate the learning of every sailor for faster response to rapidly changing warfighting requirements in increasingly dynamic operational environments. Today’s legacy training does not take full advantage of existing and emerging technology for knowledge-transfer. Oftentimes, the skills acquired during accession pipeline training atrophy due to delays between receipt of training and on-the-job performance, increasing the burden on the fleet and potentially compromising operational readiness. We are using the science-of-learning to transform the current training model to identify modern training solutions delivered at the point of need, better preparing sailors to operate and maintain equipment at its technological limits, and meet rapidly evolving warfighting requirements. It will require sustained focus across three lines of effort: (1) career-long learning continuum, (2) modern delivery at the point of need, and (3) integrated content development.

We are currently in the first stage of this career-long learning continuum line of effort, known as block learning, which divides existing accession level training content into smaller blocks, which are moved to real-world points of need in the sailor’s career, shortening initial accession training time and making sailors available to the fleet sooner. block learning uses existing training content while we reengineer the training to meet objectives of the future RRL training continuum. To date, we have completed block learning analysis for 54 rating paths, approved changes for 25 ratings, with 9 now delivering training in this new continuum.

The second line of effort of RRL will provide modern delivery of training by taking advantage of emerging learning technologies to allow sailors to more efficiently receive training at the point of need—at the waterfront, or aboard the operational unit. These training solutions will apply science-of-learning principles to make training more effective, efficient and available by leveraging technology, thereby, minimizing the necessity of repeatedly returning to a brick-and-mortar schoolhouse. Over the last year, we initiated requirements-development for modernization of 29 ratings, and began identifying and aligning IT capabilities to support delivery of modernized content, ashore and afloat. Requirements-development is critical to the third line of effort of RRL, integrated content development. Here, fleet leadership defines training requirements and aligns training content and delivery methods with fleet needs.

Career Readiness

The third pillar, career readiness, seeks to remove barriers to continued service and improve sailors' work-life balance, health, and wellness. Our goal is to enhance sailors' career readiness by better developing leaders, and removing obstacles that negatively influence a sailor's decision to stay Navy. The Navy is more powerful and lethal when we leverage and capitalize on the talents and strengths of the entire military and civilian workforce, and instilling an environment in which everyone feels valued and respected, which is a force multiplier. Toward that end, we have incorporated the One Navy Team concept into leader development efforts to make our force stronger, more resilient, and more competitive with the best public and private sector employers, equipped and ready to deter war and protect the security of our Nation.

MANPOWER PERSONNEL TRAINING & EDUCATION TRANSFORMATION

Recruiting, training, and managing sailors in today's demanding operational environment using historical, industrial age, assembly line techniques of the past, is costly and unsustainable. To effectively combat current and emerging threats, maintain maritime superiority, and continue competitively recruiting and retaining America's top talent, we must move-out now with purpose and a committed sense of urgency to transform and modernize the MPT&E Enterprise.

Our efforts will greatly improve fleet readiness, integrate pay and personnel systems, fix auditability issues, and improve service delivery through a holistic, end-to-end, transformation that will directly, positively, affect the entire Navy "Hire-to-Retire" lifecycle. Following industry best practices, we implemented a new operating model, restructuring the enterprise around three fundamental lines of business:

- Force Development—the recruiting, on-boarding, and training of new sailors,
- Force Management—the management of our force from first command to retirement or separation, and
- Enterprise Services—ensuring that Force Development and Force Management have the tools and resources to meet mission objectives efficiently and effectively.

We are establishing the MyNavy Career Center, a multi-channel centralized customer service solution that will enable sailor self-service, streamline human resource operations, and provide 24/7 call center support. Three *MyNavy* Career Centers will consolidate the workload of over 60 geographically dispersed personnel support detachments with better standardization, improved auditability, and significantly improved customer service. In early 2017, we fielded the first incremental release of *MyNavy Portal*, which continues to evolve rapidly with each new planned release, bringing additional functionality and integration to the system. Development of the integrated Navy Pay and Personnel (NP2) system is underway, with an early prototyping field test at Naval Station, Great Lakes, in progress since late 2017. In 2018, we will begin early testing of *MyNavy* Career Center functionality, and commencing a second, larger scale, test of NP2, which will build-out and test Commercial off the Shelf (COTS) initial operating capability (IOC) elements.

Combined with Sailor 2025 and Ready, Relevant Learning, MPT&E Transformation will open the door to new ways of managing the force, with improved transparency, connectivity, and customer service. Fleet leaders will see faster action, and more-accurate data on personnel and training needs. Ultimately, Navy will benefit from a more agile, adaptive, and better trained force, ready to meet an increasingly complex mission.

OFFICER PERSONNEL MANAGEMENT REFORM

In conjunction with our Sailor 2025 effort to modernize personnel management programs and training systems, we are reviewing officer management statutes and policy to provide our officers with similar tools and flexibility to those we have already provided to enlisted sailors. We have achieved a solid start within existing authorities. However, achieving the point-of-service support expected by our officers, and the standard of agility and responsiveness needed by fleet commanders, requires a more flexible set of officer management tools. We can accomplish this through relatively modest adjustments to the current officer personnel management framework, while maintaining core Defense Officer Personnel Management Act attributes. We are grateful for the Senate Armed Services Personnel Subcommittee's interest in this area, and your partnership, as we work to modernize DOPMA to meet the future needs of all of the services.

TAKING CARE OF SAILORS AND NAVY FAMILIES

Family Framework/Support Programs

In October 2017, the Chief of Naval Operations published the Navy Family Framework to reinforce the importance of the role families play in mission success and to outline five organizational goals for enhancing mutual support between the Navy and our families:

- Improve Navy family support programs,
- Better connect with, and inform, Navy families,
- Improve spouse training and expand our education network,
- Increase meaningful command leader engagement with Navy spouses and families, and
- Reinforce Navy families' connection to the Navy and its core values of honor, courage and commitment.

Family Support programs are critical to enhancing mission readiness and assisting commanding officers, sailors and their families in managing the unique demands of the military lifestyle, balancing military commitment with family life.

Navy Fleet and Family Support Centers ensure military families are informed, healthy, and resilient through robust programs to include, relocation assistance, non-medical and family counseling, personal and family life education, personal financial management services, information and referral services, deployment assistance, domestic violence prevention and response services, exceptional family member liaison, emergency family assistance and transition assistance.

Navy child and youth programs provide quality childcare. Navy morale, welfare, and recreation programs provide core fitness and recreation for sailors and families to enhance quality of life and encourage life-long positive and healthy leisure pursuits. As part of Sailor 2025, we extended hours of operation at fitness centers and child development centers in response to the demand signal from sailors and their families, which positively influences decisions to remain in the Navy and improves our ability to meet fleet readiness requirements.

Suicide Prevention

Suicide remains the second leading cause of death in the Navy and prevention remains among our highest priorities. We experienced a 27 percent increase in deaths due to suicide last year, a rate of 20.2 deaths per 100,000, greatly exceeding the 2016 rate of 15.9, as well as the previous high rate of 18.1, in 2012.

There is no single cause, and no single solution, to this complex problem. We are tackling each major contributing factor at both the individual and community level, studying each death in detail. Individual factors continue to be relationship problems, legal problems, career and academic setbacks, and mental health problems. Sailors who have died by suicide felt a loss of belonging and connectedness; felt ostracized and alone; and lacked adequate coping and problem solving skills, and emotional regulation. Fleet training efforts have revealed that increasingly sailors are responding appropriately when shipmates require help. We continue to focus on initiatives to enhance our ability to reduce suicide within our ranks:

- Our six Operational Stress Control Mobile Training Teams provide resilience and toughness skills for sailors and their families, and tools to remain psychologically healthy.
- Embedded mental health providers within units, including all large deck ships and expeditionary units, improve access to care, remove barriers to seeking care, and embody a culture of help-seeking behavior.

- Waterfront clinics are under development in fleet concentration areas and civilian resiliency counselors are deployed to assist in managing non-medical problems that affect sailors.
- Reserve Psychological Health Outreach Program ensures that Reserve component sailors have full access to appropriate psychological health care services.
- The Sailor Assistance and Intercept for Life (SAIL) Program, implemented last year, provides rapid assistance and ongoing risk assessment and support for sailors in the 90-day period following a suicide-related behavior. SAIL supplements medical care with non-clinical resources that address other life problems confronting the sailor.
- Defense Suicide Prevention Office collaboration to implement skills training at accession points and throughout sailors' careers and provide a strong foundation for follow-on training.

Suicide prevention coordinators partner with command leaders to enhance the sense of community and ensure everyone feels valued and a part of the mission. The most recent version of the command climate survey assesses the extent to which sailors feel they belong, and gives leaders more insight into problem areas within the command. Our 21st Century Sailor Office reaches out to the commanding officer of each command that experiences a suicide-related behavior or death by suicide, to guide them to available resources and reassure them of our availability, support, and empathetic ear.

Sexual Assault Prevention and Response (SAPR)

We are reviewing and evaluating the Navy SAPR prevention strategy, and training content, to ensure we are achieving the desired impact, e.g., knowledge transfer, issue awareness, and intervention skills. We continue to collaborate with academia, and other Federal and non-federal organizations, in investigating research-informed and evidence-based prevention strategies aimed at reducing, and ultimately eliminating, destructive behaviors.

We continue to refine our response capability with investigations into suspected misconduct, and both criminal and administrative accountability for individuals who violate the standards. We treat victims with compassion, and remain committed to providing quality care, conducting thorough investigations in a timely manner, and providing a fair and equitable system of accountability to ensure justice and maintenance of good order and discipline. Through partnerships across the Department of Defense, we continue to execute a strategy to prevent and respond to retaliation by better understanding the prevalence of retaliatory behavior, including reprisal, ostracism, and maltreatment.

Eliminating Destructive Behavior

We are eliminating destructive behavior by determining the most effective approach for prevention and education to reduce adverse social and health-related outcomes. We have engaged a highly qualified expert in the field of behavioral science, to better address complex societal issues that affect sailors and readiness. We have also applied a metrics-based, data science approach, to provide clearer insight into the nature of incidents resulting from destructive decisions, and to better identify leading indicators, target prevention efforts, and accurately focus action. For example:

- We have initiated primary prevention strategies that focus on a continuum of excellence, facilitating productive behaviors that support a more effective warrior ethos.
- We will evaluate tools for assessing recruits to better understand their needs and how to address them effectively. Leadership is the key to carrying out the national security mission while creating a positive environment for our people.
- We have engaged leaders to evaluate tools and policies that build trust, unit cohesion, and a positive command climate, while developing the most lethal naval force.

This year, we launched *Full Speed Ahead 2.0*, continuing our efforts to prevent and combat destructive behaviors and promote positive signature behaviors by emphasizing dedication to personal betterment, development of team dynamics grounded in trust and respect, and reinforcement of sailors' commitment to Navy values to uphold a culture inclusive and empowering for all.

Navy Alcohol and Drug Abuse Prevention programs support enhanced fleet, family, and personal readiness through aggressive prevention of alcohol and drug abuse. Substance abuse places lives and missions at risk, undercuts unit readiness and morale, is often involved in other destructive behaviors, and is inconsistent with Navy's

ethos and core values of honor, courage and commitment. The *Keep What You've Earned* campaign fosters improved decision making for sailors to protect their career investment by creating an environment that encourages and teaches methods on responsible consumption of alcohol, offers alternatives, and educates about the consequences of poor decision making. Detection, deterrence, and prevention are key elements in combating drug abuse. Our *Prescription for Discharge* campaign educates sailors on the proper use of prescription drugs. Expanded urinalysis screening has increased detection of wrongful prescription drug use and yielded a decline in positive synthetic drug results. We are committed to providing sailors with the support network, health care, and skills, needed to overcome adversity and make responsible decisions.

OUR WAY AHEAD

The three Future Fleet Architecture studies required by the Fiscal Year 2016 NDAA provided a range of insights and perspectives that validated and informed Navy leadership's thinking on fleet architecture and design. These studies will play a foundational role in the process of designing a future fleet, and support CNO strategic priorities as articulated in the Design for Maintaining Maritime Superiority, which calls for exploration of alternative fleet designs.

We are at a point of strategic inflection. The maritime environment is becoming more stressed, contested and congested, and the pace of change is accelerating in almost every area. We must continue to outpace our peer competitors and future threats by ensuring that future fleet development is thoughtful, informed, agile and focused. These studies will help the Navy determine optimum fleet size and mix, over time.

We are preparing to grow the Navy in an environment in which competition for talent will be increasingly sharp. Growing to a 355-ship Navy would require increases in the MPN and Operations and Maintenance, Navy accounts, to support and sustain a larger fleet. Manning the fleet may require an end strength increase approaching 35,000, fully dependent on the required supporting units and squadrons, and training pipeline growth. Our end strength profile is largely determined by the composition and manpower needs of the fleet and the timing of delivery of those platforms. Growth in the number of ships will drive end strength increases and growth in other warfighting areas, (e.g., aviation and cyber), and warfighting support domains (training, maintenance, communications, logistics, and facilities). Additional resources would be required for accession supply-chain manning, including recruiters, recruit division commanders and instructors.

Navy is developing specific accession and workforce management plans to support anticipated force structure scenarios, within established fiscal and infrastructure constraints. These plans rely on the demand signal of the anticipated force structure. Furthermore, any request for additional fleet manning will depend on the rate at which new platforms are procured and constructed, the manning-needs of specific platforms as they come online, required skill-sets of sailors assigned to those platforms, and the seniority/experience mix needed to operate at peak readiness, efficiency and capability.

Finally, Navy continues to aggressively work through the combined recommendations of both the comprehensive review and the Secretary of the Navy's Strategic Readiness Review, under a consolidated Readiness Reform Oversight Council, for improvements on crew manning, individual training, and career progression, among other things. These lessons are being applied, not only to the surface warfare community, but across the Navy.

CONCLUSION

Navy must continue to attract, recruit, develop, assign, and retain a highly skilled workforce. As we continue to battle in this competition for talent, Navy is well positioned to support sailors and their families, and increase their resilience. I look forward to working with you as we continue to shape the Navy to meet current and emerging requirements.

Senator TILLIS. Thank you.
General Seamands.

STATEMENT OF LIEUTENANT GENERAL THOMAS C. SEAMANDS, USA, DEPUTY CHIEF OF STAFF, G-1

General SEAMANDS. Chairman Tillis, Ranking Member Gillibrand, distinguished Members of the Committee, thanks for the op-

portunity to appear before you on behalf of the men and women in the United States Army.

I've submitted a statement for the record, and would like to highlight a few of the points now.

Manning our Army is one of the key components of readiness and is vital to our Army's ability to win—fight and win our Nation's wars. Thank you for the Fiscal Year 2018 National Defense Authorization Act, which authorized the total Army end strength to increase by 8,500. We also appreciate the 2 year budget agreement. These will help us improve readiness and ensure your Army is fully manned in its formations in the coming years.

To build a future Army, we must recruit diverse men and women from high—of high quality and high character in a competitive market, where only one in seven—one in four of the 17 to 24 year olds in the Army—or in the Nation is eligible to join the Army, and only one in eight has a propensity to enlist in the military. Our recruiters across the Nation are doing a great job and working hard to achieve the mission.

The Army must also continue to retain the most talent soldiers and noncommissioned officers with the experience and skills necessary to meet our future needs. We project historic retention rates again this year for our NCOs.

The Army leadership has embraced talent management as a cornerstone of how we retain our best NCOs and best officers. The Integrated Pay and Personnel System Army, or IPPS-A, will be the keystone in the archway of talent management. IPPS-A will bring a responsive system that connects all three components and builds a marketplace for talent. We are a standards-based team in the Army, and the Army remains committed to giving all soldiers who can meet the standards of a military occupational specialty the opportunity to serve in that speciality.

Last year, the Army integrated the gender-neutral physical standards for initial-entry training and job-specific training, and the initial results are very positive. We have successfully assessed and transferred more than 600 women into the previously closed occupations of infantry, armor, and field artillery. The opportunities are so popular, we're expanding the programs next year.

As part of the Total Force, the civilians are vital to and comprise about 22 percent of the total personnel. We need a civilian workforce that has critical and unique skills to support the soldiers and families. As we build our force, we focus on areas that provide the foundation for our future. We remain focused on personal resiliency and suicide prevention with world-class programs for our soldiers, civilians, and family members. Sexual harassment and sexual assault retaliation are not compatible with Army values, and they diminish our readiness. Therefore, combating all forms of sexual misconduct remain a top priority in the Army. Although optimistic about the progress we've made in reducing sexual violence in the ranks, we understand there's much more work to be done as we drive toward zero.

You've authorized us to grow, and we thank you for that. We must be—ensure that the force is ready. The Army has improved personal readiness by increasing the number of deployable soldiers. We also have an ongoing review to see how we can increase the

number of deployable soldiers even more in order to enhance readiness.

Because we care for soldiers as they prepare for life after the service, the Army Soldier For Life Program, with support from commanders and command sergeant majors, has resulted in increased educational employment opportunities for Army veterans and family members, and a significant reduction in unemployment cost.

Additionally, I appreciate that—you beginning the discussion on a review of DOPMA to determine what's essential and should be retained and what needs to be updated. Our Army is strong because of the courage and commitment of our soldiers, civilians, veterans, and family members who serve our Nation. I thank you for your continued support of the All-Volunteer Army.

[The prepared statement of Lieutenant General Seamands follows:]

PREPARED STATEMENT BY LIEUTENANT GENERAL THOMAS C. SEAMANDS

Chairman Tillis, Ranking Member Gillibrand, distinguished Members of this Committee, I thank you for the opportunity to appear before you on behalf of the men and women of the United States Army.

Our Army is the most formidable ground combat force on earth because of the courage and commitment of the soldiers, civilians, veterans, and family members who serve our Nation. Our people are our greatest asset as we position the Total Army Force to meet security demands around the globe. It is imperative that we remain focused on responsible growth of the Army and world-class programs that provide continued care and resources for soldiers and their families.

The Army is globally engaged, supporting combatant command missions with approximately 186,000 soldiers committed in 140 countries. The Army's forward presence and stationing builds partner capacity, assures our allies, and deters aggressors. The continued need for a ready force—fully manned, trained, and equipped is evidenced daily by international events. Consistent, strategy-based funding is critical to the Army accomplishing its missions.

Manning the Army is one of the key components of readiness and is vital to the Army's ability to fight and win our Nation's wars. Our Total Army is comprised of the Active component (AC), the Army Reserve (USAR) and the Army National Guard (ARNG). The Fiscal Year 2018 National Defense Authorization Act (NDAA) authorized a Total Army end strength increase of 8,500 to 1,026,500 soldiers (483,500 AC; 199,500 USAR; 343,500 ARNG). This increase will help us improve readiness and ensure the Army has fully manned formations in the coming years.

Today only one in four 17 to 24 year-olds in the U.S. is eligible to serve in the Army, and only one in eight has a propensity to enlist in the military, making Army accessions a challenging and resource-intensive activity. The Army achieved its fiscal year 2017 recruiting mission of 68,500 Active component recruits with more than 96 percent of them holding high school diplomas. The ARNG fell short of their mission of 40,000 (85.8 percent) and the USAR fell short of their mission of 14,400 (92.2 percent). For fiscal year 2018, the recruiting missions are 80,000 for the Active component, 44,300 for the ARNG, and 15,600 for the USAR. We are aggressively working both accession and retention missions needed to achieve the 8,500 soldier growth in end strength for the Total Army provided for in the Fiscal Year 2018 NDAA. We are committed to holding quality high by using enlistment bonus incentives and expanding prior service enlistments to help reach our goal. We are also pursuing efforts to positively leverage our soldier for Life population to assist in achieving our accessions mission and continue to maintain an All-Volunteer Force.

The Army must continue to retain the most talented soldiers and non-commissioned officers with the experience and skills necessary to meet our future needs. The AC, USAR and ARNG each achieved their fiscal year 2017 retention missions. The increase in end strength for fiscal year 2018 has also led us to an increase in the Army's retention mission, and we have expanded retention incentives accordingly. Each component is diligently working to accomplish their respective retention missions while maintaining standards.

Our officer corps is strong and committed to the mission, and we continue to make improvements in the diversity of our officer corps. The United States Military Acad-

emy (USMA) increased the number of female cadets from 16 percent in the class of 2017 to 22 percent in the class of 2020. The Reserve Officer Training Corps (ROTC) had similar growth in female admissions from 22 percent in the Class of 2017 to a projected 28 percent women in the Class of 2020. Additionally, the officer corps has had an increase in African American accessions—14 percent in USMA class of 2020 are African American versus 10 percent of the class of 2017, and projected 14 percent of ROTC commissions in 2020 will be African American versus an average of 11 percent from 2012 to 2017. The Army will maintain our emphasis on sustaining a high-quality All-Volunteer Force that reflects the diversity of America.

The Army strives to continuously improve efforts to assess and train the right soldier for the right job. The U.S. Army Training and Doctrine Command completed a physical demands study of Army specialties in 2016 and used it to develop an Occupational Physical Assessment Test (OPAT). Since January 2017, the OPAT has been used as a physical assessment screening tool for Officer and Enlisted Accessions. Passing the OPAT ensures new soldiers, regardless of gender, can succeed in an assigned specialty and verifies their readiness for training and to prevent or minimize injuries. Longitudinal studies on OPAT are being conducted by the Army Research Institute to measure OPAT's effect on morale, cohesion, and readiness.

The Army remains committed to giving all soldiers who can meet the standards of a Military Occupational Specialty (MOS) the opportunity to serve in that MOS. In January 2017, the Army implemented MOS-based gender-neutral physical standards to start initial entry training, and to successfully be awarded a given MOS. To date, the Army has successfully accessed and transferred more than 600 women into the previously closed occupations of infantry, armor, and field artillery.

Since 2016, 74 female officers have successfully completed the Infantry or Armor Basic Officer Leader's Course and are arriving at assignments in Forts Hood and Bragg. In 2018, assignments will expand to Forts Carson, Campbell, and Bliss in support of the Army's Leaders First Strategy. Additionally, the Army has transferred, trained and assigned female NCOs into both infantry and armor specialties. This approach sets conditions in operational units before newly trained junior enlisted soldiers arrive. The first integrated enlisted training courses for infantry and armor graduated in May/June 2017 and female soldiers were assigned to Forts Hood and Bragg. Due to a multi-year effort to open other jobs that have long been unavailable to female soldiers, as many as 500 women currently serve in every active Brigade Combat Team in the Army down to the company level. Of significance, 10 women have graduated Ranger School and one officer is assigned to the Ranger Regiment. As the Army continues long-term studies in support of gender integration and the soldier 2020 campaign, lessons learned will continue to enhance readiness and increase the diversity across our force using a standards-based approach.

In order to employ and retain soldiers and maintain a capable and effective ground combat force, the Army requires a civilian workforce with unique and critical skills to support soldiers and their families. Civilians serve across the institutional Army and enable the Army to free up soldiers for service in the operational Army. When placed in the context of the Total Army, civilians comprise about 22 percent of the Army's total personnel (soldiers of the Army, Army National Guard, and Army Reserve comprise the other categories). Since 2011, the Army has been drawing down the civilian workforce from a wartime high of 285,000 full time equivalents to 239,500 at the close of fiscal year 2017. These reductions were implemented to meet budget levels, military end strength reductions, and legislative mandates associated with the military drawdown.

Given the need to recover and sustain readiness, and with the increasing of military end strength, the Army will need to increase the capabilities that our civilians give us. While we continue to implement reforms and reduce the size of headquarters activities, we recognize that Department of Army civilians are key enablers of our readiness and operational capabilities. As the Army looks to become more lethal, enhance both its capability and capacity, and ensure critical support to the Soldier and their families, our Department of Army Civilians are an integral partner and we must ensure our workforce is sized appropriately.

Every soldier is a valued member of the Army team and is critical to readiness and mission accomplishment. Sustaining individual personal readiness is a necessary component of maintaining the readiness of the force. The Army is improving personal readiness and individual deployability by focusing on strengthening soldiers, building protective factors, and fostering a culture of trust to ensure successful service and unit cohesion.

We have implemented a holistic and outcome-focused proactive prevention model which drives change through visibility, routine assessment, and targeted actions. The prevention model is tailored to fit the needs of our people in diverse and challenging environments and will improve personal readiness to enhance and sustain

a resilient force. This paradigm shift to a proactive prevention strategy, as opposed to one that is reactive, empowers soldiers and leaders at all levels to promote personal readiness.

We continue to provide commanders and leaders increased visibility of their readiness with the development of the Commander's Risk Reduction Dashboard (CRRD) with anticipated initial operating capability by the end of 2018. This tool provides commanders visibility of their soldier and unit risk history, trends, and the impacts on personal readiness. We are developing a predictive analytical capability for integration into the full operational capability system by the end of 2019 in order for commanders to make proactive decisions and resource allocations, based upon probability of readiness.

We are fielding *Engage*, which is a means to enable bystander intervention and improve cohesion across the force. Research indicates that soldiers lack the expertise to successfully and routinely execute professional confrontations. *Engage* encourages engagements across a wide variety of situations and with peers, subordinates and supervisors to enhance communication and positively influence personal readiness.

We are also executing the "Not in My Squad" initiative, developed by the Sergeant Major of the Army that is focused on squad leaders. Research has determined that squad leaders have the greatest impact on units, the individual soldier and the climate. "Not in My Squad" facilitates self-development and helps squad leaders understand and embrace their roles as leaders in their organization.

Engage and "Not in My Squad" are being executed at the 26 Ready and Resilient Performance Centers across all components of the Army. We have certified 32,000 master resiliency trainers who are resident in company-level formations and train soldiers on 16 resiliency skills that focus on sustaining personal readiness and optimizing human performance. The goal is to have a master resilience trainer for every company in the Army to coach these skills.

Sexual harassment, sexual assault, and retaliation are not compatible with Army Values and they diminish our readiness, therefore, combatting all forms of sexual misconduct remains a top priority for the Army. The Army, along with the Department of Defense, continues to make significant progress eradicating sexual assault, while encouraging more soldiers to report the crime. Since 2012, reporting has increased approximately 59 percent for the Total Army (1,572 - reports in fiscal year 2012 compared to 2,497 reports in fiscal year 2016) while prevalence has decreased 6.4 percent for women and 36.8 percent for men within the Active component. As we analyze fiscal year 2017 data, indications are that we will see another increase in reports. The increase in reporting and decrease in prevalence are tracking in the right direction of our Department of Defense and Army goals. Continued progress will come from commanders eliminating sexual violence from their formations; encouraging more victims to obtain the services and support they need to heal, recover, and resume productive careers; and holding offenders appropriately accountable.

The Army is also as dedicated to providing Department of the Army (DA) civilians with a safe space to report sexual assault and to seek victim support/services. During the past year, the Army implemented a pilot program for DA Civilian Sexual Harassment and Response Prevention (SHARP) services. In addition to providing full access to sexual assault response coordinators and victim advocates, the pilot enabled civilians to opt for either the restricted or the unrestricted reporting option. The pilot essentially provided DA civilians reporting parity with their uniformed servicemember counterparts. From January through December 2017, approximately 34 Army civilians utilized services provided through the pilot, with 5 opting to file restricted reports. Although the pilot ended 24 January 2018, the Army examining ways to allow us to continue to provide SHARP services, including both reporting options, to our civilian teammates.

Another way we've increased support to our DA civilians is through the implementation of special victims' counsel program support to Army civilians when the offender is a soldier and the case falls under the jurisdiction of the military. We cannot fulfill our commitment to the American public without our dedicated Army civilians. We owe it to our country to take care of our civilian employees the way we take care of our soldiers.

With healthier command climates where victims feel safe to report without fear of retaliatory behaviors, the Army is continuing to place increased emphasis on prevention. We are especially focused on teaching members of the Army team how to recognize and address inappropriate behaviors identified in the left spectrum of the sexual violence continuum of harm. These behaviors include offensive jokes, hazing, cyberbullying, and other actions that create an environment that tolerates sexual violence. Historically, civilian and DOD research/studies have shown a correlation between sexual harassment and sexual assault. This research is why the Army de-

cided to combine the sexual harassment prevention and sexual assault prevention and response programs a decade ago. We're continuing to develop tools to help command teams, soldiers, and DA civilians place greater emphasis on prevention of sexual violence.

Although we're optimistic about the progress we've made in reducing sexual violence in the ranks, we understand there's more work to be done. We will not be satisfied until America's sons and daughters can serve in our Army—a multi-generational, ethnically diverse, gender-integrated Army—without fear of sexual assault, sexual harassment, or retaliation for reporting sexual offenses. Through the continued leadership of our command teams, the expertise of our SHARP professionals, and the commitment of our soldiers and DA civilians, we believe this standard is achievable.

The Army's goal is to sustain the personal readiness of our soldiers and build unit cohesion; however, suicide remains one of our most serious challenges. We remain devoted to our task of more proactively identifying indicators and developing holistic approaches to prevention. Our comprehensive approach includes strengthening our soldiers, leaders, and families; building protective factors; and fostering a culture of trust. Suicide prevention is a complex human endeavor that requires a network of human sensors, the skills to *Engage*, continuous assessment of behaviors, and a comprehensive assistance and treatment capability.

To improve personal readiness and resiliency, we are aggressively working to decrease the stigma associated with seeking behavioral health care. Behavioral Health (BH) encounters for the Total Army grew from approximately 900,000 in fiscal year 2007 to approximately 2.25 million in fiscal year 2017, indicating greater trust in the system. Soldiers required 67,000 fewer inpatient bed days for all types of BH conditions in 2016, as compared to 2012. This 41 percent decrease, is due in part to improvements in outpatient services, Intensive Outpatient Programs, and case management.

In addition to reducing the stigma associated with seeking help, the Army has provided more timely care, especially to those with the most significant behavioral health conditions. For example, according to the 2016 DHA Healthcare Effectiveness Data and Information Set, 96 percent of all soldiers hospitalized for a behavioral health condition receive a follow-up appointment in a clinic within 7 days, which far exceeds the national average. Embedding behavioral health personnel within combat units is a proven best practice—we've recently extended this effort by embedding the substance use disorder providers within Embedded BH to provide more comprehensive care.

The Army has reduced Total Army non-deployable personnel from 15 percent in June 2016 to 11 percent in December 2017. The current 11 percent non-deployable population includes a new category introduced summer 2016 to proactively manage expired medical and dental examinations. Excluding this category, the Total Army rate would be 9 percent and the Regular Army 8 percent. The Army will make continued reductions to our non-deployable population a priority.

The Army continues to reduce the time required for soldiers to process through the Integrated Disability Evaluation System (IDES). Current processing times for the Reserve components are down to 298 days and the Active component is down to 261 days. Processing times were impacted during fiscal year 2017 due to information technology (IT) migration activities involving our separate Medical Evaluation Board and Physical Evaluation Board case processing applications into a single disability case processing application for both stakeholders. Active component IDES processing times have decreased by 14 days on average since October 2017 as our IT migration nears completion, and we will continue to strive towards achieving our informal Army goal of 210 days versus the DOD published goal of 295 days. The IDES population is steady state at approximately 12,000. We will continue to evaluate how to efficiently and fairly evaluate injured soldiers and either return them to duty or assist them in transitioning to civilian life.

In addition to taking care of soldiers and their families while they are in the Army, we are committed to ensuring their successful transition. We know that every year approximately 100,000 soldiers transition from the Total Army via either retirement or separation. Our mandate here is clear—we must continue to focus on preparing our soldiers for transition to productive veterans across our respective communities.

The Army's Soldier for Life program conducts strategic outreach and shapes education, employment, and health policies, programs and services to inspire citizens to serve and to create an environment where soldiers transition to be productive veterans of character, integrity, and service. The program has connected more than one thousand private and public organizations to transitioning soldiers and spouses, resulting in increased educational and employment opportunities for Army veterans

and family members. Further, according to the Department of Labor, Soldier for Life efforts assisted in reducing the veteran unemployment rates 3.7 percent for fiscal year 2017, with the lowest amount of unemployment compensation for veterans in 17 years.

For fiscal year 2017, the Army's Veterans Opportunity to Work (VOW) Act compliance was over 88 percent—the Active component at 90 percent, ARNG at 86 percent and USAR at 79 percent. We as an Army continue to enhance our policies and procedures for transitioning soldiers and have ensured commanders understand that they must ensure their soldiers attend VOW Act-mandated briefings. In the end, it is in the Army's and our Nation's best interest to ensure soldiers transition successfully back into our communities. They are better able to become productive citizens as well as important ambassadors for the Army who can positively affect the propensity for others to serve.

To build a Total Army of professional Active, Reserve and National Guard forces, as well as civilians, who are trained and ready to take on the challenges of the future, we must leverage and manage all available talent and ensure every individual is optimized to fight and win our Nation's wars. The Army is piloting a Talent Assessment Program that will identify our talent and match them to Army requirements. For example, this past summer at the Aviation Captain's Career Course at Ft. Rucker, Alabama, junior captains completed a battery of talent assessment instruments, which collectively provide them with individually-tailored feedback on where their talents align with the requirements of the Army's various career specialties. Likewise, junior captains at the Field Artillery Captain's Career Course are conducting a similar talent assessment now. The pilot program finishes this spring, and we plan to expand the assessment program to include additional career courses over the next 2 years.

Our goal is comprehensive visibility of all our soldiers' knowledge, skills, abilities, and behaviors to best fit the right person in the right job at the right time. The Integrated Personnel and Pay System-Army will transform the Army's legacy personnel system to a 21st Century talent management system. To accomplish this, we must move from a personnel management system to a talent management system that will enable us to better manage soldier talents and match them to Army requirements.

For the first time ever, IPPS-A will enable the Army to manage all 1.1 million Total Force soldiers in a single, integrated personnel and pay system that will directly impact the readiness of the Total Force and improve the lives of our soldiers. Finally, it will provide a full end to end audit capability to ensure Army personnel and pay transactions are compliant with the law. IPPS-A integrates software that creates distinct roles and permissions by individual positions, sets business processes, segregates duties, and generates system alerts when changes are made—we cannot do this with our current systems. IPPS-A enables the Army to modernize and transform our human resource processes and helps us to facilitate significant business process reengineering. The initial implementation of IPPS-A will start with the Pennsylvania Army National Guard in October 2018.

The Assignment Interactive Module 2.0 is a web-based information system that will further facilitate the Army's talent management efforts. This system promotes transparency of requirements for soldiers and units; enables stakeholder interaction via an intuitive marketplace; captures unique soldier talents, unit and position data; and establishes a talent management link to IPPS-A.

At the end of the day, the Army is people. The men and women who serve our Nation, both in uniform and out of uniform, along with their families, are our most important asset. As a Nation, we must ensure they have the required resources so they are ready when called upon to fight and win our Nation's wars. I thank all of you for your continued support of our All-Volunteer Army.

Senator TILLIS. Thank you all.

Secretary Wilkie, the—you and I have had this discussion on a number of occasions, and thank you for your time this week in your office. I'm curious about the medically nondeployable population. I'd like you to talk a little bit about the number who are in that category today, some of that which is expected, and some of that needs to change. Any steps you've already taken, or steps in the future you intend to take.

Secretary WILKIE. Yes, sir.

Today, I will be releasing a—the new Department of Defense policy on military retention. The situation we face today is really un-

like anything that we have faced, certainly in the post-World War II era. On any given day, about 13 to 14 percent of the force is medically unable to deploy. That comes out to be around 286,000 soldiers. In September—I mean, in July of this year, Secretary Mattis tasked Personnel and Readiness with developing policies to ensure that everyone who comes into the service, and everyone who stays in the service, is worldwide deployable. The way I described it in our conversation is, if Mr. Bezos, in Amazon, walked in to Christmas week, and 14 percent of his workforce could not perform their duties, then he would no longer be the largest company in the world.

There are several issues that—there are several aspects of nondeployability that are on us. I was going to—I was hoping that Senator Ernst would stay, because we could talk about our experiences as junior officers. If, in our small units, our commanders discovered that half of our troops were not medically ready because they had not visited the dentist, that would have been on us. We would have been accountable, as junior leaders, to make sure that they've visited the dentist to become dentally ready to deploy. That's a mission for us.

The other thing that we have seen is that, in a—the down years, in terms of recruiting for the military, we offer too many medical waivers to get into the service. The medical conditions that those servicemembers had when they received those waivers followed them into the service as they progressed through their careers. We have to address that.

This new policy is a 12 month deploy-or-be-removed policy. However, there are exceptions to it. Does not apply to pregnancy. Does not apply to postpartum conditions. Medical boards will review the medical status of those who have been wounded. I will use a personal example from 1970. My father was severely wounded in the invasion of Cambodia, spent a year in an Army hospital. A determination was made by a medical board then that his service was still required, and he was allowed to recover and return to Fort Bragg in the 82nd Airborne Division. Those are the things that we will take into consideration.

But, we need to look at the force holistically. We have to ensure, given the climate that this country faces, that everyone who signs up can be deployed to any corner of the world at any given time. That is the reason for the change in policy.

Senator TILLIS. Thank you.

In the next panel, we're going to hear from military families and groups representing them. The one thing that I hear consistently is that the frequent relocations creates a great disruption to the family, to employment, a number of other things. So, maybe starting with General Seamands, we'll just move down the line to the services' personnel chiefs. What specifically is your service doing to address the concerns for the Permanent Change of Status flexibility?

General SEAMANDS. Thank you, Mr. Chairman.

Dr. Esper, Secretary of the Army, as he's gone around and had townhalls with soldiers, hear the same comment that you've made and ask how they can stay at a place longer. So, he's asked us to go back and take a look at not only how—if we can reduce the PCS,

in terms of the monetary cost of the PCS, but also provide stability to the soldiers at those installations. We're, right now, trying to peel back the onion to find out where you can keep somebody in place longer to allow stability for them, and perhaps continued employment for their spouse, because, if the spouse is employed, they'll want to stay where they are, as well.

Senator TILLIS. Thank you.

Admiral Burke?

Admiral BURKE. Yes, sir. One of those nonmonetary retention incentives and—I mentioned, was our detailing marketplace, which is sort of a Linked-In for the Navy, allows sailors to connect directly with prospective jobs, communicate their desires, negotiate. But, the marketplace aspect of this is to view, sort of, not just their orders, but total next assignment, in terms of a total compensation package. Geographic stability can be part of the conversation, when it's possible. Career progression, ship type, where those ship types are home-ported, where they are in their career, may make that impossible.

But, through use of those techniques over the last 2 years, we've been able to increase the numbers of assignments systematically, so up to around 25 percent of our next career moves have been same home port for our sailors. So, we're increasing it. We may be approaching our limit, here, just based on where our ships are home-ported. But, we're trying to expand that as much as feasible. So one of the market dynamics and the detailing process are—defining that for us. It's been interesting to watch.

Senator TILLIS. Thank you.

General Grosso.

General GROSSO. Mr. Chairman, we're doing several things. We also have leveraging technology with a optimization model that will let people put their desires in and let the—let them see the requirements, put their desires in. We think leveraging technology will make it easier to—people that want to move, to move; and people that want to be stable, to be stable. So, we think that—we are just testing—we tested it, and we're slowly incrementing that across the officer force.

We also, for certain career fields, have implemented a second assignment in place. That's one of our pilot retention models. But, what you find is that the overseas rotation pulls people overseas. So, some of the force structure makes it difficult to keep people in place. But, we are certainly trying that. Certainly some number is completely possible to do.

The final thing I would add is that I think some of the DOPMA flexibilities that we've talked about—one in particular, opting out of promotions—because I've had both—from a female retention survey, there are people that would like to stay in place, but, because of the career progression forced by an up-or-out system, they really can't. So, I think, with some DOPMA flexibility, I think you could keep families in place longer, in the same position. We'd obviously have to think about how to manage that, but I think that would be one huge benefit of some DOPMA flexibility.

Senator TILLIS. General Rocco.

General ROCCO. Senator Tillis, the Marine Corps, the—prior to executing Permanent Change of Station orders, we have monitors,

the person in the loop that talks to each marine before they are issued orders to wherever they may be. So, what we try to do is, we take into account the spouse's situation and the family situation, in whole. We support any effort to protect their ability to have jobs or protect their jobs.

The other initiative we have—and we just submitted recently, within the past few months—is to reduce the time that unaccompanied tours for married members will have overseas. We're reducing that from 2 years to 15 to 18 months. So, that's another initiative to try to keep the families stable and have the member go unaccompanied overseas at a less-than a 2 year time period. But, we support any initiatives that would protect the spouse.

But, we do have marines that are in the loop for every change-of-station orders that we provide, and we try to mitigate that by keeping them stable or moving them to an area both fits the Marine Corps and the family desires.

Secretary WILKIE. Mr. Chairman, may I add to that?

On February 8th, Secretary Mattis signed a directive placing me in charge of what he calls his Close Combat Lethality Task Force. Certainly the primacy of the family and the stability of the family is what P&R has had as its prime directive for many years. But, the Close Combat Lethality Task Force looks to the cohesion of the Marine Corps and the Army's front-line close-combat units. Cohesion throughout our history, stability, in terms of the years that a team spends training with each other, is the key to survivability on the battlefield. So, when you look at a place like Fort Bragg, or when you look at a place like Camp Lejeune, the goal of the Task Force, working with the two services, will be to find those formulas that allow those infantry units to stay together longer, provide their NCOs and their junior officers with deep familiarity with the soldiers and the marines that they lead, and, in the end, as they lead those units to actually populate larger command structures.

But, family stability is a key to unit cohesion. Unit cohesion is a key to survivability on the battlefield.

Senator TILLIS. Thank you.

Ranking Member Gillibrand.

Senator GILLIBRAND. Thank you.

Secretary Wilkie, last month you put out a harassment policy that once again includes gender identity as a protected class, yet there are reports that the Department plans to change its policy towards transgender servicemembers in the coming months. How will you ensure that this policy abides by the Department's own classification on gender identity as a protected class?

Secretary WILKIE. Well, first of all, Senator Gillibrand, my commitment to you, when I had my confirmation hearing, was that the dignity of all servicemembers is paramount in anything that I do, both in my job as Under Secretary, but also in my other life as an Air Force reservist. The only thing I can say about the policy that is being discussed within the Pentagon is that it's predecisional. The Secretary is looking over the recommendation of the panel that you mentioned, and is on track to report that recommendation to the President.

But, I will also note that my office is carrying out four—the orders of four separate courts across the country that keeps in place

Secretary Carter's transgender policy. We are assessing transgender Americans, in accord with that policy, and the services are complying with their particular needs as they move through the ranks.

So, right now, there is absolutely no change from a policy that was laid out in 2016. But, again, my one commitment to you is that dignity is a foundational issue for all of us, and I will do my best to ensure that that is maintained throughout the force.

Senator GILLIBRAND. I was listening intently when you talked about the new nondeployability policy. Do you think this is going to impact transgender servicemembers?

Secretary WILKIE. Well, I will say that, with 286,000 Americans who are now listed as nondeployable, I don't think that there's any particular group that would be unaffected by a close scrutiny of our standards for deployability. That is not aimed at any group of Americans who are serving. That is an across-the-board standard that will apply to everyone when it comes to being able to fulfill the Secretary's mandate that everyone be worldwide deployable.

It is a staggering number. In this world where the forces are at a premium and, as you mentioned, we are struggling to maintain the ranks, we need to get a grip on this. As I said, some of it is on us, some of it has to do with our training and fitness programs, which I think we need to address and bring them up to 21st-century standards. But, those numbers are not—those numbers do not indicate the success or failure of any one group. It is across the board.

Senator GILLIBRAND. Thank you.

For each of the services, I'd like an update on three things. You can—I only have a minute or two, so do your best to be concise.

Combat integration. Can each of you provide an update on the status and implementation in your respective service? Can you explain how your service has adapted recruiting practices or strategies to attract female candidates? What strategies have you employed to ensure the effectiveness of combat integration?

Second, if you have time, this issue of intimate partner violence and child abuse. What is the Department doing to prevent such violence against our youngest military children and against our family members?

Third, if you can, what specifically are each of your services doing to end retaliation against sexual-assault survivors who report those crimes? Have you actually convicted anyone of retaliation in the last year?

Start on the end.

General SEAMANDS. Thank you, Senator. Appreciate it.

In terms of the combat integration, we're very proud, within the Army—we have 675 soldiers and officers who have stepped up to the plate, raised their hand and said they want to be infantry armor. We've, so far, had them assigned to units at Fort Bragg and Fort Hood. We believe that the number of people who are in that category is increasing to the point that we can expand it to Fort Carson, Fort Campbell, Fort Bliss, in Italy, for next year's assignments, as they move forward.

We've had no issues for sexual assault or sexual harassment in those units above the—what the Army average is. We think the in-

tegration has gone very well. It was deliberate, scientific, methodical; slower than some people would have liked, but I think we're very happy with the leader's first policy that we've put in place.

Senator GILLIBRAND. Any update on prosecuting any cases of retaliation?

General SEAMANDS. Ma'am, I'll have to take that for the record, but I believe there's at least one case where there is a prosecution.

Senator GILLIBRAND. Will you submit that to me? Then, also add status of child abuse and spousal abuse, if you could submit that, too. Thank you.

General SEAMANDS. Absolutely.

[The information referred to follows:]

General SEAMANDS. With regard to the question of prevention, the Army is fully committed to preventing domestic violence and child abuse by providing a full range of services that promote and sustain healthy relationships for soldiers and families. Preventing domestic violence is a command priority, and leaders at all levels are empowered to intervene. The Army educates soldiers and leaders at all levels on prevention, education, reporting, investigation, intervention, and treatment of spouse and child abuse.

In addition to mandatory training, each installation operates a Family Advocacy Program and 24/7 Victim Advocacy Hotline to provide prevention, identification, reporting, investigation, and treatment services. Installation Family Advocacy programs have intervention and treatment services to assist victims of domestic violence. Military Treatment Facilities have a cadre of licensed health care providers to support Families and treat offenders to prevent repeat offenses.

With regard to the question on retaliation, annual SHARP training materials have been updated to incorporate new instruction, vignettes, and practical exercises about the prevention of retaliation. Additionally, new animated vignettes focused on retaliation prevention and response, as well as practical exercises, have been incorporated into the Army's Emergent Leader Immersive Training Environment (ELITE) Command Team Trainer (CTT). ELITE CTT is integrated into the resident Sexual Assault Response Coordinator (SARC)/Victim Advocate (VA) course at the Army SHARP Academy and information about ELITE is presented in the Army Senior Education Program, Army Pre-Command Course at Ft. Leavenworth, and the Army Company Commander/1SG Courses.

In the SARC/VA credentialing courses, all SARCs and VAs are trained and educated on retaliation policies, the Spectrum of Retaliation, and tools available to commanders in dealing with retaliation (provided or presented by Legal).

SHARP has created multiple information/awareness products focused on the prevention of retaliatory behaviors. These products include printed public service announcements (PSA), video PSAs and social media messaging.

Each report of alleged retaliation is thoroughly investigated by independent authorities, providing transparency for victims and visibility for senior commanders. If a report of retaliation is founded, Commanders employ a range of effective judicial, non-judicial, and administrative tools to address the conduct.

With regard to convictions, the Army's Office of The Judge Advocate General, states that there were no courts-martial convictions for an offense under the UCMJ [Uniform Code of Military Justice] arising from an allegation of retaliation connected to a report of sexual assault in fiscal year 2017. There were three soldiers charged with offenses arising from an allegation of retaliation connected to a report of sexual assault at courts-martial in fiscal year 2016. In those three cases, two soldiers were convicted of offenses arising from allegations of retaliation and one soldier received an Other Than Honorable Discharge in Lieu of Court-Martial, admitting that there was sufficient admissible evidence to convict the soldier of an offense, so findings were never entered.

Comprehensive data on all allegations of retaliation, including whether or not the allegation was substantiated and any punishment administered, whether judicial, non-judicial or administrative, is provided annually to the Department of Defense for inclusion in the Annual Report to Congress on Sexual Assault.

Vice Admiral BURKE. The overarching goal of the Navy Family Advocacy Program (FAP) is to decrease behaviors that contribute to family maltreatment and enhance behaviors that foster a healthy lifestyle to facilitate family, community, and mission readiness. The FAP prevention team collaborates with key military and community leaders to provide services that enhance the toughness of Navy communities and re-

duce the incidence of domestic and child abuse. These services include education and skill development, clinical counseling, advocacy, collaboration, community intervention and marketing the FAP. The Navy New Parent Support Home Visitation Program—in a collaborative approach between military, civilian, and private agencies—offers efficient and effective non-clinical parenting education and support services to expectant parents and families with children up to age 3. The New Parent Support Safe Sleep campaign implements an evidence-based approach and curriculum designed to decrease sleep-related child fatalities by providing detailed guidelines for parents and child caregivers to create a safe sleeping environment for infants. Prevention strategies through the following major annual awareness campaigns have hallmarked our efforts to reach target audiences across both military and civilian communities:

- Teen Dating and Prevention Month (February)
- Child Abuse Prevention Month (April)
- Domestic Violence Awareness Month (October) The Navy FAP Educators Resource Guide—a standardized training curriculum that ensures consistent messaging to assist educators and other prevention staff by providing command leaders and first-line responders policy guidance and program expertise on incidents, or suspected incidents, of child and domestic abuse. The guide encourages collaboration with programs and departments across the coordinated community response system and supports annual command and first-responder training requirements. We have released the second edition of a Domestic Violence awareness training mobile application, which incorporates prevention, early identification and reporting of domestic and child abuse, and includes risk factors associated with fatal outcomes, e.g., electronic distraction, infidelity (perceived or known), and access to weapons. Our One Love pilot prevention model focuses on promoting healthy relationships and recognizing the signs of escalating violence in relationships, by providing tools to create a movement that decreases risk factors and increases protective resources. The message of this program is strength-based with the belief that everyone has a role in preventing interpersonal violence. We have contracted with Boston University to evaluate the program's effectiveness and expect results, which will inform program improvements, by October 2018. Deployed Resilience Counselors (DRCs) continue to serve aboard large deck ships and their availability has been expanded to smaller combatants. The High Risk for Violence Coordinated Community Response (HRV-CCR) program model formalizes and standardizes procedures to monitor risk in child and spouse abuse cases. It provides a coordinated community response to reduce family violence by protecting and assisting in cases of domestic or child abuse. The HRV-CCR team is activated whenever there is a threat of immediate and serious harm to Sailors, family members, or intimate partners. Navy has not prosecuted any cases for retaliation associated with alleged sexual assault.

Lieutenant General GROSSO.

- 1) The Air Force New Parent Support Program (NPSP) targets prenatal families and families with birth—3-year-old children. The primary modality of care is home visitation to families screened as high risk for maltreatment. Air Force NPSP services are provided by licensed professionals; registered nurses and clinical social workers. The targeted services are:
 - Improving parental problem-solving skills and adaptation to parenting
 - Increasing knowledge of child growth and development
 - Reducing potential for maltreatment
- 2) The Air Force Prevention/Outreach Program provides secondary prevention services providing targeted prevention training, skill development, consultation, and coaching with individuals, couples, and parents at risk for family maltreatment.
 - Evidence-informed programs and practice:
 - Couple relationship enhancement (PREP 8.0)
 - Dads Basics
 - Parenting training (Love and Logic for parents with children 9 and under); (Active Parenting of Teens for parents with children 10 and up)
 - Stress and anger management (approved by SAMHSA)
 - Skills, Strengths, Techniques, and Resources (SSTaR). This program targets both decreased likelihood of a new incident, and support of alleged offenders in first steps toward readiness for change.
 - Strength in Home—Reviewed evidence-based program targeting veterans and military couples on impact of trauma on couple relationships.
 - Prevention/Outreach integrates primary prevention in training leaders, agencies, and action teams. It functions in conjunction with other service

agency programs to promote population awareness, collective competence, and shared responsibility regarding family maltreatment prevention.

- Educational campaigns:
 - April for child abuse prevention; campaigns
 - October for domestic abuse prevention
 - February for teen dating violence

Provides opportunity for collaboration with other installation support services as well as local community resources.

***The policies on the number of cases each Service has prosecuted for retaliation to sexual assault is not within the scope of FAP policy. Reference Question 13 (below) for retaliation data.

Lieutenant General ROCCO. Marine Corps' Family Advocacy Program Prevention and Education Specialists provide universal prevention education classes utilizing evidence-based curriculum for domestic and child abuse prevention. Class topics include anger management, stress management, and parenting. They also provide new commander and unit training and education. Additionally, our New Parent Support Program (NPSP) is a voluntary, intensive home visitation program, for eligible parents and caregivers, providing parenting education and support, and information and referral for the Marine Corps community. The NPSP target population is eligible expectant parents or parents with children through age 5 years with the goal of providing services to prevent child abuse and neglect.

Senator GILLIBRAND. Vice Admiral?

Admiral BURKE. Senator, on the women integration with respect to the recruiting efforts, immediately after the remaining career fields were opened, which, for us, was predominantly Special Forces, Navy Special Warfare, SEALs, we overhauled our recruiting page, our recruiting efforts, redesigned them to depict women in those roles, and then actively reached out to, you know, public events and things—X-game events and things that would, you know, attract folks interested in those types of career fields. We've been continuing to seek them out.

One of our predominant ways of entry into the SEAL program is folks that are already in Recruit Training Command or at the Naval Academy. So, there's—or NROTC—so there's already an internal Navy program for attracting folks to apply into that. So, we also strengthened those programs, as well.

To date, we've got—we had—we have one woman that will start on Special Warfare Combat Crew training, enlisted in May. So, she's in her delayed entry program. There's a training program to help every SEAL prepare for the special training that they go through. This is not something special for women. But, she's in that training program and her delayed entry program right now. There is a Naval Academy first-class midshipman that has expressed interest. She's passed the physical screening test and may apply. She has not applied yet. But, if she does, she would be eligible to go through additional screening this spring and summer. So, that's the extent of the interest there.

The submarine force integration continues to go well. We have 18 crews integrated. That's six SSGN—I'm sorry—six SSBN crews, eight SSGN crews, and then four SSN crews. That's with officers. A total of about 79—right around there—79 women officers. Now 99 enlisted women on two SSBNs. We just finished the application process for the third SSBN. Additional SSBN application processes will open soon. We'll finish with those about 2021. Then the first SSN which was designed with the berthing compartments designed for women will come online in about 2021. From that point forward, all submarines will be integrated with women, going for-

ward. Women are doing just absolutely wonderful in the submarine force.

Senator GILLIBRAND. Mr. Chairman, since I'm over my time, why don't we defer to the next round to complete the rest of the answers for the services so that Liz can go.

Senator TILLIS. That means, Generals Grosso and Rocco, get ready to answer that question after Senator Warren—

[Laughter.]

Senator GILLIBRAND. The other two, that Vice Admiral Burke didn't answer yet. So, we'll come back to it.

Thank you.

Senator TILLIS. Senator Warren.

Senator WARREN. Thank you very much, Mr. Chairman. Thank you, Senator Gillibrand.

Thank you, to our witnesses, for your service, and thank you for being here today.

Admiral Burke, you and I had a very interesting conversation in my office last week, and I'd like to revisit it with your fellow personnel chiefs. We talked about new ways of thinking about an individual's life cycle in service, including potentially making it easier for someone who has to leave Military Service for either personal or professional reasons to be able to return to uniform later in life. Admiral Burke, I know you're interested in piloting that concept. Rather than up-or-out, you were talking about up-and-return.

So, I'd like to ask the other services, Do you also think there's value in opening up opportunities to individuals who have left the military but might be interested in returning? Can you just say a brief word about what you see as the pros and cons of that?

General Rocco, could I start with you?

General ROCCO. Yes, Senator Warren, thank you. That's an important question.

So, in the Marine Corps, we have—and I'd be—our numbers are small, but we have the Career Intermission Program. We currently have about 12 marines that are involved in that. That involves the marine, basically, stopping their time, going out into the civilian world, and then coming back, and then picking up where they left off.

We also have the Advanced Degree Program, where they can both go and stay in uniform or they can spend up to 15 months, being paid full, and then go get an advanced degree of their choosing, and then come back, with no payback. When I say "no payback," there's a payback in commitment, but there's not a payback in a specific job.

Senator WARREN. Okay.

General ROCCO. We have over 300 marines that go to the Advanced Degree Program in—up in Monterey, but they go back to specific jobs inside the Marine Corps. So, we give them the opportunity to do something possibly in the Marine Corps that they like or go get an advanced degree in a field of their choosing for—from 12 to 15 months, to go do what they need to do, and then come back into the Marine Corps, with no harm to their career.

Senator WARREN. Okay. I take it you like this program, that this program is working well for the Marines.

General ROCCO. It is working very well for us.

Senator WARREN. Okay. It may not be quite as far as Admiral Burke was talking about, in terms of out and being able to reel back in, but at least it's a step in that direction.

General Grosso, could you say a word about that?

General GROSSO. Yes, Senator Warren. I completely support that idea. We do it, to a small extent, today. We actively recruit non—we call them prior-service accessions on the enlisted side and on the officer side. We find that we don't actually attract them back, for several reasons, but we do think it's very powerful. You've got an experienced person—again, we think some increase in constructive credit would help, because, right now, if you come back in, you have to start where you left, but you've got all this additional experience. So, some additional constructive credit may help us attract more.

Senator WARREN. It's a very interesting point.

It's also an interesting point about the kinds of people you may attract, that people, for example, who are in high tech, who are in computing, they learn a lot while they are out, would like to come back, and you'd very much like to have them back, but you may need some flexibility around how you get to attract them again.

If you could, General Seamands.

General SEAMANDS. Senator, appreciate the question. The Army supports this kind of program. We're actually excited about the opportunities.

General Grosso talked about the enlisted force. For the Army, we brought in 68,500 soldiers last year. About 5,000 of them were prior service. In other words, they had served before, and wanted to come back. On the officer side, we brought about 1,000 officers on a call of Active Duty as the Active Force School last year, where we reached out and invited them to come back. Most of them were Reserve or Guard, so they had to get clearance from their units to come back on.

I recall—I went back to an alumni event one time, and I met a classmate who had gotten out. My wife asked him, you know, "Do you miss the Army?" He looked at her and said, "Every day of my life." So, for a guy like that, it would be wonderful to be able to have a transparent, quick process to bring them back into uniform.

You asked for the pros and cons. I think an obvious pro is that you get an experienced individual who comes back in. The con would have to be that they'd have to continue to meet the standards that they met before.

Senator WARREN. Sure.

General SEAMANDS. So—but I think it's a great program. I think the Army would endorse that like to be part of it, as well.

Senator WARREN. Good.

Well, Admiral Burke, you started this. Anything you want to add to it? At least you started getting me involved in this. The idea of piloting it—

Admiral BURKE. Yes, ma'am.

Senator WARREN.—which is what you said you wanted to do, would you like to add a brief word on that? Then I'll go to Secretary Wilkie.

Admiral BURKE. All right. Yes, ma'am. Well, thank you for the question.

The—I think it has a lot of potential, in terms of the idea of—we can do this, to some degree, today, but it's very cumbersome, it's very difficult, on the officer side. We piloted this to much greater success on the enlisted side. For example, today we've got around 8,000 gaps at sea. We can fairly quickly bring folks back in that were on the Reserve side, bring them back into the Active component, who are enlisted, if they've got the right constructive credit and their skills haven't atrophied, and things of that nature. But, we're filling, you know, hundreds of gaps at sea from reservists that we've brought back into the Active component.

On the officer side, it takes months to bring them back, due to some really, you know, kind of outdated scrolling processes that are in the law.

But, we eventually would have this idea of Reserve-component/Active-component permeability, the ability to move back and forth, for the reasons that you articulated at the beginning. We're thinking in terms of, you know, a longer career, making our people pyramid narrower at base, so we bring in fewer people, giving them opportunities to move around. But, as importantly, with this commitment to family readiness, which is important to sailor readiness and fleet readiness, we have to let people step off the treadmill occasionally or they're not going to hang out for a 40-year career.

So, we've got to have an option to out. So, that option could be into the Reserves for a brief period of time, as long as they could quickly come back in when that life/work balance need is met, or the—one other alternative will be an up-and-stay, a horizontal career track, where they can keep flying, maybe at a different tempo, go into a research job, whatever it may be. So, these are the types—we need alternatives to out. Right now, there are none.

Senator WARREN. Yeah. I'm over my time, but if the Chair will indulge me for just a minute, I'd like to ask Secretary Wilkie, What would it take to do something like that? Does the Pentagon have the authority right now, or do you need Congress to step in and provide more flexibility if—to make this happen?

Secretary WILKIE. Yes, Senator. It would be a combination of the two. I think, for the Pentagon, it would be a cultural issue. I'll give you an example, then I'll play off what Admiral Burke just said.

If we believe in the concept of the total force, then it should be much easier for a servicemember to move amongst Guard, Active, and Reserve components. That also means, in my view, if someone in your Yankee division sees an opportunity in the Active component that he or she feels they're qualified for, they should have every right and every opportunity to apply for those positions in the Active component. Again, this is not your daddy's National Guard anymore, your granddaddy's Guard anymore.

So, that—the answer to your question is, it would need help from the Congress, in some respects, because we're talking about title 32 and title 10 on the Guard side. But, we have to rethink the way we use our Reserve component, and that means we have to acknowledge that the family rules that were in existence when these rules were created don't apply anymore.

Senator WARREN. So, I very much appreciate that. I understand that recruitment and retention is as much art as it is science, but we know that the population that has the ability and the propen-

sity to serve, and particularly in leadership positions, is a narrow group. Figuring out how best to tap into that group and make them an ongoing part of our military seems crucial to building and strengthening the kind of fighting force we need.

So, I appreciate your thoughts on this. I really like the idea that we look at some nontraditional approaches and recognize how other changes impact where we are today, and hope that we'll be able to build on that, going forward, and that you get some real support for the flexibility you need.

Thank you, Mr. Chairman. I apologize for going over.

Senator TILLIS. Thank you. Great questions.

Senator McCaskill.

Senator MCCASKILL. Thank you so much.

Mr. Wilkie, I think it's great. I've had a chance to review, but not in detail, all of the new sexual harassment policy that's been issued by DOD. My first question is, Why weren't civilian personnel and contractors covered?

Secretary WILKIE. My time limit. I made a commitment to the Committee that I would move, within 60 days, to comply with the law that you passed 6 years ago. The most readymade avenue to that was to instruct the services, which I have complete authority to do, through the Secretary of Defense. There are about 30 different statutes that govern the civilian component that have to do with union negotiations, in one respect. We are working on that. That is the next step, is to make sure that these standards apply to the entire workforce. That's 900,000 civilians. But, it's absolutely vital. It's inchoate now.

Senator MCCASKILL. Okay. I just want to make sure that you know that—I know the Ranking Member and I are not going to go away until we're sure everybody's covered.

Secretary WILKIE. Right.

Senator MCCASKILL. Also, what is the standard to substantiate an allegation under this policy? I know the Army uses "preponderance." Does this policy envision using a "preponderance of the evidence" standard?

Secretary WILKIE. I would have to get you a legal answer on that. I will tell you what has changed. This also has to do with the legal issue that you present.

For the first time, we are telling these services that substantiated allegations of harassment—

Senator MCCASKILL. Go on their record.

Secretary WILKIE.—go on the record.

Senator MCCASKILL. Yeah. I'm aware of all that. But, that doesn't help me if I don't know what "substantiation" means.

Secretary WILKIE. Right.

Senator MCCASKILL. So, I've got to know—

Secretary WILKIE. I will—

Senator MCCASKILL.—that "substantiation" is a "preponderance," is it "clear and convincing"? I mean, these are really important considerations. I'm sure someone has—knowing how thorough you guys are when you do one of these new things, I'm sure this has been in the works for a long time.

Secretary WILKIE. Yeah.

Senator MCCASKILL. This discussion has been had, and this Committee needs to know what standard is going to be used for “substantiation.”

Secretary WILKIE. Yeah. Well, I can say that, with the reporting requirement on the efficiency report, that could be, in the Navy, a captain’s mess, where someone has been convicted of something. It runs that legal gamut. So, it’s—if a body or an officer has concluded that another member has committed an infraction or a crime, that officer puts that on that individual’s efficiency report. In my experience as a junior officer, nothing gets anyone’s attention quicker than knowing that the career is on the line and that people are watching. I think, as we have had this national conversation and as it impacted the military, we’ve lost that fundamental military lever of enforcement.

Senator MCCASKILL. Well, you know, I—that’s all great, but we still have a problem, in that we don’t know what the standard is. Because what’s going to happen here is, you’re going to have a he-said/she-said about whether or not it was harassment. Then somebody’s going to have to determine whether it’s substantiated, which is going to mean corroboration, it’s going to mean other evidence that might be surrounding the incident, it’s going to mean interviewing a number of personnel. At the end of it, whoever is in charge of deciding whether it’s substantiated or not has to know what the standard of proof is.

So, this needs to be clearly delineated. If you haven’t done it yet, if we’re going to have a different standard in every branch, then it’s a problem. So, we’ve got to get busy, and you’ve got to be able to answer that question clearly—

Secretary WILKIE. Well—

Senator MCCASKILL.—with just one phrase.

Secretary WILKIE.—you just answered the question for me. Our instructions are to standardize all of those matters—

Senator MCCASKILL. Okay.

Secretary WILKIE.—across the services. So, there’s—and I would have to get—I’m a recovering lawyer—I would have to get someone who knows the particulars in the depth to give you the answer—

Senator MCCASKILL. That would be great.

Secretary WILKIE.—answer that you deserve.

Senator MCCASKILL. Yeah. That’s an answer that I think we all need to have. Because, frankly, it’s important for everyone to have really clear guidance on what the standard is. Because if you start out, and no one’s sure, then you’re going to have disparate outcomes, and you’re going to have a lot of unhappiness, especially if it’s going on someone’s record.

I’m really glad it’s going on their record. That’s the right thing. That’s why it’s really important. Every single one of these has to be laid out.

Finally, and briefly, if you’d indulge me, if you’re not really familiar—are you as familiar with the UCMJ [Uniform Code of Military Justice] as perhaps maybe some other witnesses might be?

Secretary WILKIE. I have been subject to the UCMJ for many years—

Senator MCCASKILL. Okay.

Secretary WILKIE.—in my other life.

Senator MCCASKILL. So, I just want to clear up—there seems to be some confusion about the way the system works now, in terms of crimes being committed. I want to clear up, briefly, that—there have been some things said—and I wasn't there when these were said, but evidently—that gave the impression that prosecutors were not involved in investigating the cases, and that prosecutors were not involved in advising the cases, and that prosecutors weren't the primary source of information for a convening authority, in terms of recommendations, going forward. It's my understanding that the trial counsel, which is what a military process prosecutor is called, they review, they evaluate, and they advise on the case at every single stage, from the initial phase all the way to the court-martial. Is that correct?

Secretary WILKIE. Absolutely.

Senator MCCASKILL. So, any characterization that prosecutors are not involved in investigating and advising these cases is just incorrect.

Secretary WILKIE. Yes, ma'am.

Senator MCCASKILL. Thank you very much.

Secretary WILKIE. Yes, Senator.

Senator MCCASKILL. Thanks, Mr. Chairman.

Senator TILLIS. General Grosso and General Rocco, you remember the question you've got to answer?

[Laughter.]

Senator TILLIS. We'll start with General Grosso.

Senator GILLIBRAND. Yes, Senator Gillibrand, ma'am. I just want to clarify on Claire's question.

What my understanding is—until a decision is to go forward to trial. So, before—so, we talked to the chief prosecutor at the Air Force, and he said he was never consulted by counsel or by a commander until the decision was referred to trial.

Secretary WILKIE. Yeah.

Senator GILLIBRAND. In 20 years.

Secretary WILKIE. That—I don't know the context of what she was speaking. I can tell you that, when any command, if it's a commander who is a commander of a company or a squadron or a battalion, is faced with a legal matter involving one of his troops or airmen or marines or sailors—

Senator MCCASKILL. Or her troops.

Secretary WILKIE.—or her troops—that trial counsel from the JAG [Judge Advocate General] is his—not only his legal advisor, but he is also carrying out the details of that investigation. That is my—

Senator GILLIBRAND. So—

Secretary WILKIE.—that's been my experience.

Senator GILLIBRAND. So, I have been told, the only person that consults with the commander is his general counsel—his counsel. He does not actually speak to the prosecutor until after a decision has been made.

Secretary WILKIE. No. That's not my experience.

Senator GILLIBRAND. Okay. Can I have a letter from each one of your services outlining exactly when prosecutors are consulted? Because I talked to the chief prosecutor for the Air Force who did the job for 20 years, and he said he literally was never, never consulted

until the decision was made that court-martial—that it would move forward to court-martial, but never in the deciding phase. In fact, his challenge to me was that, once the decision was gone to court-martial, that he would have to go back to the commander every time he wanted to call a witness, and get permission, and that that delay, in and of itself, was problematic.

Secretary WILKIE. I will get you a comprehensive answer from the general counsel.

[The information referred to follows:]

Secretary WILKIE. Attached letter signed by Acting GC sent to requesting Senators (see Appendix A, page 129).

Senator GILLIBRAND. Right, about when—at what stage in the process is the prosecutor engaged, briefed on the case. I don't think it's before a convening authority is—

Senator MCCASKILL. It—not only—

Senator GILLIBRAND.—is called—

Senator MCCASKILL.—before a convening authority, it's before there's even a preliminary hearing. It doesn't even go to the convening authority until after there's a preliminary hearing at which the trial counsel is engaged in.

Senator GILLIBRAND. So, not—

Senator TILLIS. Let's—

Senator GILLIBRAND. So, the—you will give us the briefing. Because I was told that, not until a decision was made that a case would go forward was a trial counsel engaged.

Senator TILLIS. You've heard the request for the record—

Senator GILLIBRAND. Yeah.

Senator TILLIS.—from each of the service lines—

Senator GILLIBRAND. Just to tell us, How does it work and—for each of the services?

Senator MCCASKILL. Let's figure out a time we can both be there, and have the head lawyer for each service come and sit down with Senator Gillibrand and I so we can clear up what I think are a lot of misperceptions that are being spread around.

Senator GILLIBRAND. Thank you very much.

Secretary WILKIE. Senator, now you know why Gary Leeling knows I'm a recovering lawyer.

Senator GILLIBRAND. Yes. Yes.

[Laughter.]

Senator GILLIBRAND. Okay, back to the questions we asked.

Senator TILLIS. Then we'll transition to the next panel.

Senator GILLIBRAND. The Vice Admiral didn't answer about if he's prosecuted any retaliations, and whether he's doing anything on domestic violence.

Admiral BURKE. Start here?

Senator GILLIBRAND. Yes, go ahead.

Admiral BURKE. Yes, ma'am.

On—

Senator GILLIBRAND. Thank you.

Admiral BURKE. Yeah. Domestic violence front, we continue to expand our prevention programs. Deployed resilience counselors onboard our large decks. We've expanded those out to pierside for our smaller combatants. Those folks are helping with interpersonal-skills training, along with a domestic violence prevention

mobile app that we issued that helps enhance training and provide local resources, to include emergency contact information. We're continuing to evaluate private-sector programs that provide research-supported frameworks to help us reduce interpersonal violence.

And the child abuse issues, we've expanded and continue to improve our training on our New Parent Support Program service providers. This program has been relatively successful. We take at-risk families and teach them, you know, basic skills, increase the father's engagement, promote parenting resiliency. In the past year, there were no reported cases of child abuse or neglect for those high-risk families that participated in the program.

And in the High Risk for Violence Coordinated Community Response Team Program, again, for high risk, known possible issues, it has been panning out, as well. That gives us a coordinated community response, local law enforcement, base, police, whatever the situation might be, that are on call, known response force ready to come and protect and assist, actual or alleged past victims, potential victims of domestic or child abuse.

We also piloted, in a number of different locations, One Love Foundation facilitators to help with these interpersonal skills, and helping us get to the left of a number of destructive behaviors, but intimate partner and child abuse being among them. Part of that was an assessment tool for how successful was that. We're just getting to the point where we're going to be able to employ some of the assessment tools to find out how effective the One Love training was for our forces.

But, we're continuing to employ some big-data approaches. We've brought behavioral science folks onboard. We're looking at as many approaches as possible.

Finally, CNO [Chief of Naval Operations] established a Four Star Governance Board to look at signature behaviors. Our focus is on, the behavior at the high end of the spectrum. How do we want sailors to behave, we'll continue to focus on prevention, but we want the focus on the winning-team behavior at the high end of the spectrum, as well. We have to do both, not just focus on the pass-fail line. So, domestic violence and suicide and some of these other things are very much at the top of the list of the focus of that Four Star group right now.

So, we're bringing as many resources to bear to take some non-traditional looks at trying new approaches, here, rather than just continue to train and hope we get new results.

Senator GILLIBRAND. Thank you.

Lieutenant General Grosso?

General GROSSO. Senator Gillibrand, reference your question about combat integration, we do have such a small number of positions—about 1,700—that we had to finally integrate. These positions are all of our special operations career fields. Interestingly, we have a challenge recruiting both men and women. We have actually put a contract for a group of people. Typically, they're—they hire former special operators, and they help us recruit both men and women. So, they're going into high schools to find very athletic, intelligent people. But, it's a challenge for both men and women.

We have—and we also recruit within the force. So, we have had 12 women enter the program; and, unfortunately, we have none that have passed the physical exam. In fact, we had just one eliminated yesterday for a knee injury. So, I think we're certainly trying hard, but, unfortunately, we haven't gotten a woman to go through. I think some of—the thing you discussed earlier about the health of the population—women are less—even less available than men in that young population. So, I think that's something that we have to look at.

Reference your questions about child abuse, you know, unfortunately for the Air Force, since fiscal year 2013, we've had a rate per thousand that's been fairly stable, so about four rate per thousand. So, we've really been looking—targeting the leadership, both in training—both on the officer—on the commander side and on the senior enlisted, to recognize signs and to encourage people to seek help. So—and not to have a barrier to help. Just like Admiral Burke discussed, we've had tremendous success with our New Parent Support Program. Our data shows us that 99 percent have not reoffended.

We are rolling out a new program, as well, that's going to target couples that have already experienced some form of violence, and trying to—trying to help them understand the dynamic of that, to also bring down this—child abuse.

Then, finally, I will say that the work that we're doing on our sexual assault prevention, just on prevention in general, and healthy life skills work that's ongoing, I think will also tangentially have an impact on this challenge for us, as well.

I will get you your answer on—I don't know the answer on retaliation, but I'll get that.

Senator GILLIBRAND. So, even the services—tell me, how is it going? Have we prosecuted any yet? If we have a rate so high, we need to start prosecuting it as the crime that it is.

General ROCCO. Ranking Member Gillibrand, for the Marine Corps, your first question, about fields—all the occupational fields are—currently are open to female marines. We have over 300 female marines that are in previously closed units.

For female recruiting, Marine Corps Recruiting Command has focused their efforts to recruit females at colleges through sports programs, and high schools through the sports programs. So, they've emphasized that, and focused their efforts in trying to open up some avenues that were previously closed.

For retaliation, it's not tolerated. We investigate them fully. I don't have the numbers on what exactly—what are the results of it, but I know, a number of them, senior officers are under currently—investigation—open investigations on retaliation.

For family member violence, we have the Family Assistance Program. This is at all bases and stations. They have a 24-hour help line. They provide support to the victims. We also provide counseling and legal support to those affected by it.

Finally, on the family assistance, when we talk about domestic violence, we incorporate that training and predeployment training, post-deployment training, and all commanders' course and schools—proficient military schools—to make sure that the commanders and the senior leaders are aware of what's out there,

what the numbers are, and what's available to help them, marines and the families.

Thank you.

Senator TILLIS. Well, thank you all for being here. Appreciate the member participation. We're going to transfer to the next panel. Thank you for your service, and continue engagement with the Committee.

[Pause.]

Senator TILLIS. If we could have the witnesses just come forward. We can come back to order.

I'd like to welcome the witnesses. On the second panel, we have Kathy Roth-Douquet, Chief Executive Officer of Blue Star Families; Ms. Kelly Hruska, Government Relations Director for the National Military Family Association; and Mr. Michael Haynie, Ph.D., Vice Chancellor for Strategic Initiatives and Innovation at Syracuse University.

Thank you all for being here. We'll allow up to 5 minutes for an opening statement.

We will start with Ms. Roth-Douquet.

STATEMENT OF KATHY ROTH-DOUQUET, CHIEF EXECUTIVE OFFICER, BLUE STAR FAMILIES

Ms. ROTH-DOUQUET. Thank you very much, Senator. Thank you for including us in this hearing.

We enjoyed the prior testimony, and we see great movement over the years. We credit a lot of that to your leadership and the leadership of your staff.

Blue Star Families builds communities that support military families and connects them to their civilian neighbors. We believe that all military families should be able to serve and simultaneously build thriving and healthy families.

One way we do this is by performing research and using the resulting data to inform others and to develop our own programs and solutions. Our annual Military Family Lifestyles Survey provides a yearly snapshot of the state of military families. It's released by the Senate and House caucuses on military families.

We believe military families are central to the security of our Nation. They aren't a nice-to-have. They've a component of the force. In the 21st Century, the majority of people who serve are married and do have children and will serve over time.

Our survey results show that servicemembers and their families have substantial difficulties balancing work and family. That's especially acute for female servicemembers and female spouses operating in a military culture designed to meet the needs of male servicemembers and their families.

Rather than ad hoc measures meant to provide support during periods of acute warfare, military families must be understood as a structural component of the force. Thinking about families in this way makes the country smarter about what it takes to ensure our country's national security and improves the ability of DOD to meet military family support needs.

So, when we asked, this past year, what could DOD do to make it easier for you to ensure your family is happy and healthy during your or your loved one's Military Service, the top things people

talked about was operational tempo, which included their ability to take their own leave—that was an interesting finding, and a top finding—spouse employment, and childcare. We also saw a central topic this year being the lack of integration in their local civilian communities. We see that as being a real avenue for improvement.

So, one of our key stats is that nearly half of military families said that the amount of time away from family was their number-one concern. Deployments were cited as a top stressor associated with time in the military. Fifty-six percent felt that DOD support services were inadequate to support their children dealing with the unique challenges of military lifestyle. Over time, over a 3-year trend, we've seen servicemembers, veteran, veteran spouse, and post-9/11 veteran subgroups indicating increased rates of suicidal ideation.

So, we see some policy actions or solutions that would respond to these. Very much applaud the ideas about reducing family separation, increasing predictability and absences, and increasing dwell time. Can't overstate how much sequestration and continuing resolutions hurt military families because it reduces predictability. Even with the very brief shutdown we had recently, we heard from Special Forces families, from National Guard families, about not having support for families who were wounded in action. People having to go into their own credit cards to get over to Landstuhl to see their servicemembers. Not having support at a memorial service for a fallen special operations person. Hundreds of National Guard not getting their training, not getting their pay. People are living on a very tight leash. This is real harm.

Improved leave benefit and ability to take leave. We need to investigate this further, but, in a write-in response, a number-one problem that people stated was not being able to take the leave that they've earned. This is causing a lot of problems for families. That's no impact on the budget. What's going on there? Can we do something about it?

We do believe we need to fully fund and staff the DOD Office of Suicide Prevention because of the increased trends in suicidal ideation we see.

Spouse employment. Financial consideration is a key factor in whether or not people stay in the military. Sixty-two percent of our families in this survey said they felt some or a great deal of stress because of their current financial situations. Again, sequestration harms that.

In our survey, we had an uptick of unemployment. Twenty-eight percent of military spouses told us that they had been actively seeking work in the last 4 weeks. We saw that went up, because many who had stopped seeking work in previous years, maybe that they have heard more about it, and so they've started looking again. That's a good sign, but we need to help them work.

A majority of military spouses earned zero income in 2016. A majority of those who did work made less than \$20,000 a year.

Not coincidentally, about half of military families have less than \$5,000 in available savings. That causes a lot of pain when people transition out. About half of both Active Duty and spouses say that their top obstacle to financial security is spouse unemployment and underemployment. So, we very much support Senator Kaine's Mili-

tary Spouse Employment Act, and applaud Senator Purdue and the other Senators for joining it.

We are interested and asking Federal hiring managers, in addition, to report on why they don't hire military spouses. Seventy-nine percent of military spouses in our survey who applied for positions did not get them. Despite the fact that, since 2014, there is special authority that allows hiring managers to appoint qualified spouses, I think we should ask them why they're not hiring them.

We are interested in the idea of legislation that might reimburse States for spouses'—military spouses' licensing fees so that States can waive licensing fees for military spouses.

Childcare continues to be a critical problem. Issues related to children, time away from children or worries about the impact of military life, was the top stressor for military—for female servicemembers, and their top reason for exiting Military Service in the next 2 years. We dove a little deeper into the experience of military—of females in uniform this past year's survey. You may be shocked to hear that the experience of women in uniform is not the same as the experience of men in uniform. Childcare is one of the key reasons. Two-thirds of men said they had childcare to meet their needs, in uniform. One third of women said the same thing. We asked people in dual-military couples. Interestingly, the husband in a dual-military couple did have childcare to meet his need; the female in a dual-military couple did not.

A top reason for not working identified by the military spouse respondents were the servicemembers' job demands, which includes the moves and the unpredictability of deployments and training, and then childcare. Both of those were the majority reasons.

So, we think that these suggestions—to increase dwell time, allow military servicemembers to turn down a move for family stability, and allow servicemembers to take leaves of absence for family reasons, particularly for females in the military—will be critical. The needs of the military and national security have to come first. We certainly don't want to trump those. But, I'm heartened to hear the services feel that this is possible.

Female servicemembers aren't nice-to-have, they are need-to-have. To get the qualified people we need to run our military, we have to have that 17 percent, and growing, females. We have to make Military Service compatible with them having the kind of American life that other Americans enjoy, which includes having children.

We have to expand options for affordable childcare and improve flexible work-hire initiatives so that we can allow military spouses to work under the conditions that their national security mission requires them to work. Military spouses aren't not working because they don't have the skillsets, it's because they need flexible work conditions. Those do exist. We just need better visibility and better cooperation with the Military Services to allow that opportunity for the outside resources that can help us find these kinds of jobs more possible.

We support the progress of the Availability of Childcare for Every Servicemember and Spouse Act, the ACCESS Act.

Finally, I do want to mention local civilian community integration, even though it's not a DOD function, per se. But, 70 percent

of married servicemembers live off-installation. Seventy-two percent of our servicemembers who responded to our survey were less than 2 years in their current community. So, they're moving very frequently. Perhaps because of this, the majority of people who we asked said that they do not feel that they belong to the communities in which they live. They don't feel they belong. They would like to feel that way.

We asked them, How many conversations have you had with civilians in the last month? Just in bands: 3–6, more than 10? Thirty percent said zero. Zero conversations. So, this isolation makes it hard to get jobs, it hurts mental health, it has a direct effect on child abuse and neglect. If you don't have someone you can turn to to help you with your families, that's an outcome. So, isolation from family and friends is a top-five stressor each year that we've done our survey.

We think there are things that can be done. We are frustrated by the—how difficult it is to create public-private partnerships with the Department of Defense, to share the resources that are available to communities, the sea of goodwill that there is for military people. We are interested in exploring the idea of an Office of Strategic Partnership in the DOD, similar to what exists in the VA and has been very effective, to perhaps push some of the initiatives that really are political and not operational. We need to connect the civilians and the military. Having more openness at the community level would help that.

As part of the work I did with the Bipartisan Policy Council on Defense Personnel Reform, we suggested asking all young Americans to take the ASVAB, the Armed Forces vocational aptitude test, male and female at 18, a simplified online version. We think having one time where all Americans consider what sort of—what work they might do in the military, in itself, might break down barriers and might allow us to bring people into the military who don't currently serve. Creative ideas like that are something that we're very interested in this.

So, thank you for letting me speak. I apologize for going over my time.

[The prepared statement of Ms. Roth-Douquet follows:]

PREPARED STATEMENT OF BLUE STAR FAMILIES SUBMITTED BY MS. ROTH-DOUQUET

Dear Mr. Chairman, Ranking Member Gillibrand, and other distinguished Members of the Subcommittee,

Blue Star Families deeply appreciates the opportunity to testify in front of the Personnel Subcommittee of the Senate Armed Services Committee on February 14, 2018. Thank you for including our perspective.

The following attachments are also submitted for the record:

1. Written Testimony
2. 2017 Military Family Lifestyle Survey, Comprehensive Report
3. 2017 Military Family Lifestyle Survey, Executive Summary
4. 2017 Military Family Lifestyle Survey, Comprehensive Infographic
5. 2017 Military Family Lifestyle Survey, Opportunity Costs for Service Infographic
6. 2017 Military Family Lifestyle Survey, Civilian Community Integration Infographic
7. 2017 Military Family Lifestyle Survey, Diverse Experiences of Service Infographic

8. 2017 Military Family Lifestyle Survey, Benefits of Military Service Infographic

Chairman Tillis, Ranking Member Gillibrand and other distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today.

I am Kathy Roth-Douquet and I am the CEO of Blue Star Families. Blue Star Families (BSF) builds communities that support military families by connecting research and data to programs and solutions, including career development tools, local community events for families, and caregiver support. Since its inception in 2009, BSF has engaged tens of thousands of volunteers and serves more than 1.5 million military family members. With BSF, military families can find answers to their challenges anywhere they are. With strong ties to all branches of service, Active Duty, veterans, and their families, BSF is nationally recognized for its annual Military Family Lifestyle Survey. The largest of its kind, the survey provides both quantitative and qualitative data that reveals a snapshot of the current state of the servicemembers and their families. Conducted annually, the Military Family Lifestyle Survey is used at all levels of government to help inform and educate those tasked with making policy decisions that impact servicemembers and their families— who also serve.

SUPPORTING MILITARY FAMILIES STRENGTHENS NATIONAL SECURITY AND LOCAL COMMUNITIES

Military families are assets to national defense and local communities. They are central to the health and capability of the All-Volunteer Force and are good neighbors actively engaged in making their civilian communities great places to live.

The All-Volunteer Force continues to serve in uncertain and challenging times. With our Nation's 16th consecutive year at war drawing to a close, military families continue to endure multiple prolonged periods of separation from their servicemembers. This past year continued to see new and emerging security threats in numerous regions while Department of Defense (DOD) grew the Total Force to support a mission that is not expected to shrink in the near future. The resulting operational tempo and substantial difficulties in balancing work and family is very concerning to servicemembers and their families. Quality of life issues like time away from family, military family stability and the impact of Military Service on children are top concerns along with lasting concerns regarding pay, benefits, and spouse employment.

Research suggests that servicemembers' top concern is for their family's well-being and family well-being is top consideration in whether a servicemember stays or leaves the force. In fact, our research shows that while 55 percent of servicemembers and their spouses would recommend service to young people, only 40 percent would recommend it to their own child; both showing a decline from previous year's percentages. While the military has adopted a number of reforms to support military families in the past few years, there is still much more to be done.

KEY PRIORITIES FOR MILITARY FAMILIES

Blue Star Families conducted its 8th Annual Military Family Lifestyle Survey in April-May, 2017 with over 7,800 respondents including military spouses, Active Duty servicemembers, veterans, and their immediate family members participating in the survey. The Military Family Lifestyle Survey's response rate makes it the largest and most comprehensive survey of Active Duty, veterans, and their families.

This year's survey results show military families are increasingly concerned about the continued sacrifices that accompany this prolonged period of conflict. It shows the country needs to get smarter about what a healthy All-Volunteer Force really looks like—and what it needs it to look like to ensure future success. The All-Volunteer Force was not designed for our current security environment or the modern servicemember—who may be single parents, have professional spouses, have children with special needs, and living in an increasingly diverse and inclusive society.

Analysis of the qualitative portions of this year's survey reinforced the quantitative findings. For example, extended family separations, frequent moves, and outdated expectations that military spouses sublimate their personal, professional, and familial priorities to support their servicemembers Military Service are the most relevant topics identified as substantially reducing the quality of life and attractiveness of martial service. Simply put, military families have a strong desire and commitment to serve; however, responses suggest they remain rational actors who are increasingly assessing alternatives to maintaining a long-term commitment to Military Service.

Despite varied topics covered in this year's survey report such as family separation, civilian community integration, and mental healthcare, one clear and consistent theme emerged: the DOD must do a better job of incorporating military fami-

lies into its current thinking and future planning. Rather than ad hoc measures meant to provide support during periods of acute warfare, military families must be understood as a structural component of the force. Even further, just as a strong defense requires diverse skills, strong military family support requires a comprehensive understanding of the diversity of today's military families. Thinking about the families in this way makes the country smarter about what it takes to ensure our Nation's security and it improves the ability of the DOD to meet military family support needs.

Our key priorities for the coming year are based on areas of need identified in our 2017 survey. We feel improvement in these areas also has the greatest potential to reduce the trend of increasing quality of life concerns that was a top trend in our 2017 survey.

The areas we will be focusing on are:

- Increasing understanding among the general U.S. population that operational tempo and family separations remain very high—72 percent of Active Duty and military spouse respondents indicated the current operational tempo (optempo) exerts an unacceptable level of stress for a healthy work-life balance, and 40 percent of military family respondents report experiencing more than 6 months of family separation in the last 18 months. Military families continue to experience significant challenges and make heavy sacrifices as a result of their service.
- Improving civilian-military community connections that improve local integration is important for the overall health and wellbeing of military families and is a smart recruitment and retention policy for DOD—51 percent of Active Duty and military spouse respondents indicated that they did not feel a sense of belonging within their local civilian community and 72 percent of military family respondents indicated living in their current community for 2 years or less suggesting families experience substantial challenges integrating into their local, off-installation communities.
- Improving financial security and improving employment and career viability for military spouses—unemployed or underemployed military spouses. Military spouse unemployment sits around 28 percent (compared to 4 percent for all married women with children under 18) and is a top obstacle to the financial security and successful retirement or transition planning for military families.
- Increasing modern understanding of the diversity of today's military workforce—while concerns about family was the top reason motivating male and female servicemembers to exit Military Service, traditional expectations regarding gender roles continue to compound this issue for female servicemembers, who indicated higher levels of stress and concern balancing work and family responsibilities. Related, developing better solutions to the lasting challenge of access and affordability of quality childcare is a continued top need—67 percent of military families are unable to reliably find childcare that meets their needs and it was cited as a top military spouse career obstacle.

Operational Tempo and Family Separations

The military lifestyle demands long hours, unpredictable work schedules, and that families endure frequent and prolonged separations not just for wartime deployments, but also for training, temporary duty assignments, and additional responsibilities that frequently require travel. Servicemembers and their families feel the current optempo is unsustainable and threatens the health of their families. For the first time, based on strong indications from 2016's survey results, respondents were provided a new "top issue" option: "Amount of time away from family." Forty-six percent of Active Duty servicemember and spouse respondents ranked this new option as their top issue of concern. Additionally, 34 percent of Active Duty servicemember respondents ranked "family stability/quality of life" as their number three issue.

Seventy-two percent of Active Duty and military spouse respondents indicated the current optempo exerts an unacceptable level of stress for a healthy work-life balance. Forty percent of military family respondents report experiencing more than 6 months of family separation in the last 18 months and deployments are cited as the top stressor associated with time in the military for both servicemembers and military spouses. In qualitative portions of the survey, respondents identified several steps the DOD can make to alleviate the stress arising from large amounts of time away from family. Improving leave benefits and ability to take leave was the top response. Improving the servicemember's work schedule (while at home) to allow time with family, and improving leadership behavior/policies impacting military families were also top suggestions.

Concerns regarding the impact of a military lifestyle on dependent children's wellness appears to be increasing with two issues related to military child wellbeing ranked in the top 5 concerns for both servicemembers and military spouses for the first time in the 9 year history of this survey. Thirty-two percent of servicemember and 39 percent of military spouse respondents ranked dependent children's education as a top 5 issue of concern, and 33 percent of servicemember and 36 percent of military spouse respondents ranked impact of deployment on children as a top 5 issue of concern. Fifty-six percent of military family respondents feel the DOD support services are inadequate to support military children in coping with unique military life challenges. Military leaders can continue to prioritize military family programming as an essential component of readiness while operational tempos remain high and the global security environment remains uncertain. Similarly, mental health, childcare, and community integration support are critical needs and are excellent opportunities for the DOD, local and national leaders to enhance support to address these areas of concern.

Meeting the demands of an unrelenting optempo can take a toll on mental health for servicemembers and their families. The Deployment Health Clinical Center released a study citing the rate of anxiety disorder diagnoses among servicemembers rose from under 2 percent in 2005 to more than 5 percent in 2016, and the rate of depression rose from 3 percent in 2005 to more than 5 percent in 2015.¹ Research also suggests that substance use disorders are likely to co-occur among veterans and servicemembers with at least one other mental health disorder such as depression or anxiety, and that alcohol abuse is more prevalent among military servicemembers when compared to civilians.² Three year BSF Survey respondent trends for servicemember, veteran, veteran spouse, and post-9/11 veteran subgroups all indicate an increasing rate of those who have considered suicide. Just as physical health is a core requirement of servicemembers for readiness, their mental health as well as the mental health of their family members are a critical component of mission readiness requiring additional support and early intervention.

Recommendations

- *Fully fund and staff the Office of Suicide Prevention.* The Pentagon has reported suicide takes more lives of United States troops deployed to fight ISIL [Islamic State of Iraq and the Levant] than those killed in combat. BSF encourages Congress to reconsider fully funding and staffing the DOD's Office of Suicide Prevention to support service Headquarters' ability to provide innovation and programming.

Civilian Community Integration

The end of the draft resulted in a stronger, more professional U.S. military; however, it has also decreased understanding of Military Service and sacrifice within the broader American society. Roughly, 0.5 percent of the American public has served on Active Duty at any given time since 9/11; this number is expected to continue to decline as a result of continued voluntary service and evolving technology. While the smaller percentage of Americans in martial service alone is not a cause for concern, the resulting decrease in understanding between the military and the broader U.S. society presents significant challenges for the future of American defense.

Nearly one-third (31 percent) of military family respondents in this year's survey indicated they had not had an in-depth conversation with a local civilian in the last month. Military spouse respondents indicated higher rates of engagement with civilians compared to servicemembers, with 39 percent reporting an in-depth conversation with civilians at least once a week. Thirty-two percent of servicemember respondents indicated the same. Recent research underscores the negative impact of loneliness and social isolation on physical health, as "social isolation may represent a greater public health hazard than obesity,"³ For military spouse respondents, isolation from family and friends has been a constant top five stressor each year despite 94 percent of military spouse respondents indicating working with others in

¹Deployment Health Clinical Center (2017). Mental Health Disorder Prevalence among Active Duty Service Members in the Military Health System, Fiscal Years 2005–2016. Retrieved from <http://www.pdhealth.mil/sites/default/files/images/mental-health-disorder-prevalence-among-active-duty-service-members-508.pdf>

²Institute of Medicine (2014). Understanding psychological health in the military. In L.A. Denning, M. Meisner, & K.E. Warner (Eds.), *Psychology Disorders in Service Members and Their Families: An Assessment of Programs*. Washington, DC: National Academies Press. Retrieved from <https://www.ncbi.nlm.nih.gov/books/NBK222167/>

³American Psychological Association (2017). So lonely I could die [Press release]. Retrieved from <https://www.apa.org/news/press/releases/2017/08/lonely-die.aspx>

their neighborhood to fix problems or improve conditions is an important responsibility. This military spouse disconnect presents an opportunity for the civilian communities, DOD, and military installation leadership to create a more efficient pathway for servicemembers and their spouses to engage locally and for the broader American society to gain deeper understanding of the military lifestyle.

Recommendations

- *Report on the feasibility of establishing an Office of Strategic Partnership in the Office of the Secretary of Defense (OSD).* We support the Secretary of Defense reporting to the Committees on Armed Services of the Senate and the House of Representatives on the feasibility of the DOD creating an Office of Strategic Partnerships. Modeled after the VA Office of Strategic Partnerships, such an office would serve as a clearinghouse staffed with the political appointee to promote consistency and prevent mission stagnation. Potential activity would include forming a Joint Partnerships Committee who would host quarterly meetings with representatives from all Services. Quarterly meetings would allow for increased openness with Services and aim to determine where policies, power to enforce, and budgets would align. This office would also serve as an access point for qualified non-governmental organizations to provide innovative solutions to challenges experienced by the OSD and Services.
- *Enhance and expand the Selective Service System to include all young American adults, and require Selective Service registrants to complete a modified, online military vocational aptitude test (ASVAB).* Today's Selective Service System is based on a pre-All-Volunteer Force recruitment strategy and is not useful for developing the increasingly adaptable force the Nation will need in the future. An enhanced Selective Service System would collect more detailed registrant information which could be used as a recruiting tool that allows the military to identify both men and women who have relevant skills. By requiring Selective Service registrants to complete a modified, online ASVAB, millions of younger Americans will be exposed to the possibility of Military Service and, with registrant permission, allow military recruiters an opportunity to engage students with proclivity to serve.⁴ Such exposure will help in reducing the civilian-military divide and improve the future of American defense.

Financial Security

Financial considerations are a key factor in a military family's decision to stay in the military. Sixty-two percent of military family respondents reported they felt some or a great deal of stress as a result of their current financial situation, which is slightly higher than the broader American society where 56 percent indicated worrying about their finances within the last year.⁵ When financial readiness is threatened by financial stress and insecurity, military readiness is compromised with potential to negatively impact servicemember's careers and the stability of military families. Forty-nine percent of all military family respondents also indicated they have less than \$5,000 in available savings. In 2016, 7 percent of respondents reported experiencing food insecurity in the past year.

Military family financial stress is further compounded by the lasting threat of sequestration. BSF survey research shows changes to pay/benefits is currently a very sensitive issue, given the numerous changes in recent years. Military family respondents rely on government leaders to protect their earned benefits and respect their service. Sequestration and changes to military pay/benefits is the quickest way to decrease morale and erode trust between servicemembers and national leadership. It is critical that the government stop whiplashing multiyear families with these solutions.

Findings suggest that retirement planning is an area where a large number of servicemembers, military spouses, and veterans experience significant challenges and uncertainty. Ten percent of military family respondents indicated they are not currently contributing towards a retirement account. As with many military benefits, respondents indicated their understanding of this benefit was low. Fifty-one percent of those servicemember respondents who may be eligible for the new Blended Retirement System reported they did not understand the benefit. Among those eligible for the new retirement system, 55 percent reported they expected the new

⁴ Bipartisan Policy Center. (2017). Building a F.A.S.T. Force: A Flexible Personnel System for a Modern Military: Recommendations from the Task Force on Defense Personnel. Retrieved from <https://bluestarfam.org/wp-content/uploads/2017/04/BPC-Defense-Building-A-FAST-Force.pdf>

⁵ Pew Charitable Trusts (2015). American's financial security: Perception and reality. <http://www.pewtrusts.org/-/media/assets/2015/02/fsm-poll-results-issue-briefartfinalv3.pdf>

benefit to be less than they otherwise would have received. Most troubling for those who must make a decision regarding which retirement system to choose, 42 percent of servicemember respondents indicated they did not know how the new system compared to the old benefit.

Without a clear picture of their financial future, military families are less likely to stay long-term. Educating military families with the facts about the new retirement system and equipping them with the tools to invest and save wisely are critical to maintaining both financial readiness and willingness to serve.

Recommendations

- *Remove barriers to military families receiving nutrition assistance in the form of food stamps.* BSF supports any efforts to remove barriers for military families to receive access to nutritional assistance and supports the Military Hunger Prevention Act, H.R. 1078 (115) which would exclude the value of Basic Allowance for Housing (BAH) from military families' income when determining eligibility for the Supplemental Nutrition Assistance Program. BAH is known to adjust depending on the cost of living in any given location and can fluctuate enough that it disqualifies military families from SNAP even though food prices may also be higher where they are stationed. As the IRS [Internal Revenue Service] does not consider BAH taxable income and is not considered income for a multitude of other social welfare programs, we do not feel it should be considered income when considering eligibility for nutritional assistance.
- *Mandate the creation of a military family adjusted income index.* Include language requiring research on the difference between total household earnings of military families vs comparable-looking civilian families to measure so called "military family earnings penalty." This index could be used in future considerations or quadrennial reviews of servicemember remuneration.
- *Oppose changes to Post-9/11 transferability that would end transferability for those with 16+ years of service.* While transferability is a retention initiative, denying transferability denies benefits to those who have chosen to continue to serve during 16+ years of war and also denies the benefit to the children of those who have chosen to stay.
- *Oppose repeal of deduction for moving expenses and exclusion for qualified moving expense reimbursement.*
- *Oppose repeal of the exclusion of gain from sale of a principal residence.*

Military Spouse Employment

The ability of military spouses to meet their own employment expectations is a significant factor with overall satisfaction with the military lifestyle and with individual servicemember retention decisions.^{6,7} Forty-six percent of respondents to our survey identified military spouse employment as a top obstacle to their family's financial security and military spouse employment remains a top concern for Active Duty spouse respondents. Military spouse unemployment sits around 28 percent (compared to 4 percent for all married women with children under 18), an increase from last year's survey findings. Findings also indicate that the financial challenge presented by spouse unemployment and underemployment is further underscored by the finding that 52 percent of military spouse respondents earned zero income in 2016 and only 9 percent contributed equally or more. In comparison, of all U.S. households with children under 18, the share of married mothers who out earn their husbands is 15 percent.⁸ Existing research suggests updating the DOD's outdated and bureaucratically cumbersome personnel management system into a more flexible and decentralized model would allow the military to more effectively meet operational needs and would also enable military families to optimize duty station assignment selection so that both servicemembers and spouses are better able to progress in their careers.

BSF supports legislative proposals such as Senator Kaine's Military Spouse Employment Act of 2018 which seeks to improve military spouse competitiveness for Federal employment and offer military spouses more opportunities. In 2016, 79 percent of military spouse respondents who applied for a GS [general schedule] position indicated they were not hired. Federal employment opportunities are key positions

⁶Casetenada, L.W. and Harrell, M. (2008). Military Spouse Employment: A grounded theory approach to experiences and perceptions. *Armed Forces and Society*, 34(3), 389–412

⁷Scarville, J. (1999). Spouse Employment in the Army: Research Findings. Retrieved from <http://www.dtic.mil/dtic/tr/fulltext/u2/a222135.pdf>

⁸Harrison, D. & Laliberte, L. (1997). Gender, the Military and Military Family Support. Weinstein, L. & White, C.C. (Eds.), *Wives and Warriors: Women and the Military in the United States and Canada* (pp. 35–54). Westport, CT: Bergin and Garvey.

for military spouses as employment often exist close to nearly all installations, is frequently portable, and for bases overseas may be the only option due to SOFA [status of forces agreement]. If passed, such legislation would be one of the strongest steps the Federal Government can take to improve military spouse employment challenges that arise as a result of Military Service.

Recommendations

- *Support the Military Spouse Employment Act of 2018 introduced by Senator Kaine.*
- *Require Federal hiring managers to report on any military spouse applicants for open Federal positions and if they were not hired, a reason as to why they were deemed unqualified or otherwise not hired.* Also expand hiring capabilities to Federal hiring managers to allow for “expedited hiring authority” to quickly employ military spouses.
- *Develop legislation similar to the Lift the Relocation Burden from Military Spouses Act introduced by Representative Stefanik and passed with the 2018 NDAA at a state level.* Proposed legislation would reimburse states for licensing fees if those states agree to waive the cost of military spouse relicensing.
- *Expand Work Opportunity Tax Credit (WOTC) offered to veterans to include military spouses.*
- *Remove repeal of the Work Opportunity Tax Credit (WOTC) from the proposed TC&JA [Tax Cut and Jobs Act].* Instead, the WOTC should be expanded to include military spouses. The WOTC has been a critically important tool assisting in solving the problem of veteran unemployment and would be a game-changer for spouse unemployment. (DOL) statistics show 35,904 veterans were certified for WOTC during the 3-year period before the Veterans Opportunity to Work Act. By contrast, 278,611 veterans were certified during fiscal years 2013 to 2015, an increase of more than 700 percent.

Increasing Modern Understanding of the Diversity of Today's Military Workforce

The All-Volunteer Force implemented in 1973 was not designed for the modern servicemember—a force that is married, has children, and is increasingly diverse. As a result, modern servicemembers are experiencing increasing difficulties balancing work and family. This challenge is especially acute for female servicemembers and female spouses who must operate in a military culture designed to meet the needs of male servicemembers and their families.⁹

Women comprise 16 percent of today's Active Duty force and analysis of future defense needs suggests this is likely to grow in order to sustain an All-Volunteer Force.¹⁰ Research has shown that even in families where both partners attempt to share household responsibilities, women often assume a larger load of the work at home, creating the burden of “second shift” that men don't equally feel.^{11 12} In this year's survey, “issues related to children (time away from children or worries about impact of military life on children)” was identified as the top stressor for female servicemember respondents while male respondents ranked deployment as their top stressor. While top stressors for both groups can be understood as related to the high optempo and frequent family separations that are associated with service, the fact that each gender expressed this stressor differently suggests substantially different experiences of service between genders—even when experiencing the same stressors. Furthermore, existing research indicates that when forced to choose between a career and a family, females in heterosexual dual military marriages are more likely to consider leaving the military.¹³ This was also seen in this year's survey with 41 percent of female and 35 percent of male servicemember respondents

⁹ Southwell, K.H., & MacDermid Wadsworth, S.M. (2016). The many faces of military families: Unique features of the lives of female servicemembers. *Military Medicine* 18(1), 70–79.

¹⁰ U.S. Department of Defense, Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy (2015). 2015 Demographics: Profile of the military community. Retrieved from Military OneSource Website: <http://download.militaryonesource.mil/12038/MOS/Reports/2015-Demographics-Report.pdf>

¹¹ Hochschild, A. (2012). Revised Edition. *The second shift: Working families and the revolution at home*. New York: Penguin

¹² Pew Research Center (2015). Raising kids and running a household: How working parents share the load. <http://www.pewsocialtrends.org/2015/11/04/raising-kids-and-running-a-household-how-working-parents-share-the-load/>

¹³ Huffman, A. H., Craddock, E. B., Culbertson, S. S., & Klinefelter, Z. (2017). Decision-making and exchange processes of dual-military couples: A review and suggested strategies for navigating multiple roles. *Military Psychology* (American Psychological Association), 29(1), 11–26.

indicating concerns about military family as the top reason motivating them to exit Military Service in the next 2 years.

Similarly, respondents in this year's survey indicate that the military culture substantially heightens gender roles and compounds spouse employment challenges already incumbent in the military lifestyle. Survey responses over multiple years have consistently shown that the most significant obstacles to spouse employment are not related to job availability or employment readiness. The top three reasons for not working among military spouse respondents who want to work were identical to those identified in 2016: servicemember job demands (55 percent), childcare (53 percent), and family commitment (43 percent).

Childcare continues to be a top need for both military spouses and female servicemembers. Sixty-seven percent of military family respondents indicated they are not always able to obtain the childcare they need. Similarly 67 percent of female servicemember respondents reported the same (compared to 33 percent of male servicemember respondents). Male military spouse respondents were also far less likely to indicate childcare challenges as a factor in employment or education decisions, with 40 percent of male military spouses vs. 17 percent of female military spouses reporting their employment or education decisions had not been impacted by childcare challenges.

In 2012, the GAO [Government Accountability Office] conducted a study on military child care reporting that military families face two main barriers to obtaining DOD-subsidized child care: lack of awareness of available resources and insufficient availability among those resources. According to DOD officials and based on GAO's group discussions, a substantial number of military families remain unaware of subsidized child care that may be available to

them, particularly off-installation care, despite DOD's efforts to provide information at pre-deployment briefings and through other outreach efforts. BSF survey research suggests that the bureaucracy in learning about and accessing military childcare is substantial and a barrier to families obtaining the child care they need. Further, families who are geographically isolated from an installation, such as reservists and recruiters, are also less likely to be aware of subsidized care.

If the DOD is committed to attracting and retaining talented men and women, then it is essential that DOD prioritizes the responsibility to create a work environment where both men and women are afforded equal time and opportunity to work and attend to responsibilities at home. Additionally, DOD can expand opportunities for affordable childcare to all military families, promote access to civilian childcare providers through referrals and subsidies and improve flexible work hiring initiatives to employ military spouses in a manner that allows military parents to better balance home and work responsibilities.

Recommendations

- *Increase dwell time, allow military servicemembers to 'turn down' a move for family stability, and allow servicemembers to take leaves of absence for family reasons.* BSF encourages the Committee to support any moves towards innovation by the Services.
- *Support the progress of S.1434 Availability of Child Care for Every Servicemember and Spouse Act (ACCESS Act) / Sec 558 (c) Childcare Coordinators For Military Installations.* Community childcare coordinators located at each base would serve to bridge the communication gap between military families and the installation. Similar to the role of a School Liaison Officer, community childcare coordinators would act as an expert in local childcare options—on and off base—and extend support to help military families locate the best available available childcare that meets the diverse needs of their military family. The community childcare coordinator would also be responsible for liaising with the local civilian childcare providers to help them better understand the needs of military families and the possible opportunities caring for military family might provide. Finally, the coordinator would be responsible for measuring and tracking the inventory of childcare in a local area as this information is crucial and not currently collected in an effective way to help DOD understand and plan regarding childcare capacity.
- *The DOD and other stakeholders can link child care resources to spouse employment resources such as including a possible tab on employment websites so that spouses looking for employment would have better visibility of child care options.* Regulations and requirements imposed by military installation childcare units (e.g., complicated waiting list policies and eligibility restrictions based on employment status) are an unintended barrier to accessing child care for the purposes of seeking employment or furthering one's education. A frequently cited child care challenge is that access to on-base child care is dependent on a

spouse's employment status, yet spouses may be unable to obtain jobs or enroll in education programs without first having access to reliable child care.

- *Simplify on-base child care enrollment, increase capacity across military-certified providers including occasional care capacity, and increase career to child ratio in order to align with state laws where federal ratios are lower than those mandated by the state.* Nationally, military families spend an average of \$108 per week for DOD-subsidized civilian child care, which equates to 8.7 percent of the average military family's income. Civilian child care agencies and providers that meet the quality requirements that enable military families to receive DOD subsidies could augment child care options on installations and expand access to child care for families who do not live near installations or where installation based child care has reached capacity.

CONCLUSION

Blue Star Families believes that military families are assets to both our national defense and local communities. They are central to the health and capability of the All-Volunteer Force and are good neighbors actively engaged in making their civilian communities great places to live. Servicemembers may be employed by their respective services—but they work for all Americans. Thus the responsibility for supporting military families is certainly a duty of the Department of Defense; however, a healthy nation also shares in this responsibility. Our country can help support military families by learning more about the unique nature of military life and increasing civilian and military collaboration on a number of levels. We can do this by supporting a number of positive military lifestyle factors such as: the employment of military spouses; military child education and wellness; financial and retirement savings education; military childcare; local civilian community engagement; strong mental health; and veteran employment.

Thank you very much, Mr. Chairman.

Senator TILLIS. Ms. Hruska.

STATEMENT OF KELLY B. HRUSKA, GOVERNMENT RELATIONS DIRECTOR, NATIONAL MILITARY FAMILY ASSOCIATION

Ms. HRUSKA. Mr. Chairman, Ranking Member Gillibrand, and Members of the Subcommittee, thank you for the opportunity for the National Military Family Association to speak with you today about the readiness of military families.

Our statement, submitted for the record, highlights many issues important to military families, and I will touch on a few of them.

We thank you for pay raises for the past 2 years at the employment cost index (ECI), and we appreciate the President's Fiscal Year 2019 Budget submission, which includes a 2.6 percent pay raise at ECI. This is welcome news for military families whose purchasing power has been pinched by recent decreases to BAH [basic allowance for housing], increased healthcare costs, and retirement changes. We thank you for your quick work in the Fiscal Year 2018 NDAA to ensure military children with life-threatening conditions have access to hospice services without having to forego curative care and quality-of-life therapies. Your actions not only fixed an urgent problem for impacted families, but it sends a signal to all military families that egregious TRICARE coverage issues will be addressed.

We thank you for your dedication to creating meaningful reforms of the military health system, to enhance medical readiness and improve access to care and contribute to a quality patient experience for military families. However, we have concerns about how the healthcare reforms you enacted are being implemented. We urge you to maintain close oversight as DOD implements healthcare reform, and hold them accountable for making improvements and accessing quality a reality.

While DOD has made progress in making the Exceptional Family Member Program more consistent across the Services, military families need better coordination between the relocation, education, healthcare, and family support elements of the program. We also urge you to adopt the recommendations of the Military Compensation and Retirement Modernization Commission, and direct DOD to align coverage under the ECHO [Extended Care Health Option] program, especially respite care, with State Medicaid waiver programs.

Thank you for proving reimbursements for relicensing, recertification for military spouses in last year's NDAA. The day after the President signed the legislation into law, our office and various Facebook pages were lit up with questions on how to apply for these reimbursements. Military spouses are very excited about this new policy, and are anxious to see it implemented. Please hold DOD accountable to the promise.

In 2014, the Defense Suicide Prevention Office released a report outlining an approach for tracking military family member suicides. As a response, Congress included a provision, in the Fiscal Year 2015 NDAA, for DOD to track military family suicides. We are extremely frustrated. DOD has yet to release any information to meet this mandate. If we don't know the scope of the problem, targeting solutions is impossible.

Part of the job of keeping our current force ready is preparing for transitions, including the transition to civilian life. The President's executive order dated January 9th expanded Military OneSource from 6 months to 1 year, post-separation, or retirement. Let's make this permanent.

We also ask you to ensure that, as the nature of deployments continues to change, as the services increase end strength and military missions evolve, programs to support military families, healthcare and childcare access, and the pillars of military compensation remain strong. Military family and servicemember readiness are inescapably linked. Military families shudder when they hear their servicemember may not have the training or equipment they need to do the job. Servicemembers can't focus on their job if their family is pinched financially because a spouse can't find a job, their sick child can't get a doctor's appointment, or there's no quality childcare available. Programs and services must be responsive, consistently funded, and constantly evaluated as the needs of our military families evolve with the demands of the mission.

Thank you for supporting military families.

[The prepared statement of Ms. Hruska follows:]

PREPARED STATEMENT OF THE NATIONAL MILITARY FAMILY ASSOCIATION SUBMITTED
BY MS. KELLY B. HRUSKA

The National Military Family Association (NMFA) is the leading nonprofit dedicated to serving the families who stand behind the uniform. Since 1969, NMFA has worked to strengthen and protect millions of families through its advocacy and programs. We provide spouse scholarships, camps for military kids, and retreats for families reconnecting after deployment and for the families of the wounded, ill, or injured. NMFA serves the families of the currently serving, retired, wounded or fallen members of the Army, Navy, Marine Corps, Air Force, Coast Guard, and Commissioned Corps of the USPHS [United States Public Health Service] and NOAA [National Oceanic and Atmospheric Administration].

Association volunteers in military communities worldwide provide a direct link between military families and the Association staff in the Nation's capital. These volunteers are our "eyes and ears," bringing shared local concerns to national attention.

The Association does not have or receive Federal grants or contracts.

Our website is: www.MilitaryFamily.org.

Kelly B. Hruska, Government Relations Director

Kelly became the Government Relations Director of the National Military Family Association in 2015. In this role, she leads the Association's advocacy for the families of the seven uniformed services and monitors the range of issues relevant to their quality of life. She began her work with the Association in 2007 as a Government Relations Deputy Director and served as Outreach Coordinator in 2014.

Kelly has represented military families on several committees and task forces for offices and agencies of the Department of Defense (DOD) and Military Services. She serves on several committees of The Military Coalition, an organization of 33 military-related associations. She is co-chair of the Coalition's Survivor Committee. In 2008–2011, she served on the first DOD Military Family Readiness Council.

A Navy spouse for 25 years, Kelly has served in various volunteer leadership positions in civilian and military community organizations including COMPASS, Navy-Marine Corps Relief Society, The Girl Scouts, and Navy Spouses Clubs. She was also appointed to the City Commission on Children and Youth by the Corpus Christi City Council.

Kelly is a recipient of the Navy's Meritorious Civilian Service Medal in recognition of her work on behalf of servicemembers and their families at Navy Region Center Singapore.

A Pennsylvania native, Kelly earned her B.A. in Political Science from La Salle University and a Masters of Public Administration from Shippensburg University. Kelly and her husband, Captain Jim Hruska, USN (Ret) reside in Annandale, Virginia with their daughter, Emily.

EXECUTIVE SUMMARY

The United States military is the most capable fighting force in the world. For almost 2 decades of war, servicemembers and their families never failed to answer the call, steadfastly sacrificing in order to protect our Nation. They make these sacrifices trusting that our government will provide them with the tools to keep them ready. Continued national fiscal challenges have left military families confused and concerned about whether the programs and benefits contributing to their strength, resilience, and readiness will remain available to support them and be flexible enough to address emerging needs. The Department of Defense (DOD) must provide the level of programs and resources necessary to meet this standard. Servicemembers and their families have kept trust with America through 16 years of war with multiple deployments and separations. Unfortunately, that trust continues to be tested.

We ask Congress:

As you evaluate spending proposals, consider the cumulative impact on military families' purchasing power and financial well-being, as well as the effects on the morale and readiness of the All-Volunteer Force now and in the future.

Please:

- Reject budget proposals that threaten military family financial well-being as a way to save money for the government.
- Keep military pay commensurate with service and aligned with private sector wages.
- Provide oversight to ensure recently-enacted military health reform efforts enhance military families' access to quality health care and that readiness costs are not passed along to families as cost shares or premiums.

We ask Congress to make improving and sustaining the programs and resources necessary to keep military families ready a national priority.

We also ask Congress to:

- Provide oversight to ensure DOD and the individual Services are supporting families of all components by meeting the standards for deployment support, re-integration, financial readiness, and family health. Fund appropriately at all levels.

- Ensure adequate funding for military child care programs, including child care fee assistance programs. Improve access to installation-based child care and increase availability of part-time and hourly care.
- Facilitate easier paths to both licensure and employment for military spouses and veterans who are in the mental health field when they work with our servicemembers and their families. Include military spouses who enter the mental health profession in federal loan-forgiveness programs.
- Preserve the savings military families receive by shopping at the commissary and oppose any reform measures that would reduce the value of the benefit.
- Require DOD to study where military families with severe special needs are concentrated and whether DOD impact aid for schools serving military children with special needs is appropriately allocated.
- Expand servicemember and family access to Military OneSource counseling and other assistance to 1 year post-separation.
- Ensure appropriate and timely funding of impact aid through the Department of Education (DOEd).
- Continue to authorize DOD Impact Aid for schools educating large numbers of military children and military children with severe special needs.
- Bring the Extended Care Health Option (ECHO) benefits on par with State Medicaid waiver programs and extend ECHO eligibility for 1 year following separation.
- Correct inequities in survivor benefits by eliminating the Dependency and Indemnity Compensation (DIC) offset to the Survivor Benefit Plan (SBP).
- Ease the financial burden and coverage confusion faced by Medicare-eligible, medically-retired wounded, ill, and injured servicemembers.

After over 16 years of war, we continue to see the impact of repeated deployments and separations on our servicemembers and their families. We appreciate Congress' recognition of the service and sacrifice of these families. Your response through legislation to the ever-changing need for support has resulted in programs and policies that have helped sustain our families through these difficult times.

Pay and Compensation

We appreciate Congress making the pay raise at employment cost index (ECI) a priority in the Fiscal Year 2018 National Defense Authorization Act. Congress chose the ECI as the standard for Active Duty pay raises in order to recruit and retain the quality of servicemembers needed to sustain the All-Volunteer Force and we thank you for meeting that standard this year.

Although the last 2 years have seen military pay raises at the ECI, reductions to servicemember housing allowances, increased health care costs, and the new requirement under the Blended Retirement System for new servicemembers to contribute to their retirement savings lower servicemember take-home pay. We ask you to consider the cumulative effects of these policies on military families' financial well-being and reject any proposals that ask families to shoulder a greater financial burden.

We believe that Basic Allowance for Housing (BAH) is an essential component of military compensation. We oppose any changes that threaten to reduce military families' pay.

We ask Congress to keep military pay commensurate with service and aligned with private sector wage increases.

We ask Congress to reject budget proposals that threaten military family financial well-being as a way to achieve savings for DOD.

Military Health System

We greatly appreciate efforts by Congress on military health system (MHS) reform and were gratified the process included listening to beneficiary concerns over costs, quality of care, and the patient experience in both direct and purchased care. However, as we reviewed the National Defense Authorization Act for Fiscal Year 2017, we were struck by how few MHS reform provisions represent immediate tangible wins for military families. Ready access to high quality health care is imperative for families managing the stress and unpredictability of military life. There are areas of the system that deliver, but we still consistently hear from families who face barriers in accessing quality medical care—barriers that range from punishing levels of inconvenience and inconsistent military hospital policies to complete lack of access to basic standards of care. These are urgent problems that must be fixed. For instance:

Facebook Post from July 28, 2017:

Anne H: Okay so I have never been seen by base doctors until we moved here. Of course we moved here and are now pregnant with baby number 5. So excited until we had to be seen on base. The ob coordinator is such a sweetheart! However, it just seems like they have no time for appointments. *I called women's health and they were an even bigger mess telling me to call back in September and they would set up my first intake appointment for then. Which I'm 12 weeks tomorrow so that seemed kinda crazy.* So my question is how do I get a doctor off base. I have a history of high risk pregnancy. I have low iron, high blood pressure, and a guarantee c section as this will be my 4th one. Any help is very much appreciated.

Sarah N: You will have to switch to TRICARE standard to be seen off post

Anne H: I'm just used to doctors that have more flexibility. We have never had to be on base. If a normal doctor told me a month to see my doctor I would find a new doctor but maybe it's just me.

Sarah N: That's not so bad. Usually you are only seen every 4 weeks when not high risk. I was considered complicated and was seen every 3 weeks.

Anne H: I haven't been seen since becoming pregnant. *I had an appointment this past week, got there to be told they gave my appointment to someone else. I have yet to do an intake appointment.* So it's actually pretty horrible. I know you are seen once a month normally. But I haven't been seen at all.

Sarah N: Oh, geesh! I figured you had already had your intake. Around here, with pretty much everything, due to the sheer amount of people, you have to be pretty persistent.

(Per later Facebook posts, Anne's baby was born 5 weeks and 1 day early and spent time in the NICU [Neonatal Intensive Care Unit].)

While the Fiscal Year 2017 NDAA includes many well-intentioned provisions for MHS improvement, nearly all are contingent on successful implementation, including an emphasis on getting the patient experience right. We fear the required focus on the patient experience will be a heavy lift for the MHS, an organization that routinely reminds families their primary mission is not beneficiary care, but military medical readiness. It seems like a great distance—with much room for error—between the law's good intentions and actual improvements that military families will experience. Which provision in the Fiscal Year 2017 NDAA will address a problem such as this? How long will families have to wait to see that fix?

Facebook Post from July 10, 2017:

Chris M: Hi guys! I have a quick question about Tricare. I'm 20 and just had my son 5 months ago. When I got pregnant, I immediately went to family medicine and started being seen there. I had my 6 week postpartum check up there and decided against getting birth control at that moment. I'm ready to start on birth control now and I called to get an appointment with my dr and they got me an appointment with the pediatrician. Then the pediatrician's office called me and told me they don't do birth control there. So I called family medicine back and they said I'm too young to be seen there now because pediatrics treats all the way until 22 ... that doesn't sound correct to me. I'm at a loss of what to do. Please help haha

Kate W: Contact women's health to see if they can help you.

Chris M: I actually did call women's health and they said I need a referral. The dr I saw at family medicine is my PCM [primary care manager] but they won't let me make an appt with him. I'm so new to Tricare. lol I've only been married a year so I'm confused by this. lol

This spouse made what seems to be a reasonable effort to make an appointment to obtain birth control. She spoke to three different clinics at her military hospital, but none helped her or pointed her to a resource to resolve her issue. Within the scope of MHS reform, what's the plan to fix problems like this?

On January 1, MHS reform launched with changes to the TRICARE plans. As implementation has begun, our wary optimism has morphed into grave concerns about what seems to be a focus on cost savings and not improvements to address beneficiary health care needs. TRICARE reform thus far does not fix coverage gaps such as TRICARE's failure to adapt coverage to emerging technologies or treatment protocols or pediatric coverage issues due to TRICARE policies based on Medicare, a plan for seniors. TRICARE reform does not address locations with TRICARE provider network inadequacy or the concerns that "race to the bottom" contracts will eventually result in lower provider reimbursements and narrowed networks.

TRICARE reform does not fix bureaucratic and customer service problems such as those families are currently experiencing with the T17 contract transition. We understood part of TRICARE reform was to reset a balance between beneficiaries' out of pocket costs and DOD costs. Yet, we did not expect new TRICARE policies and copay constructs that are so clearly detrimental to military families. We are concerned that while the Department of Defense (DOD) will achieve cost savings, beneficiaries will face higher costs while still waiting for improvements in the care they receive.

Given the magnitude of MHS reform, it would be difficult for any organization to get every piece of the implementation 100 percent right from the start. We trust there will be an opportunity to make adjustments as second and third order effects become apparent and we pledge to assist DOD in understanding where improvement is needed. To that end, we ask Congress and DOD to:

- Modify the TRICARE Annual Open Enrollment policy to prevent military families from becoming trapped in underperforming military treatment facilities (MTFs)
- Adjust TRICARE Prime and Select copay constructs
- Monitor and provide oversight on T17 contract implementation
- Align TRICARE Extended Care Health Option respite coverage with Medicaid waiver programs
- Implement the Defense Health Board's recommendation to broaden TRICARE's definition of pediatric medical necessity
- Expand Federal Employee Dental and Vision Program eligibility to Active Duty family member dental coverage while maintaining DOD's premium contribution levels
- Ensure military family perspectives are considered as MTF management is transitioned to the Defense Health Agency (DHA) and reforms related to direct care system right sizing are implemented

TRICARE REFORM IMPLEMENTATION

TRICARE Prime

We are grateful TRICARE Prime remains a low/no out-of-pocket cost option for all Active Duty families. It is important that those managing the stress, sacrifices, and unpredictability of military life are spared concerns about health care costs.

Referral Free Urgent Care Policy

We greatly appreciate that TRICARE Prime beneficiaries can now access civilian urgent care without a referral. For years, we have highlighted this problem—families had no option but the emergency room for acute medical issues when their MTFs were closed or fully booked. While the direct care system has made strides on meeting access standards, problems persist at the local level and during Permanent Change of Station (PCS) season. Many thanks to Congress for authorizing TRICARE Prime referral free urgent care in the Fiscal Year 2017 NDAA. We are grateful DHA implemented this policy with no restrictions on the number of visits and urge them to maintain referral-free urgent care moving forward. Changing the number of referral-free urgent care visits annually, as suggested in DOD's September 2017 IFR [Interim Final Rule] Establishment of TRICARE Select and Other TRICARE Reforms, would create confusion among beneficiaries and providers as well as communication and implementation challenges for DHA and the managed care support contractors.

Annual Open Enrollment Period

Our biggest concern about TRICARE Prime is related to the *annual open enrollment period's potential to trap TRICARE Prime families in underperforming MTFs*. Prior to 2018, beneficiaries could switch from TRICARE Prime to TRICARE Standard at any time. This flexibility provided a critical escape hatch for families who believed they were not receiving adequate access and/or medical care at their MTF.

My son had a collapsing trachea. It had been discovered before he was a year old. At age 3 the strider returned. The MTF DX it as "hiccups." I left the appointment, in disbelief, and walked straight to the enrollment office. I moved him from prime to standard and within 24 hours had a civilian children's specialist "waiting for me in the lobby" to do a scope on my son. Where the MTF dismissed a possible life threatening condition, the civilians treated it like it was their priority and moved mountains to get immediate answers. From that moment on, all three of my kids were standard.

I had a history of ectopic pregnancy and a damaged fallopian tube as a result. I had been told I was at greater risk in the future and it was critical to have an ultrasound at 8 weeks to rule out another ectopic pregnancy, a condition that could threaten my future fertility or even my life if it went undetected. Soon after my husband deployed, I got a positive home pregnancy test. I immediately called the appointment line and tried to schedule an appointment but was told they would not see me until I was 14 weeks along. I explained my history and what I had been told about getting an ultrasound at 8 weeks, but the appointment line clerk would not budge. I called back several times, trying to convince them I needed an earlier appointment. Finally, they told me if I started having tubal pregnancy symptoms I should just go to the ER. When I finally reached my husband on the ship, I was frantic. I was caring for a toddler at a new base on my own. I didn't yet have a support network to lean on. I knew what my last ectopic pregnancy emergency was like—how was I going to handle a toddler on top of that and being alone to boot? My husband was upset but knew there was nothing he could do from the ship, so he told me to switch to Standard. I did and immediately got an appointment at a civilian office where they ordered an 8 week ultrasound. (BTW, although this pregnancy was fine I did eventually have another ectopic pregnancy with the next one.)

We realize the annual open enrollment period is a feature of civilian plans and generally have no issues with this new requirement. However, TRICARE Prime's reliance on military hospitals and clinics creates a situation unique to the military and demands a policy tailored to military family needs for the following reasons:

- Given the variability in access, quality of care, and the patient experience across the direct system, military families may not be able to make informed choices during the open enrollment period or following a qualifying life event, such as a PCS move. TRICARE Prime, and specifically getting care at the MTF, may work for a family at one duty station but not at another. MTF access to care can also vary over time as providers come and go, making an informed decision nearly impossible.

We are currently contemplating making the switch to Standard. We had no issues on Prime at our last duty station, and a great experience with the clinics and hospital there, but since PCSing it's been a nightmare. It's absolutely impossible to get an acute care appointment here. Last time I tried I was told my 2 year old wouldn't be able to be seen for 2 weeks for a double ear infection, and he's a patient being considered for tubes!

I switched my kids from Prime to Standard several years ago. We were at a large navy hospital and got great care from a phenomenal civilian pediatrician. I switched when she shared that she was leaving practice, and that the hospital hadn't added personnel to cope with two carriers newly moved to the area. That explained why it was so much more difficult to get urgent appointments. I didn't want to continue the hassle of going through them without the benefit of our awesome doctor.

- Although the patient advocate and PCM change request should help families resolve MTF problems, these may be ineffective in addressing systemic access or quality concerns particularly in time sensitive situations. Additionally, appointment line clerks and MTF staff do not typically direct families to resources such as the patient advocate who can help resolve access and quality of care issues.
- The unique aspects of the military health system demand solutions tailored to military beneficiaries. For commercial health plans, the annual enrollment period locks in beneficiaries to coverage levels, not specific providers or a single medical facility. While an annual enrollment period for military families is not unreasonable, preventing them from seeking care outside the MTF will severely limit patient autonomy in a way that is inconsistent with commercial plans. Even those commercial plans with extremely narrow networks do not limit beneficiaries/members to a single medical facility (see Insert A, page 90) for a comparison of medical facilities available to Kaiser Foundation Health Plan members versus beneficiaries stationed in the National Capitol Region.
- Allowing families to switch enrollment from Prime to Select provides an important aspect of MTF accountability. Analyzing enrollment changes from Prime to Select will afford the MHS an opportunity to understand why families leave. It should also allow the MHS to identify problematic MTFs and target solutions to local access and quality of care problems.

Our association has suggested two possible solutions. The fiscal year 2017 NDAA gives DOD discretion in defining qualifying life events. We believe one potential so-

lution is to include “dissatisfaction with MTF access or quality of care” as a qualifying life event. Another option is to extend the enrollment “grace period” to maintain the TRICARE Select escape hatch while allowing DHA more time to develop and publicize an effective MTF problem resolution process. We are open to other ideas and stand by to assist in developing a solution that prevents military families from becoming trapped in underperforming MTFs.

TRICARE Prime Copays

While we are not opposed to modest and predictable copay increases, the increased copays outlined for Group A/Grandfathered Retiree Families are unacceptable and have stunned military families and retirees seeking care this year. Although we did not support grandfathering, we are disturbed by DHA’s complete disregard for the congressional intent behind the decision to create the grandfathering. Furthermore, the increases outlined in the IFR are far from modest, ranging from 67 to 173 percent higher than 2017 TRICARE Prime Retiree copays:

TRICARE Prime Cost Sharing: 2017 vs. 2018—Group A/Grandfathered

	2017	2018 Group A/ Grandfathered	Percent Increase
Preventative Care Visit	\$0	\$0	No change
Primary Care Outpatient Visit	\$12	\$20	+67%
Specialty Care Outpatient Visit	\$12	\$30	+150%
ER Visit	\$30	\$60	+100%
Urgent Care Center	\$12	\$30	+150%
Ambulatory Surgery	\$25	\$60	+140%
Ambulance Service	\$20	\$40	+100%
Durable Medical Equipment	20%	20%	No change
Inpatient Admission	\$11/day	\$150/admission	N/A
Inpatient Skilled Nursing/Rehab	\$11/day	\$30/day	+173%

While we follow the rationale outlined in the September 2017 IFR for DHA’s authority to increase copays, dating back to the Fiscal Year 1994 NDAA, it feels like a “gotcha” for military retirees—as if they should have read the fine print regarding their military retirement health benefit. Is this really the way we want to treat men and women who served a full military career, particularly at a time when those approaching retirement have served nearly their entire careers during a period of sustained conflict and high optempo [operational tempo]?

Furthermore, DHA’s rationale for increasing copays rests on achieving “cost neutrality”—that is, keeping per beneficiary costs for TRICARE Prime in line with TRICARE Standard/Select. The IFR cites a Congressional Budget Office (CBO) cost estimate: “CBO estimates that under current law, a typical retiree household enrolled in TRICARE Prime as a ‘family’ in 2018, and for whom TRICARE is the primary payer of health benefits, will cost DOD about \$17,400, and a typical family that uses Standard/Extra will cost DOD about \$12,700.”¹ What DHA fails to add is that the same CBO report acknowledges that MTFs, where most Prime beneficiaries receive their care, are run less efficiently than private facilities and hence have higher costs per service. Our Association also contends the Department of Defense has historically done a poor job of differentiating readiness costs from costs to provide beneficiary care. We believe TRICARE Prime cost estimates are inflated due to MTF inefficiencies and erroneously include costs that should be attributed to readiness. DHA should not put the burden on TRICARE Prime beneficiaries to achieve “cost neutrality” through copay increases.

Finally, these TRICARE Prime fee increases aren’t even being put toward MHS improvements that will benefit military families and retirees. According to senior

¹ Congressional Budget Office Cost Estimate, S. 2943, National Defense Authorization Act for Fiscal Year 2017, June 10, 2016, page 17

DOD officials, they are being used to fund readiness—we are tapping military retirees to pay for equipping and training the current force. This is unacceptable.

TRICARE Prime Eligibility

Although TRICARE Prime eligibility wasn't addressed with the Fiscal Year 2017 NDAA health care reforms, DOD's September 2017 IFR *Establishment of TRICARE Select and Other TRICARE Reforms* appears to assert DOD's authority to put greater limits on TRICARE Prime availability. The IFR states that the DHA Director has authority to determine locations where TRICARE Prime will be offered using the guiding principle that the purpose of TRICARE Prime is to support the medical readiness of the Armed Forces and the readiness of medical personnel. The IFR also says TRICARE Prime can be limited to Active Duty family members if the DHA Director determines it is not practicable to offer Prime to retired beneficiaries as well. From the IFR:²

One other matter on which the interim final rule preserves DOD discretion, similar to that in the current regulation, is with respect to the locations where TRICARE Prime is offered. This is noted in the current regulation at 32 CFR 199.17(a)(5). Under the interim final rule, the locations where TRICARE Prime will be offered will be determined by the Director, Defense Health Agency (DHA) and announced prior to the annual open season enrollment period. The guiding principle for this decision is that the purpose of TRICARE Prime is to support the medical readiness of the armed forces and the readiness of medical personnel . . .

TRICARE Prime, especially for working age retirees and family members, provides MTFs clinical workload, including for a range of medical specialty areas that permit military health care providers to maintain currency and proficiency in their respective clinical fields. This important support of a ready medical force is what justifies the higher government cost of Prime (which CBO estimates at \$17,400 per retiree family), notwithstanding the original statutory requirement of cost neutrality between TRICARE Prime and TRICARE Standard. This cost-benefit assessment supports the conclusion that it is practicable to offer TRICARE Prime in areas where it supports the medical readiness of one or more MTFs. Additionally, where TRICARE Prime is offered, it may be limited to Active Duty family members if the Director, DHA determines it is not practicable to offer TRICARE Prime to retired beneficiaries as well—a determination that again would take into account the nature of the supported MTF and the range of services it offers.

Please note, the IFR does not just assert DOD's authority to limit access to MTF care but, rather, to limit the availability of the TRICARE Prime plan only to those beneficiaries who provide clinical workload to MTFs. This change would then limit beneficiary opportunities for plan and out-of-pocket cost choices to a greater extent than under current policy.

The IFR language raises additional questions, including: How would this impact Base Realignment and Closure (BRAC) Prime Service Areas? What would happen to retirees currently on Prime but not seen at MTFs? How would this affect Active Duty family members?

It is our interpretation of the IFR that DOD will continue to offer TRICARE Prime to Active Duty military families regardless of their geographic location or MTF capacity. NMFA asserts that all Active Duty families must have the option of a minimal out-of-pocket cost health plan. Additionally, DOD must not create a two-tier health benefit system based on assignment location or MTF capacity, factors that are outside the control of military families.

TRICARE Select

TRICARE Select Copays

We are alarmed by DHA's careless approach to establishing copays for TRICARE Select, a plan that was billed as an improvement for beneficiaries formerly in TRICARE Standard. As currently defined, we believe TRICARE Select out-of-pocket costs are highly inconsistent with private sector PPOs [preferred provider organization] and will be detrimental to most military families and retirees who rely on it for health coverage.

Even though our Association participated in Fiscal Year 2017 NDAA working group meetings with DHA since the legislation was passed, we were stunned by the

² <https://www.federalregister.gov/documents/2017/09/29/2017-20392/establishment-of-tricare-select-and-other-tricare-reforms>

Group A/Grandfathered TRICARE Select copays outlined in the TRICARE Changes Fact Sheet that accompanied the September 2017 IFR *Establishment of TRICARE Select and Other TRICARE Reforms*. The Fiscal Year 2017 NDAA directed DOD to calculate TRICARE Select cost-sharing requirements “as if the beneficiary were enrolled in TRICARE Extra or TRICARE Standard as if TRICARE Extra or TRICARE Standard, as the case may be, were still being carried out by the Secretary.” However, TRICARE Select network copays for primary and specialty care outpatient visits, emergency room visits, and urgent care centers are much higher than expected given the percent cost shares beneficiaries paid for network encounters under TRICARE Extra.

Further details from DHA (not included in the IFR and not publicly available to date) revealed specifics on their approach. Instead of taking an average of the cost share for the TRICARE allowed amount for each of those encounter types, DHA also included all associated ancillary, laboratory, and radiology costs, driving up the average per encounter charge. Since ancillary services are covered by the new fixed dollar copays, TRICARE Select beneficiaries will have no separate copay or cost shares for these services. Although DHA claims this approach is revenue neutral, we remain skeptical. Even with limited methodology details, military Association representatives uncovered a flaw in the approach that led DHA to revise their calculations and lower TRICARE Select copays from 6 to 22 percent for outpatient visits, urgent care and ER [emergency room] encounters. While we appreciate DHA listened to our feedback and made a correction to their copay calculations, we still have numerous concerns that have not been addressed:

- The approach of folding labs, radiology and ancillary services into each outpatient encounter drives up the average copay for many, if not most, encounters by shifting costs from those receiving more complex medical care to those receiving less complex care. While this “risk pool” approach may make sense for setting commercial plan premiums, it not a sound strategy for establishing TRICARE copays given the role copays play in encouraging sound patient decisions.
- Under the TRICARE Select plan, physical therapy, occupational therapy, and speech therapy are considered specialty care. Active Duty families will pay \$31 per visit while retiree families will pay \$41 per visit, significantly higher than previous TRICARE Extra cost shares.
- *We are concerned about how the dramatically higher copays will impact patient adherence with treatment plans.* When a retiree family member is directed to get physical therapy twice a week for 6 weeks, will \$492 in copays dissuade them from seeking necessary care? What happens to DOD’s overall costs for that patient when they fail to follow doctor’s orders and the problem progresses? When asked, DHA said no research or analysis was done on the potential impact on treatment plan compliance.
- Mental health visits are also considered specialty care under the TRICARE Select copay plan. The \$31 ADFM [Active Duty family members]/\$41 retiree copays are significantly higher than the percent cost shares families paid for network mental health visits under TRICARE Extra. The new copays are also higher than out-of-pocket costs for mental health care under FEHBP [Federal Employees Health Benefits Plan] national PPO plans (see Insert B, page 91). For many years, DOD has acknowledged the importance of seeking mental health care for families struggling with the impact of 16+ years of war. *We are appalled by TRICARE Select copays that create a cost barrier to accessing mental health care.*
- The IFR says that converting current TRICARE Standard/Extra cost shares into TRICARE Select fixed dollar copays is consistent with prevailing private sector health program practices. However, *we believe DHA’s TRICARE Select copay structure (combining outpatient visit costs together with labs, radiology and ancillary services) is inconsistent with most private sector preferred provider option practices.* An examination of FEHBP national PPO plans (see Insert B, page 91) shows significantly lower copays for office visits with separate percentage cost shares for labs, radiology and ancillary services. FEHBP plans also had significantly lower copays for physical, occupational, and speech therapies as well as mental health office visits.
- When asked, DHA was unaware of any commercial PPO plan that uses their proposed approach of higher copays for office visits with no cost sharing for ancillary services. As follow up to our question, DHA later provided a single example from Fairfax County Public Schools (FCPS)—the CareFirst Blue Choice Advantage plan. This plan does have zero out-of-pocket costs for ancillary services

and copays in line with those for TRICARE Select retirees. However, it also appears to be the lower end PPO plan for FCPS employees. The higher end FCPS PPO, Aetna/Innovation Health, also has no cost sharing for ancillary services but much lower copays across the board compared to TRICARE Select. This reinforces our perspective that, when compared to the appropriate benchmark, TRICARE Select copays are clearly too high.

- *TRICARE Select defies the entire PPO concept with network copays so high beneficiaries could actually pay less by seeing non-network providers.* The IFR states TRICARE Select beneficiaries “will enjoy lower out-of-pocket costs if they choose preferred providers within the TRICARE civilian network” but TRICARE Select’s high network copays will exceed the 20/25 percent out-of-network cost share for many therapies and office visits. It won’t take long for families to determine they can save money by using non-network providers. How does this make sense for DOD or military families?
- For both Active Duty families and retirees, TRICARE Select Group A/Grandfathered beneficiaries will pay more out-of-pocket for their care than Group B/New beneficiaries, creating exactly the type of situation we opposed when the grandfathering concept was raised during the Fiscal Year 2017 NDAA process.

TRICARE Standard/Extra covers a significant portion of the beneficiary population. In fiscal year 2016, over 2 million beneficiaries used Standard/Extra including about 1/3 of ADFMs and 1/2 of retirees and their families.³ Given the IFR comments on Prime eligibility, it seems clear DHA wants to affirm TRICARE Select as the earned health care benefit, potentially shifting many retirees who aren’t treated at MTFs from Prime to Select in the future. It is critical the TRICARE Select copay construct reflect best practices and out-of-pocket costs on par or lower than high quality commercial plans.

A Note About Grandfathering

Some have suggested many of our issues surrounding TRICARE Select copays can be addressed by eliminating grandfathering. While our Association appreciated Congress’ intent to fulfill promises to those currently serving and retired, we opposed “grandfathering” current beneficiaries throughout the Fiscal Year 2017 NDAA process for two main reasons: 1) It creates a situation where two servicemembers serving side-by-side earn different health care benefits for their families and future retirement; and 2) It results in a level of operational complexity, which will divert scarce resources away from health care delivery and be difficult for the DHA to manage.

Simply eliminating grandfathering is not the solution. We are not opposed to modest and predictable growth of out-of-pocket costs linked to retiree COLA [cost of living adjustments] to ensure they do not outpace military income increases—in fact, we believe it is essential to clearly define the health care benefit including expectations around future out-of-pocket costs. However, that does not mean we support the excessive fee increases imposed on new entrants. The cumulative impact of increased encounter copays, enrollment fees, catastrophic caps and pharmacy copays included in the Fiscal Year 2017 NDAA was too much. We also opposed any out-of-pocket cost increases used to fund readiness or other military family programs. Senior DOD leaders have been very clear that savings from increasing beneficiary costs will be “ploughed into readiness.” While we would be happy to see grandfathering eliminated, it would have to be part of a larger discussion around appropriate out-of-pocket costs to gain our support.

DHA Beneficiary Communication

Given the magnitude of TRICARE plan changes, communication to beneficiaries has been abysmal. DHA has provided detailed information solely via “pull” channels (communication channels that require the beneficiary to seek them out) such as the tricare.mil website and Facebook page. However, there was very little in the way of “push” communication—such as direct mail—to alert families to impending changes and drive them to digital media outlets for more details. Association representatives were told in December a letter would be sent soon from the new contractors regarding the changes in TRICARE regions and the switch from TRICARE Extra/Standard to TRICARE Select. While those changes occurred January 1, beneficiaries did not receive these letters until a month later.

The numbers speak for themselves. There are 9.4 million TRICARE beneficiaries. About 2.2 million are TRICARE for Life (TFL) and not impacted by the changes.

³ Evaluation of the TRICARE Program: Fiscal Year 2017 Report to Congress—Plan Choice by Beneficiary Category; please note the ADFM group includes inactive Guard/Reserve and their family members eligible for TRICARE

That leaves more than 7 million beneficiaries affected by TRICARE Prime and Select changes. As of mid-January 2018, the TRICARE Facebook page has about 163,000 likes/follows. According to DHA's data, the tricare.mil changes website section has had only 427,631 users. Even if you assume no viewer overlap across these two channels and no TFL beneficiary visits (unlikely), DHA is reaching only a small percentage of affected families with plan details. Military associations such as ours have worked with DHA to increase awareness of the changes, but many families are only learning about the changes as they receive claims from 2018 encounters and face significantly higher copays.

Facebook Post from February 1, 2018:

Jennifer P: It seems like it has all changed. In my opinion, they did not do a very good job in informing those of the (TRICARE) changes coming. I do not remember seeing anything in the mail about the changes. I had an up-front copay for my daughter at the dermatology office. I was told they are specialty so it was \$31.

Michele M: THIS! To my knowledge changes were only communicated via websites and emails. The biggest change is going from cost shares to copays.

Jennifer P: The poor registration lady at the office said that the tricare switch has been awful. She brought out her flow chart to explain my copay. She did tell me to make sure I kept my receipt because I will be needing it!

<https://static.xx.fbcdn.net/images/emoji.php/v9/fd0/1/16/1f602.png>

When TRICARE changes occur, a greater effort across multiple communication platforms must be made to raise awareness of the changes and drive beneficiaries to digital media for more details.

TRICARE 2017 CONTRACT TRANSITION

We are now 1 month into the T17 contract transition including the consolidation of the North and South Regions to create the East Region. Early January was marked by call center and website customer service problems across both the East and West regions as call volume exceeded expectations and winter weather problems created customer service staffing issues. Humana quickly resolved website problems and long call center hold times in the East Region. According to DHA, Humana is currently at a 3 second hold time for callers. Unfortunately, HealthNet is still struggling to make improvements with phone call hold times clocking in at 30 minutes on average as of late January.

Facebook post from January 30, 2018:

Lisa W to From Boots to Wingtips: We got a letter in December stating that we could pay our Tricare enrollment fee online. Over Christmas, Jeff attempted to do that, but couldn't. He called Healthnet and was told "Sorry. You can't make an online payment." Okay. He attempted to set up a monthly payment plan, but they were not set up for that yet. So they took a one time payment and told him to call back this month.

Yesterday, he called back only to listen to a message saying that they are not accepting phone calls. He tried the online thing again, but that was a bust.

We just want to pay our stupid fee. My daughter is having the same issue as she needs to pay her young adult Tricare Prime premium. Grrr ...

Facebook post from February 2, 2018:

Heather H S to TRICARE: TRICARE I am extremely disappointed in the service I've received trying to get into a specialist. Tricare neglected to call me after my PCM put in the initial referral to tell me that I had a doctor assigned to me. I eventually called Tricare (with a 58 minute wait time); they gave me incorrect information for a doctor. I had to call back (45 minute wait time) for a different referral. And I had to call back again (45 minute wait time) for an authorization letter for my doctor to even be able to make an appointment. Your recording blames long wait times on inclement weather, which sounds like a poor excuse since there isn't any inclement weather in our country at the moment. Call it what it is, and hire more employees to service the demand you're seeing. (Tricare-west)

Heather H S to TRICARE: Worse, when I try to send a message through the website, I get this message: Unexpected Error While Communicating with Service. Please try again after some time.

Heather H S to TRICARE: Online messaging doesn't work today either.

There are also concerns in the West Region regarding provider networks. We have heard numerous complaints about providers leaving the TRICARE network and

overall fewer providers in many geographic areas. We understand Prime Service Areas cover about 80 percent of the beneficiaries in the West Region, so increasing network coverage to 85 percent of beneficiaries is not much of a jump and still leaves significant white space in the West Region. While we appreciate HealthNet allowing beneficiaries to nominate their providers for network inclusion, it is unclear if this approach will work. Will these providers be willing to join the network? How long will this process take?

In the East Region, network concerns seem limited to applied behavior analysis (ABA) providers. ABA offices have reported delays in credentialing, treatment authorizations, and claims processing. Some providers have already notified TRICARE patients that they will need to suspend services if the issues are not resolved (see Insert C, page 92). Although Humana has shared their corrective action plan, we believe this situation warrants further monitoring until problems are resolved.

In both the East and West Regions, provider directory inaccuracies are also contributing to military family frustration about the transition.

Contract transitions are by nature disruptive, particularly for families in the middle of on-going medical treatment. We appreciate the steps the contractors have taken to address problems as they arise, but continuing complaints from both regions suggest continued oversight is warranted. We hope Congress will continue to demonstrate interest in ensuring a smooth transition for military families.

SPECIAL NEEDS MILITARY FAMILIES

Thank you to Congress and the Committee Staff for your diligent work in crafting a Fiscal Year 2018 NDAA provision to allow TRICARE to cover pediatric hospice services concurrently with curative care and quality of life therapies. The pediatric concurrent hospice legislation not only fixes an urgent problem for impacted families, but it also sends a signal to all military families that egregious TRICARE coverage issues will be addressed.

TRICARE Extended Care Health Option (ECHO)

Medicaid Waiver programs provide long term care services in home and community-based settings to people who would otherwise require care in an institutional environment. Most states have lengthy waitlists for their Medicaid Waiver programs and, as a result, many military families are unable to access Medicaid Waiver services because they PCS before reaching the top of the waitlist.

I have two special needs children and have never been able to access Medicaid services till our recent assignment. When we move out of state this summer, we will again lose services. In 9 years, we have received only 9 months of Medicaid waiver services due to frequent military moves. The process takes so long each time we PCS. It is really discouraging.

Congress established TRICARE's Extended Care Health Option (ECHO) to substitute for state Medicaid waiver services that are often unavailable to mobile military families. Services provided by Medicaid Waiver programs should serve as the benchmark for ECHO covered services. However, ECHO currently falls short relative to Medicaid waiver services, particularly in the area of respite care.

The 2015 Military Compensation and Retirement Modernization Commission Report validated this issue and recommended *ECHO covered services should be increased to more closely align with state Medicaid waiver programs*. Expanded services should be subject to the ECHO benefit cap of \$36,000 per fiscal year, per dependent. Specific examples include, but are not limited to, expanding respite care hours to align more closely with state offerings and allowing families to access respite care without receiving another ECHO benefit.

- Respite care is covered by almost all State Medicaid Waivers: 92 percent of Waivers cover in-home respite while 86 percent cover out-of-home respite
- ECHO respite coverage falls far short of Medicaid Waivers. *ECHO currently provides a maximum of 192 respite hours per year while the average State Medicaid Waiver provides 695 respite hours per year.*⁴

Pediatric Definition of Medical Necessity

TRICARE's adult-based definition of medical necessity prevents some military kids from getting the care they need—care that is widely accepted and practiced in the civilian health care system and MTFs. TRICARE is authorized to approve purchased care only when it is "medically or psychologically necessary and appropriate care based on reliable evidence." DOD's hierarchy of reliable evidence includes only "published research based on well controlled clinical studies, formal technology as-

⁴MCRMC state-by-state Medicaid waiver analysis

assessments, and/or published national medical organization policies/positions/ reports.” While beneficiaries certainly want safe and effective treatment, such tightly prescribed data for children are not always available. TRICARE’s strict adherence to this adult-based standard of reliable evidence results in coverage denials for widely accepted pediatric treatments.

After our Association, together with the TRICARE for Kids Coalition, repeatedly raised this issue at Military Family Readiness Council meetings, senior DOD leadership requested the Defense Health Board (DHB) examine opportunities to improve the overall provision of health care and related services for children of members of the Armed Forces. The July 2016 report request specifically directed the DHB to:

Address any issues associated with the TRICARE definition of “medical necessity” as it might specifically pertain to children and determine if the requirement for TRICARE to comply with Medicare standards disadvantages children from receiving needed health care.

The DHB *Pediatric Health Care Services Report*⁵ was released December 18, 2017. The report documented TRICARE is out of step with commercial plans and Medicaid and concluded TRICARE’s current definition of medical necessity disadvantages children from receiving some needed services. The DHB recommended the MHS:

Modify the administrative interpretation of the regulatory language in 32 Code of Federal Regulations 199.2 to broaden the use of the “hierarchy of reliable evidence” for the benefit of pediatric beneficiaries. Exclusions to the hierarchy described under “reliable evidence” in 32 Code of Federal Regulations 199.2 should not preclude pediatric services (a) meeting definitions of medical necessity used broadly in civilian practice or (b) recommended by recognized medical organizations.

Although the DHB’s pediatric medical necessity recommendation was released with the pre-decisional report draft last summer, we are not aware of any movement at DHA to update the interpretation of the regulatory language. Although this issue doesn’t require legislation, we believe demonstrated congressional interest will help speed resolution of this documented coverage gap affecting military kids. Fixing TRICARE’s definition of pediatric medical necessity is an essential part of the TRICARE reform effort.

TRICARE DENTAL PROGRAM FOR ACTIVE DUTY FAMILY MEMBERS

The TRICARE Dental Program (TDP) contract change to United Concordia (UCCI) took place May 1, 2017 and has led to a significant reduction in the value of the TDP benefit for many military families. Our Association has heard from dozens of angry families who have lost their dentist and/or can’t find a dentist within a reasonable distance of their home/duty station. Not only have families reached out to us to provide feedback, they have leveraged multiple forums to raise the issue directly to DHA and the Services including Vice Admiral Bono’s presentation at AUSA’s [Association of the United States Army] Military Family Forum, TRICARE webinars, and TRICARE Town Hall events at individual installations.

We are very concerned that, although the contractor is meeting the contractual access standard (a general dentist within 35 miles of 95 percent of beneficiaries), the value of the military family dental benefit has become significantly diminished by narrowed provider networks. In some areas (Fort Campbell, the Tidewater region of Virginia), we question whether even contractual access standards are being met based on family member feedback as well as UCCI’s acknowledgement of network deficiencies in those areas.

Families are also concerned about the quality of dental care they might receive from providers who remain in the network at reduced reimbursement rates, particularly because many dentists have issued letters saying they are unwilling to accept outdated restrictions set forth by UCCI and/or use overseas labs or inferior materials, etc.

After meeting several times with DHA and UCCI to express our concerns, it seems nothing will be done to improve the TDP under the current contract and we are concerned about the lack of options to address the “race to the bottom” nature of the TDP contract process. *We ask Congress to consider extending Federal Employees Dental/Vision Program (FEDVIP) eligibility to Active Duty family members while maintaining current DOD contribution levels, adjusted annually for inflation,*

⁵Defense Health Board Pediatric Health Care Services Report—December 18, 2017 <https://health.mil/About-MHS/Defense-Health-Agency/Special-Staff/Defense-Health-Board/Reports>

to dental plan premiums. FEDVIP participation would provide military families with options for dental coverage that best meets their needs.

NEXT PHASE OF MHS REFORM: DHA MANAGEMENT OF MTF/DIRECT CARE SYSTEM RIGHT SIZING

During the MHS reform process, our Association detailed challenges military families face within the direct care system, including MTF appointment shortages and scheduling hurdles, variable quality and safety across the Direct Care system, and policies and patient experiences that vary greatly across MTFs. As reform efforts continue, we hope DHA and the Services maintain a focus on addressing these challenges.

We appreciate and strongly support the Fiscal Year 2017 NDAA provision that requires DHA to assume responsibility for the administration of all MTFs. Currently, DHA sets policy but MTFs have no accountability to the Agency for implementation of that policy. Consolidating MTF administration under DHA should allow the Agency to enforce policy and ensure more consistent communication.

We are also grateful that the Fiscal Year 2017 NDAA requires a DHA professional staff including a Deputy Assistant Director for Medical Affairs with responsibility for clinical quality, patient safety and the patient experience. We trust this position will be held accountable for improvements in quality of care and the patient experience.

While we also support MHS reform intended to right-size the direct care system, retaining only beneficiary care that directly contributes to the readiness mission, we urge DHA to ensure access for beneficiaries who must transition care to the private sector as a result. If right-sizing includes specialty care consolidation into a handful of military medical centers of excellence, we trust military family preferences will be considered when determining where families will obtain specialty care.

The quality and value of the military health care benefit should reflect the extraordinary demands of Military Service. MHS care should be on par with that provided by top performing civilian health systems. MTF policies, procedures and customer service should have a beneficiary focus designed to facilitate access to care. In short, military health care should be a robust benefit to families—not another sacrifice to add to the many that military families already make in support of their servicemembers. We truly appreciate your efforts on MHS reform that will get us closer to that goal.

COMMISSARY

Military families consistently tell us the commissary is one of their most valued benefits. We have long viewed the commissary—and the savings it provides to military families—as an essential element of military compensation. For that reason, we were concerned when the Fiscal Year 2017 NDAA authorized the Defense Commissary Agency (DeCA) to make significant changes to its business operations; specifically, allowing the introduction of private label products and replacing the traditional “cost plus 5 percent” pricing model with variable pricing. While we understood the changes were introduced to make DeCA more efficient and less reliant on appropriated funds, we worried DeCA lacked the necessary expertise to manage the new system and the changes would ultimately erode the value of the benefit.

A year later, the jury is still out. We have watched closely as DeCA introduced a number of private label products to its stores. Shoppers seem to be accepting the new products and have not complained to us about their quality relative to national brands. However, we often hear from shoppers regarding other elements of the shopping experience: empty shelves, expired dairy products, high-priced produce. We recently received the following report from a family stationed in Germany:

(Here are) are photos from the commissary the week of Jan 2 to Jan 5 where the shelves were bare in the meat section along with eggs, butter, yogurt, cheese and much of the product section. (Though the produce section generally hovered around 60 percent stocked, so it wasn't startling enough to take a photo. The complete lack of the other categories was surprising ... one or two subsection within each category might be low or out of stock, but not everything all at the same time and for a week!)



Similar issues with keeping shelves stocked have been reported at the commissary at Fort Myer, so the problem is not limited to stores OCONUS [outside the continental U.S.]. We recognize that some supply chain problems are unavoidable and unrelated to the changes in business operations. However, the problems do speak to DeCA's ability to deliver a high-quality benefit families can rely upon. We are also concerned repeated problems with product quality or availability will lead those families who can do so to shop elsewhere, further contributing to DeCA's decline in sales—and hindering its ability to generate enough revenue to reduce the need for appropriated funds.

It is also important to remember the Exchange retail stores are highly dependent on foot traffic from nearby commissaries. Any threat to the health of the commissary puts the entire military resale system at risk. This is particularly concerning as Services reduce funds for installation Morale, Welfare, and Recreation (MWR) programs and instead increasingly rely on the Exchanges for MWR funding. If Exchange sales revenues decrease, funding for MWR programs will go down as well.

We are gratified both Congress and DOD have recognized the importance of commissary savings to military families and have expressed their commitment to preserving the value of the benefit. We especially appreciate that Congress has demonstrated its commitment by authorizing a full commissary appropriation and by including key oversight provisions in the Fiscal Year 2017 NDAA. However, we continue to be concerned about the long-term viability of this essential benefit.

We ask Congress to continue closely monitoring DeCA as it continues with its business transformation.

MILITARY RETIREMENT SYSTEM

Servicemembers with fewer than 12 years of Military Service are faced this with an important decision—whether to opt in to the “blended” retirement system created in the Fiscal Year 2016 NDAA or remain in the current system. This choice has significant long-term financial ramifications for servicemembers and their families. It is vital to ensure these young servicemembers—and their spouses—are given the tools and resources they need to make the decision that is in their financial best interest.

In addition to being an extremely important financial decision, the choice to opt in to the BRS is also irreversible. Thus, it is essential that servicemembers and their families know where and how to access information, training, and counseling

in order to make the best decision. We are pleased DOD has recognized this responsibility and is taking steps to ensure servicemembers are informed about the new retirement system. Military OneSource and DOD have been proactive in advertising webinars and Facebook live sessions for both servicemembers and families to ask questions. We are especially glad the Department recognizes that the choice of retirement plan must be a family decision and is making its online course available to spouses as well. However, DOD should expand family access to the financial education provided by Military Family Life Counselors and unit Personal Financial Managers.

We appreciate the new military retirement system will allow more servicemembers to accumulate retirement savings while preserving the defined benefit for those who serve a full career. However, we ask Congress to consider amending the plan to increase its value for servicemembers. Specifically, we ask Congress to increase the maximum level of matched contributions to servicemembers' Thrift Savings Plan (TSP) accounts to 5 percent—the level recommended by the Military Compensation and Retirement Modernization Commission (MCRMC). Because the match is based on servicemembers' basic pay, rather than total compensation, servicemembers should have the option of a higher match in order to maximize their retirement savings. We also ask Congress to extend the government match for the full career of the servicemember, rather than ending it at 26 years of service.

Finally, we note that the adoption of the new retirement plan is likely to affect the Survivor Benefit Plan (SBP). Will future retirees elect to pay into SBP if they have TSP accounts to leave their survivors? What would a lower participation rate mean for the overall health of the SBP? These are important questions that need to be studied. We ask Congress to direct DOD to study the potential impact the blended retirement system will have on the Survivor Benefit Plan.

We ask Congress to increase the maximum level of matched contributions to servicemembers' TSP accounts to 5 percent—the level recommended by the Military Compensation and Retirement Modernization Commission.

We ask Congress to extend the government match for the full career of the servicemember, rather than ending it at 26 years of service.

We ask Congress to direct DOD to study the prospective impact the blended retirement system will have on the Survivor Benefit Plan (SBP).

WHAT DO TODAY'S MILITARY FAMILIES NEED TO ENSURE READINESS?

It has often been said while the military recruits a servicemember, it must retain a family. Our Association has long argued in order to build and maintain the quality force our Nation demands, the military must support servicemembers as they balance the competing demands of Military Service and family life. We urge Congress to strengthen the programs and services available to support all troops and families in diminishing uncertainty and meeting the daily challenges of military life.

We thank Congress for providing military families with greater flexibility in timing their relocation either before or after a servicemember's permanent change of station (PCS) report date in the Fiscal Year 2018 NDAA. We are anxious to see how the Services implement this new policy and will monitor whether it minimizes the upheaval associated with moving.

Yet, budget issues have increased stress and anxiety for families facing a military-ordered move. The military must evolve to meet the needs of today's military families, but it needs a predictable budget and appropriation to do so.

CHILD CARE

Military families frequently cite the lack of high quality, affordable child care as among the most significant challenges they face. In part, this reflects a national shortage of affordable child care options. However, the need for child care is especially pressing for the military community, which is disproportionately composed of young families. According to the *2016 Demographics Profile of the Military Community*, more than 40 percent of military personnel have children. Of the nearly 1.8 million military-connected children, the largest cohort—37.8 percent—is age 5 or younger.⁶

Like all working parents, servicemembers with young children need access to affordable child care in order to do their jobs. However, the military lifestyle comes with unique challenges and complications for families. Servicemembers rarely live near extended family who might be able to assist with child care. Their jobs frequently demand long hours, including duty overnight. They are often stationed in

⁶2016 Demographics Profile of the Military Community, <http://download.militaryonesource.mil/12038/MOS/Reports/2016-Demographics-Report.pdf>

communities where child care is expensive or unavailable. Servicemembers frequently deploy or travel for training or other assignments, putting strain on at-home parents.

We are grateful to Congress for recognizing the importance of child care to military families and including a number of provisions addressing child care availability in the Fiscal Year 2018 NDAA. Thank you for requiring a study of compensation paid to DOD child care providers. Staffing shortages are a frequently-cited reason for lack of availability at installation child development centers (CDCs). Ensuring DOD child care providers are appropriately compensated at a level commensurate with their skills and responsibilities is a critical step in addressing this chronic problem.

DOD is also to be commended for its commitment to providing high-quality, affordable child care to military families. Its facilities are often top-notch and it offers an impressive level of training and professional development opportunities to CDC workers as well as providers in its network of on-installation Family Child Care (FCC) homes. However, there are additional steps that DOD should consider in order to better meet the child care needs of military families.

Streamline the hiring process for CDC employees and FCC providers: The process of hiring CDC personnel is lengthy and arduous. It can be difficult for CDC directors to find, hire, and put into place qualified staff. This limits the number of children a facility can serve. Similarly, military spouses seeking to offer child care in their homes as an FCC provider must endure a hiring process that can last up to 6 months. It's not reasonable to expect a spouse to wait 6 months before starting her home-based child care business, especially if the spouse's family will only be in a given location for 2 years or less. While the safety of children is paramount, requiring multiple redundant background checks does nothing to enhance security while significantly impacting the amount of quality care DOD is able to provide. DOD should analyze whether and how the hiring process can be streamlined while still ensuring that necessary background checks and training take place to ensure children's safety.

Increase availability of part-time and hourly care: We continue to hear from military families frustrated by the lack of hourly or drop-in care at installation CDCs. Many military families—especially those overseas or in remote locations—do not have easy access to reliable caregivers. For those families, access to drop-in care at an installation child care facility can greatly enhance their quality of life, enabling parents to go to medical appointments, run errands, and volunteer in their communities. This service can be especially vital when a servicemember is deployed, providing the at-home parent with a much-needed break. Increasing the number of hourly slots would also help address a common conundrum faced by military spouses after a PCS move: they can't look for work without child care, but under DOD priority guidelines, they aren't eligible for child care if they're not working. DOD should evaluate the programs at installation CDCs to ensure the mix of care offered—full time, part-time and hourly—meets the needs of the families they serve.

Increase participation in the fee assistance program: The fee assistance program operated by the services is an innovative, effective approach to the problem of insufficient child care availability on base. The program helps offset the cost of child care in the civilian community, ensuring participating families can access high quality care at an affordable cost. Unfortunately, relatively few families take advantage of this benefit. Expanding participation in the child care fee assistance program would address many families' child care needs.

A major reason why relatively few military families participate in the fee assistance program is a lack of eligible providers. DOD has stringent requirements for child care providers participating in the fee assistance program, to include national certification, regular inspections, and background checks. However, many states have less stringent requirements for providers. In those locations, families often have difficulty locating a provider who meets DOD's eligibility requirements. The Office of Military Community and Family Policy and the Defense State Liaison Office (DSLLO) have worked together to encourage states to increase their standards to meet DOD's and have had a great deal of success in this regard. We encourage them to continue with this effort. We also encourage DOD to consider ways that it could broaden the pool of providers eligible to participate in the program while still maintaining its commitment to high quality care.

Analyze role of FCC Homes: For many years, child care providers who offered care in their on-installation homes were an important part of the military child care system. These providers receive training and professional development from DOD much like that given to CDC employees and must comply with stringent DOD inspections and background checks. They provide a flexible care option for parents whose schedules don't work with CDC hours and offer employment opportunities for military

spouses. However, the number of FCC homes has been declining for years. DOD should survey current providers as well as those who leave the program to assess why fewer people are offering this service and what, if anything, could be done to attract and retain in-home care providers.

Part of the problem may be that if an FCC provider moves and no longer lives on an installation, he or she is subject to the licensing requirements of the state. Given DOD's stringent requirements, we expect that FCC providers would meet or exceed most states' requirements for licensing an in-home day care. For that reason, we suggest DOD and the Defense State Liaison Office work with states to expedite licensing for approved FCC providers, so they can quickly reopen their in-home day care in their new location.

In addition, operating an FCC is a difficult, at times isolating job. We have heard that many providers drop out of the system during the deployment of their service-member spouse as the burdens of operating an FCC become too much to manage during a time of additional stress. We commend DOD for providing opportunities for training and professional development to its FCC providers but encourage the Department to seek other ways to support these essential care providers in order to make it possible for them to continue offering child care services.

EFMP Respite Care

Military families with special needs family members are supported through the Services' Exceptional Family Member Programs (EFMP). The primary mission of the EFMP is assignment coordination is to ensure special needs families are sent to locations that can meet their medical and educational requirements. However, the EFMP also includes a family support component. While we appreciate that DOD recognizes the importance of supporting special needs families, we hear often from families who tell us that EFMP family support programs are falling short. This is especially true when it comes to respite care.

Families with special needs children have unique child care needs. For those families, dropping a child off at a day care center or with a sitter may not be an option. Instead, parents of special needs children need respite care provided by trained caregivers. Access to quality respite care allows families to run errands, spend time with other children, and simply recharge.

Recognizing the importance of respite care, especially for military families far from the support of friends or extended family, the Services have provided respite care for military families with eligible special needs family members as part of the EFMP family support function. However, because the respite care programs are operated and funded by each of the individual Services, eligibility requirements and the number of respite care hours available to families vary. This is a significant source of frustration to families assigned to joint bases or installations managed by other Services. We are also concerned the current fiscal environment may lead the Services to reduce the level of respite care they offer.

MILITARY CHILDREN'S EDUCATION

The vast majority of military-connected students attend local public schools in their civilian communities. Districts serving large numbers of military children rely on funding from the Department of Education and the Department of Defense to help offset the additional expenses they incur. It is incumbent on DOD and the Federal Government to ensure that schools charged with serving military-connected children have the support they need to provide the best possible education. Military families often have no control over when and where they move. They worry about the effect multiple moves will have on their children's academic achievement. They deserve the assurance that their children will receive a high quality education wherever they happen to be stationed. *We urge Congress to continue funding programs designed to support the education of military-connected children.*

We are grateful that Congress chose to permanently authorize the Department of Defense Education Activity (DODEA) grant program in the Fiscal Year 2018 NDAA. This program, which was established by the *John Warner National Defense Authorization Act for fiscal year 2007*, provides tangible, targeted support to public school districts serving large numbers of military-connected children. School districts have used DODEA grants to fund transition support programs for military children, enhance student proficiency in reading, math, and foreign language, and offer Advanced Placement (AP) classes in locations that would otherwise be unable to offer this level of instruction. We are pleased that military children will continue to benefit from the valuable educational programs made possible through the DODEA grant program.

Impact Aid

Military families care deeply about their children's education. It is essential to them that local public schools—which enroll the vast majority of our Nation's military-connected children—receive the resources they need to provide their children with the best possible education. For this reason, we strongly support the Department of Education Impact Aid program and call for its continued funding. Impact aid is designed to replace some of the property tax revenue lost by school districts with nontaxable Federal land such as a military installation within their boundaries. This essential revenue stream goes directly to affected school districts, which use it to meet the needs of the community they serve. Without impact aid, the quality of education available to military-connected children AND their civilian classmates would suffer. We thank Congress for recognizing the importance of impact aid by reauthorizing it in the *Every Student Succeeds Act of 2015* and continuing to appropriate funds to support the program. We ask you to continue to prioritize impact aid funding.

We are also grateful to Congress for authorizing \$40 million for DOD Impact Aid and \$10 million in impact aid for schools serving military children with special needs in the Fiscal Year 2018 NDAA. *We ask Congress to maintain this funding to offset the costs incurred by districts educating large numbers of military children.* These funds help local school districts meet the education needs of military children in an era of declining state budgets. Both DOD and Department of Education impact aid funding are critical in order to ensure school districts can provide quality education for military children.

We strongly oppose proposals that would transition impact aid into a voucher program for military-connected kids. Losing impact aid would be financially devastating for school districts across the country and critically compromise the education services they are able to provide. Realistically, any voucher program supported by reallocating current levels of impact aid funding will only reach a few of the 550,000 school-age children of Active Duty servicemembers. Who would decide which military children would be eligible for vouchers? Would costs of administering such a program come from the same funding stream as the vouchers? We believe military children should be eligible for local or state funded voucher programs at the same level as their civilian neighbors. But, we question DOD's capacity to administer a voucher program for military-connected children, made more complicated by the transient nature of military life. We urge Congress to reject a Federal voucher for military-connected children and preserve impact aid.

Under the terms of the Services' Exceptional Family Member Program (EFMP), military family members with special needs should only be sent to locations where their medical and educational needs can be met. In practice, this policy has led to concentrations of special needs military families in locations such as Joint Base Lewis-McCord, where a large MTF and other specialized services are available. While the ready availability of services through the military and local civilian community benefits the special needs military families, we are concerned about the unintended burden on the public school districts serving these installations, which must provide special education services to a larger than normal population. Serving unusually large numbers of children with severe special needs places great strain on the budgets of these public school districts. We fear that in the long term this financial pressure will affect the quality of the education services these districts are able to provide. *We ask Congress to require DOD to study where military families with severe special needs are concentrated and whether DOD Impact Aid for schools serving military children with special needs is appropriately allocated.*

Spouse Employment and Education Support

Spouse employment and education support is a critical component of military family readiness. Much like their civilian counterparts, many military families rely on two incomes in order to help make ends meet. However, military spouses face barriers hindering their educational pursuits and career progression due in large part to challenges associated with the military lifestyle.

We are gratified in recent years Congress, DOD, the White House, and individual States have all taken steps to lessen the burden of an Active Duty member's military career on military spouses' educational and career ambitions. We fully support these initiatives, including DOD's portfolio of Spouse Education and Career Opportunities (SECO), which provides educational funding for select military spouses, career counseling, employment support, and the DOD State Liaison Office's (DSLO) state-level initiatives. However, while progress has been made, military spouses continue to face significantly lower earnings and higher levels of unemployment and

underemployment than their civilian counterparts, greatly impacting their families' financial stability.⁷

We appreciate that Congress recognized the difficulty military spouses have in moving their careers from state-to-state by providing up to \$500 reimbursement for re-licensing and re-certification because of a PCS in the Fiscal Year 2018 NDAA. Military spouses are anxiously awaiting the implementation of this new program. We hope DOD and the Services will quickly implement the reimbursement policy so that military spouse can begin to offset the out-of-pocket costs of additional licenses.

GROW OUR OWN

One of our top priorities is to ensure adequate access to behavioral health providers who are attuned to the unique stressors of military life for servicemembers and their families who have endured years of repeated deployments, long separations, and possible injuries or illnesses. We support efforts to educate and employ military spouses as mental health professionals.

As military families struggle to cope with the effects of 16 years of war, we are seeing an increasing demand for mental health services within our families and community. Since 2004, NMFA's military spouse scholarship and professional funds program has had almost 90,000 applicants. Data from this year's approximately 9,000 scholarship applicants, as well as from Active Duty spouse respondents to the 2015 health care survey done by the Military Officers Association of America (MOAA), indicate increased rates of behavioral health usage among military families. Both surveys show between 40 to 50 percent of military spouses have sought behavioral health care for someone in their family.

Unfortunately, access to high quality care is limited. The shortage of mental health professionals nationally is mirrored in the military community; it is even greater at military installations in remote areas. We believe our Nation has an obligation to prevent, diagnose, and treat the mental health needs of servicemembers and their families. Doing so in the face of a nationwide shortage of mental health professionals will require innovative solutions and strategic public-private partnerships including Congress, DOD, the VA, and other organizations. We believe military spouses may also be a source of help for their community.

Since the launch of our military spouse scholarships, the number of spouses pursuing mental health careers has increased. Our 2017 applicant pool had more than 500 spouses planning to pursue careers in mental health fields. Twenty-two percent of these mental health profession applicants are spouses of wounded or fallen servicemembers.

Many of our military spouses pursuing careers in mental health fields intend to serve military families. Helping these spouses overcome obstacles and pursue their careers has the dual benefit of assisting the individual spouse and family while addressing the shortage of mental health providers in the military community. However, these spouses face obstacles due to the unique challenges of the military lifestyle. In a February 2016 Facebook post a Marine Corps spouse shared an experience all too common for military spouse mental health professionals:

We are currently stationed at Camp Pendleton, CA and I will start my practicum this June. I have excelled in my graduate program and now I am facing major challenges finding a facility that doesn't require a year sign-on and who has openings for new interns starting this summer. One specific problem I'm facing is we aren't sure when new orders will come or where they will be (making it additionally hard to convince licensed supervisors to take a new intern on if I will only be there for a couple months). Is there anyone who can share a professional contact with me?

We offer the following recommendations for Congress to consider:

- Include military spouses and others who enter the mental health profession in Federal loan-forgiveness programs;
- Facilitate easier paths to both licensure and employment for military spouses and veterans in the mental health field when they work with our servicemembers and families;
- Pass legislation to allow military spouses full reciprocity when transferring an active unrestricted mental or behavioral health license from one state to another due to PCS;

⁷Institute for Veterans and Military Families, *Military Spouse Employment Report*, Syracuse University (IVMF) February 2014: <http://vets.syr.edu/wp-content/uploads/2014/02/MilitarySpouseEmploymentReport—2013.pdf>

- Support partnerships between the military health system and the VA to ease spouse difficulties in obtaining clinical supervision hours, reduce licensing barriers, and spur employment of military spouses and veterans in the mental health field.

We ask Congress to increase access to behavioral health providers by supporting employment efforts of military spouses in the mental health profession.

MILITARY FAMILIES IN CRISIS

Our country is still at war and military families continue to live extraordinarily challenging lives. Reintegration continues to pose challenges for some. Others are anxious about their financial futures. Most military families are resilient and will successfully address whatever challenges come their way. However, some will need help. It is critical military families trust DOD services and programs and feel comfortable turning to them in times of need. These programs and services must be staffed and resourced adequately so when families reach out for help, they can trust it is available. Military families must be assured our Nation will support them in times of family or personal crisis.

Suicide

In 2014, the Defense Suicide Prevention Office (DSPO) released a report outlining an approach for tracking military family member suicides. The report, *Suicide and Military Families: A Report on the Feasibility of Tracking Deaths by Suicide among Military Family Members*, was requested by the Senate and House Armed Services Committees.

We appreciate Congress including a provision directing DOD to track military family suicides as well as Reserve component suicides in the Fiscal Year 2015 NDAA, but are frustrated by DOD's delays in developing a plan to meet this mandate. If we don't have accurate information on the extent of the issue, targeting solutions is impossible.

Preventing Child Abuse and Neglect, and Domestic Violence

Research commissioned by our Association⁸ and others during the past decade documents the toll of multiple deployments on children and families, the difficulties many families face on the servicemember's return, and the added strain a servicemember's physical and invisible wounds can place on a family. These stressors put military families at risk for marital/relationship problems and compromised parenting that must be addressed with preventative programs.

Those looking for budget cuts may find it tempting to slash family support, family advocacy, and reintegration programs. However, bringing the troops home from war zones does not end our military's mission, family separations, or the necessity to support military families. "Rotations" and "training exercises" of units to Europe and elsewhere must be accompanied by the same high levels of family support as if servicemembers were heading on a combat deployment. To family members, especially young children, "gone is gone."

We are concerned the extraordinary stress military families face could lead to increased domestic violence as well. Preventive programs focused on effective parenting and rebuilding adult relationships are essential. The government should ensure military families have the tools to remain ready and to support the readiness of their servicemembers.

We are encouraged the Family Advocacy Program, a congressionally-mandated DOD program designed to prevent and respond to child abuse/neglect and domestic abuse in military families, has redoubled its focus on prevention programs. Their efforts to repair relationships and strengthen family function will be essential. Programs like New Parent Support focus on helping young parents build strong parenting skills early on.

We encourage Congress and the DOD to ensure Family Advocacy programs are funded and resourced appropriately to help families heal and aid in the prevention of child and domestic abuse.

SUPPORT FOR TRANSITIONING FAMILIES

Transitioning out of the military affects the whole family. In addition to the transition assistance program available to servicemembers, resources relevant to family members need to be identified. Issues such as how to find community resources to

⁸Anita Chandra, *et al.*, RAND Center for Military Health Policy Research, Views from the Homefront: The Experiences of Youth and Spouses from Military Families, 2011

replace DOD programs and the military spouse's role in the long-term care of the family as a whole aren't addressed in the transition classes.

Military OneSource is an invaluable resource for military families. Services utilized by military families include: non-medical counseling, financial counseling (to include free tax preparation support), spouse education and career opportunities, and wounded warrior and caregiver support. In fiscal year 2016 Military OneSource completed 167,505 non-medical counseling sessions; 22,629 financial counseling sessions; 223,069 federal and state tax returns; and distributed 1,628,322 educational and promotional materials.⁹ The Department of Defense Spouse Education and Career Opportunities (SECO) Program is accessed through the Military OneSource website. SECO provides spouses with career exploration, education, training and licensing requirements and options, career connections, and employment readiness. In fiscal year 2016 Military OneSource received 145,067 calls related to spouse education and career opportunities. Military spouses have said:

"I'm a military spouse from overseas. When I came to the states I didn't know what to do and who to ask. No family here, no friends. Military OneSource is a great and fast help. It's like Google for military spouses. I love it and greatly appreciate all the employees."

"The spouse relocation and transition consultant was amazing. I felt so comfortable talking with her and she gave me a peace of mind with the PCS process! I absolutely loved her, and give my highest level of recommendation!"

"I'm a military spouse for 24+ years and oh how I wish I could say deployments get easier. I sure wish I would have known about Military OneSource all those years ago! I plan on utilizing for many, many years to come!"

Our Association conducted a survey of military spouses facing transition. Over half the spouses indicated they were extremely or very concerned about relocation and finding employment. Over three quarters of the spouses were extremely/very concerned about being financially prepared and finding employment for their servicemember. Access to the counseling and other services provided by Military OneSource, beyond the 180 days currently provided, would make available resources and information to ease some of the concerns of our transitioning military families.

Several weeks ago, President Trump signed an Executive Order titled, "Supporting Our Veterans during Their Transition from Uniformed Service to Civilian Life," which extended Military OneSource services to separating servicemembers to 1 year post-separation. While we are grateful the Executive Order extended access to Military OneSource, we would like to see the extension written into law.

Expand the opportunity for spouses to access transition information including face-to-face training and on-line training.

We ask for legislation ensuring expanded servicemember and family access to Military OneSource to 1 year from a servicemember's separation from the military.

TODAY'S SURVIVING SPOUSES NEED THE DIC OFFSET ELIMINATED

Our Association has long believed the benefit change that would provide the most significant long-term advantage to the financial security of all surviving families would be to end the Dependency and Indemnity Compensation (DIC) offset to the Survivor Benefit Plan (SBP). Although we know there is a significant price tag associated with this change, ending this offset would correct an inequity that has existed for many years. Each payment serves a different purpose. The DIC is a special indemnity (compensation or insurance) payment paid by the VA to the survivor when the servicemember's service causes his or her death. The SBP annuity, paid by the DOD, reflects the military member's length of service. It is ordinarily calculated at 55 percent of retired pay. Military retirees who elect SBP pay a portion of their retired pay to ensure their family has a guaranteed income should the retiree die. If that retiree dies due to a service-connected disability, their survivor becomes eligible for DIC.

We appreciate Congress making the Special Survivor Indemnity Allowance (SSIA) permanent with cost-of-living increases in the Fiscal Year 2018 NDAA. This is another step towards permanently eliminating the DIC offset to SBP.

We ask the DIC offset to SBP be eliminated to recognize the length of commitment and service of the career servicemember and spouse.

⁹ Fiscal Year 2016 Military One Source Year at a Glance

CAREGIVER AND WOUNDED SERVICE MEMBER SUPPORT

Servicemembers and their families must be assured our Nation will provide unwavering support to the wounded, ill, and injured. This support must extend beyond the recovering warrior's medical and vocational rehabilitation. It must also include programs and services that help military caregivers, typically spouses or parents, successfully navigate their new role.

Medicare Eligible Wounded Warriors & TRICARE Coverage

Medically retired wounded warriors who receive Social Security Disability Insurance (SSDI) benefits become eligible for Medicare Part A after 24 months on SSDI. At that point, the wounded warrior must enroll in Medicare Part B in order to keep TRICARE coverage. After the wounded veteran enrolls in Medicare Part B, their TRICARE coverage converts to TRICARE for Life (TFL). This poses a variety of problems for the severely wounded population:

- In the worst case scenario, the wounded warrior or his/her caregiver does not realize or is not appropriately informed they must enroll in Medicare Part B (and pay Part B premiums) in order to avoid losing their TRICARE coverage.
- In other instances, the wounded warrior or caregiver understands and enrolls in Medicare Part B and retains TFL. Although medical coverage is retained, the severely wounded veteran is now paying more for medical coverage than most other working-age TRICARE retirees.
- Finally, some severely wounded veterans receive SSDI for over 24 months and are forced onto Medicare/TFL. Eventually, the wounded veteran returns to work, but is required to stay on Medicare Part B for 8 years after returning to work. This results in more than \$10,000 in Medicare Part B costs to the severely wounded warrior who returns to work.

This is an extremely complex issue facing the most severely wounded servicemembers and their caregivers. These families face emotionally challenging lives and overwhelming responsibilities. Making a mistake about enrollment in Medicare Part B should not result in the life altering consequence of losing health care coverage. Furthermore, our most severely wounded warriors should not be forced to pay more for their health care than others.

This complex problem crosses many jurisdictions including the Centers for Medicare and Medicaid Services, DOD, the Social Security Administration, the Senate Finance Committee, the House Ways and Means Committee, the HASC and the SASC. Given this problem impacts our most severely wounded veterans and their families, we urge the House and Senate Armed Services Committees to take the lead in creating a solution to this complex issue.

MILITARY FAMILIES—CONTINUING TO SERVE

Recent national fiscal challenges have left military families confused and concerned about whether the programs, resources, and benefits contributing to their strength, resilience, and readiness will remain available to support them and be flexible enough to address emerging needs. The Department of Defense must provide the level of programs and resources to meet these needs.

Servicemembers and their families have kept trust with America, through more than 16 years of war, with multiple deployments and separations. We ask the Nation to keep the trust with military families and not try to balance budget shortfalls from the pockets of those who serve.

Evolving world conflicts keep our military servicemembers on call. Our military families continue this call as well, even as they are dealing with the long-term effects of almost 2 decades at war. The government should ensure military families have the tools to remain ready and to provide for the readiness of their servicemembers. Effective support for military families must involve a broad network of government agencies, community groups, businesses, and concerned citizens.

INSERT A:

COMPARISON OF MEDICAL FACILITY ACCESS—KAISER FOUNDATION HEALTH PLAN VS. TRICARE PRIME

Without the option of switching to Select, TRICARE Prime families will be trapped in their assigned MTF regardless of access or quality issues.

Kaiser Foundation Health Plan Mid-Atlantic States: Search radius around zip code 22315 (Alexandria/Kingstowne)

Hospitals—20 mile radius	Medical Office Buildings—10 mile radius
Virginia Hospital Center	Burke Medical Center
Children's National Medical Center	Falls Church Medical Center.
Sibley Memorial Hospital	Springfield Medical Center.
Washington Hospital Center	

National Capital Region Medical Directorate: Search radius around zip code 22315 (Alexandria/Kingstowne)

Military Hospitals—20 mile radius	Military Clinics—10 mile radius
Fort Belvoir Community Hospital	Rader Clinic—Fort Myer.

INSERT B:

COPAY/COST SHARE COMPARISON

TRICARE Select vs. Federal Employee Health Benefit & Fairfax County Public Schools Plans

FEHBP Plan Types: Nationwide Fee for Service/PPO-Open to All

Plan Name	Network Outpatient Visits			Diagnostic Tests			Network Therapy Visits			
	Primary Care	Specialty Care	Urgent Care	ER	Labs	Radiology	Physical	Occupational	Speech	Mental Health
TRICARE Select - ADFMs/Group A - Grandfathered	\$21	\$31	\$21	\$81	\$0	\$0	\$31	\$31	\$31	\$31
TRICARE Select - Retirees/Group A - Grandfathered	\$28	\$41	\$28	\$109	\$0	\$0	\$41	\$41	\$41	\$41
FEHBP Plans										
BCBS Service Benefit Plan - Standard ¹	\$25	\$35	\$30	15%	15%	15%	\$25	\$25	\$25	\$25
GEHA Benefit Plan - High	\$20	\$20	\$35	10%	10%	10%	10%	10%	10%	\$20
GEHA Benefit Plan - Standard	\$15	\$30	\$35	15%	15%	15%	15%	15%	15%	\$15
NALC - High Option <i>Not-for-profit plan sponsored by National Association of Letter Carriers AFL-CIO Administered by Cigna Healthcare</i>	\$20	\$20	\$20	15%	15%	15%	\$20	\$20	\$20	\$20
MHBP - Standard Option ² <i>Sponsored by National Postal Mail Handlers Union Administered by Aetna</i>	\$20 \$10	\$30	\$5 \$50	\$200	10%	10%	10%	10%	10%	\$20 \$10
MHBP - Value Option ³ <i>Sponsored by National Postal Mail Handlers Union Administered by Aetna</i>	\$30 \$10	\$50	\$15	20%	20%	20%	20%	20%	20%	\$30 \$10
SAMBA - High Option <i>Sponsored and administered by Special Agents Mutual Benefit Association</i>	\$25	\$25	\$25	15%	15%	15%	15%	15%	15%	\$25
SAMBA - Standard Option <i>Sponsored and administered by Special Agents Mutual Benefit Association</i>	\$30	\$30	\$30	20%	20%	20%	20%	20%	20%	\$30
APWU Health Plan - High Option <i>Sponsored and administered by Americal Postal Workers Union AFL-CIO</i>	\$25	\$25	\$40	10%	10%	10%	10%	10%	10%	\$25
Fairfax County Public Schools										
CareFirst Blue Choice Advantage ⁴	\$20	\$40	\$20 \$40	10% plus \$150 copay	\$0	\$0	\$40	\$40	\$40	\$20
Aetna/Innovation Health	\$20	\$20	10%	10% plus \$150 copay	0	0	\$20	\$20	\$20	\$20

¹Standard option is closest equivalent to TRICARE Select - FFS with preferred provider network; out of pocket costs lower if you use a preferred provider. Basic option limited to preferred providers only

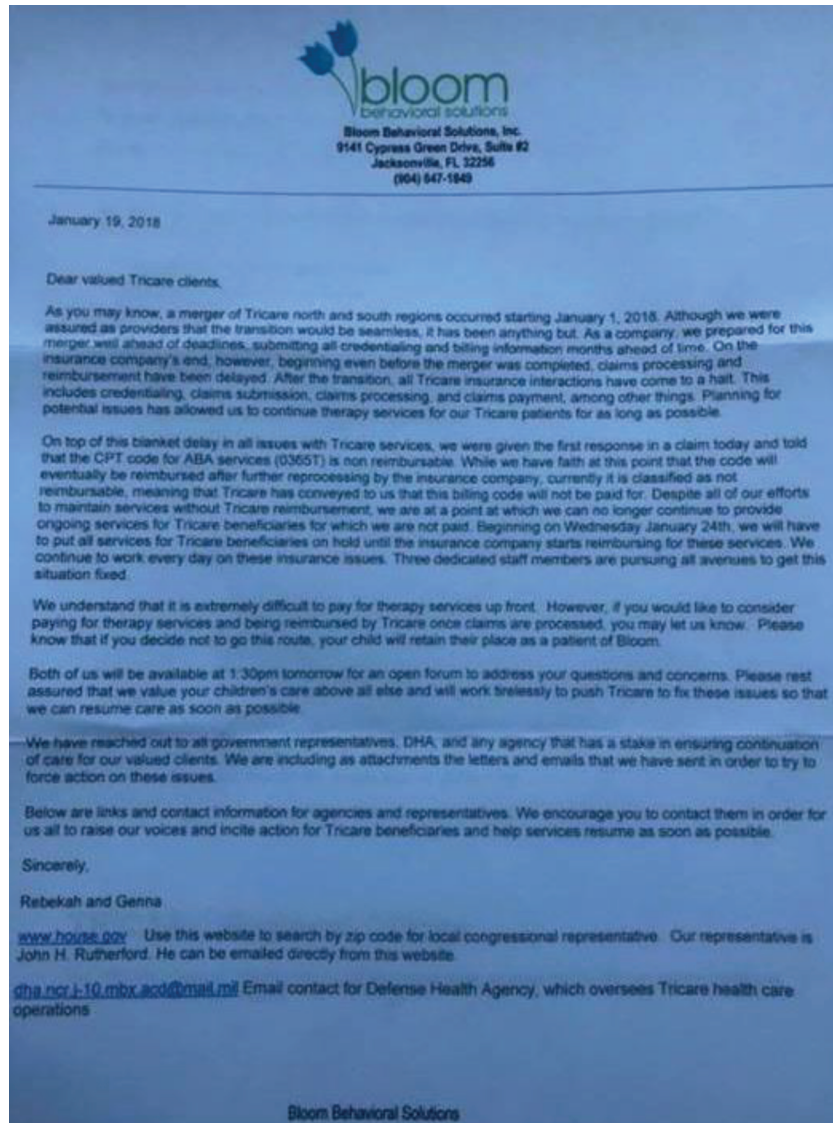
²Standard option has a \$20 primary care office visit copay for adults, \$10 office visit copay for children < 21; \$5 copay for convenience clinics and \$50 for urgent care facilities

³Value option has a \$30 primary care office visit copay for adults, \$10 office visit copay for children < 21

⁴FCPS CareFirst Blue Choice Advantage has a \$20 copay for a Retail Health Clinic and a \$40 copay for Urgent Care

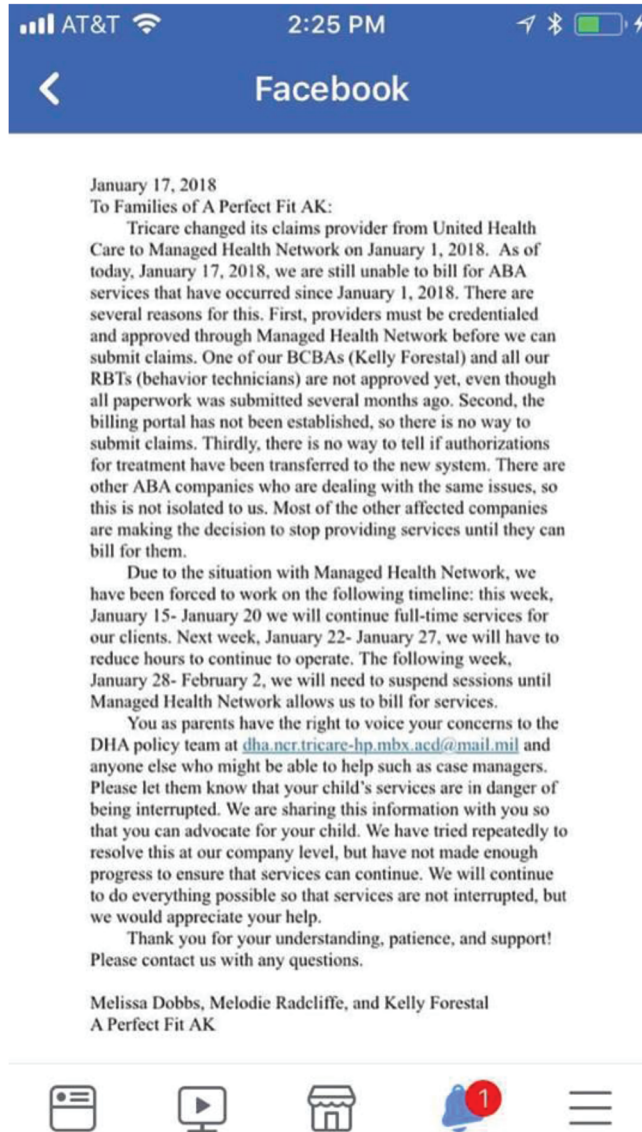
INSERT C:

EXAMPLES OF ABA PROVIDER SERVICE SUSPENSION NOTICES TO TRICARE PATIENTS



INSERT C (CONTINUED):

EXAMPLES OF ABA PROVIDER SERVICE SUSPENSION NOTICES TO TRICARE PATIENTS
(CONTINUED)



Senator TILLIS. Thank you.
Mr. Haynie.

**STATEMENT OF J. MICHAEL HAYNIE, EXECUTIVE DIRECTOR,
INSTITUTE FOR VETERANS AND MILITARY FAMILIES, SYRACUSE
UNIVERSITY**

Dr. HAYNIE. Chairman Tillis, Ranking Member Gillibrand, thank you very much for the opportunity to address you today on the topic of military family readiness.

I would actually like to use my time to speak briefly on the central role that military families play in our national defense.

This year marks the 45th birthday of America's experiment with an all-volunteer military. As the volunteer force has evolved as an American institution, all too often the narrative associated with the role that our military families play in our national security has been misplaced, marginalized, and misunderstood.

As Members of this Committee understand, America's All-Volunteer Force assumes a deep pool of eligible volunteers. However, as we heard from the previous panel, today DOD's own estimates suggest that approximately 70 percent of the Nation's roughly 34 million 17- to 20-year olds are ineligible for Military Service due to issues ranging from obesity, fitness, and insufficient formal education. At the same time, over the past 20 years, consistently the Nation's youth—that we have witnessed a decline in the willingness or propensity of the Nation's youth to consider Military Service. According to the University of Michigan's annual Monitoring the Future Survey of high school students, today less than 12 percent of American youth are even going to consider Military Service after high school. So, while the Nation's defense rests on the assumption of a robust pool of eligible volunteers, the reality is, today, that assumption has never been more tenuous.

All that said, since the advent of the All-Volunteer Force, the Nation's most reliable pipeline of eligible and willing volunteers comes from our military families, the daughters, sons, brothers, and sisters of those who are now or who have served in the Nation's uniform. In other words, one consequence of the All-Volunteer Force has been to create Military Service as a family business. This means our ability to recruit the best and the brightest to Military Service in the future depends, to a significant degree, on our capacity to support those families serving today.

So, how are we doing? This is an exceedingly difficult question to answer, because, as an academic, I want research and data. In that regard, I'd like to highlight to the Committee that there is a profound deficit of research focused on the social, economic, and wellness concerns of our Nation's military families. However, what we do know from research conducted by my teammates at Syracuse University's Institute for Veterans of Military Families and by others, to include at this table, suggest that we must do more, and better. I—but, I will share some of what we do know.

We know that military spouses are exceedingly well educated, as compared to their civilian counterparts, but, as we've heard already this morning—this afternoon, many experience unemployment at a rate three times higher than their nonmilitary peers. This could be because military spouses relocate ten times more frequently than their civilian counterparts, creating gaps in employment and education and making it nearly impossible to create the security, stability, and community connections required to sustain a career.

Those military spouses who are able to secure employment, on average earn 38 percent less than their civilian counterparts.

We know that employment and underemployment challenges experienced by military spouses undercut the financial health of our military families. While military families save at the same rate as their civilian counterparts, over one-third report difficulty covering monthly expenses. Only 50 percent report a rainy-day fund for available emergencies. As Kathy mentioned earlier, a recent survey found that 54 percent of those planning to leave the military within the next 12 months have less than \$5,000 in savings available to support that transition to civilian life.

One thing that I think we need to talk more about are our military children. We know that children of the post-9/11 generation have been exposed to unique stressors. Two recent studies demonstrate that military-connected children have higher prevalence of depressive symptoms, sadness, suicidal ideation, and suicide attempts, as compared to nonmilitary-connected youth. While the costs and consequences of the Military Service experience on military children is a story that will unfold in the years and decades to come, all indications are today the costs and consequences will be high.

Importantly, we also know that military spouses and military children are resilient, resourceful, adaptable, entrepreneurial, and engaged in the world around them. We know that military spouses and military children have much to contribute to our communities during and after Military Service.

Finally, we also know that, in recent years, there has been a steady decline in the willingness of currently serving military members to recommend Military Service to their own children. Today, only 40 percent of those serving indicate that they would recommend Military Service, with the unwilling majority citing concerns related to the well-being of the family as being one of the primary factors in their decision.

All of this is to say that many inside and outside of government have long hypothesized a relationship between the concerns of military families and DOD's ability to recruit and retain the most skilled, qualified, and service-minded individuals. From where I sit today, the data is clear. Investments positioned to care for and support our military families are central to our military readiness and to our national security. Further, these investments are morally and ethically right.

It's my hope that the public and the private sector join together to act to make strengthening our military families a national priority, acknowledging that building a prosperous and safe nation for future generations requires that we treat our military families as a treasured national resource.

Thank you for your time, and I look forward to your questions.
[The prepared statement of Dr. Haynie follows:]

PREPARED STATEMENT BY DR. J. MICHAEL HAYNIE

Chairman Tillis, Ranking Member Gillibrand, Members of the Subcommittee, thank you for the opportunity to address you today on the topic of military family readiness. Further, I'd like to thank this Committee for your ongoing efforts in support of our servicemembers and their families.

The Committee asked that my testimony focus on military family readiness—specifically issues related to the transition from military to civilian life, spousal employment, education and childcare programs, and financial readiness impacting servicemembers and their families. I will address these issues during our discussion, but first would like to situate my testimony within a brief statement related to the central role that our military families play in our Nation’s defense—specifically with regard to the sustainment and viability of the Nation’s All-Volunteer Force.

The U.S. National Security Strategy emphasizes all of the Nation’s resources as central to our national security, and explicitly identifies America’s support of wounded warriors, veterans, and military families as fundamental to our defense.

Importantly, emphasizing support for those servicemembers, veterans, and families who have shouldered the burden of our past and current wars is not about patriotism or politics. Instead, this emphasis acknowledges the greatest fear of the architects of the post-Vietnam All-Volunteer Force; that is, a circumstance where the Department of Defense is unable to recruit and retain citizen volunteers. In this regard, at no time in the history of the All-Volunteer Force have the costs and consequence of inaction been more profound.

Since the advent of the All-Volunteer Force, the pool of Americans who meet the minimum standards to volunteer has consistently declined, to a point where today it is estimated nearly three out of every four of the roughly 34 million 17- to 24-year-olds in the U.S. are ineligible to serve. Compounding this situation is the fact that only about one quarter of high-school graduates who might be otherwise eligible, can also pass the Armed Forces Qualification Test, which measures basic math, writing, and reading skills.

Thus, while our Nation’s defense rests on the assumption of a broad and deep pool of eligible volunteers, the reality is that this assumption has never been more tenuous.

However, the existence of a broad and deep pool of volunteers eligible to serve, by itself, is obviously not enough. There also needs to be a willingness to serve—particularly among the best and brightest of America’s youth.

In that regard, consider that since the early 1980s, the willingness of American youth to consider Military Service has steadily declined. The University of Michigan’s longstanding “Monitoring the Future Survey,” which has since 1975 annually surveyed about 50,000 high school students about their general attitudes, behaviors, values, including toward Military Service, suggests today that less than 12 percent of American youth are willing to even consider Military Service after high school. Further, this same survey also indicates that perceptions of Military Service as a ‘means to get ahead’ in life and to ‘secure and education’ have declined sharply in recent years.

All of this is to suggest that today, given fewer Americans eligible for Military Service, and a declining number willing to volunteer, those both eligible and willing represent a treasured national resource.

Importantly, throughout the now more than 15 years of sustained military conflict, the most reliable and robust pipeline of eligible and willing volunteers is represented by the daughters, sons, brothers, and sisters, of those who are now or have served in uniform. In other words, the health of our military families is inextricably linked to the future viability of the All-Volunteer Force. This is not speculation or conjecture, but fact demonstrated by research.

Specifically, new research conducted jointly by Blue Star Families and the Institute for Veterans and Military Families at Syracuse University suggests that today, only 40 percent of military family respondents would recommend Military Service to their children—a decline from 45 percent in 2015. Further, the same study highlights that the extent to which military families feel supported while serving, and throughout the transition from military to civilian life, is strongly and directly correlated to the likelihood of recommending Military Service to others. For example, the research indicates that 71 percent of families reporting a supported and smooth transition from military to civilian life express a willingness to recommend Military Service to their own children. However, among those indicating a difficult or very difficult transition, only 56 percent would recommend Military Service to a family member.

All of this is to say that many inside and outside of government have long imagined a relationship between action [or inaction] to address the concerns of military families, and the DOD’s ability to recruit and retain the Nation’s most skilled, qualified, and service-minded individuals. Today, a much-enhanced ability to leverage robust and longitudinal data—informative of the ‘lived experiences’ of our Nation’s military families—supports more than ever before, a comprehensive understanding of the social, economic, and wellness concerns of those families who have shouldered the burden of the Nation’s post-9/11 wars. This body of research suggests strongly

that the in-service and post-service welfare of our military families directly affects All-Volunteer Force imperative of recruiting a high-quality and socio-economically representative force.

Accordingly, over the last 5 years, the Institute for Veterans and Military Families (IVMF) at Syracuse University has engaged in a purposeful effort to inform and act on opportunities to advance in-service and post-service opportunities for servicemembers, veterans, and military families. Over that period, more than 90,000 have benefited from educational, vocational, and business ownership programs offered by the IVMF and its partners. Importantly, the large scale and scope of the IVMF's programs has set the conditions for extensive study of the in-service and transition-connected challenges facing our servicemembers and their families. I look forward to sharing some of what we have learned regarding the topics the Committee identified as the focus of this hearing during our discussion.

It is clear to me that investments positioned to care for and support our military families, to include a robust infrastructure supporting the transition of military families to civilian life, represents an investment in the Nation's future defense. Further, such investments are also morally and ethically right. These are complex issues, but exceedingly important. I thank the Subcommittee for hearing me and others on the concerns of military families, and look forward to your questions.

Senator TILLIS. Thank you all.

Mr. Haynie, I'm guessing that's not a Tennessee Volunteers orange tie you've got on. Is that—

Dr. HAYNIE. Senator, it is not. That is the proud Syracuse orange.

[Laughter.]

Senator TILLIS. A man's got to try.

Dr. HAYNIE. Big game tonight, North Carolina State, up in the Carrier Dome.

Senator TILLIS. That—actually, I want to just start with you. The—a question I had—I served in the legislature before I came up to the Senate, and we were constantly trying to figure out how we partner with the States and with the private sector. Ms. Roth Douquet, I heard your concern about the DOD partnering not going so well. But, what are you-all's view, should we do more—particularly when you have a relatively highly skilled workforce that's grossly underpaid. Some of that probably relates to the relocation rate and just not being able to go and get the credentialing they need in a given new jurisdiction. Are there any good examples out there of States or private-sector collaborations that are working? What more can we do there?

Dr. HAYNIE. So, I think one of the things that's—that is interesting to me—and I'm going to come back to something that Kathy mentioned earlier—is, we saw the private sector stand up en masse when the veterans unemployment rate hit the 20–25 percent. Collaboration between the private-sector actors and, you know, coalitions of firms 200–300 strong focused on solving the veterans' employment problem. We have not seen that same kind of effort as it relates to military spouses.

I do believe that—for the last 2 years of the Obama administration, I was the vice chairman of the Federal

Advisory Committee on Reform at the VA. One of the things that Kathy mentioned, that I think has been transformative relative to the VA's ability to partner with the private sector, is creating a focused effort and office around public-private partnerships. I agree very much with Kathy's recommendation. I think that, in this regard, DOD could benefit from that opportunity, as well.

Senator TILLIS. Ms. Roth-Douquet, do you have anything to add to that?

Ms. ROTH-DOUQUET. Blue Star Families helps convene a group of about 55 nonprofits, foundations, and government leaders. They did all endorse this idea of a—an office similar to the VA at DOD. I do agree that it takes a sustained effort.

Most Americans have no idea this problem exists. Most employers have no idea. When they hear that it does, they are interested in these talented workers, who actually have health insurance, by the way, so they're pretty attractive employees. But, it takes a big voice, and a bigger voice than we have. So, the work that we're—that we can do with Senators, with States, but also getting the DOD this kind of office, can get us to replicate the success that there was in veteran hiring, I think.

Senator TILLIS. Ms. Hruska, you mentioned, in your opening comments, about, on the one hand, you welcome some of the healthcare reforms, but you did have some possible concerns, or potential concerns, about the implementation. I'd like for you to maybe expand a little bit on that. I know your organizations also advocated for extended healthcare options for—healthcare option benefits for military dependents with special needs. So, could you talk a little bit more about what we should be mindful of as we move through some of the changes?

Ms. HRUSKA. Well, we outlined quite a bit of our concerns on the healthcare reform in our testimony. I'll just use one example. We appreciate DOD is trying to make the healthcare benefit for military families a little similar to the their civilian counterparts. So, we are starting enrollment periods, and this year is the first year, but the rules are a little lax. So, next January, you will have an opt-in period. I believe that actually will go November to December. Then you must enroll in your healthcare program, starting January 1st. So, the Department has created qualifying life events.

As we look at those qualifying life events, dissatisfaction with the military treatment facility is not a reason to opt out. We have particular concerns about this, because you may have a wonderful experience with a military treatment facility, say, here in the National Capital Region, but you move to another area, you say, "I've had a great experience. I'm going to sign up and go to my military treatment facility," and then you have a very poor experience, and then you're trapped. You have nowhere—you have to deal with that one healthcare facility until the next open-enrollment period. If you have a child that has a particular condition, or if you find—you have concerns—you're pregnant, you have concerns about a pregnancy, that can be particularly restrictive. That's just one issue that we have.

Senator TILLIS. Well, thank you. We'll certainly take what you expanded on in the written testimony, and any additional information you'd like to submit to the record, as being instructive as we go through the implementation.

Ranking Member Gillibrand.

Senator GILLIBRAND. Thank you.

The rate of entrepreneurship in America has grown in the past couple of years. And the economy is estimated to be at a third of the U.S. workforce. When considering the barriers that military

families face finding work, these avenues may offer a key to increasing employment.

Mr. Haynie, can you speak about programs such as Boots to Business and VWISE, which is Veteran Women Igniting the Spirit of Entrepreneurship, and whether the DOD can learn from them, in terms of military spouse employment?

Dr. HAYNIE. Senator, I can. One of my great passions is military connected entrepreneurship. Matter of fact, I am leaving here to fly to Austin, Texas. For the next 4 days, almost 400 military spouses, military veterans interested in pursuing entrepreneurship will receive training, mentorship, and support through programs that we operate out of the institute. Business ownership is a unique opportunity for this population, both our military veterans as well as our military spouses, to craft a vocation for themselves in a way that accommodates some of the unique challenges, stressors associated with Military Service.

Military veterans and military spouses are over-indexed to business ownership in this country, relative to nonmilitary-connected populations. If you look at—veterans represent about 6 percent of the population, but almost 15 percent of all small business owners in this country. Take women veterans, female spouses that are—VWISE program that you mentioned—now thousands of women have received training through that program, and they're outgrowing businesses at a rate of—venture creation rate, 92 percent; 5 year survival rate of those businesses, up in the 80-percent range, which is unheard of. So, I think it's a unique opportunity for this population, one that the Boots to Business Program and the ability of spouses to take advantage of that has to remain central to how we think about transitioning families out of the military.

Senator GILLIBRAND. Thank you.

Researchers have found that Military Service adds additional challenges for married couples, which you've all testified to, such as increased household responsibilities for spouses or the impact of psychological effects of service on marital stability. Married volunteers who served in post-9/11 wars were slightly more likely to become divorced during their first 2 years post-service, compared to civilian populations. What can the DOD do better to support military families to address these unique strains?

Go ahead, Kathy.

Ms. ROTH-DOUQUET. A lot of the ideas about creating flexibility in the life cycle, I think, will go a long way. Allowing—our current military is millennials. Millennials value stability very highly. They value stability more than they do upward mobility, in fact. So, the opportunity to weigh in on their careers, we believe, would create a lot of strength within the family. So, I think that is an important element.

Predictability also would reduce a lot of the strain that creates strains in marriage and creates strains around children and childcare. So, I think the same things that will create more satisfaction in the career, itself, will provide a lot of strength in marriage.

I don't think DOD should get into the marriage therapy business. I don't think it's going to be their strength. I think the underlying

structure and this partnering with the people whose strength it is, organizations like Taya Kyle's Frog Foundation—there's a lot of great organizations out there. Let's make it possible for them to do their work.

Senator GILLIBRAND. So, I'm concerned about, not just divorce rates, but also domestic violence rates and suicide rates that you've all talked about today. You know, we have our—every other year, we have the survey of sexual violence in the military, but spouses aren't actually surveyed. I would really like to either add the spouses to that survey—and I'd like your thoughts on that—or create a unique survey to get some of this other data, too. A survey that's conducted by the military and aggregated every year or every other year of issues like divorce rates, suicide rates, domestic violence rates, child abuse rates, so that we actually have real data. I'd like your thoughts and recommendations on whether we should do a survey that's unique to families or at least add spouses to the biannual survey of military sexual assaults.

Ms. HRUSKA. Our association would prefer to see a separate survey, because domestic violence is sometimes different than sexual assault. As the Services discussed earlier, especially with the family advocacy program, the outcomes when there is counseling and families work together—the outcomes are better. So—and, a lot of times, in domestic violence, you want to see that both partners want to save the marriage and improve the situation. So, I think a separate survey would be beneficial.

Dr. HAYNIE. So, what I'd—how I'd like to respond to that is to suggest that the more data we have, the better off we are. I chose to emphasize military children a bit in my opening statement, because, honestly, one of the communities that I am most concerned about are our military children. We often look for precedent related to how to think about supporting—whether it's our servicemembers, our spouses, our children. What we fail, I think, or have failed, to consider is, there is no precedent relative to the past 15 years. You know, I talked about the 45th birthday of the All-Volunteer Force. The past 15 years have been the first extended test of the All-Volunteer Force. What we understood after Vietnam, even after the—you know, the first Gulf War, there is no precedent for going to Fort Drum, for example, and talking to a soldier who's been in for 10 years and has been deployed five times. Talking to that soldier's child, who, you know, might be 6 or 7 years old, and, for 2 or even 3 of those years, has been without a parent, I—it's shocking to me that we have not invested more in looking at the impact of these stressors on military children. I think we have to do it over time. Because there is no safety net for them. For the veterans, there is the VA. When families transition out of the military, for those children, there is no safety net. I think that we will be in for a surprise, as a Nation, as a society, when we come to learn, over time, the implications of the past 15 years for those children.

Ms. ROTH-DOUQUET. My grave concern is that we do this in a way that preserves the dignity and respect of the people involved. So, when I—when my husband was Active Duty, and I went to see the doctor, they always asked me, "Do you feel safe in your home?" I always thought, "Gee, are my neighbors who aren't in the mili-

tary, are their doctors asking them that? I being targeted because my husband's in the military, and therefore there's a veil of suspicion over it?" So, if there are surveys, I think it's important that we do it in a way that isn't stigmatizing and treating military people as a separate population from other Americans that are maybe somehow suspect. I say that because who's going to do the survey? Already there's a little bit of distrust with being your husband's boss's boss. So, we have to make sure it's done in a way that is respectful to the people involved, and respectful that many of them—

Senator GILLIBRAND. Would that lend itself, then, to just be part of the regular DOD survey?

Ms. ROTH-DOUQUET. Well, I think people—it's not a popular survey. It gets around a 2-percent response rate, that survey. So, I think that this is another place you want to look at public-private partnerships to have people who are more in tune to the right kinds of questions.

Senator GILLIBRAND. Well, the RAND Corporation does the survey for the Department of Defense, and they implement it. All servicemembers are supposed to fill it out, and then they extrapolate from that an estimate of how many cases.

Ms. ROTH-DOUQUET. Right. I know a lot of people don't take it, or choose not to answer it, because there is a certain distrust about it. I felt it, myself. I felt that distrust about, Was it really private? So, I think this is just the reality that you need to know. When you observe a population, you change it. Right? So, if the person who's observing is seen as being an official body, you may or may not get the data that you hope to get. I'm offering this as—

Senator GILLIBRAND. It's a tough question.

Ms. ROTH-DOUQUET. Right. I do feel—

Senator GILLIBRAND. What is a trusted source, if you—if you were to design—if you were trying to get to the data that Michael wants to get to—

Ms. ROTH-DOUQUET. Right.

Senator GILLIBRAND. Are these kids suffering? How many kids are subject to child abuse? How many have, you know, suicidal ideation? How many are at risk? How much domestic violence? What's a percentage of divorce? If you want to get to that information—because the military, unfortunately, doesn't do anything until they have data. So, if they don't see the problem, they're not going to fix it.

Ms. ROTH-DOUQUET. Right.

Senator GILLIBRAND. They just are going to say the problem doesn't exist. So, I can't fix these problems unless I can prove to the DOD and my colleagues that they exist. So, I need data to prove they exist. So, I need data, but I don't—

Ms. ROTH-DOUQUET. Right.

Senator GILLIBRAND. I obviously don't want data that's not accurate, and—

Ms. ROTH-DOUQUET. Right.

Senator GILLIBRAND.—I don't want it to be used to bludgeon the military, because that's not the point. The point is, how do we protect servicemembers, their families, and their children?

Ms. ROTH-DOUQUET. I think that using focus groups that have some engagement with something that looks—what we’ve found from people is, they want things from their friends and neighbors, and they want it from popular culture. So, I would work with Sesame Street or something that seems trusted in that way, or—one of the reasons people answered Blue Star Family’s survey is because it’s seen as being different—

Senator GILLIBRAND. Maybe we could ask them to do it.

Ms. ROTH-DOUQUET. With—yeah, and we do actually have some data on domestic violence. I think also the—you know, it’s—

Senator GILLIBRAND. Thank you. We’d like to work with you off-line with our staff. Thank you.

Thank you, Mr. Chairman.

Senator TILLIS. Thank you, Senator Gillibrand.

I want to thank you all for being here. I think it’s been a great hearing. We’ve gotten a lot of information. We’ll have a lot more from your written testimony. Certainly, the question-and-answer has been very helpful.

I want to make sure—Ms. Hruska, I—the point that you made about getting the information on military family suicide, I’ve taken a note. We will get an answer to your question and share that with you. I want this to be the continuation of a dialogue as we go into the NDAA. We continue to work on policies after the NDAA, so you have an open invitation to work with the Committee staff and with my staff. I’m sure I speak for Senator Gillibrand. We want your feedback.

I also want to move that any outside statements received in the—that we include any outside statements received in the official record for this hearing, without objection.

Senator GILLIBRAND. So moved.

Senator TILLIS. So moved.

So, thank you again for being here and for your personal and professional interest in this issue. Thank you for your service to a very important population in our community.

This meeting is adjourned.

[Whereupon, at 5:00 p.m., the Subcommittee adjourned.]

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JACK REED

FINANCIAL READINESS MATTERS

1. Senator REED. Secretary Wilkie, Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, over the last 15 years, the Department of Defense has implemented policies and procedures to improve the financial readiness of servicemembers through personal finance management and education. Yet there are still too many Active Duty military personnel and veterans experiencing challenging financial issues, including excessive debt, credit problems, bankruptcy, foreclosures, short-term loan fees, and a lack of savings or emergency funds. According to the Department’s 2017 Annual Report on the Financial Literacy and Preparedness of Members of the Armed Forces, over 25,000 servicemembers used an auto title loan and over 13,000 used a payday loan in the preceding 12 months. The Department, over a decade ago, concluded that these practices endangered readiness. In your view, how important are individual and family financial readiness to the overall readiness of the armed forces and the Services’ ability to execute the missions we assign them?

Secretary WILKIE. Personal financial readiness is a critical component of overall military readiness. The Department is committed to ensuring our servicemembers possess the skills and resources to help them maintain their financial readiness.

Lieutenant General SEAMANDS. Soldier and family financial readiness yields a significant positive impact on overall Army readiness. Poor financial literacy can contribute to stress related to indebtedness, soldier inability to manage finances, and marital discord. It can reduce mission focus and reduce productivity. To improve financial readiness, the Army provides financial readiness training to soldiers and families throughout their military lifecycle. Financial literacy training was required during fiscal year 2017 for Blended Retirement System (BRS) eligible soldiers so they can make an informed decision whether to opt-in the BRS that began in January 2018 or stay in the legacy system. Financial literacy training will be more important to Reserve component soldiers as early as April 2018 when given a choice elect "Lump Sum" retirement payment under BRS for a non-regular retirement.

Vice Admiral BURKE. Individual and family financial readiness is very important to sustaining mission readiness and family readiness. The Navy family readiness system supports commanders in maintaining unit readiness, sustaining mission readiness, and promoting personal readiness and retention, through the Navy personal financial management program, which provides financial literacy education and training, counseling, consumer advocacy and complaint resolution assistance, and information and referral services to increase personal, family, and operational readiness. These educational efforts and the protections of the Military Lending Act serve to minimize the adverse impacts on readiness of predatory lending and poor personal financial management.

Lieutenant General GROSSO. Individual and family financial readiness are critical pieces to the overall readiness of our airmen. We continue to build capabilities and work with partners within and outside of the department to address our airmen's unique needs, creating and adapting solutions in a rapidly changing financial environment. The Air Force is committed to enhancing capabilities related to financial readiness to increase the overall mission readiness for our airmen and their families. The Air Force data on Financial Literacy is reported annually via the Status of Forces Survey conducted by Defense Manpower Data Center (DMDC). Overall, the Air Force does not have large numbers of financial issues and airmen indicate a comfortable financial situation.

Lieutenant General ROCCO. Individual and family financial readiness are critical components of individual readiness, and ultimately our ability to execute our mission. The Marine Corps has focused on improving the reach and structure of its Personal Financial Readiness Program to support overall mission readiness. The Marine Corps has increased education efforts to help marines understand the lending habits of payday and auto title loans. As requested in the Fiscal Year 2016 National Defense Authorization Act, the Marine Corps has made efforts to work with other agencies and nonprofit organizations. The best example is demonstrated by the availability of Navy Marine Corps Relief Society (NMCRS) loans to help curb the use of predatory loans within the Marine Corps. Throughout the last ten years NMCRS has provided more than \$158 million in financial assistance to Active Duty sailors and marines through their Quick Assist Loan (QAL) program. This program was created to combat the predatory lenders harming our sea service personnel's overall financial well-being. QALs are short-term, interest-free loans for amounts up to \$500, and are generally processed in about 15 to 20 minutes. By working with NMCRS the Marine Corps has been able to reduce the number of marines participating with predatory lenders and support the marines financial readiness.

2. Senator REED. Secretary Wilkie, Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, what steps has the Department taken to educate and empower officers and enlisted personnel to make better-informed financial decisions throughout their military careers?

Secretary WILKIE. The Fiscal Year 2016 NDAA expanded the scope and frequency of financial literacy training required to be given to servicemembers. In response, the Department and the Military Services are expanding existing programs and developing new initiatives to help servicemembers develop the skills to make informed financial decisions and meet personal and professional goals throughout the military lifecycle. For example, the Department recently educated more than 1.6 million opt-in eligible servicemembers on the Blended Retirement System. In other efforts, the Department is redesigning financial readiness training to better focus its delivery at the appropriate lifecycle touchpoints in a servicemember's career. Servicemembers have access to more than 700 certified financial counselors at military installations and other locations around the world, as well as 24/7 counseling via telephone

through Military OneSource. These professionals are available to assist servicemembers in responding to their individual personal financial situations.

Lieutenant General SEAMANDS. The Army provides financial readiness training throughout a soldier's career. Even before enlistment, soldiers may gain a financial foundation by completing the Consumer Financial Protection Bureau's Delayed Entry Program interactive learning course. The Army continues with fundamental financial education principles at Basic Combat Training and more in-depth training at Advanced Individual Training. Officers are provided personal financial education as cadets at both the United States Military Academy and ROTC, then again at the Basic Officer Leader Course. Throughout the remainder of their careers, officer and enlisted soldiers receive financial education and counseling through personal financial education programs available at Army Community Services centers on every installation. Finally, every soldier participates in the Soldier for Life—Transition Assistance Program where they receive financial education to prepare them for life after the military.

Vice Admiral BURKE. Financial literacy education and training is delivered at the personal and professional touchpoints across the military lifecycle beginning with recruit training (Boot Camp) and officer accessions' training, and continuing throughout a sailor's career and transition to civilian life. The financial literacy topics include, but are not limited to budget management, life insurance (including Survivor Benefit Plan), health insurance, investments (including Thrift Savings Plan), banking, credit, loans, deferred plans, mortgages, retirement planning and taxes. The training is provided by general military training, FFSC personal financial education programs including the Million Dollar Sailor course, the LifeSkills course, Military One Source offerings, Navy eLearning and Joint Knowledge Online courses, the LifeSkills Reach Back mobile application (app), the Navy Financial Literacy mobile app, and the Personal Financial Management webpage. Fleet and Family Support Centers (FFSCs) provide support to all elements of the personal financial management program. At the individual command level, elements of the personal financial management program are under the control of a qualified command financial specialist (CFS). Active and Reserve commands, permanent detachments, and departments having at least 25 personnel assigned must have a trained CFS to coordinate the program and to assist the commanding officer or officer in charge in providing financial training, information, and counseling to command members.

Lieutenant General GROSSO. The Air Force is committed to ensuring airmen and families have timely financial education at critical points in their military life cycle. Airman and Family Readiness Centers offer comprehensive financial readiness support through personal financial counseling and training. We recently implemented updated First Duty Station financial literacy training for both enlisted and officers. The standardized curriculum focuses on understanding and decision making of key financial concepts. The Air Force is concentrating on proactive financial education for airmen and leadership at all levels to ensure financial issues are identified for early intervention.

Lieutenant General ROCCO. In 2014 the Marine Corps created and launched a Personal Readiness Seminar (PRS) to provide marines financial and professional development training within 90 days of their arrival at their first permanent duty station. A pre- and post-test are administered during the financial training to gauge the level of financial knowledge prior to training and the increase in knowledge at the conclusion of training. We conducted a long-term study of marines who attended PRS and found they were more likely to engage in positive financial behaviors, including using a budget, paying down debt, and saving for the future. To ensure continuous training is available throughout a marine's career, Installation Personal Financial Counselors provide financial and education counseling aboard Marine Corps installations. Additionally, Marine Corps Order 1700.37, "Personal Financial Management Program", dated 11 December 2014, requires all Marine Corps units to have a trained unit Command Financial Specialist for every 75 marines in the unit. This requirement is validated during unit inspections. Financial education seminars and individual counseling are available to marines and their families throughout the marine's lifecycle. The Personal Financial Readiness Program (PFRP) provides financial education on topics including money management, investment planning, financial planning, retirement and estate planning, and consumer awareness and protection. Topics may include budgeting; savings strategies; investing; use of credit; debt management and reduction; major purchases; military financial rights; Thrift Saving Plan; Saving Deposit Plan; investment tools; goal setting; major financial life challenges; insurance products; entitlements and benefits; Survivor Benefit Program; and retirement plans. Data is collected regarding the reach of the PFRP. Annually we have approximately 60,000 Brief Contacts (up to 15 minutes), 13,000 Extended Contacts (16 to 60 minutes), and conduct on average 2,600 Workshops and

Briefs. The Fiscal Year 2016 NDAA's expansion of financial literacy training requirements across the entire lifecycle codified and supported our use of a regular and established timeline across a marine's career (Ibid.) In accordance with 10 U.S.C. §992, PFRP employs a Financial Continuum of Learning that provides mandatory financial education at specific action points during a Marine's career. We have begun a complete update to our standard financial curriculum and expect to complete the development phase of this project by the end of Fiscal Year 2018.

3. Senator REED. Secretary Wilkie, please explain how the Department has worked with the Office of Servicemember Affairs of the Consumer Financial Protection Bureau to improve financial literacy throughout the force and to make servicemembers more aware of the consumer rights and protections available to them?

Secretary WILKIE. The Department regularly engages with the Consumer Financial Protection Bureau (CFPB) and other federal regulatory agencies for education and consumer protection. The Department works with CFPB in particular to improve our educational products and outreach efforts, and to ensure our servicemembers are afforded their rights under the Military Lending Act, Servicemembers Civil Relief Act and other consumer protection laws or regulations.

4. Senator REED. Secretary Wilkie, Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, in your experience, what has worked well to improve financial readiness for members and military families?

Secretary WILKIE. Education is the primary method through which to improve financial readiness. Through focused financial education delivered at appropriate professional career and personal touchpoints we can help servicemembers and their families develop the skills necessary to address financial challenges before financial hardships are caused that impact readiness. The Department reinforces our educational efforts through strategic communications, for example, delivering key messages on the importance of contributing to TSP for maximum government match through social media where servicemembers and family members can access information at their convenience.

Lieutenant General SEAMANDS. The Consumer Financial Protection Bureau's Delayed Entry Program education effort has notably enhanced the foundational financial literacy knowledge recruits have when entering the Army. Additionally, financial education programs at Advanced Individual Training ensures continued training on important financial matters. Training on the Blended Retirement System is a priority for the Army. Centralized DOD training developed for educators, leaders, soldiers, and new accessions prove valuable and instrumental for the educational process. We look forward to additional collaborative efforts with the Services and DOD on additional financial literacy projects and training. Additionally, each Army Community Services center has financial programs and counseling capacity. Fiscal Year 2016 NDAA requirements for training throughout soldiers' careers, will help us leverage other resources such as additional financial counselors provided by DOD, the robust capabilities of Military OneSource, and partnerships with nonprofit organizations to provide financial education support. Finally, the Soldier for Life—Transition Assistance Program provides significant financial material and counseling related to transitioning out of the Army.

Vice Admiral BURKE. The Million Dollar Sailor course and LifeSkills course have worked well to improve sailor and family financial readiness. The 4-day LifeSkills course, presented to sailors after recruit training and prior to technical school training, provides sailors with the knowledge and skills required to increase personal, family, and operational readiness by recalibrating mental models and assumptions, and building a culture of leadership, respect, professionalism, and trust. Much of the course delivers the fundamentals of financial literacy to include the Blended Retirement System material, Thrift Savings Plan, spending plans, account management, credit, consumer awareness, car buying, insurance, Government travel, and financial planning. Additionally, the LifeSkills Reach Back mobile application allows sailors to revisit topics of interest post-course. The 2-day Million Dollar Sailor course assists sailors and their families in successfully navigating the transitions of Navy life and associated financial challenges. It targets the most common financial issues facing sailors such as, security clearance issues, credit management, identity theft, bankruptcy, mortgage and foreclosure issues, government credit card abuse and multiple issues involving Internet buying and selling, by providing sound financial management skills that can be used over their lifetime and a comprehensive overview of steps required to The Million Dollar Sailor course and LifeSkills course have worked well to improve sailor and family financial readiness. The 4-day LifeSkills course, presented to sailors after recruit training and prior to technical school train-

ing, provides sailors with the knowledge and skills required to increase personal, family, and operational readiness by recalibrating mental models and assumptions, and building a culture of leadership, respect, professionalism, and trust. Much of the course delivers the fundamentals of financial literacy to include the Blended Retirement System material, Thrift Savings Plan, spending plans, account management, credit, consumer awareness, car buying, insurance, Government travel, and financial planning. Additionally, the LifeSkills Reach Back mobile application allows sailors to revisit topics of interest post-course. The 2-day Million Dollar Sailor course assists sailors and their families in successfully navigating the transitions of Navy life and associated financial challenges. It targets the most common financial issues facing sailors such as, security clearance issues, credit management, identity theft, bankruptcy, mortgage and foreclosure issues, government credit card abuse and multiple issues involving Internet buying and selling, by providing sound financial management skills that can be used over their lifetime and a comprehensive overview of steps required to enhance personal financial fitness. It enhances overall quality of life through personal financial growth and fitness, to improve overall operational readiness and performance, and to enhance retention.

Lieutenant General GROSSO. Relevant and timely education and creating a culture where proactive assistance seeking is encouraged are key to improving financial literacy. Outreach to members at all levels increases an airman's opportunity to practice proactive prevention and employ educational capabilities enabling them to improve personal financial issues and make informed financial decisions.

Research studies on financial education from the Government Accountability Office and Consumer Financial Protection Bureau pinpoint elements which yield the most results for financial literacy to include (1) relevant and timely content, (2) appropriate delivery methods for audience or topic, (3) accessibility and cultural sensitivity, (4) use of partnerships, (5) program evaluation, (6) trained and competent providers, (7) program sustainability, (8) building on motivation, and (9) improving financial skills. We are taking advantage of the outcomes of these studies to improve financial literacy capabilities available to our airmen and families.

Lieutenant General ROCCO. The statutory requirement for financial training has ensured every Marine has access to training resources needed to successfully manage their personal and family financial obligations. This requirement ensures unit commanders adhere to the NDAA requirements and prioritize financial literacy training as part of their unit's mission readiness. To meet this goal, while remaining aware of other obligations in a Marine's life and career, we have taken a well-rounded approach to training opportunities, including face-to-face and online training opportunities. This ensures we meet the needs of all generations of Marines and provide delivery methods to fit their individual learning habits and schedules. Funding for these services has enabled us to update materials, improve service delivery, and expand program offerings. Finally, the recent introduction of the Blended Retirement System has increased interest in, and awareness of, the need for financial planning and the resources available to marines and their families.

5. Senator REED. Secretary Wilkie, Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, what is still needed to make existing financial readiness preparation more effective?

Secretary WILKIE. We deliver financial educational in ways that provide servicemembers with the tools to make informed financial decisions. This includes not only tailoring the delivery of financial literacy content through modalities (such as micro-learning modules and development of a financial literacy mobile app aligned with the military lifecycle) but also the important messaging that financial literacy and preparation benefit all servicemembers and their families, not just the traditional population of at risk junior enlisted members. Furthermore, we continue to review these education programs for their effectiveness and make improvements where needed.

Lieutenant General SEAMANDS. According to the Department of Defense (DOD) 2017 Annual Report on Financial Literacy and Preparedness of Members of the Armed Forces, there is more work to be done. The Army recognizes the enduring need for financial literacy throughout a soldier's career. We look forward to working with Congress to ensure efforts to make personal financial education a core requirement in secondary school systems across the country. New recruits will join the Army with a much stronger foundation, which we will continue to reinforce throughout the soldier's lifecycle.

Vice Admiral BURKE. To make existing financial readiness preparation more effective, Navy is:

- Developing online micro-learning videos, and updating the Personal Financial Manager, Million Dollar Sailor, Command Financial Specialist, and LifeSkills courses
 - Updating LifeSkills and Navy financial literacy applications
 - Improving our personnel systems to automatically push financial training information to sailors as life changes are recorded in their records to support the new Blended Retirement System and financial literacy training
- Reviewing all courses and conducting a needs assessment which, in conjunction with staff/command leadership feedback, will inform program improvements

Lieutenant General GROSSO. Simply put, we need continued congressional advocacy and legislative protections to ensure our servicemembers and their families continue to improve financial readiness. While the impacts of predatory lending practices have become less of a concern, it indicates legislative safeguards are instrumental in helping our airmen and families avoid these traps. Continued Congressional advocacy supporting readiness programs such as spouse licensure and employment, child care, and readiness programs for deployment and financial readiness remain the most impactful assistance to support the overall readiness of the Air Force.

Lieutenant General ROCCO. The Consumer Financial Protection Bureau (CFPB) is critical to ensuring protections exist for our marines and their families. Recent decisions by the CFPB to abstain from investigating and enforcing violations of consumer protections has the potential to dismantle gains made in protecting our marines. We believe continued consumer protection and effective trainings are necessary to ensure financial readiness among our marines and their families. CFPB's continued protection is needed to curb predatory products. The Marine Corps currently has the resources we need to ensure training and counseling is available to support marines and their families.

MILITARY LENDING ACT AND CONSUMER PROTECTIONS FOR MILITARY FAMILIES

6. Senator REED. Secretary Wilkie, Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, by enacting the Military Lending Act (MLA) as part of the John Warner National Defense Authorization Act for Fiscal Year 2007, Congress sent a clear bipartisan message that protecting servicemembers and their families from predatory and high cost lending was of paramount importance to their financial security and military readiness. This law caps the annual interest rates for consumer credit to servicemembers and their dependents at 36 percent while authorizing DOD to define what loans should be covered. Over the past 2 years, DOD finalized new MLA rules closing loopholes and strengthening MLA protections for our servicemembers and their families. According to DOD, "each separation of a servicemember is estimated to cost the Department \$57,333, and the Department estimates that each year approximately 4,703 to 7,957 servicemembers are involuntarily separated due to financial distress." Do you agree that the protections afforded by the new MLA rules, including the enforcement authority of the Office of Servicemember Affairs of the Consumer Financial Protection Bureau, provide an important benefit to servicemembers and their families?

Secretary WILKIE. Yes.

Lieutenant General SEAMANDS. The protections afforded by the updated Military Lending Act go a long way to help shield soldiers and their families from high-cost credit products. Soldiers face continuous challenges in navigating, obtaining, and successfully using financial products and services. The Consumer Financial Protection Bureau is a valued partner for increasing soldier financial literacy and avoiding debt traps created by high-cost, high-credit products.

Vice Admiral BURKE. We agree that protections afforded by the Military Lending Act (MLA), including the new rules, provide an important benefit to sailors and their families. The MLA provides protection from predatory credit practices for servicemembers by expanding financial protections and ensuring military families receive the consumer protections they deserve. The restrictions imposed by the MLA significantly reduce the ability of lending organizations to take advantage of sailors, while the Consumer Financial Protection Bureau's enforcement actions serve to deter those who seek to engage in such activity.

Lieutenant General GROSSO. Yes, the protections afforded by the new MLA rules provide important benefits to airmen and their families. These new rules protect airmen and their families from high cost predatory lending practices, saving them money and reducing stress. Additionally, the enforcement authority of the Consumer Financial Protection Bureau has also benefited our servicemembers. Enforcement actions, specifically those by Consumer Financial Protection Bureau's Office

of Servicemember Affairs, provide airmen an avenue to file a consumer complaint and request assistance in resolving the complaint. The enforcement actions of the Consumer Financial Protection Bureau have provided over \$130 million dollars of relief to affected servicemembers. Without the intervention of Consumer Financial Protection Bureau, servicemembers are vulnerable to exploitive practices of some lenders. Consumer Financial Protection Bureau's actions resolving complaints, protected airmen against misuse of allotments, predatory lending, and illegal debt collection practices and helped maintain mission readiness of our airmen and families.

Lieutenant General ROCCO. The new Rules and enforcement by the Consumer Financial Protection Bureau (CFPB) are greatly benefitting servicemembers and their families. One of the most beneficial aspects of the new Rules is the expanded definition of "consumer credit" to which the 36 percent Military Annual Percentage Rate (MAPR) applies. Before the new Rules, the MLA applied only to vehicle title loans, payday loans, tax refund anticipation loans, and similar products. The new Rules expand protections to credit cards and vehicle loans to include ancillary products such as vehicle GAP insurance, credit insurance and credit servicing charges. The new Rules also prohibit creditors from requiring servicemembers to submit to arbitration and waive protections of the Servicemembers Civil Relief Act. In addition to effective CFPB enforcement action, the Office of Servicemember Affairs, CFPB is doing an excellent job of educating military consumers, as well as military legal assistance attorneys, about the MLA both on its website and during installation visits.

7. Senator REED. Secretary Wilkie, Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, at one point, the Department noted that the new MLA rule "would reduce non-quantifiable costs associated with financial strains on servicemembers. High-cost debt can detract from mission focus, reduce productivity, and require the attention of supervisors and commanders." Do you agree these protections enhance the financial readiness of servicemembers and their families, and the overall readiness of the armed forces?

Secretary WILKIE. Yes.

Lieutenant General SEAMANDS. Yes, the new rules provide greater protection and close several loopholes concerning timelines, fees, and how products are defined. However, we cannot yet ascertain whether they are meeting the needs of soldiers. More time is needed to effectively evaluate their impact.

Vice Admiral BURKE. We agree that protections provided by the Military Lending Act enhance the financial readiness of sailors and their families, thereby improving overall readiness. Financial problems have a serious negative impact on sailors and their families, and adversely impact operational readiness, morale, and retention. For instance, a sailor whose financial difficulties result in loss of a required security clearance may preclude the sailor from performing his or her duties, impacting deployability and retainability.

Lieutenant General GROSSO. Yes, having these protections in place enhances financial readiness by providing airmen and their families the ability to reduce stress associated with finances and concentrate on the mission. The Consumer Financial Protection Bureau's report, "The Office of Servicemember Affairs: Charting our course through the military lifecycle", indicated that finances are a source of stress, even more so than deployments or personal relationships when comparing stressors. On the 2017 DOD Status of Forces survey, approximately 10 percent of airmen experienced relationship issues regarding financial matters. MLA protections extended to spouses and children add an additional layer of protection from unscrupulous business practices and further reduces the related stress on the servicemember.

Lieutenant General ROCCO. I agree. The new MLA rules will help ensure military members and their dependents understand the actual cost of credit received under covered transactions. Having this understanding should reduce financial distraction and strain, which detract from mission.

8. Senator REED. Secretary Wilkie, Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, how can we strengthen consumer protections for servicemembers, enhancing even further their financial readiness and the readiness of their units?

Secretary WILKIE. The Department continues to monitor the implementation of and compliance with the Military Lending Act by engaging with the financial industry, regulators and servicemembers. One key to strengthening protections is efforts by the Department and Military Services to continually educate servicemembers to make informed financial decisions and avoid potential improper lenders and other types of fraud. Another area would be to evaluate the need to extend MLA protections to Guard and Reserve members who are not presently covered since they can

encounter problems before being called to duty for 30 days or more that impacts their readiness on Active Duty.

Lieutenant General SEAMANDS. The Military Lending Act of 2006, coupled with recent DOD rules, appear to be strong measures, but require more time for analysis to see if further adjustments are necessary. The greatest way to protect soldiers and their families is to teach them to protect themselves, and we believe quality financial education, throughout soldier careers, is the first and best defense as a consumer.

Vice Admiral BURKE. Consumer protections can be strengthened through financial literacy education and training. For example, Navy's 4-day LifeSkills course, provided following recruit training, offers "Essentials of Credit and Debt," which addresses the Servicemembers Civil Relief Act, Military Lending Act, Fair Debt Collection Practices Act and managing pre-existing student loan debt. "Consumer Awareness" covers consumer protection laws, predatory lending and identity theft. A sailor's financial readiness can be enhanced even more through sustained emphasis on the importance of consumer protection training. Continued sailor access to Judge Advocate General's Corps legal assistance attorneys, and the Federal Trade Commission's Bureau of Consumer Protection's emphasis on combatting military scams and frauds, are both important to the financial readiness of the Navy. Additionally, the Consumer Financial Protection Bureau and the Federal Trade Commission have established strong links with legal assistance attorneys and each regularly conducts town halls and training at Navy installations to raise sailors' awareness of the Military Lending Act and to ensure military legal assistance attorneys have tools and conduits to enforcement that are necessary to combat Military Lending Act abuses. Continuation of these partnerships will help strengthen consumer protections.

Lieutenant General GROSSO. We need more time to properly evaluate the December 2017 changes to the MLA in order to see how these consumer protections will impact airmen and their families. The Air Force will monitor the Status of Forces Survey results and elicit feedback from installation level personal financial counselors, legal assistance providers, and governmental enforcement agencies (e.g., the Consumer Financial Protection Bureau, Federal Trade Commission, State Attorney General offices, and Department of Justice) to identify if any additional consumer protections are needed. Continued emphasis and advocacy from lawmakers to provide consumer protection for servicemembers and families will assist them in making sound financial decisions and contribute to mission readiness.

Lieutenant General ROCCO. Continuous education for our servicemembers and their families about consumer protection laws and financial management is crucial to strengthening their readiness. Allowing the Consumer Financial Protection Bureau to continue its aggressive educational push and strenuous enforcement of the MLA and other consumer protection laws that benefit the military community is essential; otherwise, military members lose a critical enforcement mechanism and lenders will have no incentive to change their practices.

9. Senator REED. Secretary Wilkie, prior to Secretary Mattis' confirmation, he gave me his personal assurance that he would support and protect these new MLA rules, as well as support and work with the Office of Servicemember Affairs of the Consumer Financial Protection Bureau, which enforces these protections. Do I have your personal assurance to do the same?

Secretary WILKIE. Yes.

QUESTIONS SUBMITTED BY SENATOR CLAIRE MCCASKILL

HARASSMENT POLICY

10. Senator MCCASKILL. Mr. Wilkie, in many cases, it is common for victims to come forward months and sometime years after an incident has occurred. Under this new policy will substantiated allegations be annotated on the current fitness/evaluation report even if the conduct did not occur during that rating period?

Secretary WILKIE. Department of Defense Instruction (DODI) 1020.03 "Harassment Prevention and Response in the Armed Forces" requires rating and reviewing officials to annotate substantiated harassment complaints on fitness reports or performance evaluations. All substantiated incidents will be reflected in a performance evaluation, though how this will be done may vary from Service to Service. Military Service regulations govern the performance and evaluation reporting processes. Per my direction, the Military Services will submit plans detailing implementation of DODI 1020.03 by 13 April 2018. My office will review these plans to ensure effective

implementation of all policy requirements including annotation of substantiated allegations.

UCMJ CASE MANAGEMENT SYSTEM

11. Senator MCCASKILL. Mr. Wilkie, the Fiscal Year 2017 NDAA required DOD to establish a case management system. Has DOD complied with the legislation and are the different services using a universal system?

Secretary WILKIE. Section 5504 of the Fiscal Year 2017 NDAA required the Secretary of Defense to “prescribe uniform standards and criteria” for several functions, including “[c]ase processing and management.” The statute provided that the Secretary of Defense will issue those standards no later than 2 years after the date of enactment, which will be December 23, 2018. The section further provided that those standards and criteria will take effect not later than 4 years after the date of enactment, which will be December 23, 2020. The Department has been working to meet those statutory deadlines.

12. Senator MCCASKILL. Mr. Wilkie, if DOD has not established a case management system, why not, and are the services using various case management systems that are interoperable to ensure consistency in reporting and tracking and can OSD manage and analyze that information?

Secretary WILKIE. As discussed in the previous response, the statutory deadline for providing uniform standards and criteria for case processing has not yet arrived. While the Department works to carry out that statutory requirement, the Military Departments continue to use their existing case management systems. Those case management systems are not interoperable.

QUESTIONS SUBMITTED BY SENATOR KIRSTEN GILLIBRAND

NUMBER OF PROSECUTIONS FOR RETALIATION OFFENSES

13. Senator GILLIBRAND. Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, please provide the number of retaliation allegations in Fiscal Year 2017 that were investigated in your service, by whom were they investigated, a brief description of the nature of each of the allegations, and the final disposition of each allegation.

Lieutenant General SEAMANDS. The Army had 100 unique reports/complainants of retaliation in fiscal year 2017. The Department of the Army Inspector General investigated 56 complaints, Army Criminal Investigation Command investigated 18, and the remaining 26 were addressed by Commands or referred to other agencies such as the Department of Defense (DOD) Inspector General. Of the 100 reports, 49 involved reprisal, 1 involved restriction, 24 were criminal, 12 involved ostracism, and 14 involved cruelty/maltreatment. The final dispositions of the 100 reports are still under review and will be provided to DOD Sexual Assault Prevention and Response Office (SAPRO) for inclusion in the Annual Report to Congress on Sexual Assault in the Military.

Vice Admiral BURKE. During Fiscal Year 2017, the Naval Inspector General Military Whistleblower Reprisal Branch received one allegation of retaliation, purportedly resulting from the complainant having reported criminal misconduct and/or sexual assault/harassment. In this case, the complainant alleged that, after reporting to the chain of command that personnel were not “verifying their Personnel Qualifications Standards,” and reporting to a chaplain that she had been sexually harassed by a fellow officer, she received, in reprisal for her protected communications, a letter documenting “her inability to perform her duties.” The Inspector General determined that, under regulations, communication to the chaplain did not constitute a protected communication, and the Chaplain did not report the allegations to complainant’s chain of command. The Inspector General declined to investigate the matter since the complaint was submitted over 21 months following the complainant’s becoming aware of the alleged unfavorable personnel action. Under the Department of Defense directive in effect at the time, no investigation was required when a complaint of reprisal/retaliation was submitted to an IG over 60 days following the date on which the member became aware of the alleged unfavorable action. Allegations of criminal activity committed against a victim or witness in retaliation for participating in a sexual assault investigation are investigated by Naval Criminal Investigative Service (NCIS). Emerging allegations of reprisal, restriction, maltreatment, or ostracism against a victim and/or witness are immediately reported to the appropriate DOD component with investigative authority. In fiscal year 2017, NCIS reports it investigated ten allegations of retaliation against a vic-

tim and/or witness to a sexual assault investigation. Five of those cases involved members of the U.S. Navy. A summary of each case is provided. U.S. Navy Subsequent to the victim making an unrestricted report of sexual assault, NCIS was contacted by local law enforcement (LE) regarding the victim's home being burglarized. A Military Protective Order (MPO) was in place and at the time of the incident the suspect was at a court hearing. Ultimately, no suspect was identified and the burglary investigation was closed. The Victim Legal Counsel (VLC) contacted NCIS to indicate the subject of the sexual assault investigation had violated the MPO and had accessed the victim's email account, deleted emails, and forwarded emails pertaining to the victim's divorce and child custody proceedings. Both investigations are on-going. Offender found guilty at General Court Martial (GCM) and sentenced to life in prison. Offender's father has made two music videos alluding to killing victim. Victim has been provided an updated safety plan. The retaliation investigation is on-going. The victim in an unrestricted sexual assault investigation contacted base police to report she was receiving harassing electronic communication. Numerous individuals were interviewed and provided statements. Forensic evidence was sent to the lab with negative results. The investigation did not identify a subject and was subsequently closed. NCIS sexual assault investigation was closed with command electing not to prefer charges due to insufficient evidence against the subject. The victim of a sexual assault contacted base police reporting the subject of the sexual assault investigation had violated the MPO and followed the victim. Subject denied following the victim and indicated he was to stay at least 300 feet away from the victim. Subject was unaware that the victim was in close proximity on the Ship and would continue to avoid the victim in the future. NCIS sexual assault investigation on-going.

Lieutenant General GROSSO.

Retaliation	Investigation Authority	Description	Disposition
1	Command	Ostracized by Team Coach -Retaliation allegation initiated by parents of Secondary Victim who were informed by Secondary Victim that he was being ostracized by his Coach and two Teammates. The reason for the ostracism was because Secondary Victim's sister (Victim) was sexually assaulted by Accused, also a teammate. The 2 Teammates and Coach were perceived to have sided with Accused and therefore ostracized Secondary Victim and mistreated him.	Investigation not complete— Investigating Officer and Judge Advocate also made several recommendations, all of which are in the process of being implemented: Teammate receive appropriate counseling from leadership; Mandate a sexual assault survivor event for the team (first) then implement with other athletic teams (regardless of gender); Develop a communication plan between Cadet Wing Chain-of-Command and Athletic Department to ensure leadership of both mission elements are aware of developments during sexual assault incidents, within the limits of the Privacy Act; Develop and implement a professional relationship seminar for Athletic Dept. staff; Schedule a meeting with the parents of Secondary Victim to brief them on the final recommendations of this Command Directed Investigation; Use scenario as lesson-learned training for commanders, faculty, staff at USAFA.

Retaliation	Investigation Authority	Description	Disposition
2	Command	<p>Reprisal</p> <p>-Reporter (Civilian) alleged that retaliator E-7 sexually harassed her and that he threatened to fire her and/or make it difficult for her to obtain medical supplies after she rejected his sexual advances. Originally Reporter and retaliator were peers. E-7 attempted to kiss Reporter in his car and he invited Reporter into his home after a night out with co-workers. Both advances were rejected by Reporter. Subsequently, E-7 became the acting Superintendent of the squadron. In that position he allegedly retaliated against Reporter by threatening to fire her and making it difficult for her to obtain needed medical supplies to perform her job.</p>	Investigation not complete.
3	Command/DOD IG	<p>Reprisal, Cruelty and Maltreatment and Other Matters (Failure to Protect from Ostracism, Maltreatment, Discrimination, and/or Retaliation; Failure to foster culture of dignity/respect).</p> <p>-Reporter, who at the time was an E-5, filed a restricted report of sexual assault; the accused is a civilian employee. There are two alleged retaliators: alleged retaliator one (R1) was the O-6 senior military official in the organization and alleged retaliator two (R2) was R1's O-5 executive officer (O-5). R1 and R2 did not notify law enforcement or SARC upon learning that reporter alleged being sexually assaulted, and instead, R1 and R2 informed reporter and other employees that the accused civilian employee would not have committed such misconduct. Thereafter, reporter changed her restricted report to an unrestricted report. R1 moved reporter to the front office to be more closely supervised; refused to transfer the reporter out of the duty section and/or change her rater; and ordered reporter to stop discussing her sexual assault case with anyone in her chain of command (to include First Sergeant and Command Chief) and to stop defaming the accused. Reporter first made a reprisal complaint to USAFA/IG; this first reprisal complaint was closed on 6 Jan 17 as not meeting the USAFA/IG threshold for reprisal. However, due to new evidence uncovered via an Office of Special Investigations investigation of the underlying sexual assault report, reporter filed a second reprisal complaint. 2d reprisal complaint was made to 21 SW/IG because the reporter PCS'd to a new base.</p>	Investigation opened; command directed investigation on-going. Complainant PCS'd (not due to expedited transfer).

Retaliation	Investigation Authority	Description	Disposition
4	Command	<p>Reprisal</p> <p>-Complainant 1 reported to her First Sergeant that the Non-Commissioned Officer in Charge (NCOIC) of her work group (Subject) had been sending her inappropriate text messages for several months, despite her expressing displeasure. Complainant 1's allegation resulted in the initiation of a commander-directed investigation (CDI). During the on-going CDI, the Investigating Officer (IO), spoke with reporter. Reporter stated she dated Subject/NCOIC but that he had also sent her photos of his penis that were unwanted. Reporter told the IO "I wanted to notify leadership that these things were going on, but [Subject] told me that I would get kicked out of the military or that leadership would not believe me." Subject is the NCOIC of a section, and he supervises eight airmen. Complainant 1 and reporter are both members of the section. A third female airman in the section had a consensual sexual relationship with Subject. At this stage in the investigation the IO has confirmed that Subject pursued a sexual relationship with three of the six female airmen he supervises.</p>	Investigation not complete; command directed investigation on-going.
5	Command	<p>Reprisal</p> <p>-Victim made a restricted report to the Sexual Assault Response Coordinator (SARC), which was later changed to unrestricted without victim's consent because of concerns for victim's safety (suicidal ideations). An Air Force Office of Special Investigations (AFOSI) investigation was initiated on 3 Oct 16. Victim and E-8 worked in the same squadron. Victim received a Letter Of Reprimand (LOR) for poor work performance on 7 Mar 17 from the E-8 (Superintendent). Victim claims that the E-8 issued an unjust LOR. Additionally, victim alleged that her Enlisted Performance Report, which was submitted by E-8 on 11 Apr 17, did not accurately portray her work and volunteer performance. She reported reprisal on the part of the E-8 to the IG, which forwarded the allegation to the command.</p>	<p>Initial Investigation opened; investigating officer found allegations to be unsubstantiated—closed 28 July 17. Complainant transferred via expedited transfer.</p> <p>New command directed investigation pending based on discovery of new evidence; legal is working to draft the framed allegations.</p>

Retaliation	Investigation Authority	Description	Disposition
6	Command/DOD IG	Reprisal -Complainant reported to his squadron commander that his supervisor had sexually harassed him on two occasions. The complainant alleged that his negative response to the sexual advances, led the alleged subject (who was also complainant's supervisor), to give him a Letter of Counseling and a Referral Officer Performance Report. The Wing Commander initiated a Command Directed Investigation regarding the sexual harassment complaint.	Initial Investigation opened; investigating officer found allegations to be unsubstantiated. Complainant moved to another section due to existing poor working relationship.
7	Command	Reprisal -Victim made an Unrestricted Report. Afterwards, the victim reported a friend and co-worker of Accused was actively mistreating her and talking negatively behind her back to other members of the squadron, all after he discovered a Report was made.	Allegations substantiated, the Retaliator received adverse administrative actions.
8	DOD IG	Reprisal -Victim made a third party allegation of sexual assault to her squadron commander. The victim alleged the commander discussed the report with the Joint Force Headquarters Director of Staff. The victim then alleges he received a letter of admonishment in reprisal for the report of sexual assault.	Reported to AF IG; case transferred to DOD IG; investigation is on-going.
9	DOD IG	Reprisal -Victim made a report of sexual assault during training by her instructor to her SARC. Victim alleges her supervisor and her supervisor's supervisor threatened to terminate her job with the Honor Guard in reprisal for make the report of sexual assault. Victim alleges that the manager reprised against her because he knew of the actions of the supervisors but took no action to stop them.	Reported to SARC; case transferred to DOD IG; investigation is on-going.
10	DOD IG	Reprisal -Complainant was supporting a sexual assault victim as she dealt with her chain of command. Complainant believes he is being reprised against for supporting the sexual assault victim.	Reported to AF IG; case transferred to DOD IG; investigation is on-going.
11	DOD IG	Reprisal -Complainant alleged he was the victim of a sexual assault while deployed to Afghanistan. Upon his return stateside, he alleged he was denied an end of tour decoration in reprisal for having made the report of sexual assault.	Reported to AF IG; case transferred to DOD IG; investigation is on-going.

Retaliation	Investigation Authority	Description	Disposition
12	Service IG	<p>Reprisal</p> <p>-Victim alleged she was sexually harassed by a coworker and that the same coworker had sexually assaulted another coworker. She reported this to her supervisor who she claimed threatened to reveal the victim's inappropriate relationship with another servicemember. An inquiry by the Service inspector general determined that the threat to reveal the victim's relationship to the unit's leadership did not rise to the level of an unfavorable personnel action.</p>	<p>Service IG Investigation opened; investigating officer found allegations to be unsubstantiated—DOD IG reviewed and concurred with findings; investigation closed.</p> <p>Complainant informed of findings.</p>
13	Service IG	<p>Restriction and Reprisal</p> <p>-Victim alleged she reported sexual harassment by her squadron commander and that after she made complaints to the IG, she received a Letter of Reprimand and other duty restrictions. Also, that the E-7 told victim "to stop filing complaints with IG and using Judge Advocate General (JAG) and (her) troubles might subside".</p>	Investigation not complete—on-going.
14	Service IG	<p>Reprisal</p> <p>-Victim alleged she was sexually harassed by a coworker. She reported this to her supervisor who she claimed wrote a downgraded performance report in reprisal. An inquiry by the Service IG determined no such unfavorable personnel action took place.</p>	Service IG investigation opened; allegations unsubstantiated; complaint currently under review and will be sent to DOD IG for concurrence/approval.
15	DOD IG	<p>Reprisal</p> <p>-The victim alleged she was sexually assaulted and reported it to the SARC. Afterwards, she claims her Group commander and Squadron commander reprimed against her by denying Incapacitation Pay request and not informing her of her promotion or non-promotion to captain.</p>	Reported to SARC; case transferred to DOD IG; investigation is on-going.
16	DOD IG	<p>Reprisal</p> <p>-Victim was offered non-judicial punishment (NJP). Victim then made an unrestricted report of sexual assault. Victim then alleged reduction in rank from NJP is in retaliation for making report of sexual assault.</p>	Investigation not complete—on-going.
17	DOD IG	<p>Reprisal</p> <p>-Witness/bystander assisted a coworker in reporting a sexual assault. As a result of the report of sexual assault, the witness alleges his commander reprimed against him by not allowing him to test for promotion and First Sergeant reprimed against him by issuing him a letter of reprimand.</p>	Investigation not complete—on-going.

Retaliation	Investigation Authority	Description	Disposition
18	DOD IG	Reprisal -Victim alleged a sexual assault and reported it to the SARC/AF Office of Special Investigations (AFOSI). Afterwards, she claims her Squadron commander and Flight commander reprimed against her by issuing her a letter of reprimand for making the report.	Reported to SARC/AFOSI, case transferred to DOD IG; investigation is on-going.
19	DOD IG	Reprisal -Victim alleged a sexual assault and reported to AFOSI. Victim alleges her Enlisted Performance Report was then marked down for making the report.	Reported to AFOSI, case transferred to DOD IG; investigation is on-going.
20	DOD IG	Reprisal -Victim alleged a sexual assault and reported to SARC and AFOSI. Victim alleges her chain of command attempted to disenroll her from the AF Academy for making the report.	Reported to SARC/AFOSI; the case is currently undergoing continued analysis and may be transferred to DOD IG.
21	DOD IG	Reprisal -Victim alleged a sexual assault and reported it to her Senior Materiel Leader. Afterwards, she claims her supervisor reprimed against her by falsifying Officer Performance Report feedback date for making the report and a senior officer reprimed against her by giving her a Letter of Counseling for making the report.	Investigation not complete—on-going.
22	DOD IG	Reprisal -Victim alleged a sexual assault and reported to SARC and AFOSI. Victim alleges her chain of command attempted to disenroll her from the AF Academy for making the report.	Reported to SARC/AFOSI; the case is currently undergoing continued analysis and may be transferred to DOD IG.
23	DOD IG	Reprisal -Victim alleged a sexual assault and reported it to the SARC. After reporting the sexual assault, the victim claims her supervisor gave her an unfavorable Airman Comprehensive Assessment.	Reported to SARC; case transferred to DOD IG; investigation is on-going.
24	Service IG	Reprisal -Victim alleged a sexual assault and reported to Criminal Investigation Command (CID). Victim alleged she was issued a Letter of Counseling and Letter of Reprimand for reporting the sexual assault.	Reported to CID; case is currently under review by Service IG; results will be sent to DOD IG for concurrence/approval.

Retaliation	Investigation Authority	Description	Disposition
25	DOD IG	Reprisal -Victim alleged a sexual assault and reported it. After a trial, the alleged perpetrator was found not guilty. Subsequently, the victim's squadron superintendent intended to move her to another organization because of the sexual assault, which the victim felt was an unfavorable personnel action.	Investigation not complete—on-going.
26	MCIO/Service Law Enforcement	Reprisal, ostracism, & cruelty or maltreatment -Complainant was called a liar and told she falsified official documents, would be administratively punished; when complainant pushed back on the accusations she was threatened and harassed by supervisor and another male squadron member to "drop the issue".	Complaint filed with IG & Equal Opportunity (EO); Command directed investigation open in squadron—on-going.
27	Service Law Enforcement	Reprisal -Received unwanted Facebook message from alleged perpetrator asking for nude pictures of the complainant; complainant feels rejecting the alleged perpetrator would lead to reprisal due to the small size of the base.	Investigation opened—on-going.
28	MCIO/DOD IG	Ostracism -Peers commented "unit would be better without her" after complainant reported sexual assault; work and personal appointments more scrutinized than others.	Referred to First Sergeant, EO and SARC; reporter requested and received transfer.

It is important to note that retaliation can take many forms. Thus, any underlying misconduct that may constitute retaliation could result in any number of charges in violation of the Uniform Code of Military Justice (for example, communicating a threat, property damage, or obstruction of justice). Please see the attached documents for an overview of judge advocate involvement in the military justice process. Attachments 1 to 4 have already been provided to members of Congress, to include another request for information submitted to DOD by Senator Gillibrand. Attachment 5 generally describes Air Force judge advocate training.

Lieutenant General ROCCO. In fiscal year 2017, the below fifteen (15) cases/allegations of retaliation were reported by Sexual Assault Responses Coordinators (SARCs) and represent allegations of retaliation discussed at Case Management Group (CMG) meetings. Allegations of retaliation discussed at CMG may or may not have been formally investigated, as some allegations were resolved when the command learned of the allegation. Inspector General inquiries and command investigations were utilized to formally investigate certain allegations. While further coordination will be necessary to report on the final disposition of some of the allegations, the following case information (allegations) is tracked by the Marine Corps Sexual Assault Prevention and Response (SAPR) Office: Victim alleged she felt punished because her Master Sergeant (MSgt), in an effort to ensure the victim and her offender did not interact, did not permit the victim to perform certain duties. She described the experience as stagnating her training, proficiency, and career. She was also denied sick in quarters (SIQ) because she might come into contact with the offender in her barracks. The Commanding Officer (CO) has informed the MSgt the marine is allowed to be at any PMO posts during her shift. Corporals were discussing a victim's case. The victim was made aware of the discussion and information was referred to command for action. No further update is available at this time. Victim made an unrestricted report. She learned that a MSgt in another unit was discussing her case negatively. She reported the conduct to her Victim Advocate (VA) and Victim's Legal Counsel (VLC), who reported the matter to the IG. The con-

duct was determined to not constitute reprisal. Nevertheless, the command counseled the MSgt for discussing the case. Victim learned that the subject in the investigation was talking negatively to other people in the command about the victim. She reported it to her VA and the command. The command modified the Military Protective Order (MPO) to specifically address this concern and counseled subject about talking to others about the victim. Victim made an unrestricted report. Afterwards, the victim reported receiving adverse comments on social media from peers which included stating that the victim was the most hated marine within the command. The allegation was reviewed during the CMG. It was determined that this was a peer-to-peer situation and the command was directed to conduct a Preliminary Inquiry. MPOs were issued to control further discussion of the matter within the Detachment. The CO issued a 6105 (Page 11 Entry) to the individual who initiated the comments. Victim initially made a restricted report and later changed the report to "unrestricted" to get VLC involved on an IG complaint. Victim was found to have narcotics in his system after the assault. The victim felt he was drugged during the course of the assault and that he should not be held responsible for wrongful drug abuse. The command took administrative action for drug abuse that resulted in a negative impact on the career progression of the victim. Victim executed an expedited transfer. After the victim made an unrestricted report of sexual assault, his evaluations were lowered without being provided justification or prior counseling. Victim was told he could not go to the Naval Academy, reenlist, or laterally change rates to a new MOS because he was being seen by mental/behavioral health services. Victim was transferred out of the battalion and to a new work place and barracks with no explanation, while the alleged offender was able to stay in the battalion and MOS. Victim's confidentiality was violated and he was labeled a "rapist" and reportedly ostracized. No further update is available at this time. A Civilian VA (CVA) was retaliated against by their SARC while providing advocacy support and services to their client. The CVA reported the allegations to the local IG and the case was forwarded to DOD IG. The CVA reported the allegations at the CMG. The case is being investigated by DOD IG. Victim was a subject in a separate ongoing investigation. When his clearance was suspended pending outcome of the separate investigation, he filed a case of reprisal to his command via his VLC. A request mast was held with the O-5 Commander and the victim's issues/concerns were addressed to the victim's satisfaction. VLC was also present on behalf of marine. Victim made an unrestricted report. Afterwards, the victim reported being subjected to adverse performance evaluations, interference with promotion, denied the opportunity for meals, and degrading comments amongst other adverse actions. She reported the retaliation to the command via request mast and also requested an expedited transfer, which ultimately led to her relocation to a new unit aboard the installation. The Battalion CO initiated administrative separation (ADSEP) processing against the victim for fraudulent enlistment. The information supporting ADSEP processing is a history of depression not revealed during the enlistment process. The information relating to depression arose during a counseling session at the Community Counseling Center. The victim was attending counseling as a result of an unreported sexual assault. The victim's Battalion CO and MEF Information Group CO have been advised by the victim's SARC about the alleged retaliation. The SARC continues to follow up with the victim's O6-level commander to determine the way forward. A victim reported receiving threats and being sexually harassed in the barracks. Comments she received included reference to her unrestricted report. The alleged retaliator received an informal/verbal counseling. Victim stated her immediate supervisors made it difficult for her to make personal contact with her uniformed VA (UVA) and other resources, as she was required to provide a detailed explanation of where she was going and why. A colonel spoke with her immediate supervisors and implemented policies to ensure the victim could seek assistance without going into detail regarding her appointments. UVA for a victim stated the victim's immediate supervisors made it difficult for the UVA to make personal contact with the victim and stated to the UVA that she did not need to accompany victim to appointments. UVA's immediate supervisor expected UVA to provide details where UVA was taking her victim and for what reason. A colonel spoke with all involved and implemented policies to ensure victim could seek assistance without going into detail regarding her appointments. Victim reportedly experienced ostracism and retaliation from the command when her promotion was delayed. Further, she reported several co-workers were directed to stay away from her. The victim requested mast with the Commanding General and worked with her VLC. The command investigated, but was unable to substantiate the ostracism allegation, and developed a plan to assist the victim in meeting promotion requirements. The victim was subsequently promoted.

INVOLVEMENT OF TRAINED PROSECUTORS IN CRIMINAL INVESTIGATIONS AND DECISION MAKING

14. Senator GILLIBRAND. Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, please describe, in detail, the typical training and experience level of each judge advocate advising at each stage of the military justice process (from initiation of investigation to post-trial matters).

Lieutenant General SEAMANDS. The JAGC ensures that military practitioners are trained at all levels:

- Institutional (primarily conducted at The Judge Advocate General's Legal Center and School (TJAGLCS)); Intermediate Trial Advocacy Course; for mid-level practitioners, the Graduate Course, Military Justice Managers Course, the Judge Advocate Officer Advanced Course, and the Advanced Trial Communication Course; and for senior practitioners, the Military Judges Course and the Staff Judge Advocate Course.
- Functional (primarily conducted by subject matter experts at designated locations).
- Operational (primarily conducted at the judge advocate's unit by the unit's military justice leadership).

This training continues throughout the course of a Judge Advocate's (JA's) career, corresponding to the JA's rank, time in service, and military justice position.

All JAs are attorneys who are members of at least one civilian bar. As such, they are subject to the individual continuing legal education (CLE) and administrative requirements of that organization in addition to the annual requirements imposed by the JAG Corps (JAGC). Upon entry into the JAGC, all JAs travel to Charlottesville, Virginia to TJAGLCS, an ABA accredited institution that is located on the University of Virginia grounds, adjacent to UVA's law school. While there, students will complete the JA Officer Basic Course, a 3-month course covering the various military legal disciplines, to include criminal law. Approximately 8 years later, JA's will return to coincide with their promotion to major for a year-long program to receive their L.L.M. in military law which includes a number of general and specialized military law courses, some mandatory, others optional. Additionally, throughout the entirety of a JA's career, as they move into new positions that require specialized training, such as military justice, they will attend training to meet that need. This will take place both at TJAGLCS, as well as regional training elsewhere when hosted by Trial Counsel Assistance Program (TCAP), a JAGC subdivision tasked to train military prosecutors and assist in the prosecution of complex cases. TCAP is located in Washington DC, staffed with highly experienced trial attorneys, and provides assistance world-wide. The military classes typically last 1 to 2 weeks. Army prosecutors also train with outside agencies as well, such as the National District Attorney's Association (NDAA) in order to maximize training opportunities.

Army prosecutors are called Trial Counsel (TC) and within the first 6 months, typically less, attend the multi-week Basic Trial Advocacy Course. Following that there are a number of other classes offered focusing on a variety of topics to include prosecuting domestic violence, maximizing the use of experts and prosecuting child abuse. In sexual assault cases, Special Victim Prosecutors (SVPs) lead the prosecution effort with the assistance of the TC. SVPs have prior trial experience, and are specialized prosecutors who provide subject matter expertise in sexual offense investigations and prosecutions based on their prior experience and training, and often have offices within their local installation United States Army Criminal Investigation Command (CID) building. SVPs are individually selected and approved at the highest level of the JAGC. Each SVP goes through 2 weeks of the Sexual Assault Trial Advocacy Training (SATAC), followed by a one-week SVP Course. Each SVP also conducts 2 weeks at the NDAA's Career Prosecutor Course, and 2 weeks of on-the-job-training; typically with another SVP or with a special victim branch of a large civilian DA office.

Supporting the TCs are often Senior Trial Counsel (STC) normally selected after a prior successful assignment as a TC. The Chief of Military Justice (COJ) provides oversight over the TCs, as well as the other military justice personnel, and is the individual responsible for the post trial process and providing completed products to the Staff Judge Advocate (SJA) for review with the commanding general (CG).

Staff Judge Advocates (SJAs) advise General Courts-Martial Convening Authorities. SJAs have trial experience as a prosecutor, defense counsel or both, and have years of prior experience supervising military justice.

At various points in their career, a military justice practitioner would attend many of the below courses, either as a prosecutor, defense counsel, or senior JA (* are mandatory courses):

JA Officer Basic Course*
 Trial Counsel Conference*
 Basic Trial Advocacy Course*
 Intermediate Trial Advocacy Course*
 Defense Counsel 101*
 Defense Counsel 201*
 Military Institute for Prevention of Sexual Violence
 Cornerhouse Training
 Advanced Trial Communications
 Defense of the Damned
 Capital Litigation Courses
 NCMEC Course
 USACIL Course on Experts
 Military Justice Managers Course
 TCAP/DDCAP Experts Symposium
 Conference on Crimes Against Women
 Sexual Assault Trial Advocacy Course
 JA Graduate Course*
 NDAA's Career Prosecutor Course*
 Internship at local DA's Office for SVPs*
 Military Judges Course
 Staff Judge Advocate Course*
 Best Practices for SJAs Course*

Vice Admiral BURKE. Senior Trial Counsel (STV), Special Victim Investigation and Prosecution (SVIP)-trained trial counsel, and other trained and experienced judge advocates, are heavily involved in the military justice process from the earliest investigative stages through final disposition. Navy trial counsel and Staff Judge Advocates (SJA) are continuously trained to stay current with emerging legal issues. Navy continues to evolve training and litigation practices in response to the increasingly complex nature of military justice cases. The core of Navy's military justice experience is our Military Justice Litigation Career Track (MJLCT), established in 2007 to develop a cadre of professional criminal litigators. The MJLCT is for judge advocates with demonstrated military justice knowledge, experience, and advocacy skills. Entry into the MJLCT is through a competitive selection board. The MJLCT combines continued education, training, and courtroom experience with oversight by and access to senior and seasoned litigation mentors to help judge advocates develop the skills needed to become highly-capable trial lawyers and judges. Generally, Military Justice Litigation Qualified (MJLQ) officers are detailed to fill billets specifically designated as career track assignments, which include certain trial counsel, defense counsel, victim's legal counsel, appellate counsel, and trial and appellate judge billets. These officers possess the skills, experience, and temperament necessary to mentor and train non-MJLQ officers who may also be assigned to these billets. At the close of fiscal year 2017, there were 79 MJLQ officers but, over the next 2 fiscal years, the community will grow by 6 to 8 officers to meet increased demand. All judge advocates complete the Naval Justice School's Basic Lawyer Course (BLC), which provides training in military justice and trial advocacy skills, and includes a capstone exercise during which students prosecute or defend in a mock sexual assault trial. Students participate from the investigative stages through a fully contested court-martial. This model of experiential learning serves to provide First-Tour Judge Advocates (FTJAs) with the foundational skills to support the military justice mission. Upon graduation, FTJAs report to a Region Legal Service Office (RLSO) to complete rotations in three core practice areas—Military Justice (one year), Legal Assistance (6 months), and Command Services (6 months). FTJAs must demonstrate proficiency by meeting professional development standards designed and tailored for each core practice area before moving on to the next rotation. In limited circumstances, following prerequisite training, FTJAs may petition to be detailed to a court-martial under the supervision of a more senior lead counsel. The commanding officer may detail FTJAs who have demonstrated the necessary skills and aptitude. Upon completion of this 2-year training cycle, FTJAs can be assigned to a Trial Department to serve as "core trial counsel;" under continued intense supervision and mentoring. Core trial counsel, having previously completed a litigation tour, compete for selection into Navy's specialized Military Justice Litigation Career Track (MJLCT). Within 6 months of reporting to a RLSO, a core trial counsel returns to the Naval Justice School's Basic Trial Advocacy course, if they have not previously attended, which focuses primarily on courtroom advocacy through student participation and competitive skills-based drills. The course includes a sexual assault case study, coupled with practical exercises, to maximize participation and enhance advocacy skills. Within the first year of reporting, the

core trial counsel attends at least one SVIP course—facilitated by the Naval Justice School, other Service schools, or a civilian prosecutor organization (e.g., the National District Attorney’s Association). Core trial counsel also attend one-of-two courses at the Federal Law Enforcement Training Center (FLETC) focused on investigating adult sexual assaults or family crimes. At FLETC, trial counsel train side-by-side with Naval Criminal Investigative Service agents on the unique requirements of investigating and prosecuting special victim crimes. These courses focus on investigating and prosecuting adult sexual assault, domestic violence, and child abuse and exploitation. Naval Justice School also offers a Litigating Complex Cases course every 2 years, which focuses on forensics and medical evidence associated with special victim crimes. The Litigation Training Coordination Council (LTCC) is a dual-service, inter-disciplinary group chaired by the Assistant Judge Advocate General for Military Justice and the Chief Judge of the Department of the Navy. The LTCC—composed of members of the Naval Justice School, the Trial Counsel Assistance Program (TCAP), the Defense Counsel Assistance Program, the Office of the Judge Advocate General Criminal Law Division, and an adult learning expert—meets at least once each quarter to ensure all military justice training is current, relevant, and properly budgeted and prioritized. RLSO Trial Departments are led by a STC, who must be an MJLQ officer, and a lieutenant commander-select, or above. In fleet concentration areas, STCs serve in the grade of commander (O-5). STC provide proven courtroom experience; personally conducting, adjudicating, or overseeing litigation in all Navy courts-martial, to include sexual assault and other complex cases. Upon reporting, STC complete a one-week special victims investigation course and participate in additional specialized training such as Litigating Complex Cases, Navy Mobile Training Team training, or other online special victims offense or litigation training. Each core trial counsel and FTJA works under the direct supervision of the STC, who reports to an executive officer (O-5 judge advocate), and a commanding officer (O-6 judge advocate). TCAP provides additional guidance, litigation support, advice, and training, to RLSO Trial Counsel. Commanding officers may request TCAP to assist in courts-martial, to include detailing TCAP counsel to serve as lead or assistant trial counsel in complex cases, or to provide mentorship and supervision to less experienced trial counsel. TCAP serves as Navy’s primary litigation resource to trial counsel and trial paralegals prosecuting criminal offenses under the Uniform Code of Military Justice. TCAP’s director is a judge advocate with prior experience as a military judge and STC, designated by the MJLQ board as an “expert” MJLQ officer. The deputy director is a senior civilian career prosecutor and prior executive with the National District Attorney’s Association. The assistant director has experience as both trial counsel and defense counsel, and is designated by the MJLQ board as a “specialist” MJLQ officer. TCAP also employs the services of a Highly Qualified Expert to advise on prosecuting a range of special victim crimes matters. TCAP visits each RLSO annually to conduct 3 days of targeted training related to special victim crimes and trial advocacy strategies. Topics include strategic charging of adult sexual assaults, child forensic interviews, working with victims, sentencing strategies, the Victim Witness Assistance Program, and prosecuting computer crimes related to child exploitation. Additionally, TCAP identifies special victim crime webinars for core trial counsels’ continuing legal education. TCAP’s goal is for core trial counsel to receive over 75 hours of specific SVIP training within their first year of reporting to a Trial Department. Staff Judge Advocates (SJA) provide advice to convening authorities on military justice matters. The rank, experience, and training of the SJA vary with seniority of the convening authority. SJAs advising non-flag officer clients, at a minimum, have completed the FTJA program and received training in the core practice areas prior to assuming their SJA assignment. In preparation for assignment as an SJA, judge advocates generally attend the Naval Justice School’s SJA Course which includes review of military justice matters associated with the SJA practice, including evidentiary issues, post-trial processing, the Victim and Witness Assistance Program, and the Sexual Assault Prevention and Response Program. SJAs are typically lieutenants or lieutenant commanders. SJAs advising flag-officer clients, are typically lieutenant commanders or higher. They generally attend the Naval Justice School’s Advanced SJA course and receive advanced training in handling officer misconduct, the Victim Witness Assistance Program, and the Sexual Assault Prevention and Response Program. The course includes panel discussions and small group sessions based on specific areas of practice. Course facilitators include current or former senior SJAs from the Department of the Navy Secretariat, Chief of Naval Operations staff, component commands, fleet commands, and other flag officer commands.

Lieutenant General GROSSO. See the attached documents, as Appendix B, Attachments 1 to 5, starting on page 149. Attachments 1 to 4 have already been provided to members of Congress, to include another request for information submitted to

DOD by Senator Gillibrand. Attachment 5 generally describes Air Force judge advocate training.

Lieutenant General ROCCO. Trial counsel, i.e., prosecutors, hold juris doctor degrees, are licensed to practice law in at least one state, and designated as judge advocates having graduated from Naval Justice School and certified by the Judge Advocate General to prosecute or defend military justice cases under Article 27, UCMJ. Trial counsel perform their duties under the supervision of Senior Trial Counsel (STC), Regional Trial Counsel (RTC), and the Officer in Charge, Legal Services Support Section. The STCs are ordinarily majors (O-4), and the RTCs are ordinarily lieutenant colonels (O-5). Both normally have advanced degrees (LL.M.) in criminal justice. The staff judge advocate (SJA) is the primary legal advisor to a commander and provides advice on military justice matters throughout the military justice process. SJAs will have previously served in trial billets and are ordinarily lieutenant colonels (O-5) and colonels (O-6).

15. Senator GILLIBRAND. Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, how many prosecutors do you have that are trained in special victim capabilities and when do they typically become involved in a case?

Lieutenant General SEAMANDS. There are currently authorizations for 23 Special Victim Prosecutors with 26 currently assigned. Additionally, there are over 200 trial counsel and 30 to 40 senior trial counsel, all of whom have various levels of training in handling special victim cases.

Vice Admiral BURKE. Yes, a Special Victim Investigation and Prosecution (SVIP)-trained prosecutor is assigned in every Special Victim Crimes (SVC) case, either as lead counsel, assistant counsel, or supervisory counsel. Assignment occurs within the first 24 to 48 hours of report of the SVC to the Region Legal Service Office (RLSO). The Naval Criminal Investigative Service (NCIS) is required to notify the local RLSO within 24 hours of the report of a SVC, and within 48 hours, the NCIS Case Agent is required to collaborate with a SVIP-trained Trial Counsel.

Lieutenant General GROSSO. Air Force Instruction 51-201, *Administration of Military Justice*, requires each installation Staff Judge Advocate to designate an investigative support team composed of a judge advocate and paralegal who will work with the Air Force Office of Special Investigations (AFOSI) case agent in all investigations involving an unrestricted report of adult sexual assault, domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm, and child abuse involving sexual assault and/or aggravated assault with grievous bodily harm.

In cases involving sexual assault, AFOSI notifies the installation Staff Judge Advocate's office upon starting substantive criminal investigation into an allegation under the Uniform Code of Military Justice. The Staff Judge Advocate will then designate an attorney to provide initial counsel to the case agent on the new investigation. This designation will occur as early as practicable in the investigative process to ensure proper legal support to the investigation. The attorney designated to assist the investigator will assist in investigative plan development, case development, and conduct a "hot wash" at the conclusion of any prosecution.

Beyond the investigative support team described in the preceding paragraphs, there are 11 Special Victim's Unit—Senior Trial Counsel (SVU—STC) in the Government Trial and Appellate Counsel Division. In cases involving sexual assault, these SVU—STCs are detailed as early as possible to provide full-spectrum litigation support including evidence/charging reviews, pretrial interviewing of victims/witnesses, case preparation, and service as lead counsel in the court-martial. These SVU—STCs are involved with the case as soon as they are requested, very often before the preferral stage of the process. For sexual assault cases, charges must be reviewed by a SVU—STC prior to preferral.

Also, see the attached documents. Attachments 1 to 4 (Appendix B, page 149) have already been provided to members of Congress, to include another request for information submitted to DOD by Senator Gillibrand. Attachment 5 (Appendix B, page 153) generally describes Air Force judge advocate training.

Lieutenant General ROCCO. The Regional Trial Counsel (RTC) will employ the Complex Trial Team (CTT) to deliver Special Victim Investigation and Prosecution (SVIP) capabilities through a task organized combination of prosecutors, highly qualified experts (HQEs), victim witness assistance personnel, investigators, administrative support, and paralegal support from across the region. The CTT will work in conjunction with the victim, victim support providers, the command, and NCIS to deliver a comprehensive investigation and, when appropriate, prosecution. The Marine Corps has approximately fifty (50) SVIP Trial Counsel. Qualification of SVIP Trial Counsel is based on the following requirements: (1) be a certified as a General

Court-Martial Trial Counsel; (2) demonstrate to the Legal Services Support Section Officer in Charge's (OIC) satisfaction that the trial counsel possesses the requisite expertise, experience, education, innate ability, and disposition to competently prosecute special victim cases; (3) prosecute a contested special or general court-martial in a special victim case as an assistant trial counsel; (4) attend an intermediate level trial advocacy training course for the prosecution of special victims cases (e.g., Trial Counsel Assistance Program Prosecuting Special Victim Cases Course); and (5) receive recommendations, in writing, from the Senior Trial Counsel (STC), RTC, and, when applicable, Legal Services Support Team OIC. Trial counsel become involved almost immediately in certain complex cases. As required by DODI 5505.19 w/ CH 2 of 23 March 2017, in certain sexual assault and domestic violence cases, the trial counsel are notified within 24 hours of the report of an offense by NCIS. Trial counsel are consulted within 48 hours of such a report and then consulted again at least once a month by the NCIS special agents assigned to the case. These consultations may involve investigative plans, searches for electronic evidence, or a review of the evidence gathered to-date. As a case nears the completion of the investigation stage, particularly in sexual assault and domestic violence cases, the trial counsel drafts a case analysis memorandum (CAM), analyzing the evidentiary strengths and weaknesses of the case. The trial counsel's supervising attorneys—the STC and RTC—working with a civilian HQE, review the CAM for completeness. Once the CAM is approved, it is submitted to the SJA to inform the advice the SJA provides to the commander responsible for the case.

16. Senator GILLIBRAND. Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, do you have a prosecutor trained in special victim capabilities assigned to each case as either the primary counsel or the assistant counsel? When does that assignment occur?

Lieutenant General SEAMANDS. The Army assigns a Special Victim Prosecutor to each case from the outset when the criminal investigators learn about it. Their involvement in each case varies based on the complexity of the case and the capability of the trial counsel(s) who are also assigned to it, but they typically try contested cases as a first or second chair.

Vice Admiral BURKE. Yes, a Special Victim Investigation and Prosecution (SVIP)-trained prosecutor is assigned in every Special Victim Crimes (SVC) case, either as lead counsel, assistant counsel, or supervisory counsel. Assignment occurs within the first 24 to 48 hours of report of the SVC to the Region Legal Service Office (RLSO). The Naval Criminal Investigative Service (NCIS) is required to notify the local RLSO within 24 hours of the report of a SVC, and within 48 hours, the NCIS Case Agent is required to collaborate with a SVIP-trained Trial Counsel.

Lieutenant General GROSSO. AFI 51-201, *Administration of Military Justice*, requires that a judge advocate designated as a member of the special victim investigation and prosecution capability (SVIP) is assigned to every prosecution involving an unrestricted report of sexual assault as soon as practicable upon notification of the allegation. Every judge advocate who is designated as a member of the SVIP must have completed the Sexual Assault Prevention and Response Program training requirements listed in DODI 6495.02, Enclosure 10, to include annual training and responder training requirements. Additionally, all judge advocates must complete the judge advocate training requirements detailed in Enclosure 10, paragraph 7, of the DODI 6495.02.

Senior Trial Counsel (STC) are assigned in all cases where the command's staff judge advocate requests Senior Trial Counsel detailing. Typically, they are assigned to the case early in the process, very often before the preferral stage of the process. For sexual assault cases, charges must be reviewed by a Senior Trial Counsel prior to preferral. In 2017, Senior Trial Counsels were detailed as lead counsel in 91 percent of general courts-martial across the Air Force.

Also, see the attached documents. Attachments 1 to 4 (Appendix B, page 149) have already been provided to members of Congress, to include another request for information submitted to DOD by Senator Gillibrand. Attachment 5 (Appendix B, page 153) generally describes Air Force judge advocate training.

Lieutenant General ROCCO. Yes. Trial counsel become involved almost immediately in certain complex cases. As required by DODI 5505.19 w/ CH 2 of 23 March 2017, in certain sexual assault and domestic violence cases, the trial counsel are notified within 24 hours of the report of an offense by NCIS. Trial counsel are consulted within 48 hours of such a report and then consulted again at least once a month by the NCIS special agents assigned to the case. These consultations may involve investigative plans, searches for electronic evidence, or a review of the evidence gathered to-date. Marine Corps Bulletin (MCBUL) 5800 (Military Justice Requirements and Implementation Guidance) dated 25 May 2017 defines "special vic-

tim cases” as those cases involving alleged violations of Articles 118, 119, 119a, 120, 120a, 120b, 125 (with a child or forcible), 128 (domestic violence involving aggravated assault or child abuse), 134 (child pornography or assault with intent to commit the previously listed articles), or 80 (attempts to commit the previously listed articles) of the UCMJ. All special victim cases will be tried by a Complex Trial Team (CTT) member. The Regional Trial Counsel (RTC) will employ the CTT to deliver Special Victim Investigation and Prosecution (SVIP) capabilities through a task-organized combination of prosecutors, highly qualified experts (HQEs), victim witness assistance personnel, investigators, administrative support, and paralegal support from across the region. The CTT will work in conjunction with the victim, victim support providers, the command, and NCIS to deliver a comprehensive investigation and, when appropriate, prosecution. Normally, a trial counsel is “detailed,” or assigned, upon receipt by the Legal Services Support Section of a commander’s formal Request for Legal Services. However, in a special victim case, SVIP trial counsel may be detailed upon the CTT’s receipt of notification of such an allegation.

INTIMATE PARTNER VIOLENCE AND CHILD ABUSE

17. Senator GILLIBRAND. Secretary Wilkie, Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, in the last fiscal year, please detail changes to policy you have instituted or prevention efforts you have initiated to reduce the incidence of intimate partner violence and child abuse?

Secretary WILKIE. In the past fiscal year, in addition to ongoing prevention and oversight efforts, the Department revised Family Advocacy Program (FAP) policy and program standards to incorporate changes to reporting procedures for allegations of child abuse and neglect in military families and homes in accordance with “Talia’s Law,” Public Law 114–328, section 575, and section 20341 of title 34, United States Code. The Department also updated its policy guidance on addressing domestic abuse and intimate partner violence to include the requirement to share any active Military Protective Order with civilian law enforcement. We are also in the process of adding the requirement for FAP clinicians to use the evidence-based Intimate Partner Physical Injury Risk Assessment Tool to evaluate risk of future intimate partner violence and physical injury. In collaboration with the Services, the Department developed and launched two major public awareness campaigns on how to detect warning signs of domestic and intimate partner abuse, prevent child abuse/neglect, and promote healthy relationships. Further, we offer service provider training specific to the identification of and response to child abuse and neglect and domestic and intimate partner abuse.

Lieutenant General SEAMANDS. The Army recently sent guidance to installations to incorporate Talia’s Law (Public Law 114–328, section 575) into training pertaining to domestic violence and child abuse. Additionally, we continue to offer annual Family Advocacy Program leader training where staff receive the latest public law, policy, prevention, and treatment updates.

In fiscal year 2017, the Army continued to offer Family life skills programs to soldiers and family members to promote healthy relationships and reduce and prevent domestic violence and child abuse. Army clinicians provide state-of-the-art, evidenced-based treatment, which includes cognitive-behavioral, trauma-informed therapy for Families, couples, individuals, and groups to prevent, reduce, and treat domestic violence and child abuse.

Vice Admiral BURKE. This past year Navy rolled out the High Risk for Violence—Coordinated Community Response (HRV–CCR) program, which formalizes and standardizes procedures for monitoring risk in child and spouse abuse cases. HRV–CCR is activated when there is a threat of immediate and serious harm to sailors, family members, or intimate partners. HRV–CCR provides a coordinated community response to reduce family violence, by protecting and assisting actual or alleged victims of domestic or child abuse. We are also piloting the One Love prevention model, which focuses on promoting healthy relationships and recognizing the signs of escalating violence in relationships. This program provides young people with the tools to create a movement that decreases risk factors and increases protective resources.

Lieutenant General GROSSO.

- 1) All Air Force clinicians were trained in evidence-based interventions that meet the DOD clinical treatment requirements for male and female offenders, Change Step (for male offenders) and VISTA (for female offenders) respectively.
- 2) Implementation of DOD enterprise-wide Shaken Baby Syndrome/Abusive Head Trauma prevention program (Period of PURPLE* Crying) continues across the Air Force Medical Service with the Air Force Family Advocacy Program (FAP)

overseeing training for new staff at all clinics providing services to expectant families and families with young infants.

*The letters in PURPLE stand for Peak of crying, Unexpected, Resists soothing, Pain-like face, Long lasting, and Evening.

- 3) Air Force Family Advocacy Program providers, outreach managers, and victim advocates have a high rate of enrollment within the DOD funded National Child Traumatic Stress Network Academy of online and webinar training including foundational knowledge, alternatives for families-cognitive behavioral therapy, 12 core concepts on childhood trauma, and the protective factors framework-military.
- 4) Air Force Instruction (AFI) 40-301, Family Advocacy Program, Interim Change 1, was published 12 October 2017, which specifically:
 - Outlined Family Advocacy Program prevention programs and services
 - Clarified New Parent Support Program (NPSP) screening and referral requirements
 - Required Family Advocacy Program treatment recommendation of Change Step men's group therapy for adult male domestic abuser
 - Required use of the Intimate Partner Physical Injury Risk Assessment Tool in domestic abuse assessments
 - Required use of the Incident Severity Scale for all criteria meeting incidents
 - Required a Commander's Critical Information Requirement for high interest adult sexual assault case situations
 - Required using the Domestic Abuse Victim Advocate as a Family Advocacy Program first responder whenever possible for prompt support to adult victims and non-offending caregivers of child victims
 - Clarified guidance for managing child safety and utilizing emergency placement care in overseas locations
- 5) Family Advocacy Program Prevention, in partnership with research consultants, developed and piloted Skills, Strengths, Techniques, and Resources (SSTaR) at selected installations. The program targets both decreased likelihood of a new incident, and support of alleged offenders in first steps toward readiness for change. Training of Family Advocacy Program prevention staff on the SSTaR intervention was completed and the program implemented in 2017.
- 6) Training of prevention outreach managers on new evidence-based couple communication (PREP 8.0).
- 7) Strength in Home—Reviewed evidence-based program targeting veterans and military couples on impact of trauma on couple relationships; program supports relationship and prevention of partner violence. Program implementation scheduled for 2018.

Lieutenant General ROCCO. The Marines Corps initiated the joint Safe Sleep Campaign with the Department of the Navy in fiscal year 2017; the campaign launched November 2017. This campaign targets child abuse and neglect prevention to expectant parents and parents with children under one year of age who are most at risk for accidental death due to unsafe sleep practices.

18. Senator GILLIBRAND. Secretary Wilkie, Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, does every servicemember receive training on recognizing the signs of child abuse?

Secretary WILKIE. Family Advocacy Program (FAP) policy requires that training on the prevention of, and response to, child abuse and neglect and domestic abuse must be provided to commanders and non-commissioned officers who are senior enlisted advisors. Military Departments implementing FAP policies are permitted to include additional training requirements for a broader population beyond commanders and senior enlisted advisors, but current DOD policy does not require all members to receive training on recognizing the signs of child abuse.

Lieutenant General SEAMANDS. Yes, the Army requires commanders to schedule time for soldiers to attend annual awareness briefings presented by Family Advocacy personnel on the dynamics of domestic violence and child abuse, prevention, and treatment services. The Army also requires commanders to be familiar with rehabilitative, administrative, and disciplinary processes and procedures related to domestic violence and child abuse, and receive mandatory briefings designed for unit commanders within 45 days of assuming command.

Vice Admiral BURKE. No, however domestic and child abuse prevention training is delivered to the appropriate audience at a periodicity determined by the local command. There is no minimum periodicity associated with this topic, but commands are encouraged to judiciously exercise this flexibility to ensure the right people receive the training when appropriate. FAP training includes information on policies and procedures, definitions of domestic and child abuse, mandatory report-

ing, the impact on families, and personal responsibility. To support this requirement, the Navy has developed a domestic violence mobile device application.

Lieutenant General GROSSO. Every airmen is made aware of mandatory reporting of domestic violence during Newcomer's Orientation and Commander's Calls (as requested). Chains of command are trained by the Family Advocacy Program prevention staff to ensure active duty personnel are aware of Air Force and joint-base equivalent service policy, state law, signs, and reporting protocol on both domestic and intimate partner abuse and child maltreatment. In addition, the following training and active duty and family awareness activities are conducted:

- Frontline supervisors of service members and first sergeants training
- Briefing of installation personnel at Commander's Calls
- Information Papers, Posters, Flyers disseminated/posted
- Installation websites and social media
- Special Emphasis Month Training and Installation Promotion and Awareness Events (October, Domestic Abuse Prevention), (February, Dating Violence Prevention), (April, Child Abuse and Neglect Prevention)
- Articles in Base News Publication

Population training including parenting, New Dads, and prevention of Shaken Baby

Lieutenant General ROCCO. Yes. The Marine Corps provides training to all marines on child abuse/neglect and domestic abuse through the Unit Marine Awareness and Prevention Integrated Training (UMAPIT). UMAPIT is required annual training for all marines.

19. Senator GILLIBRAND. Lieutenant General Seamands, Vice Admiral Burke, Lieutenant General Grosso, and Lieutenant General Rocco, Talia's law (Public Law 114-328, section 575) mandates reporting of suspected child abuse and neglect in military families to FAP by any individual within the chain of command of the member, in addition to more traditional mandated reporters such as child care providers and law enforcement professionals. Individuals within the chain of command could range from an E4 lower level unit supervisor up to an O10 combatant commander. Describe the training your service is providing to these members of the chain of command to comply with this law. Please provide a copy of any presentation used in such trainings.

Lieutenant General SEAMANDS. The Army sent guidance to installations to incorporate Talia's Law in training pertaining to domestic violence and child abuse. As an example, I am including a copy of Fort Hood's briefing presentation on Talia's Law.

Army policy requires installation Family Advocacy Program managers to brief each unit commander and his or her senior enlisted adviser on the Family Advocacy Program within 45 days prior to or following assumption of command. The briefing includes policies and procedures, reporting requirements, available prevention and treatment services, and commander responsibilities for identifying, reporting, and participating in prevention and treatment efforts.

Vice Admiral BURKE. Navy policy requires DON personnel to report any incident or suspected incident of child abuse involving persons eligible for FAP services to the local FAP. Navy FAP conducts training activities to inform commanders, senior enlisted advisors, and servicemembers. The Navy FAP Educators Resource Guide (see attached Module 1) provides FAP educators and other prevention staff with a standardized curriculum that includes current laws, policies, procedures and processes.

Lieutenant General GROSSO. The public law is being incorporated into AFI 40-301, Family Advocacy Program, Interim Change 2, which is currently in draft.

Members of the chain of command trained on mandated reporting annually are:

- Wing Commanders, Vice Wing Commanders, Group Commanders, and Command Chief Master Sergeants receive Senior Leader briefings
- New Air Force squadron commanders and first sergeants and joint-based equivalent leader's deskside at the squadron or service equivalent unit within 90 days of assumed command
- Air Force squadron commanders and first sergeants and joint-base equivalent leader additional in-depth annual training linking domestic abuse impact to mission readiness
- Frontline Supervisors within squadrons and joint-base equivalent units, geographically separated units, Guard and Reserve; and offer training or provide information to chaplains and tenant units.

An example copy of the presentation used in the training is attached (Please see Attachment 6, starting on page —). Note: Statistical Data are updated for each installation.

Lieutenant General ROCCO. The Marine Corps published MARADMIN 547/17 on 4 October 2017 to inform all marines and respective personnel of the new legislation, reporting requirements, and where to report. The MARADMIN is attached. The reporting updates are included in the current draft update to Marine Corps Order for the Family Advocacy Program 1754.11A. Training contents are also in the process of being updated to include Unit Marine Awareness and Prevention Integrated Training, New Commander 90 Day Training, annual training for Child Youth Program staff, and Family Advocacy Staff Training courses.

NONDEPLOYABILITY POLICY

20. Senator GILLIBRAND. Mr. Wilkie, as you mentioned in your testimony, the Department released its new policy on non-deployability this week. The policy is very short and leaves many questions unanswered. How is DOD instructing the services regarding how to brief this new policy to personnel to standardize the tone and spirit of the policy?

Secretary WILKIE. While the policy memo is relatively succinct, we are drafting a DOD Instruction in coordination with the Military Departments, to ensure consistent policy implementation across the Department. This instruction will provide greater detail regarding the retention of non-deployable servicemembers, which will clarify many areas of concern, including the ability to appeal a determination and the establishment of a special category for our servicemembers who were wounded in action. I expect this instruction to be published by no later than October 2018.

21. Senator GILLIBRAND. Mr. Wilkie, please provide, in detail, the categories of non-deployability and the number of servicemembers who fall into each category. For example, of the estimated 286,000 troops that are non-deployable, how many are in that status due to benign medical delinquency such as dental or routine immunizations, how many are receiving treatment for serious conditions such as cancer, how many are receiving mental health treatment, how many are pregnant or postpartum, how many are getting medical treatment that has a finite period and whether that period is expected to be less than or more than 12 months, etc.

Secretary WILKIE. Of the 286,000, nearly one-third simply need to complete annual periodic health assessments or dental screening and another third consists of servicemembers with temporary profiles that limit full duty for routine conditions such as sprained ankles and knees. These Service men and women are expected back to full duty. Of the remaining population, some are pregnant or in a postpartum status and others will process through the Disability Evaluation System. Due to National Security considerations, we are not able to provide more specific breakouts for the record, but I or my staff would be happy to brief you in person.

22. Senator GILLIBRAND. Mr. Wilkie, for communities in which DOD has invested significant money and training in (such as pilots or those with nuclear capabilities), has DOD assessed the danger in losing these essential assets in a time when they are in short supply?

Secretary WILKIE. The Secretaries of the Military Departments retain the authority to grant waivers to servicemembers and will consider the needs of the Services. The Secretaries of the Military Departments will review all waiver requests on a case-by-case basis.

23. Senator GILLIBRAND. Mr. Wilkie, have you done an assessment of the cost of training that has already been invested in the non-deployable servicemembers and the cost of training new servicemembers in their place?

Secretary WILKIE. No. Each non-deployable servicemember decreases the readiness and lethality of the force. That is why the Secretaries of the Military Departments will weigh the needs of each Service when making the retention decision.

24. Senator GILLIBRAND. Mr. Wilkie, please identify which Military Occupational Specialties require a servicemember to be worldwide deployable and which do not.

Secretary WILKIE. Regardless of their Military Occupational Specialties, all servicemembers are expected to be worldwide deployable; it will be up to the Secretaries of the Military Departments to review individual cases and make a determination on retention of that individual.

25. Senator GILLIBRAND. Mr. Wilkie, since these wars began, DOD and the services have worked hard to eliminate stigma attached to seeking medical treatment, including mental health assistance. How will DOD ensure that this policy does not create a chilling effect, causing military personnel to refrain from seeking the med-

ical and mental health treatment they need for fear of being determined medically non-deployable under the policy, thereby threatening their careers and the livelihood of their families?

Secretary WILKIE. The Department is committed to ensuring the health and well-being of all servicemembers and that does not change with this policy. It is in everyone's best interest to ensure our men and women seek and receive medical treatment as quickly as possible to ensure proper treatment and timely recovery.

26. Senator GILLIBRAND. Mr. Wilkie, are servicemembers who are restricted to certain assignments due to their participation in the Exceptional Family Member Program subject to the mandates of this policy? If so, will this policy create a similar chilling effect on that population, encouraging military families not to seek the specialized care their family member needs for fear of being discharged?

Secretary WILKIE. Participants in the Exceptional Family Member program, and being thus potentially restricted to certain assignments when accompanied by dependent family members, does no impact a servicemember's deployability and does not put them at risk of separation under this policy.

APPENDIX A



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600

APR 23 2018

The Honorable Thom Tillis
Chairman
Senate Armed Services Subcommittee on Personnel
Washington, DC 20510-6050

Dear Chairman Tillis:

During a February 14, 2018 hearing before the Subcommittee, Under Secretary of Defense for Personnel and Readiness Robert Wilkie was asked about the role of prosecutors during the investigation and development of military justice cases. Under Secretary Wilkie indicated that the Office of the General Counsel would provide a comprehensive response. This letter provides that response.


In every Military Service, judge advocates performing duties as prosecutors play key roles in the investigation, charging, and pretrial processing of alleged offenses. As a result of a provision in the National Defense Authorization Act for Fiscal Year 2013, all of the Military Services have specially trained prosecutors who are part of the Services' Special Victim Investigation and Prosecution (SVIP) capabilities. *See* National Defense Authorization Act for Fiscal Year 2013, Pub. L. No. 112-239, § 573, 126 Stat. 1632, 1755-56 (2013). Cases handled under the SVIP procedures include adult sexual assault, child abuse involving child sexual assault and/or aggravated assault with grievous bodily harm, and domestic violence involving sexual assault and/or aggravated assault with grievous bodily harm. Within 24 hours of receiving the report of an offense covered by the SVIP program, the Military Criminal Investigative Organization's assigned investigator must notify an SVIP prosecutor, ensuring that military prosecutors are involved, from the outset, in the case's development. *See generally* DoDI 5505.19, "Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigation Organizations (MCIOs)," encl. 2, ¶ 5.a (Feb. 2, 2015, as revised). Within 48 hours, the assigned investigator will consult with the assigned prosecutor. *Id.*, ¶ 5.b. Further consultation will occur on at least a monthly basis. *Id.*, ¶ 5.c. Military prosecutors continue to remain involved throughout the investigative, pretrial, trial, and post-trial phases of the case.

In cases that are not covered by the DoD-wide SVIP requirements, military prosecutors are also involved in the investigation, charging, development, and litigation of alleged offenses. Due largely to different organizational structures that are responsive to the force structures of the individual Military Services, military prosecutors' pretrial roles in those cases differ somewhat from Service to Service. Tabs A-D provide detailed synopses of military prosecutors' pretrial roles in each of the Military Services. The similarities in the military prosecutors' roles, however, greatly exceed the differences. In all of the Military Services, prosecutors are actively and deeply involved in development of cases tried under the Uniform Code of Military Justice.



Thank you again for your continued support to all the men and women in the Department of Defense.

Sincerely,

A handwritten signature in black ink, appearing to read 'William S. Castle', with a long horizontal flourish extending to the right.

William S. Castle
Acting General Counsel

cc:
The Honorable Kirsten Gillibrand
Ranking Member

Attachments:
As stated



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC 20330

13 MAR 2018

MEMORANDUM FOR OSD/GC

FROM: USAF/JA
1420 Air Force Pentagon
Washington DC 20330-1420

SUBJECT: Prosecutors' Role in the Development of Military Justice Cases

We are in receipt of your request, 26 February 2018, concerning the recent request from the Senate Armed Services Subcommittee on Personnel for information on the role of prosecutors in developing military justice cases. In the Air Force, as with all the military services, judge advocates, and prosecutors specifically, are intricately and deeply involved throughout the investigation and prosecution of offenses under the Uniform Code of Military Justice. In an effort to provide the most comprehensive information in a useable format, we have drafted two talking papers and two visual aids that describe the level of judge advocate and prosecutor involvement in detail.

I thank you for this opportunity to provide information on this very important topic, and we stand ready to address any additional questions or concerns.

CHRISTOPHER F. BURNE
Lieutenant General, USAF
The Judge Advocate General

Attachments:

1. Talking Paper on Judge Advocate Review of Pending Investigations
2. Talking Paper on Commander's Ability to Withhold Authority
3. Visual Aid: Oversight, Involvement, and Review of Military Justice Actions
4. Visual Aid: Judge Advocate Involvement in Criminal Investigations and Prosecutions

TALKING PAPER

ON

JUDGE ADVOCATE REVIEW OF PENDING INVESTIGATIONS

- In the Air Force, trained judge advocates review and provide advice on investigations from the report of a criminal allegation to final disposition of the offense.
- An installation legal office is led by a Staff Judge Advocate (SJA) who is the principal legal advisor to the convening authority. Both the Staff Judge Advocate and the Deputy Staff Judge Advocate are selectively assigned leaders with litigation experience in military justice, to include previous experience as trial counsel, Area Defense Counsel (ADC), and, often as Senior Defense Counsel (SDC), or Senior Trial Counsel (STC). Each military justice program at the installation level is further managed by a Chief of Military Justice (CoJ) who oversees the investigation and prosecution of courts-martial and is independent of the trial counsel.
- When an installation judge advocate, normally the CoJ, becomes aware of a criminal allegation through law enforcement or a representative from the subject's command, the judge advocate or CoJ assists with the investigation. Once the SJA determines an allegation may result in a court-martial, the SJA details a trial counsel. The trial counsel is a different judge advocate in the SJA's legal office who works the case from investigation to conclusion. This approach leverages the "vertical prosecution model" and promotes consistency, reduces the risk of lost information, and enhances relationships with victims of crime. The vertical prosecution model was promoted under the *Child Abuse, Domestic Violence, Adoption and Family Service Act of 1992*.
- During the investigative process, an installation judge advocate provides constant advice and feedback to the investigative agency conducting the investigation. Judge advocates also assist investigators by developing lines of investigation, discussing elements of relevant criminal offenses, providing assistance on evidentiary issues, and securing evidence through means such as subpoenas and search authorizations.
- In investigations involving complex criminal allegations, STC, the Air Force's cadre of prosecutors with the most experience in complex litigation, assist by providing advice in investigation development and potential charging considerations for any future criminal disciplinary action.
 - For cases involving an allegation of sexual assault, this model of constant engagement is required as part of the Special Victims Investigation and Prosecution capability mandated in the National Defense Authorization Act for Fiscal Year 2013.
 - A victim eligible for assistance from a Special Victims' Counsel (SVC) may choose to communicate with investigators, judge advocates, and command through the SVC.
 - Airmen accused of a crime are provided an experienced ADC, and in cases involving serious misconduct a SDC, free of charge to assist them. The ADC will frequently communicate on behalf of the accused to judge advocates, investigators, and members of command throughout the process.

- Throughout the investigation, the installation SJA remains responsible for updates and receives feedback from the JAG functional chain of command, which includes the Numbered Air Force and Major Command Staff Judge Advocates. These updates are also provided to the relevant entities within the Air Force Legal Operations Agency, which serves as reach-back for the field, oversees the justice process, and advises The Judge Advocate General of the Air Force (TJAG) on the status of military justice cases. The installation judge advocates continue to coordinate as needed with the STC on the investigation and case development.
- The installation SJA and CoJ provide regular updates on the status of the investigation to the convening authority, commanders, and other interested members of command throughout the investigative process.
- Once an investigation is complete, the investigation is reviewed with the subject's command. The commander, with the advice of a judge advocate, makes the final decision on disposition unless disposition authority has been withheld by a superior commander. The judge advocate advising the commander has the full benefit of any views communicated by any STC or other judge advocate who has previously advised on the case during the investigatory stage. The input of any victim on disposition is communicated to command either through the judge advocate or, if involved, an SVC. The command also considers any information provided by the ADC prior to disposition.
- If trial by court-martial is determined to be the appropriate disposition, an installation judge advocate, advised by a STC in complex cases, drafts the charges and forwards them to the member's commander for referral of charges. For sexual assault cases, charges must be reviewed by a STC prior to referral. The draft charges are also typically vetted through the General Court-Martial Convening Authority's SJA, generally located at a Numbered Air Force, prior to referral.
- The SJA advises the Special Court-Martial Convening Authority (SPCMCA) on whether subsequent referral of the preferred charges to a court-martial is appropriate. If a general court-martial is recommended, the SPCMCAs, with the advice of the SJA, will direct a preliminary hearing. The installation SJA ensures any views of the victim regarding disposition are communicated to the convening authority. Ordinarily, a STC is assigned to ensure he or she is available for all significant developments in the case.
- In the case of an anticipated general court-martial, upon conclusion of the preliminary hearing, the charges are forwarded to the General Court-Martial Convening Authority. Before making a recommendation on referral, the SJA will provide him/her pretrial advice. This advice often includes input from the STC or other judge advocates involved in this case.
- Upon referral to a court-martial, the SJA formally details trial counsel to the court-martial. This counsel is generally a judge advocate located at the installation and, as noted above, has often been involved in the development of the investigation and case prior to appointment ensuring continuity in the prosecution.
- At the conclusion of any trial, the installation legal office personnel involved in the case conduct a "hot-wash" with the investigators involved in the case to identify best practices and areas for improvement in future investigations.

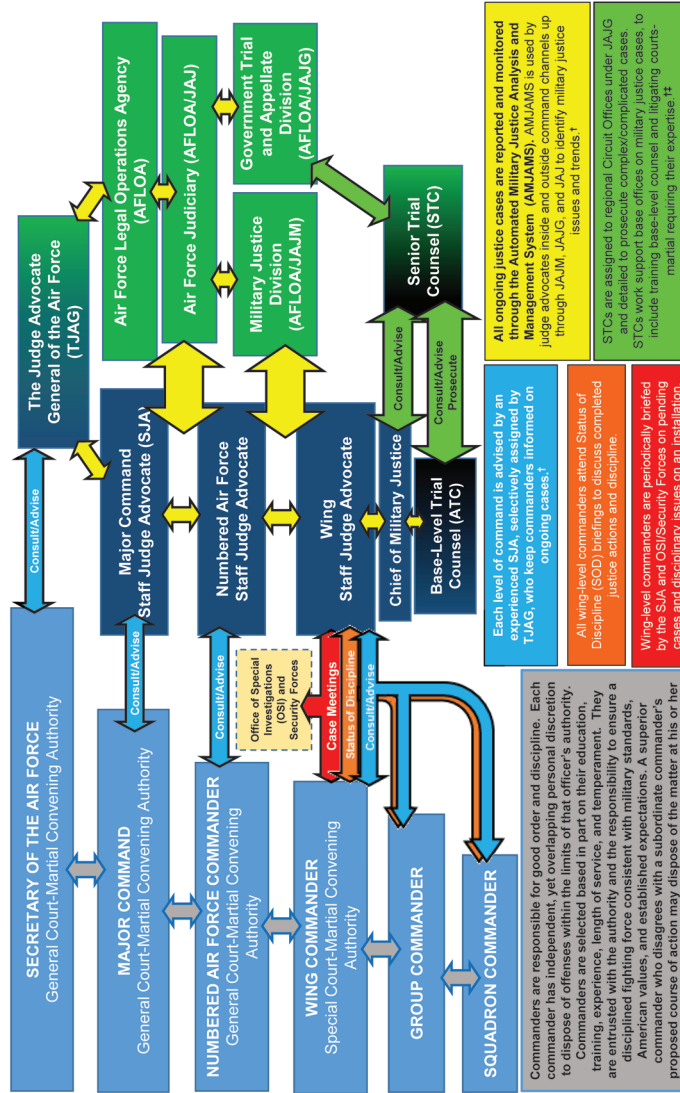
TALKING PAPER

ON

COMMANDER'S ABILITY TO WITHHOLD AUTHORITY

- Under the Uniform Code of Military Justice, commanders at all levels have discretion to dispose of offenses committed by members of their command.
- Except where disposition authority is withheld, the immediate commander of a person accused or suspected of committing an offense initially determines how to dispose of that offense.
- Each commander in the accused's chain of command has independent, yet overlapping discretion to dispose of offenses within the limits of that officer's authority. A superior commander who disagrees with a subordinate commander's proposed course of action may dispose of the matter at his or her own level.
- The Manual for Courts-Martial and military tradition permit a superior commander to withhold the authority to dispose of offenses in individual cases, specific types of cases, or from all cases generally. For example, the Secretary of the Defense has withheld disposition authority for certain sex offenses to only commanders possessing Special or General Courts-Martial Convening Authority in the grade of O-6 or higher.
- Superior commanders advise and mentor commanders within their command. It is expected that superior commanders are engaged with subordinate commanders on matters that have an impact upon good order and discipline within a command, to include discussing appropriate disposition of criminal cases.
- Superior commanders must approach with caution any advice provided to a subordinate commander to avoid unlawful command influence. While a superior commander may discuss dispositions options in a specific case with a subordinate commander, the superior commander may not substitute or mandate his or her disposition decision on a particular case for the decision of a subordinate commander.
- Subordinate commanders are free to seek advice and guidance from superior commanders; however, the subordinate commander must always be free to exercise their own independent discretion in the final disposition of offenses in individual cases.

OVERSIGHT, INVOLVEMENT, AND REVIEW OF MILITARY JUSTICE ACTIONS IN THE U.S. AIR FORCE



Tab 3

* See Talking Paper on Commander's Ability to Withhold Authority for additional information.
 † See Talking Paper on Judge Advocate Review of Pending Investigations for additional information.
 ‡ See Chart on Judge Advocate Involvement in Criminal Investigations and Prosecutions for additional information.

DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
2200 ARMY PENTAGON
WASHINGTON, DC 20310-2200

March 9, 2018



Mr. William S. Castle
Acting General Counsel of the
Department of Defense
1600 Defense Pentagon
Washington, DC 20301-1600

Dear Mr. Castle:

This letter responds to your February 26, 2018 correspondence regarding the stages at which the military prosecutor is consulted as a potential court-martial incident moves through the investigative and pre-trial processes. In short, from the first notice of an allegation, Army prosecutors are engaged with the investigative arm of law enforcement. This may include visiting the crime scene shortly after the report of an offense, coordinating with law enforcement and assisting in developing other leads to explore. This continues throughout the investigation of a case, with such involvement continuing in earnest, especially if the allegation results in the referral of charges and ultimately trial. Throughout this process, the Trial Counsel, Special Victim Prosecutor and one or more senior lawyers are in constant communication with commanders in the chain of command to keep them constantly appraised of the progress of the case.

Legal Advisors: Army prosecutors are called Trial Counsel (TC). In sexual assault cases, Special Victim Prosecutors (SVP) lead the prosecution effort with the assistance of the TC. SVPs are specialized prosecutors who provide subject matter expertise in sexual offense investigations and prosecutions, and often have offices within their local installation United States Army Criminal Investigation Command (CID) building.

The Senior Trial Counsel (STC), Chief of Military Justice (COJ) and Trial Counsel Assistance Program (TCAP) each provide technical legal advice and guidance to the TC during the investigative and pre-trial stages. The STC is an experienced trial attorney who provides advice to a unit's TCs and may also prosecute cases with the TC. The COJ supervises the STC, TCs and other military justice personnel within the Office of the Staff Judge Advocate. The Trial Counsel Assistance Program (TCAP) is located in Washington D.C., staffed with highly experienced trial attorneys, and provides world-wide advice and assistance to Army prosecution teams.

Commanders that have the authority to convene courts-martial are called courts-martial convening authorities. Each convening authority has a legal adviser. The Summary Court-Martial Convening Authority (SCMCA) is usually a Battalion Commander in the rank of Lieutenant Colonel (O-5).

A Special Court-Martial Convening Authority (SPCMCA) is usually a Brigade Commander in the rank of Colonel (O-6). Their legal adviser is typically a Brigade Judge Advocate (BJA). The BJA is a seasoned Judge Advocate with prior military justice experience. The SCMCA and SPCMCA will usually receive military justice advice directly from the TC and/or the BJA.

The General Court-Martial Convening Authority (GCMCA) is usually the senior general officer commanding the installation (i.e., Division/Corps Commander), whose legal adviser is the Staff Judge Advocate (SJA). The SJA is the senior ranking Judge Advocate and has extensive legal experience.

Investigative Stage: By Army Regulation, any military authority is required to advise the TC at the initiation of, and critical stages in, the criminal investigation of a serious offense, to include sexual offenses. The local SJA is also notified by CID when a sexual assault allegation is made within their jurisdiction. After this initial notification, a TC will coordinate with law enforcement agencies and commanders on all pending serious investigations and cases.

In sexual assault investigations, the SVP works closely with the TC, military law enforcement officials, and a Special Victim Counsel (SVC), if applicable. An SVC is a Judge Advocate trained to represent the legal interests of an eligible sexual assault victim during the investigative, pre-trial and trial stages of a case.

Probable Cause Opinion: Military law enforcement agents must coordinate with a TC to determine: 1) whether probable cause exists for each element of every offense investigated, and, 2) and whether the alleged offender committed each offense alleged. The purpose of this opinion is to satisfy law enforcement reporting requirements, to include offender DNA and fingerprint submissions, to national criminal databases.

Close of Investigation: Military law enforcement officials may only close an investigation after a TC has opined that one of the following conditions have been achieved: 1) all reasonable investigative activity has been completed and all reasonable leads have been exhausted; 2) there is sufficient admissible evidence available to prosecute; or 3) there is sufficient evidence to find no probable cause a crime was committed and no likelihood that additional investigation will change that situation.

Initial Disposition Decision: TCs discuss disposition options for alleged offenses with the STC and SVP, if applicable, as well as with the SPCMCA's legal advisor. The TC then meets with the initial disposition authority, usually the Company Commander. For sexual offenses, the disposition authority is withheld to the SPCMCA. The TC's advice to this commander, along with advice from the commander's legal advisor, specifically addresses the strength of the evidence, severity of the charges, a victim's disposition preference, and the impact of the offense on good order and discipline.

If the initial disposition authority elects to pursue a court-martial, the TC drafts the charge sheet which is typically reviewed by the STC, COJ and SVP. The Deputy SJA or SJA may also review the charge sheet before referral.

Preliminary Hearing: If a general court-martial is warranted, unless waived by the accused, a preliminary hearing must be conducted, pursuant to Article 32, Uniform Code of Military Justice (UCMJ). The purpose of the hearing is to evaluate the evidence and presentation of the charge(s). After completion, the hearing officer submits a written report to the SPCMCA evaluating the charges and evidence. The TC and STC discuss the PHO's report with the SPCMCA who may dispose of the charges, if permitted by law, or forward to the GCMCA for action.

Article 34, UCMJ Advice and Referral Decision: The GCMCA consults with the SJA prior to referring any Army case to court-martial. The SJA, informed by his or her prosecution team, makes recommendations to the GCMCA, both written and verbal, regarding disposition of the charges. The prosecutors may also directly participate in advising the GCMCA. After receiving legal advice and recommendations, the GCMCA decides whether to refer the case to trial.

Prosecutors and experienced military justice personnel extensively engage with law enforcement, victims, and commanders at every stage of reported criminal incidents. They ensure that commanders make fully informed, legally supportable decisions that address justice, good order and discipline, the needs of victims, the rights of the accused, and the protection of the community.

Please let me know if we can provide you with any additional information.

Sincerely,



Charles N. Pede
Lieutenant General, U.S. Army
The Judge Advocate General



DEPARTMENT OF THE NAVY
 OFFICE OF THE JUDGE ADVOCATE GENERAL
 1322 PATTERSON AVENUE SE, SUITE 3000
 WASHINGTON NAVY YARD DC 20374-5066

March 12, 2018

MEMORANDUM FOR GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

SUBJECT: The Prosecutors' Role in the Development of Military Justice Cases in the Navy

As detailed below, Navy Trial Counsel (TC) are closely engaged with law enforcement and disposition authorities and convening authorities (CAs) early in the investigative process and throughout all phases of the investigation and trial process.

The Navy construct for assessment of criminal allegations normally involves a merits review by a Region Legal Service Office (RLSO) Trial Department to determine whether prosecution is appropriate and viable. This merits review includes, but is not limited to, an analysis of the availability and admissibility of evidence, the credibility of witnesses, and the nature of the offenses. These reviews are briefed by the TC to the CA in conjunction with the CA's Staff Judge Advocate (SJA) as part of the legal advice process for CA case disposition decision-making. Across the Navy, nine independent RLSOs or branch offices are co-located with the Navy's Region Command Headquarters. TCs are attached to these regionally-based legal services offices. The Navy judge advocate commanding officers of the RLSOs assign the trial counsels to the cases. These RLSOs are under the command and control of Commander, Navy Legal Services Command (CNLSC), an echelon II Navy command, and provide independent legal support to the Fleet, including prosecution services to CAs in their respective geographic areas of responsibility. RLSO Trial Departments are led by a Senior Trial Counsel (STC). Officers assigned to STC billets must be a Lieutenant Commander (O-4) select or above, and board-selected as a Military Justice Litigation Qualified (MJLQ) officer, the Navy Judge Advocate General's Corps program to educate, train, and immerse qualifying Navy judge advocates in courtroom criminal litigation. Navy Fleet concentration areas have Commander STCs. As noted, the STC and TC do not report to the CA or the CA's SJA, but instead provide independent prosecution advice and support to the CA. Consequently, the CA benefits by receiving prosecution merit recommendations from the RLSO with MJLQ counsel, and advice from the CA's assigned SJA.

The Law Enforcement/TC Collaboration Process

TC and law enforcement, principally Military Criminal Investigation Organizations (Navy Criminal Investigative Service [NCIS] generally), as well as federal and state civilian agencies, collaborate from the onset of a criminal case in a "goal-focused" approach allowing for coordination among all stakeholders towards a common goal – the conduct of a thorough, diligent and professional criminal investigation directed toward the development of unbiased facts to facilitate independent disposition decision-making and if appropriate effect a viable prosecution.

Criminal investigations take many forms: command investigation of usually minor offenses; offenses investigated by installation security personnel; special victim crimes (SVCs) investigated by NCIS or local civilian law enforcement; general felony crimes investigated by NCIS and local civilian law enforcement; and national security investigations. Ultimately, the STC is notified of an investigation through a number of channels depending on the type of

SUBJECT: The Prosecutors' Role in the Development of Military Justice Cases in the Navy

investigation. Notification may be by a command representative, a command published situation report, installation daily crime blotter, brig reports of new pretrial confinements, and NCIS. The Navy Trial Counsel Assistance Program (TCAP) provides additional guidance litigation support, advice, and training to RLSO TCs, publishes the Trial Counsel Manual (TCM), which provides guidance and best practices for Trial Departments throughout the Navy. The TCM states the following in regards to the initiation of prosecution support:

Triggering Events. The effective and efficient prosecution of criminal cases requires early participation by Trial Counsel at the investigation and case preparation stages. The following events trigger the provision of prosecution services and the detailing of trial counsel:

a. Requests for prosecution support from the Naval Criminal Investigative Service (NCIS).

b. Any report of a special victim crime (SVC). SVCs include adult sexual assaults, domestic violence, child abuse (physical and sexual)/child exploitation.

c. Any report made by a Staff Judge Advocate who indicates that a case will likely require prosecution services based upon their review or command intent.

d. Any report in which an accused has been placed in pre-trial confinement; or

e. Any case that is assessed as likely to result in a court-martial; e.g., the theft and sale of sensitive government property, loss of classified material, etc.

Investigation Specific Processes

SVC Investigations. NCIS is the investigative authority for SVCs. Within 24 hours of the report of a SVC, NCIS is required to notify the local RLSO. Within 48 hours, the NCIS Case Agent is required to contact a Special Victim Investigation and Prosecution (SVIP) trained Trial Counsel. Generally, this is the STC. The STC may be the supporting prosecutor through the investigation stage or the STC may be providing guidance to a subordinate TC assigned to the matter. For SVCs, all detailed TC are either SVIP trained or are directly supervised by an SVIP-trained TC within the office. Assigned TC are required to maintain close advisory contact with the investigating NCIS Case Agent until final disposition of the case. NCIS policy requires the Case Agent to publish an initial Report of Investigation (ROI) within 60 days. Once a Substantial Completed ROI is done it is provided to the initiating command with a copy to the RLSO. The TC will then develop a Prosecution Merit Review (PMR) letter for the CA to enable a charging decision and disposition. Most often, the TC, along with STC and SJA to the CA will meet with the CA to discuss the PMR prior to disposition.

Non-SVC Felony Investigations. While there is no mandate that NCIS contact a RLSO within 24 hours of a non-SVC felony investigation, the common practice is that the RLSO is notified early in the investigation process. STCs conduct bi-weekly or monthly meetings with the local NCIS SVCs and General Crimes divisions to discuss cases. When a Case Agent publishes the first ROI, a copy is always provided to the RLSO. Once the Case Agent publishes the Substantial Completed ROI, it is delivered to the RLSO for the STC to review and conduct a prosecutorial merits review.

Minor Uniform Code of Military Justice (UCMJ) Offense Investigations. Most minor UCMJ infractions are not investigated by NCIS. These cases may be investigated by installation security personnel or the command itself. In many cases, these investigations are first delivered to the command SJA for advice or to the RLSO Command Services Department for commands

SUBJECT: The Prosecutors' Role in the Development of Military Justice Cases in the Navy

without an assigned SJA. If the SJA or the Command Service Department judge advocate determines a court-martial may be warranted, the case is delivered to the STC for review.

Preferral and Referral of Charges to Courts-Martial

If the CA elects to prefer charges, a TC drafts the charges, which are reviewed by the STC. Drafted charges are provided to the CA for approval. If the CA has an assigned SJA, the SJA will provide charging advice to the CA. If the charges are to be referred to Special Court-Martial, the charges will be referred at that time by the CA with the assigned TC's assistance.

For general courts-martial (GCM), after the referral of charges, the CA will appoint a Article 32, UCMJ Preliminary Hearing Officer (PHO). The PHO is a judge advocate independent of the CA's authority. After the preliminary hearing, the PHO submits the report to the CA for consideration, who may also receive input from the TC. If the CA determines that the evidence warrants referral to a GCM, and assuming the CA is not a GCM Convening Authority (GCMCA), the CA will forward the charges to a GCMCA, along with the PHO report, recommendation, and any recommendation from the TC, for review and referral. The Navy has 11 Region Commander GCMCAs. The overwhelming majority of GCMs in the Navy are convened by 10 Region Commander GCMCAs, although Commander Fleet Forces Command and Superintendent, U.S. Naval Academy also occasionally convene GCMs. This architecture ensures that the officers making these decisions are experienced through the exercise of repetitive judgments aided by trusted counsel. The GCMCA will receive draft charges and support from the TC, concurrently with formal independent SJA advice (Article 34, UCMJ advice) prior to action.

The TC continues to work with NCIS and/or other law enforcement agencies up to the date of trial, along with providing updates to the CA, usually through the CA's SJA. In certain cases, trial and defense counsel may enter into pre-trial negotiations whereby the accused may agree to plead guilty to certain charges and specifications in exchange for sentencing protections. If trial and defense counsel agree on the terms of a Pretrial Agreement, then both the accused and the CA must approve its terms. The TC ensures the CA is kept informed of all pretrial negotiations through frequent interactions with the CA or the CA's SJA.

Post-Trial Processes

After trial, the TC provides the CA with the Report of Results of Trial (RROT) that details the court's findings and sentence in the case of a conviction. The RROT also provides notice of any administrative reporting requirements based on the conviction, such as the requirement for sex offender registration, or the acquisition of a DNA sample from the accused. Once the record of trial is authenticated by trial and defense counsel and the military judge¹, it is provided to the CA for review and for consideration of any post-trial matters submitted by the accused and, in certain qualifying cases, by the victim. After all post-trial matters are submitted and considered, the CA's SJA provides formal written advice regarding the CA's action on the findings and sentence. This is required under Article 34, UCMJ. In June 2014, Congress modified the action a CA can take to mitigate the findings or sentence of a court-martial. Once

¹ Under the changes required by the Military Justice Act 2016, which take effect on January 1, 2019, the court reporter certifies the record of trial. After certification, the military judge enters judgment. Under these new rules, the trial counsel and defense counsel no longer authenticate the record of trial. This new process is expected to make the post-trial process more efficient.

SUBJECT: The Prosecutors' Role in the Development of Military Justice Cases in the Navy

the CA's action is complete, the case is transferred to the Navy-Marine Corps Appellate Review Activity for appellate review. Cases involving a sentence that includes a punitive discharge or confinement of one year or more are automatically reviewed by the Navy-Marine Corps Court of Criminal Appeals (NMCCA). In such cases, both appellate government and defense are assigned. Each case is reviewed *de novo* by NMCCA.

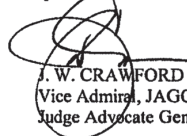
RLSO Assessments

CNLSO conducts a NLSC commanding officer brief every four months to assess the effective delivery of services to the Fleet, this includes Trial Department assessments. TCAP annually assesses TC performance. In addition, during bi-annual Article 6, UCMJ inspections, a member of the NLSC Inspector General Team is assigned to review the practices of the Trial Department. This review identifies areas for improvement, best practices, and assures STC and TC are following the goal-focused model discussed above. Matters specifically inspected include:

- How pretrial confinement cases are identified and tracked.
- How the Trial Department provides support to law enforcement during the investigative stages.
- How the Trial Department tracks and consults with local civilian law enforcement agencies for ongoing criminal investigations.
- The RLSO's process for evaluating the timeliness of case reviews.
- The Trial Department's process for reviewing and documenting advice provided to commands on criminal allegations.
- The RLSO's Prosecution Merit Review letters, internal process, and legal standards used in recommendations to CAs.
- How the Trial Department delivers prosecutorial merit recommendations to CAs and their SJAs to ensure commanders fully understand the recommendations.
- Trial Department personnel's responsibilities for drafting/preferring charges.
- How the STC supervises the charging process.

Conclusion

Navy TCs are integrally involved in the military justice process from the inception of a criminal investigation through post-trial actions. The Navy continues to evolve the criminal investigation support and litigation practice in response to the increasingly complex cases.


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 Judge Advocate General



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IN REPLY REFER TO:
 5800
 JAD
 19 Mar 18

From: Military Justice Policy and Legislation Officer, Military Justice Branch, Judge Advocate Division, Headquarters, U.S. Marine Corps
 To: Office of General Counsel, Department of Defense

Subj: PROSECUTORS ROLE IN THE DEVELOPMENT OF MILITARY JUSTICE CASES

Ref: (a) DoDI 5505.19 w/ CH 2 of 23 Mar 17
 (b) Manual for Courts-Martial (2016 ed.)
 (c) JAGINST 5800.7F (JAGMAN) of 26 Jun 12
 (d) MCBUL 5800 (Justice) of 25 May 17
 (e) JAGINST 5803.1E of 20 Jan 15

1. Pursuant to your request for information of 26 February 2018, the following is provided with respect to the role of Marine Corps prosecutors in the development of military justice cases, to include consultation during the investigative, preferral, and referral stages. Marine Corps prosecutors may be consulted during all three stages described above and provide valuable input as to the disposition of cases, even prior to referral of charges.

2. Depending on the type of case, a Marine Corps prosecutor may be notified by an investigator within 24 hours of the report of the offense and consulted within 48 of that report. See reference (a). In other cases, a Marine prosecutor will be involved upon receipt of a request for legal services (RLS) from a command. In all instances, a Marine Corps prosecutor is consulted prior to preferral of charges — the first step in a decision to send charges to a court-martial. See references (b) – (d).

3. The decision to send a case to a court-martial involves two types of legal support: command legal advice and legal services.

a. Command Legal Advice. Command legal advice is a component of command and control and includes legal advice required by law and regulation. The staff judge advocate (SJA) is the primary legal advisor to a commander and provides advice on military justice matters directly to supported commands.

b. Legal Services. Legal services are those recurring legal support tasks that are executed to implement a commander's decision, to include the prosecution of offenses under the Uniform Code of Military Justice (UCMJ). The officer-in-charge (OIC), Legal Services Support Section (LSSS), provides and supervises the provision of legal services to those commands supported by the LSSS. The OIC is a colonel (O6). The OIC supervises all prosecutors, or "trial counsel" as they are known in the military, within the OIC's LSSS.

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4. Trial counsel are judge advocates who are certified as competent by the Service Judge Advocate General to prosecute or defend military justice cases under Article 27, UCMJ. Trial counsel are guided by the references and perform their duties under the supervision of senior trial counsel (STC), regional trial counsel (RTC), and the OIC, LSSS. The STCs are ordinarily majors (O4), and the RTC are ordinarily lieutenant colonels (O5). Both normally have advanced degrees (LL.M.) in criminal justice from an ABA accredited law school.

5. Trial counsel are assigned to cases in a process known as "detailing." Normally, a trial counsel is detailed upon receipt by the LSSS of a commander's formal RLS. The trial counsel are detailed by their supervising STC or RTC in accordance with Rules for Courts-Martial 501 – 503 of reference (b), paragraph 0130(b) of reference (c), and enclosure (1) of reference (d). In practice, trial counsel may be consulted during the investigative, preferral, and referral stages depending upon the complexity of the factual allegations and the application of criminal law and procedure.

6. Investigation Stage. Trial counsel may become involved during the initial stages of an investigation depending on the facts of a case. Trial counsel may be engaged during the decision to impose pre-trial confinement, the application for an authorization to search for and seize evidence, and in certain complex cases, such as sexual assault or domestic violence cases.

a. Pre-Trial Confinement. Trial counsel are normally notified and become involved immediately if a command intends to put a Service Member in pre-trial confinement. Commanders consult their SJA and usually the trial counsel prior to placing a Service Member in pre-trial confinement. This consultation is important because placing a Service Member in pre-trial confinement will impose a requirement to prefer and refer charges quickly. This is known as starting the "speedy trial" clock.

b. If a Service Member is placed in confinement, a trial counsel may assist a command with the initial review officer's (IRO) hearing. Service Members placed in pre-trial confinement are entitled to a pre-trial confinement hearing before an impartial IRO. The purpose of the IRO hearing is to determine if there are appropriate grounds to keep a Service Member in pre-trial confinement. Normally, a command will send a representative to explain the reasons an accused Service Member should remain in confinement. This command representative may consult with a trial counsel prior to the hearing. In some instances, the trial counsel will serve as the command representative. The accused Service Member is represented by a defense counsel.

c. Search and Seizure. Trial counsel may be consulted by an investigator during the preparation for an application for an authorization to search for and seize evidence. On military installations, commanders may authorize searches for and seizure of evidence on areas within their responsibility. In order for a search to be valid, the investigator making an application for an authorization must be able to show probable cause to believe the accused committed an offense under the UCMJ and that place to be searched would yield evidence of that offense. Trial counsel may be involved in reviewing the investigator's affidavit, the application, and the draft authorization before it is presented to a commander for review and action.

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d. In instances where evidence may be located in an area where a commander does not have authority to authorize a search, a trial counsel may work with the local special assistant U.S. attorney (SAUSA) and Naval Criminal Investigative Service (NCIS) special agent to apply for warrants in federal courts. Such instances include applications for warrants under the Stored Communications Act, 18 U.S.C. §§ 2701-2712. Applications for such warrants have become increasingly important in investigations of sexual assault cases.

e. *Sexual Assault, Domestic Violence, and Other Complex Cases.* Trial counsel become involved almost immediately in certain complex cases. As required by reference (a), in certain sexual assault and domestic violence cases, the trial counsel are notified within 24 hours of the report of an offense by the NCIS. Trial counsel are consulted within 48 hours of such a report and then consulted again at least once a month by the NCIS special agents assigned to the case. These consultations may involve investigative plans, searches for electronic evidence, or a review of the evidence gathered to-date. For example, in cases involving child pornography, it is not uncommon for the trial counsel to review suspected contraband images with the special agents and to develop further investigative steps.

f. As a case nears the completion of the investigation stage, particularly in sexual assault and domestic violence cases, the trial counsel may be required to draft a prosecution merit memorandum (PMM), analyzing the strengths and weaknesses of the case. The trial counsel's supervising attorneys — the STC and RTC — working with a civilian highly qualified expert, review the PMM to for completeness. Once the PMM is approved, it is submitted to the SJA to help inform the advice the SJA provides to the commander responsible for the case.

g. *Sexual Assault Initial Disposition Authority.* In certain sexual assault cases, the initial commander responsible for the case must be a colonel (O6) with special court-martial convening authority. This commander is known as the Sexual Assault Initial Disposition Authority (SA-IDA). The decision by the SA-IDA regarding how to dispose of the case is informed by the trial counsel's analysis in the PMM because the SJA advice is based in part on the PMM.

h. Pursuant to reference (d), a SA-IDA may not dispose of certain cases until the SJA for that SA-IDA has received a PMM. These cases include rape, sexual assault, aggravated sexual contact, abusive sexual contact, rape of a child, sexual assault of a child, sexual abuse of a child, forcible sodomy, or an attempt to commit any of these crimes; aggravated child abuse where grievous bodily harm occurs; or aggravated domestic violence where grievous bodily harm occurs.

i. Once the commander has all of the information the commander believes necessary to make a disposition decision, the commander has a number of options available. If the commander decides an offense may merit a court-martial, the commander will send an RLS to the responsible LSSS with all of the evidence and reports available.

7. The Preferral Stage. The preferral stage normally begins when an LSSS receives an RLS from a commander. The RLS will indicate the type of proceeding the commander requests, i.e., a special court-martial or an Article 32, UCMJ preliminary hearing. The local STC or RTC,

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depending on the seriousness of the offense, will detail a trial counsel to the case. If a trial counsel has previously been involved during the investigation stage, the case will likely be detailed to the same trial counsel.

a. *Referral of Charges.* During the referral stage, the trial counsel will review all the evidence the command has provided the LSSS. This normally includes NCIS or CID reports of investigation (ROIs) and the attached forensics reports if any. The trial counsel may also consult with experts in relevant fields to develop the trial counsel's understanding of the facts of the case.

b. Based on the evidence available, the trial counsel may recommend additional investigative steps, recommend an alternate disposition such as nonjudicial punishment, or work with the legal services specialists to prefer appropriate charges. Legal services specialists are enlisted Marines that work with the trial counsel and are responsible for many of the administrative tasks associated with the prosecutorial function. The trial counsel swears the legal services specialists to the charges preferred.

8. Referral Stage. The referral stage begins immediately after the charges are preferred. During the referral stage, the trial counsel will assist with the administrative steps necessary to prepare a case for trial, if necessary assist in preparing and represent the government in an Article 32, UCMJ Preliminary Hearing, and continue to work with investigators to perfect the case if there are any outstanding evidentiary issues.

a. *Special Court-Martial.* If the offenses are of an equivalent to a misdemeanor offense, the charges may be sent to a special court-martial. In those instances, after the legal services specialist, under the supervision of the trial counsel, STC, and RTC, has preferred charges, the charges are returned to the unit for appropriate processing, to include service of charges on the accused Service Member and referral of charges to a special court-martial by the commander. If the offenses are more akin to a felony offense, the trial counsel will work with the commander to appoint an Article 32, UCMJ Preliminary Hearing Officer (PHO).

b. *Article 32, UCMJ Preliminary Hearing.* An Article 32, UCMJ Preliminary Hearing is ordered by a commander when the commander believes an offense may need to be sent to a general court-martial. A commander may not refer a case to a general court-martial until after the preferred charges have been reviewed at an Article 32, Preliminary Hearing. The purpose of the hearing is to, among other things, have an impartial officer determine if there is probable cause to believe the accused Service Member has committed an offense under the UCMJ and make a recommendation as to the disposition of the charges. The trial counsel assists the commander with preparing and holding this hearing.

c. The commander appoints a PHO to preside over this hearing. The PHO is an impartial officer. The PHO is normally a judge advocate, equal or senior in rank to the attorneys in the hearing. The trial counsel serves as the Counsel for the Government at this hearing. The accused Service Member is represented by counsel, whether it be detailed military counsel, civilian counsel, or both. During the hearing, the trial counsel presents evidence on behalf of the

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government to establish probable cause. The defense has the ability to present evidence and cross examine witnesses within the confines of the purpose of the hearing. At the conclusion of the hearing, the PHO submits a report summarizing the officer's findings and recommendations to the commander.

d. *Forwarding of Charges.* The commander that directed the hearing will review the report and consult with the trial counsel and the responsible SJA to make a disposition decision. The commander may dispose of the case at the commander's level, for example, take no further action or refer the charges to a special court-martial. The commander, if not a general court-martial convening authority (GCMCA), may forward the charges to a senior commander with a recommendation that the charges be sent to a general court-martial. If the commander decides to forward the charges, the trial counsel and the SJA will draft the appropriate paperwork to forward the charges.

e. *Referral to a General Court-Martial.* Once charges are forwarded to the GCMCA, the GCMCA will review all of the evidence available. The GCMCA will consult the responsible SJA about the cases. It is not uncommon for the trial counsel, STC, or RTC to provide a brief to the GCMCA about the case and recommend a disposition. The decision on how to proceed, rests with the convening authority based upon the advice provided by the SJA in consultation with the trial counsel.

9. Continuing Investigative Steps. Through the preferral and referral stages and after referral of charges, the trial counsel will continue to work with investigators to collect additional evidence, if any, and ask the commander for additional assistance, such as the appointment of expert witnesses. Additionally, after referral of charges, the Defense may ask for discovery and production of evidence. This may lead to additional investigative steps by the trial counsel to obtain this information. Depending on the result of these additional investigative steps, the trial counsel may contact the SJA or the commander to recommend a change in the disposition decision.

10. In the Marine Corps, trial counsel may become involved in investigating and consulting on cases early in the processes. When a trial counsel becomes involved depends upon the complexity and seriousness of the case. In certain sexual assault cases, trial counsel are notified within 24 hours of NCIS receiving a report, and consult with the NCIS special agent on the case within 48 hours of the report. In other instances, certain events, such as pre-trial confinement of a Service Member or requests for searches will also cause a trial counsel to become involved in a case. Although trial counsel are not the primary legal advisor to a commander, trial counsel are consulted and provide input on the proper disposition of a case.

APPENDIX B
ATTACHMENT 1

TALKING PAPER

ON

JUDGE ADVOCATE REVIEW OF PENDING INVESTIGATIONS

- In the Air Force, trained judge advocates review and provide advice on investigations from the report of a criminal allegation to final disposition of the offense.
- An installation legal office is led by a Staff Judge Advocate (SJA) who is the principal legal advisor to the convening authority. Both the Staff Judge Advocate and the Deputy Staff Judge Advocate are selectively assigned leaders with litigation experience in military justice, to include previous experience as trial counsel, Area Defense Counsel (ADC), and, often as Senior Defense Counsel (SDC), or Senior Trial Counsel (STC). Each military justice program at the installation level is further managed by a Chief of Military Justice (CoJ) who oversees the investigation and prosecution of courts-martial and is independent of the trial counsel.
- When an installation judge advocate, normally the CoJ, becomes aware of a criminal allegation through law enforcement or a representative from the subject's command, the judge advocate or CoJ assists with the investigation. Once the SJA determines an allegation may result in a court-martial, the SJA details a trial counsel. The trial counsel is a different judge advocate in the SJA's legal office who works the case from investigation to conclusion. This approach leverages the "vertical prosecution model" and promotes consistency, reduces the risk of lost information, and enhances relationships with victims of crime. The vertical prosecution model was promoted under the *Child Abuse, Domestic Violence, Adoption and Family Service Act of 1992*.
- During the investigative process, an installation judge advocate provides constant advice and feedback to the investigative agency conducting the investigation. Judge advocates also assist investigators by developing lines of investigation, discussing elements of relevant criminal offenses, providing assistance on evidentiary issues, and securing evidence through means such as subpoenas and search authorizations.
- In investigations involving complex criminal allegations, STC, the Air Force's cadre of prosecutors with the most experience in complex litigation, assist by providing advice in investigation development and potential charging considerations for any future criminal disciplinary action.
 - For cases involving an allegation of sexual assault, this model of constant engagement is required as part of the Special Victims Investigation and Prosecution capability mandated in the National Defense Authorization Act for Fiscal Year 2013.
 - A victim eligible for assistance from a Special Victims' Counsel (SVC) may choose to communicate with investigators, judge advocates, and command through the SVC.
 - Airmen accused of a crime are provided an experienced ADC, and in cases involving serious misconduct a SDC, free of charge to assist them. The ADC will frequently communicate on behalf of the accused to judge advocates, investigators, and members of command throughout the process.

- Throughout the investigation, the installation SJA remains responsible for updates and receives feedback from the JAG functional chain of command, which includes the Numbered Air Force and Major Command Staff Judge Advocates. These updates are also provided to the relevant entities within the Air Force Legal Operations Agency, which serves as reach-back for the field, oversees the justice process, and advises The Judge Advocate General of the Air Force (TJAG) on the status of military justice cases. The installation judge advocates continue to coordinate as needed with the STC on the investigation and case development.
- The installation SJA and CoJ provide regular updates on the status of the investigation to the convening authority, commanders, and other interested members of command throughout the investigative process.
- Once an investigation is complete, the investigation is reviewed with the subject's command. The commander, with the advice of a judge advocate, makes the final decision on disposition unless disposition authority has been withheld by a superior commander. The judge advocate advising the commander has the full benefit of any views communicated by any STC or other judge advocate who has previously advised on the case during the investigatory stage. The input of any victim on disposition is communicated to command either through the judge advocate or, if involved, an SVC. The command also considers any information provided by the ADC prior to disposition.
- If trial by court-martial is determined to be the appropriate disposition, an installation judge advocate, advised by a STC in complex cases, drafts the charges and forwards them to the member's commander for preferral of charges. For sexual assault cases, charges must be reviewed by a STC prior to preferral. The draft charges are also typically vetted through the General Court-Martial Convening Authority's SJA, generally located at a Numbered Air Force, prior to preferral.
- The SJA advises the Special Court-Martial Convening Authority (SPCMCA) on whether subsequent referral of the preferred charges to a court-martial is appropriate. If a general court-martial is recommended, the SPCMCA, with the advice of the SJA, will direct a preliminary hearing. The installation SJA ensures any views of the victim regarding disposition are communicated to the convening authority. Ordinarily, a STC is assigned to ensure he or she is available for all significant developments in the case.
- In the case of an anticipated general court-martial, upon conclusion of the preliminary hearing, the charges are forwarded to the General Court-Martial Convening Authority. Before making a recommendation on referral, the SJA will provide him/her pretrial advice. This advice often includes input from the STC or other judge advocates involved in this case.
- Upon referral to a court-martial, the SJA formally details trial counsel to the court-martial. This counsel is generally a judge advocate located at the installation and, as noted above, has often been involved in the development of the investigation and case prior to appointment ensuring continuity in the prosecution.
- At the conclusion of any trial, the installation legal office personnel involved in the case conduct a "hot-wash" with the investigators involved in the case to identify best practices and areas for improvement in future investigations.

ATTACHMENT 2

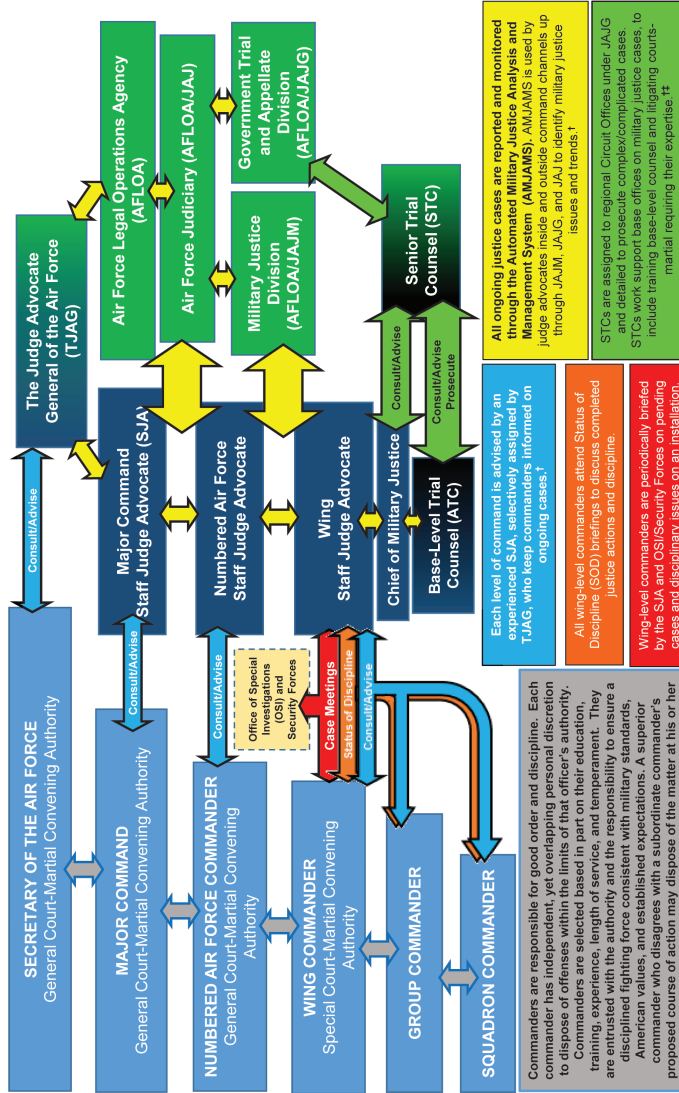
TALKING PAPER

ON

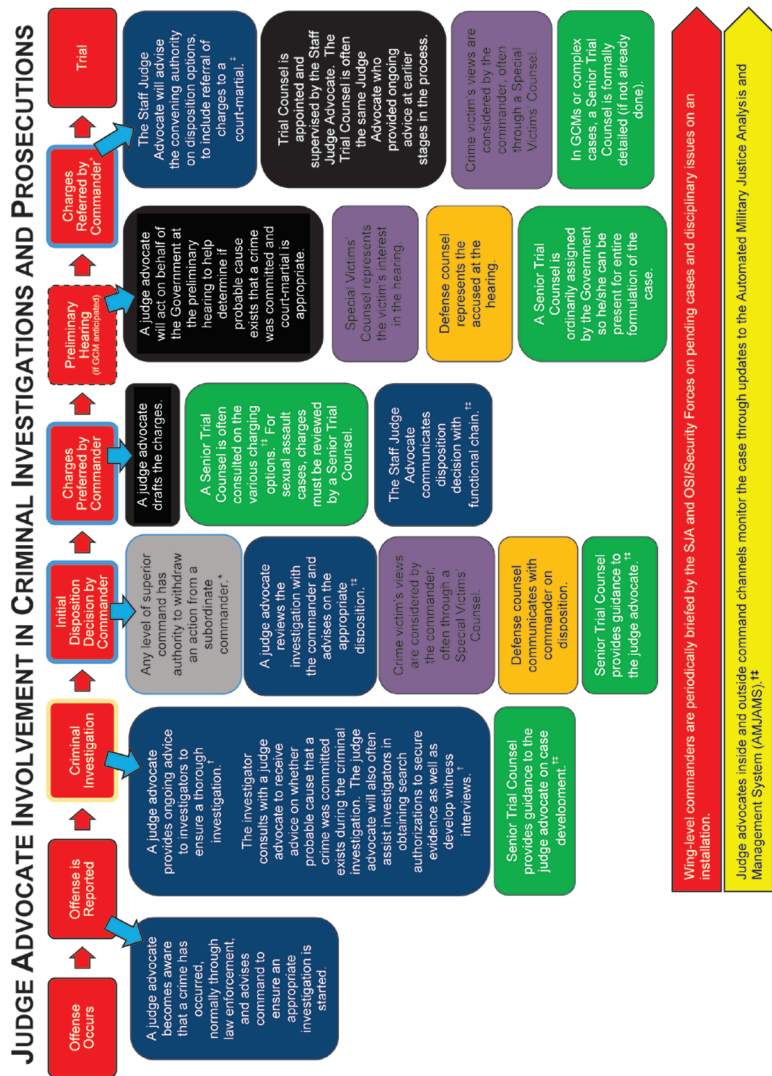
COMMANDER'S ABILITY TO WITHHOLD AUTHORITY

- Under the Uniform Code of Military Justice, commanders at all levels have discretion to dispose of offenses committed by members of their command.
- Except where disposition authority is withheld, the immediate commander of a person accused or suspected of committing an offense initially determines how to dispose of that offense.
- Each commander in the accused's chain of command has independent, yet overlapping discretion to dispose of offenses within the limits of that officer's authority. A superior commander who disagrees with a subordinate commander's proposed course of action may dispose of the matter at his or her own level.
- The Manual for Courts-Martial and military tradition permit a superior commander to withhold the authority to dispose of offenses in individual cases, specific types of cases, or from all cases generally. For example, the Secretary of the Defense has withheld disposition authority for certain sex offenses to only commanders possessing Special or General Courts-Martial Convening Authority in the grade of O-6 or higher.
- Superior commanders advise and mentor commanders within their command. It is expected that superior commanders are engaged with subordinate commanders on matters that have an impact upon good order and discipline within a command, to include discussing appropriate disposition of criminal cases.
- Superior commanders must approach with caution any advice provided to a subordinate commander to avoid unlawful command influence. While a superior commander may discuss dispositions options in a specific case with a subordinate commander, the superior commander may not substitute or mandate his or her disposition decision on a particular case for the decision of a subordinate commander.
- Subordinate commanders are free to seek advice and guidance from superior commanders; however, the subordinate commander must always be free to exercise their own independent discretion in the final disposition of offenses in individual cases.

OVERSIGHT, INVOLVEMENT, AND REVIEW OF MILITARY JUSTICE ACTIONS IN THE U.S. AIR FORCE



Tab 3



^{*} See Talking Paper on Commander's Ability to Withhold Authority for additional information.
[†] See Talking Paper on Judge Advocate Review of Pending Investigations for additional information.
[‡] See Chart on Oversight, Involvement, and Review of Military Justice Action in the U.S. Air Force for additional information.

Tab 4

AIR FORCE JUDGE ADVOCATE TRAINING

The primary stages of judge advocate involvement in the life cycle of a potential court-martial case, from investigation through to post-trial processing, is included below. In addition to the completion of the standard military justice courses listed below, Staff Judge Advocates receive additional military justice training at the Staff Judge Advocate Course (SJAC). Be advised that every level of judge advocate may be advising at various levels of investigation; however, certain actions require action by the Staff Judge Advocate.

Search Authorization: Chief of Military Justice

- **Applicable AFJAGS training:** JASOC; MJAC; ISALC; TRIALS

AFOSI/SFOI Investigation Close-Out: Chief of Military Justice

- **Applicable AFJAGS training:** JASOC; MJAC; ISALC; TRIALS

Preferral (Non-Article 120/120b cases): Chief of Military Justice or Detailed Trial Counsel

- **Applicable AFJAGS training:** JASOC; MJAC; ISALC; TRIALS

Preferral of Charges (Article 120/120b cases): Chief of SVP/SAPR Policy (Government Trial and Appellate Counsel Division) AND Chief of Military Justice or Assigned Trial Counsel

- **Applicable AFJAGS training:** JASOC; ISALC; TRIALS; TDAC (*Chief of Military Justice*)
- **Additional AFJAGS training:** ASALC; ATAC (*Chief of SVP/SAPR Policy*)

Referral of Charges: Staff Judge Advocate

- **Applicable AFJAGS training:** SJAC
- **Additional AFJAGS training:** *previous training received while Chief of Military Justice, Trial Counsel, and performing in other military-justice related positions*

Post-Trial (Staff Judge Advocate Recommendation and Clemency): Chief of Military Justice, Staff Judge Advocate

- **Applicable AFJAGS training:** JASOC, MJAC, SJAC

The summary above is a generic depiction of judge advocate and law enforcement/commander interaction in a typical case. Obviously, in complicated or difficult cases, the Deputy Staff Judge Advocate or Staff Judge Advocate may be involved to ensure the best quality of advice and input in lieu of, or in addition to, the base-level "Chief of Military Justice." Furthermore, the investigation and charging decisions for potential Article 120 and Article 120b sexual offenses involve additional inputs and oversight from the Circuit Chief Senior Trial Counsel as well as the Chief of Policy and Coordination, Special Victims Unit, both of the Air Force Government Trial and Appellate Counsel Division. As questions arise during the course of an investigation or throughout the case development, the Government Trial and Appellate Counsel Division is available, whether in the circuit offices or at the headquarters to assist and regularly field calls from the field in order to ensure the best information is communicated to the field.

The base-level judge advocates usually involved in advising on case investigations and charging decisions are the Chief of Military Justice and Staff Judge Advocate. Air Force judge advocates advise every commander prior to the preferral or referral of charges to court-martial. Air Force judge advocates advise on every search authorization sought through an Air Force “military magistrate” under Military Rule of Evidence 315, as well as law enforcement searches, seizures and inspections conducted in accordance with the other applicable Military Rules of Evidence.

The base-level Chief of Military Justice is typically a second-assignment judge advocate, with 2-4 years of service. Chiefs of Military Justice are Article 27(b), UCMJ certified by The Judge Advocate General, meaning they have completed the Air Force prescribed trial and defense counsel certification process with requisite court-martial litigation experience.

The base-level Staff Judge Advocate is one selectively assigned by The Judge Advocate General, typically a lieutenant colonel or colonel with between 12-20 years of service. All Staff Judge Advocates are also certified pursuant to Article 27(b).

In terms of training, all Air Force judge advocates receive initial military justice training at the Judge Advocate Staff Officer’s Course (JASOC). JASOC is a 9-week training course including an intensive 5 weeks of substantive military justice and courtroom advocacy training. All judge advocates participate in advising commanders on nonjudicial punishment, administrative discharges, and litigating a mock general court-martial featuring an Article 120(b) sexual assault fact pattern. Following successful completion of JASOC, judge advocates will return to the Air Force Judge Advocate General’s School (AFJAGS) recurrently over the course of their career to acquire additional substantive law and litigation training. A summary of AFJAGS residence and externally held/sponsored military justice courses follows:

Judge Advocate Staff Officer Course (JASOC): Our *full-spectrum training* begins with the entry-level judge advocate technical training course, known as “JASOC.” This is a nine-week course that includes a foundation in military justice and advocacy skills. The first five weeks (roughly about 165 instructional hours) are dedicated to military justice training. Specific sexual assault prosecution training involves 4.5 hours of plenary lecture and 16 hours of mock trial litigation for each student. The mock trial is divided into three phases held at different times: first, motions/voir dire; second, litigation of the case in chief; and third, sentencing. During the mock trial, students are divided into two-person trial counsel teams, while instructors play the roles of defense counsel and military judge.

Intermediate Sexual Assault Litigation Course (ISALC): For trial counsel, this will be a five-day program, incorporating the TRIALS program (see below). The course provides practicing trial and defense counsel updates on evolving aspects of military trial practice, practical lessons on securing and using evidence and experts, substantive review of military rules of evidence pertinent to sexual assault cases (MRE 412, 413, 414, 513, 514), and applicable case law concerning Article 120 offenses and litigation issues at trial. Students also engage in courtroom skills practice with immediate feedback. Students hear from military judges and senior leaders from JAJD (Air Force Trial Defense Division) and JAJG (Air Force Government Trial and Appellate Counsel Division), and network with other counsel.

Training by Reservists in Advocacy and Litigation Skills (TRIALS): In this 2.5-day trial advocacy course, students use an abusive sexual contact factual scenario contained in a student case file to prepare for, and conduct, a simulated fully litigated general court-martial. Students receive brief, targeted lectures (no more than 30 minutes) on each of the following practice areas: (1) case file organization/trial prep; (2) voir dire; (3) opening statement; (4) direct/cross exam; (5) closing argument; (6) sentencing argument; and (7) admitting evidence/evidentiary foundations. The lectures provide 2-3 key substantive “takeaways” for implementation by the students during follow-on advocacy exercises on each of the advocacy areas. Students also are recorded performing their opening statement/closing statement/sentencing argument, whereafter they view and receive critiques on their performance by faculty.

Military Justice Administration Course (MJAC): This 5-day course provides training in the management of a military justice section of a base legal office to judge advocates and paralegals that are currently or soon will be the Chief of Military Justice or the Noncommissioned Officer in Charge of Military Justice. Students learn to manage a base-level military justice section, including how to administratively process a case from the initial stages of the investigation through the post-trial phase.

Trial and Defense Advocacy Course (TDAC): In this two-week, practicum-based, trial advocacy course, students use a sexual assault factual scenario to prepare for and conduct a simulated fully litigated general court-martial. Week 1 includes: lecture instruction and advocacy exercises on direct and cross exam; character evidence; prior inconsistent statements/impeachment; Sexual Assault Nurse Examiner testimony; voir dire; MREs; Mistake of Fact as to Consent Defense; Opening Statement; Closing Argument; and Sentencing Argument. Week 2 comprises a fully litigated court-martial, with motions and voir dire on Day 1, and findings and sentencing on Day 2.

Criminal Law Advocacy Course: This two-week, practicum-based trial advocacy course addresses trial procedure, trial advocacy, professional responsibility and topical aspects of current military law, with particular emphasis on the military rules of evidence.

Defense Orientation Course (DOC): This five-day course is designed to introduce new area defense counsel (ADC) and defense paralegals (DP) to specific aspects of being an ADC and DP. The course focuses on advising clients in common defense scenarios, defending clients at courts-martial and in other adverse proceedings, and working with key base personnel to advance the interests of their clients. Students observe demonstrations, participate in seminar discussions with experienced defense counsel and paralegals, and receive opportunities to network with other defense personnel. This course provides foundational litigation skills for ADCs and prepares them to participate in more advanced litigation courses as well as to move on to future litigation positions such as Senior Trial Counsel or Senior Defense Counsel.

Special Victims Counsel Course (SVCC): This two-week course is designed to prepare trial attorneys who have been designated to represent victims of sexual assault, in contexts related to the military justice process, including attending interviews of the victim and interacting with military commanders, prosecutors, defense counsel, and investigators. Students receive

instruction on the current contents of the Victims' Counsel Charter, professional responsibility, Sexual Assault Prevention and Response Program, the Victim Witness Assistance Program, law enforcement interviews, Military Rules of Evidence, Rules for Courts-Martial, male victimology, representing child victims, access to information, working with trial and defense counsel, the administrative discharge process, protecting victims' rights, representing victims facing ancillary disciplinary matters and working with civilian agencies. Throughout the course, students will complete practical exercises to demonstrate their mastery of the learning objectives and their ability to successfully represent sexual assault victims upon completion of the course.

Advanced Trial Advocacy Course (ATAC): This 4.5-day advocacy course provides advanced education in trial techniques to experienced trial and defense counsel to prepare them to try major, complex courts-martial. Under the supervision of renowned advocacy instructors, counsel learn how to apply the personal communication skills and techniques of theatre, film, and television to the art of advocacy. The course uses a unique step-by-step system for transforming courtroom presentation into persuasion. The emphasis is not on law, per se, but on persuasive communication techniques in general, including emphasis on purposeful movement, tone, voice inflection, storytelling, and audience connection.

Sex Crimes Investigation Training Program (SCITP): SCITP content includes advanced training on the following topics: DoD sexual assault policy, cognitive biases, psychology of victims and offenders, advanced victim and suspect interviewing techniques, legal perspectives, Sexual Assault Nurse Examiner (SANE), advanced crime scene processing, information related to alcohol & drug facilitated assaults, and working with sexual assault response coordinators (SARCs). Air Force Office of Special Investigations (AFOSI) has invited trial counsel to participate in the course to continue AFOSI and Judge Advocate collaboration efforts, particularly in the area of investigating and prosecuting sexual assault allegations

Advanced Sexual Assault Litigation Course (ASALC): This 4.5-day advanced trial advocacy course includes training on the effective use of expert witnesses at trial, the victim interview process and victim testimony at trial, proper direct and cross-examination of an accused and overarching concepts related to sexual assault investigations from inception through trial. This course provides advanced training for judge advocates who will litigate sexual assault cases. The course is designed for 6 Circuit Trial Counsel, 6 Circuit Defense Counsel, and 6 Special Victim's Counsel. Other students in the class will include 6 Office of Special Investigations (OSI) agents who are assigned to investigate sexual assault cases.

Special Victims Unit Investigations Course (SVUIC): This inter-service course sponsored by the US Army Criminal Investigative Division (CID) and taught at Fort Leonard Wood, Missouri, includes lessons on the legal aspects of Article 120, sex offenders, alcohol-facilitated sexual assaults, the impact of sexual assault, male victimization, male sexual assault, collecting forensic psychophysiological evidence, and overcoming the consent defense. It is designed for counsel who are being certified as Special Victims Unit Prosecutors – the advanced level of designation after a Senior Trial Counsel has specialized in victim cases and completed 20 or more sexual assault prosecutions.

Gateway: This intensive three-week course is designed to prepare students for the leadership and legal challenges that field-grade judge advocates face at every level - from wing legal offices to the Air Staff, at home station or deployed. There are four major JAG Corps knowledge areas: professional legal knowledge, legal skill sets, universal skills, and professional situational awareness. Gateway focuses on a combination of two of them, professional legal knowledge and universal skills. Accordingly, it is not simply a legal survey course, nor is it solely a human relations development program. Instead, it uses legal knowledge training on selected topics important to judge advocate in the grade of major as a relevant and familiar context for students to learn and practice essential universal skills. Exposing the student to both equips them with the knowledge necessary to understand legal problems and the tools necessary to communicate and implement solutions. Many mid-level majors attending this training come from previous litigation positions in preparation for Deputy Staff Judge Advocate billets where they may be responsible for training base-level counsel and advising commanders on military justice.

Staff Judge Advocate Course (SJAC): This intensive two-week leadership course provides a refresher course in military justice, civil law, and a study of Air Force leadership principles. The Judge Advocate General personally assigns these judge advocates based on their qualifications, to include their ability to advise commanders on military justice cases and matters. Each Staff Judge Advocate at every level of command attends this refresher regardless of previous attendance. The course is designed to facilitate the transition of judge advocates to the position of Staff Judge Advocate, the senior legal advisor to Air Force commanders, and focuses on every aspect of the court-martial process and includes an appellate update to ensure the senior legal counsel to the commander is aware of the changes in the law.



359th Medical Group



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Family Advocacy Program (FAP) Training

U.S. AIR FORCE

Providing Great Care...Building Warrior Medics



Why This Training?



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DoDI 6400.01, FAP, Enclosure 3, Procedures

- 1. FAP ELEMENTS. FAP requires prevention, education, and training efforts to make all personnel aware of the scope of child abuse and domestic abuse problems and to facilitate cooperative efforts.

• DoDM 6400.01-V1, FAP Standards

- (2) PS 56: Training for Commanders and Senior Enlisted Advisors. The installation commander or senior mission commander must require that qualified FAP trainers defined in accordance with Service FAP headquarters implementing policy and guidance provide training on the prevention of and response to child abuse and domestic abuse to:
 - (a) Commanders within 90 days of assuming command.
 - (b) Annually to NCOs who are senior enlisted advisors.

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Why This Training?



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AFI 40-301, Family Advocacy Program

• 1.13. Unit (Squadron) CCs and CCFs.

- 1.13.1. Requires Sq/CC, CCFs and joint-service equivalent leaders to receive training on family maltreatment, including identification and reporting protocols, within 90 days of assuming their positions and at least annually, thereafter.
- 1.13.2. Reports all suspicions of family maltreatment to military law enforcement and to the FAP office.
- 1.13.3. Directs suspected active duty AF family maltreatment offenders to FAP for comprehensive assessment and service planning.
- 1.13.4. Completes CRB computer-based training annually and participates in the CRB for incidents involving their Squadron/unit members.

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Family Advocacy Program



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What we do:

Outreach and Prevention

- Education and Prevention Programs
- Community Collaboration
- New Parent Support Program

• Maltreatment Intervention and Treatment

- Assessments
- Counseling
- Education
- Referrals to other agencies
- DAVA Services



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FAP Outreach & Prevention Programs



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- Awareness Events
- Parenting Classes
- Relationship Enhancement Classes
- Anger & Stress Management Classes
- New Parent Support Program (NPSP)
- Car Seat Education & Inspection
- Resource Connection

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Outreach Awareness



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- **February (Orange)**
 - *Teen Dating Violence Awareness and Prevention Month*
- **April (Blue)**
 - *National Child Abuse Prevention Month*
- **October (Purple)**
 - *Domestic Violence Awareness Month*

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Education & Prevention



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- Chaplain
- Military and Family Life Counselors
- Military OneSource
- BHOP (Behavioral Health)
- Mental Health
 - Individual Counseling
 - ADAPT
- TriCare
- Civilian EAP
- United Way 2-1-1
- Parenting Classes
 - Love & Logic
 - Active Parenting of Teens
 - Children in the Middle
 - Dad's The Basic
 - Car Seat Clinic (FSH/LAK only)
 - Free Car Seats
- Relationship Enhancement
 - LINKS (Married/IP)
 - Dating – It's a Jungle Out There
- Wellness Classes
 - Stress Management
 - Time Management
 - Emotion/ Anger Management

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New Parent Support Program



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- A service designed to assist expectant and new parents meet challenging roles as parents
 - (Prenatal to age 3)
- FREE benefit for military families
- Services are individualized and provided through home visits, phone calls and classes.

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The Period of Purple Crying

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Did you know your baby would cry like this?

Get the PURPLE program app. Details on the back.

The Period of **PURPLE** Crying®

A New Way to Understand Your Baby's Crying

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Period of PURPLE Crying

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- Developed by National Center on Shaken Baby Syndrome
- Evidence-based program

Period of **PURPLE** Crying®

The Letters in **PURPLE** Stand for:

PURPLE

PEAK OF CRYING	UNEXPECTED	RESISTS SOOTHING	PAIN-LIKE FACE	LONG LASTING	EVENING
-------------------	------------	---------------------	-------------------	-----------------	---------

The word *Period* means that the crying has a beginning and an end.

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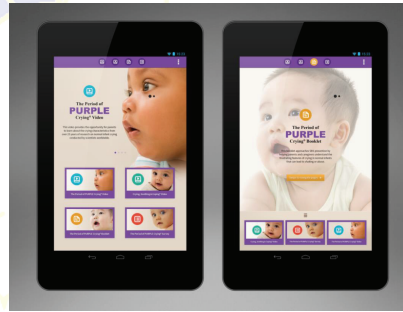


Period of PURPLE Crying



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- “Virtual” access to Period of PURPLE Crying materials
- Parents provided with code for use on up to 5 devices



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Develop America's Medical Airmen Today ... for Tomorrow

Download the **Period of PURPLE Crying**® program app!

GET IT ON **Google play**
 Download on the **App Store**
 ON THE WEB **PURPLEcryingapp.info**

The app includes:

- 10-minute video on the **Period of PURPLE Crying**
- 17-minute video on infant soothing and coping with frustration
- Digital version of this booklet

Use the access code below to activate your app. Keep your booklet and code in a safe place. You will need this to activate the app on up to five devices.

Your Complimentary Access Code:

Z987654

Please ask others who care for your baby to review the **Period of PURPLE Crying** information by downloading the app or by viewing the materials on your device.

National Center on
Shaken Baby Syndrome
www.donshakes.org

CNSB01

Healthy babies can cry a lot in their first 5 months of life.

The **Period of PURPLE Crying** is a new way to understand this crying. It explains what is normal, what you can expect, and how to keep your baby safe. It is based on over 25 years of research on infant crying by leading child development and medical experts.

The program is designed so that each family of a new baby receives their own complimentary copy of the booklet and app. The information and material contained in this booklet cannot be resold or reproduced in any form.

Visit **PURPLEcrying.info** or call the NCSBS at (811) 447-9360.

This program was developed and trademarked by the National Center on Shaken Baby Syndrome, USA, and developmental pediatrician Ronald G. Barr, MD, MEd, FRCPCC.

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 Google Play is a trademark of Google Inc.

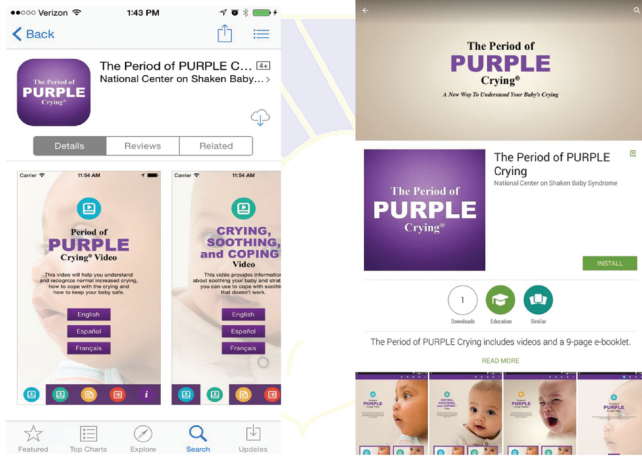
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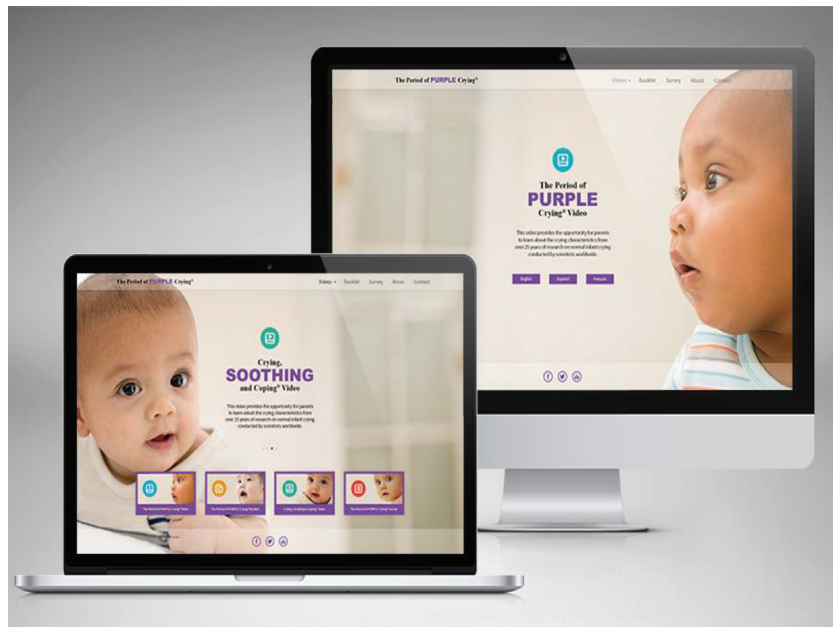
Period of PURPLE Crying



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P-U-R-P-L-E

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We have learned that our baby's crying will **P**eak in the first couple of months and then decrease. He cries at times that are **U**nexpected and we may not know why. Often he will cry and **R**esist all efforts to comfort him. Sometimes he will cry as if he is in **P**ain, but he isn't. Sometimes our baby cries for periods that **L**ast a long time, as much as 5 hours and longer. In the afternoon and **E**vening, he seems to cry more than at other times.



We now know that normal, healthy babies can go through the **Period of PURPLE** Crying. Our baby still cries, but now we know he is OK . . . and so are we.

For more information on infant crying, go to PURPLEcrying.info.

9

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New Parent Support Program

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- We're only a phone call away!
Office: 652-3340/6308
Audrey Thompson RN BSN

Tab 6

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Categories of Family Maltreatment



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• **Child Abuse**

- Physical
- Sexual
- Emotional
- Neglect

• **Domestic Abuse**

- Physical
- Sexual
- Emotional
- Neglect



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Physical Abuse



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Non- Accidental use of physical force on the part of a child's caregiver:

- Kicking
- Biting
- Burning
- Punching
- Twisting
- Shaking
- Slapping
- Choking
- Hitting with hand or objects

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Sexual Abuse



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Includes using the child to meet an offender's sexual needs by:

- Rape
- Non-contact sexual exploitation of child
 - Exposure to pornography
 - Voyeurism
- Physical contact of a sexual nature
 - Groping, rubbing, fondling, or similar behavior
 - Attempted or penile penetration/Oral-genital or Oral-Anal

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Emotional Abuse



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Includes acts of blaming, belittling, ridiculing, and regularly ignoring a child's needs.

Includes threatening the child, making the child inflict pain on themselves or confining the child.

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Neglect



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Includes failure to provide the child with food, shelter, clothing, medical care, education, supervision and abandonment.

Includes exposure to physical hazards.

Neglect may come from parents who overestimate the ability of the child to care for themselves

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Partner Physical Abuse



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- Non-accidental use of physical force:
 - Biting
 - Burning
 - Hair-Pulling
 - Punching
 - Shaking
 - Slapping
 - Strangulation
 - Use of weapons, restraints, or body size & strength against a person

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Partner Sexual Abuse



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- Physical force used to compel/coerce a partner to engage in a sex act against their will, whether or not the act is completed
- An attempted or completed sex act involving a partner who is unable to provide consent. The victim is unable to understand the nature or the condition of the act, declined participation, or communicated unwillingness due to illness, disability, being asleep or influence of alcohol or drugs

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Partner Emotional Abuse



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- Non-accidental acts (excluding physical or sexual acts) such as:
 - Humiliating the victim
 - Controlling what the victim can and cannot do
 - Threatening to harm the victim directly or indirectly
 - Isolating the victim from friends and family
 - Denying access to money or other basic resources
 - Stalking

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Partner Neglect



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- When one partner is incapable of self care due to substantial limitations (e.g., physical, psychological/intellectual, cultural).

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Family Violence Risk Factors



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- Financial Problems
- Marital Problems, Separation/Divorce
- Social Isolation
- Unrealistic Expectations
- Unwanted Pregnancies
- Disappointment in Child's Gender or Capabilities
- Abused as Child or Witness to DV
- Limited or No Support System
- Substance Abuse
- Youth/Immaturity
- Inability to handle stress
- Poor decision making skills
- Impulsivity
- Premature child
- Lack of Parenting Skills

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RED FLAGS for DOMESTIC ABUSE



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- Jealous or possessive partner
- Checking-in
- Blames others for his/her problems
- Always has to be in control
- Get too serious too fast
- Refuse to accept ending the relationship
- Not allowing contact with family or friends
- Control money
- Threaten to kill self or family
- Threaten to take the kids away if partner calls police
- Display or use weapons as a threat of violence
- Pressure for sex
- Mistreat animals or children
- Act as though partner is property

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Preventing Family Violence



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- Offer Support
 - Offer positive words/ words of encouragement
 - Listen - don't judge
 - Ask how you can help
 - Ask about personal interests
 - Refer to local support groups
 - Encourage seeking professional assistance
- Help find resources for further support
 - Advertise and share information about enrichment opportunities
 - Encourage participation in on base enrichment opportunities
 - Praise efforts to seek help and make changes

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Restricted Reporting



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• Restricted reporting:

- allows a victim of domestic abuse the option of reporting without initiating the investigative process or notification to the victim's or alleged offender's commander.
- allows a victim of domestic abuse the option of going unrestricted at a later date.

• Restricted reporters are:

- Victim advocates (DAVA)
- Healthcare providers
- Supervisor of domestic abuse victim advocates
- Chaplains are included by virtue of the protection of the Military Rules of Evidence or applicable statutes and regulations.

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Unrestricted Reporting



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- Incidents involving any suspected child maltreatment will be reported to Child Protective Services.
 - FAP office (210-652-6308).
 - Statewide Intake (1-800-252-5400)
- **AFI 40-301** unit commanders shall refer any incident of domestic abuse reported or discovered to military law enforcement or OSI and the FAP.

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What Happens When You Report



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- Notifications are also made to OSI, SFS, JA and Child Protective Services, if appropriate
- Safety planning is established
- The sponsor and all family members are scheduled for a Family Advocacy Assessment
- The alleged offender/victim may be referred to intervention
- The incident is presented to the Central Registry Board

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Military Protective Orders



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- DOD Memorandum on Military Protective Orders (MPOs):
 - The issuance of MPOs bars active duty military members from contact with specified individuals against whom they are alleged, or are confirmed to have committed an act of domestic violence or child abuse
 - DD Form 2873 shall be used to issue MPOs

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SSTaR Referral



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• Skills Strengths Techniques and Resources (SSTaR)

- Referral made at initial assessment
- Requires individual class attendance
- Class is held throughout JBSA Installations (RND, LAK, FSH)
- Duration= 4 hrs
- Focus on families personal strengths and builds skills for reducing stress

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FAP Response Teams



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• Child Sexual Maltreatment Response Team (CSMRT)

- the purpose is to establish, upon receipt of a child sexual abuse referral, jurisdiction and safety.
- **Key players are OSI, Legal, and FAP**

• High Risk for Violence Response Team (HRVRT)

- the purpose is to manage the initial response to potentially dangerous situations involving FAP clients and/or FAP staff
- **Key players are OSI, SFS, Command and/or First Sergeant, Legal, FAP, and alleged victim**

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Domestic Abuse Victim Advocate (DAVA) Services



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- Ensures victims are aware of their rights and privileges
- Offers victims resources for immediate safety, protection, and support
- Conducts safety assessments and develops safety plans; ensures safety plans are coordinated
- Collaborates with commanders, senior enlisted personnel, medical treatment facility personnel, FAP, law enforcement personnel, and local civilian victim services
- Collaborates with FAP to include review of actions that may impact victim safety
- When requested, accompanies victims to appointments/court proceedings

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DAVA's



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- Victim Advocates for JBSA?
 - Dorie Budde
 - Natalie Gutierrez
 - Craig Hodge-Young
 - Mickey Miranda

Domestic Abuse Victim Advocate

- Office 210- 292-0418
- **HOTLINE - 210-367-1213**

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Moving forward...



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- *Do* take every allegation seriously
- *Do* collaborate with command support agencies for assistance as appropriate
- *Do* take steps to secure the safety of the victim
- *Do* maintain an open door policy for spouses, victims, and active duty members
- *Do* monitor intervention progress of the offender
- *Don't* ignore, delay, or take lightly the seriousness of reporting domestic abuse or child maltreatment and the importance or urgency for appropriate action

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Central Registry Board Requirements & Training Link



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- Please complete the initial training if you have never participated in a CRB or the refresher training if your training occurred more than a year ago. **This needs to be done prior to the CRB.**
- You can find the trainings at:
<https://www.airforceafp.af.mil/skins/affap/display.aspx?moduleid=d3be24c4-d631-48a0-a4b2-018af9c01c0f&mode=user&action=LaunchMaterial>

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JBSA – Randolph Family Advocacy Team

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- **Maj Melanie Roserie, FAO**
Family Advocacy Officer
- **Angela Nance, LCSW, FAIS**
Family Advocacy Intervention Specialist
- **Connie Wilson, FAPA, CPST**
Family Advocacy Program Assistant
Child Passenger Safety Trainer
- **Audrey Thompson, RN, FAN**
Family Advocacy Nurse
- **Gina Ramirez, LPC**
Mental Health Outreach & Resilience



Family Advocacy Program
1985 1st Street West,
Suite 1, Bldg 860
Phone: 210-652-6308

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APPENDIX C

[The prepared statement of The National Association of Chain Drug Stores follows:]

PREPARED STATEMENT BY THE NATIONAL ASSOCIATION OF CHAIN DRUG STORES

INTRODUCTION

The National Association of Chain Drug Stores (NACDS) thanks the Subcommittee for the opportunity to submit a statement for the hearing on “Military and Civilian Personnel Programs and Military Family Readiness.” NACDS and the chain pharmacy industry are committed to partnering with Congress, the Department of Defense (DOD), and other healthcare providers to improve the quality and affordability of healthcare services for our Nation’s military heroes, retirees, and their families.

NACDS represents traditional drug stores, supermarkets and mass merchants with pharmacies. Chains operate 40,000 pharmacies, and NACDS’ more than 100 chain member companies include regional chains, with a minimum of four stores, and national companies. Chains employ more than 3 million individuals, including 152,000 pharmacists. They fill over 3 billion prescriptions yearly, and help patients use medicines correctly and safely, while offering innovative services that improve patient health and healthcare affordability. NACDS members also include more than 900 supplier partners and over 70 international members representing 20 countries. Please visit nacds.org.

As the face of neighborhood healthcare, community pharmacies and pharmacists provide access to prescription medications and over-the-counter products, as well as cost-effective health services such as immunizations and disease screenings. Through personal interactions with patients, face-to-face consultations and convenient access to preventive care services, local pharmacists are helping to shape the healthcare delivery system of tomorrow—in partnership with doctors, nurses, and others. As policies to control spending in the TRICARE program are considered, NACDS urges Congress to protect patient health and preserve access to local pharmacies.

IMPLEMENT COMMON SENSE POLICIES TO RESTORE ACCESS AND REDUCE COSTS IN THE TRICARE PHARMACY PROGRAM

Currently, the Department of Defense (DOD) pays more for acquiring certain prescription medications when they are dispensed in the retail pharmacy setting as opposed to mail order facilities and military treatment facilities (MTF). This disparity in acquisition cost has led to misguided policies that steer patients to use mail order or MTFs to obtain their prescriptions, instead of their local, trusted pharmacy. These policies include:

- increasing copayments on an almost annual basis, including in the most recent National Defense Authorization Act (NDAA)¹, and
- requiring beneficiaries to obtain non-generic maintenance medications at an MTF or through mail order.²

These policies restrict patient access and have had the unintended consequence of reducing medication adherence and shifting costs to other federal programs. Failure to take medications as prescribed costs the U.S. health system \$290 billion annually, or 13 percent of total health expenditures.³ It has been established that higher copayments cause some chronically ill beneficiaries to stop taking their medications, resulting in more doctor visits and hospitalizations. In 2012, the Congressional Budget Office (CBO) issued a report which revised its methodology for scoring proposals related to prescription drug use and found that for each one percent in-

¹ National Defense Authorization Act for Fiscal Year 2018—Sec. 702: Modifications of Cost Sharing Requirements for the TRICARE Pharmacy Benefits Program and Treatment of Certain Pharmaceutical Agents.

² National Defense Authorization Act for Fiscal Year 2015—Sec. 702: Modifications of Cost-Sharing and Other Requirements for the TRICARE Pharmacy Benefits Program.

³ New England Healthcare Institute. “Thinking outside the pillbox: a system-wide approach to improving patient medication adherence for chronic disease.” New England Health Care Institute (2009).

crease in the number of prescriptions filled by beneficiaries there is a corresponding decrease in overall medical spending.⁴

In the TRICARE program, the costs are generally shifted to the Medicare program. For example, in reviewing the Senate version of the Fiscal Year 2016 NDAA, the CBO found that copay increases would result in an increase of over \$1 billion in other federal spending for medical services, particularly in Medicare.⁵ The CBO stated:

Thus, while the higher copayments may deter some beneficiaries from filling prescriptions they no longer need or use, those higher copayments also could cause some chronically ill beneficiaries to stop taking their medications, resulting in more doctor visits and hospitalizations. As a result, CBO estimates that the \$4.9 billion in direct pharmacy savings would be offset by a \$1.1 billion increase in other federal spending for medical services (mostly from Medicare).⁶

CBO found similar results for the Senate version of the Fiscal Year 2017 NDAA, which again included pharmacy copay increases.⁷

Eliminating the current purchasing cost disparity would eliminate the need for DOD to steer patients to either an MTF or mail order. This would provide cost savings to DOD in the form of reduced purchasing costs and lower administrative costs. Currently, DOD pays a much higher dispensing fee for medications dispensed through mail order. Moreover, this would minimize cost shifts to the Medicare program. Most importantly, this would benefit TRICARE beneficiaries through:

- more choice in obtaining prescription medications,
- improved access to pharmacist care (for many, distant MTFs may not be a viable option), and
- greater stability with less pressure for continued increases in cost sharing/copays.

To implement this cost-saving change, and consistent with the commitment made by the Acting Under Secretary of Defense for Personnel and Readiness,⁸ we ask members of the Committee to urge DOD to convene a working group that includes key stakeholders from the DOD, the pharmaceutical manufacturing community, and the retail pharmacy industry. The purpose of the working group would be to design a program that allows TRICARE beneficiaries and their family members to access brand maintenance medications at retail pharmacies, as they presently may at military treatment facilities and through mail order, while enabling the government to realize cost parity, and where feasible, opportunities for cost savings.

To maximize the impact of the working group, we ask that it would convene no later than March 2018 and present its findings no later than 6 months after convening, with an interim status briefing being provided to the Armed Services Committees 3 months after first convening.

CONCLUSION

Thank you for the opportunity to share our views. We look forward to working with you on policies that control costs and preserve access to local pharmacies.



⁴ Congressional Budget Office (CBO). Offsetting Effects of Prescription Drug Use on Medicare's Spending for Medical Services, November 2013 (https://www.cbo.gov/sites/default/files/112th-congress-2011-2012/reports/MedicalOffsets_One-col.pdf)

⁵ Congressional Budget Office. Cost Estimate: S. 1376 National Defense Authorization Act for Fiscal Year 2016. June 3, 2015 (<https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/s13761.pdf>)

⁶ Ibid.

⁷ Congressional Budget Office. Cost Estimate: S. 2943 National Defense Authorization Act for Fiscal Year 2017. June 10, 2016 (<https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/s2943.pdf>)

⁸ December 20, 2017 letter from Admiral Kurta to Senator Rounds, committing to convene and chair a working group of stakeholders to “explore opportunities to achieve the stated goal of maximizing point-of-service options for TRICARE beneficiaries and their families while generating cost-saving opportunities for the government.”