

Congress of the United States  
House of Representatives  
Washington, DC 20515-3302

October 4, 2013

The Honorable Chuck Hagel  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Dear Secretary Hagel:

Immediately before the federal government shut down on September 30, 2013, the Congress unanimously passed H.R. 3210, the "Pay Our Military Act." This law makes clear that members of our Armed Forces, as well as the civilians and contractors who support them, should continue to receive pay and allowances in the event there is a lapse in fiscal year 2014 appropriations. Nevertheless, more than 400,000 civilian defense workers have been furloughed, including over 7,000 at Fort Bragg. This is in direct contradiction of the law, and I am writing to ask why you are refusing to carry out the law passed by the United States Congress and signed by the President.

Hours after the President signed H.R. 3210 into law, Under Secretary of Defense (Comptroller) Robert F. Hale sent correspondence to all Department of Defense (DoD) staff, directing non-expected civilians to begin a process of orderly shutdown citing the former rules regarding shutdowns as his reasoning. I would like to clarify the plain wording of the statute and Congressional intent for you, and all of the supervisors who had a hand in releasing over 7,000 civilian employees from Ft. Bragg. H.R. 3210 provides broad latitude to the administration to prevent furloughing civilian workers. To remain at work, civilian employees must merely be "supporting members of the Armed Services."

If that is not clear enough, I refer you to the enclosed October 1, 2013, letter to you from the Chairman of the Committee on Armed Services, Congressman "Buck" McKeon. Chairman McKeon states that H.R. 3210 was passed so "members of the Armed Forces, as well as civilians and contractors, who provide support to the Armed Forces, should continue to receive pay and allowances." Chairman McKeon states "the legislation provides you broad latitude and I encourage you to use it...rather than keeping defense civilians at home when they are authorized to work." Anything else would be tantamount to using our military personnel and civilian work-force as pawns for political gain.

I understand that the general counsel of the Department of Defense is reviewing the legislation to determine for himself the parameters of discretion now available to the military to retain its personnel in the midst of a government shutdown. If the legislation was not clear enough, this letter should be.

I look forward to hearing that these furloughs will cease immediately.

Sincerely,

A handwritten signature in blue ink, appearing to read "Renee L. Ellmers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Renee L. Ellmers  
Member of Congress

Enclosure

Cc: LTG Joseph Anderson

HOWARD P. "BUCK" MCKEON, CALIFORNIA, CHAIRMAN  
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## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED THIRTEENTH CONGRESS

October 1, 2013

ROBERT L. SIMMONS, II, STAFF DIRECTOR

The Honorable Chuck Hagel  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Dear Mr. Secretary:

I share the concerns you've expressed about the seriousness of the lapse in appropriations and the additional negative impacts on military readiness associated with a significant furlough of defense civilian workforce. In an effort to mitigate these harmful effects, the Congress reached unanimous agreement that that members of our Armed Forces, as well as the civilians and contractors who provide support to the Armed Forces, should continue to receive pay and allowances. As you know, this legislation, H.R. 3210, the Pay Our Military Act, sponsored by Representative Mike Coffman (R-CO), was signed into law last night. With the enactment of this law, active duty uniformed personnel can continue to be paid for their service and most civilian defense workers should remain on the job.

I was heartened to read your statement indicating that it is a priority for your General Counsel to review the legislation, "to see if there's any margin here, or widening in the interpretation of the law of exempt versus non-exempt civilians." I believe the legislation provides you broad latitude and I encourage you to use it. The text does not limit the provision of pay to civilians who were previously categorized by the Administration as "excepted" or "essential" for the purposes of Department of Defense operations in the event of a government shutdown. Therefore, I strongly encourage you to use the authority Congress has given you to keep national security running, rather than keeping defense civilians at home when they are authorized to work. Likewise, as your General Counsel reviews the legislation, I request additional information regarding the provision of pay and allowances to members of the military Reserves and National Guard.

I look forward to an update on the Administration's interpretation of H.R. 3210 later today. I know you would agree with me that this is no time to use national security or our national security workforce as a political pawn.

Sincerely,



Howard P. "Buck" McKeon  
Chairman