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ROBERT L. SIMMONS, II, STAFF DIRECTOR

October 1, 2013

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

Howard P. "Buck" McKeon
Chairman