

Congress of the United States
Washington, DC 20515

January 31, 2017

The Honorable James Mattis
Secretary of Defense
1000 Defense Pentagon – Room 3E880
Washington, D.C. 20301-1000

Dear Mr. Secretary:

We are writing to express serious concerns regarding the impacts of the President's executive order dated January 23, 2017, mandating a 90-day civilian hiring freeze on the tens of thousands of defense civilian depot workers who are crucial to the support of our military forces at home and abroad.

Current Department of Defense implementation guidance does not recognize distinction in the law between regular defense civilians and those who are attached to the working capital fund in our depots and industrial facilities. Our civilian depot workers play a vital role in supporting the troops at home and abroad, during times of war, by maintaining the equipment and weapons systems our soldiers rely upon.

10 U.S.C. 2472 was enacted over two decades ago in order to preserve military readiness, and to help insulate the depot workforce from work stoppages or disruptions unrelated to the assigned workloads attached to the working capital fund. This section states:

Prohibition on Management of Depot Employees by End Strength

*The civilian employees of the Department of Defense, including the civilian employees of the military departments and the Defense Agencies, who perform, or are involved in the performance of, depot-level maintenance and repair workloads may not be managed on the basis of any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees. **Such employees shall be managed solely on the basis of the available workload and the funds made available for such depot-level maintenance and repair.** (emphasis added).*

The negative impacts of extending the civilian hiring freeze mandated by executive order to the depots are already beginning to appear nationwide, as the hiring of skilled technicians and next-generation weapons sustainers grinds to a halt, promotions or transfers are put on hold,

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recruitment of personnel with critical skills is hampered, and core workload throughputs are delayed increasing overhead costs.

An executive order cannot override existing federal law. The text of the executive order itself recognized this fact when it stated, *"it [hiring freeze] does not limit the hiring of personnel where such a limit would conflict with applicable law."*

We respectfully urge you to take quick action to clarify that the current hiring freeze shall not apply to the hiring of defense civilians associated with the military industrial depots or to federal employees paid from the working capital funds of the Department of Defense, so as to be in full compliance with 10 U.S.C. 2472, as well as to more fully support the readiness of the U.S. military.

We further request that any long-term Department of Defense federal employee reduction plan mandated by the executive order take 10 U.S.C. 2472 into account by exempting working capital fund activities from any such additional personnel reductions that are not based solely on funded workloads as clearly stated in the law.

We appreciate the difficult challenges that await you as you begin your tenure as the Secretary of Defense, and wish to express our willingness to work with you in addressing those challenges as we move forward together to support the defense of our nation.

Thank you for considering our views. We look forward to your reply.

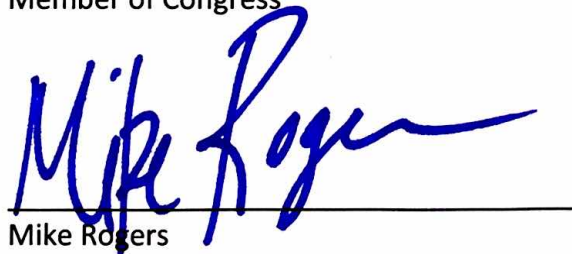
Sincerely,



Rob Bishop
Member of Congress



Tom Cole
Member of Congress



Mike Rogers
Member of Congress



Derek Kilmer
Member of Congress

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Walter B. Jones
Member of Congress



John Ratcliffe
Member of Congress



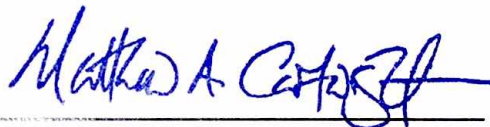
Austin Scott
Member of Congress



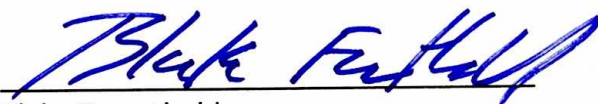
Chris Stewart
Member of Congress



Bruce Westerman
Member of Congress



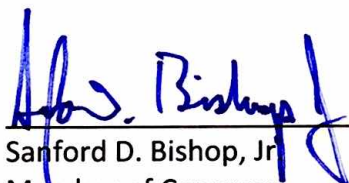
Matt Cartwright
Member of Congress



Blake Farenthold
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Tom Marino
Member of Congress



Sanford D. Bishop, Jr.
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