

United States Senate

WASHINGTON, DC 20510

April 8, 2019

The Honorable Patrick Shanahan
Acting Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Shanahan,

Earlier last month, General Robert Neller, the Commandant of the Marine Corps, wrote in a memo to Navy Secretary Richard Spencer that “the Marine Corps faces fiscal challenges without precedent” that are “imposing unacceptable risk to Marine Corps combat readiness and solvency.”¹ General Neller indicated that there are numerous ongoing causes of this threat, including “unplanned/unbudgeted Southwest Border Operations” and transfers of military construction funding that have been ordered by President Trump without Congressional authorization.²

We are deeply troubled by this warning from General Neller, and write to seek clarification about previous answers that the Department of Defense (DOD) has provided regarding the use of military personnel on the southern border of the United States and assurances that this deployment would not negatively affect military readiness.

Five months ago, then Secretary of Defense James Mattis signed an order to authorize the use of active duty military personnel in support of Department of Homeland Security and Customs and Border Protection operations on the southern border.³ On January 14, 2019, you extended this unprecedented use of active-duty military forces for an additional nine months, concluding on September 30, 2019.⁴ According to the DOD, these active-duty and National Guard operations are expected to cost at least half a billion dollars through Fiscal Year 2019⁵ with approximately 4,000 active-duty personnel deployed to the southern border.⁶

¹ Memorandum from General Robert Neller to Secretary of the Navy Richard Spencer, March 18, 2019, <https://www.latimes.com/nation/politics/la-marine-corps-commandant-memos-20190321-story.html>.

² *Id.*

³ U.S. Department of Defense, "DOD Statement on Support to DHS," press release, October 26, 2018, <https://dod.defense.gov/News/News-Releases/News-Release-View/Article/1674387/dod-statement-on-support-to-dhs/>

⁴ U.S. Department of Defense, "DOD Statement on Support to DHS," press release, January 14, 2019, <https://dod.defense.gov/News/News-Releases/News-Release-View/Article/1731752/dod-statement-on-support-to-dhs/>

⁵ Letter from Assistant Secretary of Defense Kenneth P. Rapuano to Senator Elizabeth Warren, March 14, 2019.

⁶ Senate Committee on Armed Services, "Fiscal Year 2020 Defense Budget Request," March 14, 2019, <https://www.c-span.org/video/?458694-1/pentagon-leadership-testifies-presidents-2020-defense-budget-request&start=2628>.

The lack of clarity surrounding this operation led members of Congress to question whether this was an appropriate use of DOD resources and whether the deployment would cause any budget gaps or have an impact on readiness. Under Secretary of Defense John Rood reassured members that:

DoD, including the Military Departments/Services, proactively continues to manage any impacts on readiness regardless of mission set by means of diligent and conscientious unit selection and appropriate mission assignment processes while also leveraging training and readiness opportunities where available.

Moreover, Assistant Secretary of Defense Kenneth P. Rapuano, on March 14, 2019, four days prior to General Neller's memo, gave additional assurances about readiness, writing that:

As part of its standards request for assistance process, DoD evaluates all requests for assistance based on ... potential effect on DoD's ability to perform its other primary defense missions.⁷

He further added that:

The DoD Comptroller is reviewing DoD accounts to fund this support with minimal disruption in readiness and other DoD missions.⁸

But four days after that DOD response, General Neller sent a memo titled "USMC FISCAL YEAR 19 (FY-19) – RAPIDLY ACCELERATING RISKS," to the Secretary of the Navy. This memo raised alarming concerns about readiness – and the alarms sounded by General Neller were not consistent with the assurances made by DOD.

General Neller identified nine unplanned and unbudgeted factors causing budget shortfalls and readiness problems: (1) Hurricanes Florence and Michael, (2) reductions in funds apportioned to Marine Reserve Funding (3) Southwest Border Operations, (4) Dynamic Force Employment, (5) OSD(P) directed but unfunded force increase to Marine Rotational Force-Darwin, (6) Congressional mandate for aqueous free-forming foam upgrade (7) basic allowance for housing (BAH) adjustments to privatized housing, (8) civilian pay raises, and (9) border security funding transfers. We are particularly concerned about the cost and impact of the Southwest Border Operations and the border security funding transfers, given that they have not been authorized by Congress and because of previous assurances we have received that these factors would not impact readiness.

General Neller wrote that the "unplanned/unbudgeted Southwest Border Operations" and "Border security funding transfers" and the other factors, are "imposing unacceptable risk to Marine Corps combat readiness and solvency."⁹ As a result, the Marine Corps cancelled and will have to cancel in the future, joint military exercises with allies "at a time where we are

⁷ Letter from Assistant Secretary of Defense Kenneth P. Rapuano to Senator Elizabeth Warren, March 14, 2019.

⁸ *Id.*

⁹ Memorandum from General Robert Neller to Secretary of the Navy Richard Spencer, March 18, 2019, <https://www.latimes.com/nation/politics/la-marine-corps-commandant-memos-20190321-story.html>.

attempting to double down on strengthening alliances and attracting new partners.”¹⁰ Moreover, according to General Neller, the Marine Corps has serious hurricane preparation and reconstruction funding needs, without which “Marines, Sailors, and civilians working in compromised structures” could be at risk, as the hurricane season approaches.¹¹

We are extraordinarily distressed by the concerns raised by General Neller. We do not understand why, the Department, as recently as March 14, indicated that the southern border deployment was not causing any readiness concerns, when only four days later the Commandant of the Marine Corps reported that the deployment and other problems and funding shortfalls will result in “extremely negative impacts to ... combat readiness ... alliances and partnerships... [and] solvency of the Marine Corps.” We are also unable to square General Neller’s dire warning with Army Secretary Esper’s recent comment at a March 26, 2019, Army posture hearing that the border deployments’ and funding transfers’ “impacts on readiness – if there are any, are negligible.”¹²

These discrepancies require an explanation, and to the extent the southern border deployment is causing readiness concerns, they must be addressed immediately. To do so, we ask that you provide a staff-level briefing on this matter within seven days, and that you provide us with a detailed written explanation of how you will be addressing the concerns raised by General Neller no later than April 22, 2019.

Sincerely,



Elizabeth Warren
United States Senator



Jack Reed
United States Senator

¹⁰*Id.*

¹¹ Memorandum from General Robert Neller to Secretary of the Navy Richard Spencer, March 18, 2019, <https://www.latimes.com/nation/politics/la-marine-corps-commandant-memos-20190321-story.html>.

¹² Senate Committee on Armed Services, “Posture of the Department of the Army,” March 26, 2019, <https://www.armed-services.senate.gov/hearings/19-03-26-posture-of-the-department-of-the-army>.



Jeanne Shaheen
United States Senator



Kirsten Gillibrand
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