

Congress of the United States
Washington, DC 20515

October 23, 2019

Honorable Mark Esper
Secretary of Defense
The Pentagon
Washington, DC 20301

Dear Secretary Esper:

As you know, section 922 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Public Law 114–328) included a number of reforms designed to enhance the role of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SOLIC) in providing for civilian oversight and advocacy of Special Operations Forces (SOF). We remain committed to ensuring the implementation of these reforms and ask that you reinvigorate the Department’s efforts to fulfill congressional intent as articulated in the FY2017 and subsequent NDAA’s.

While some progress has been made since passage of the FY2017 NDAA nearly three years ago, efforts to fulfill congressional intent have not been sufficient and now appear to have stalled. A May 2019 report published by the Government Accountability Office (GAO) found that the majority of the remaining tasks identified by the Department as necessary for implementing the section 922 reforms do not have clear timeframes for completion. Furthermore, the GAO found that “outdated” departmental guidance is hindering the ASD SOLIC’s ability to serve as the service secretary-like civilian responsible for the oversight and advocacy of SOF.

Perhaps most concerning is the lack of progress in staffing the Secretariat for Special Operations (“Secretariat”) created to help fulfill the ASD SOLIC’s service secretary-like responsibilities. A manpower study commissioned by the ASD SOLIC and completed by the Army Office of Manpower and Reserve Affairs found that up to 64 full-time equivalent (FTE) positions might be needed to fully staff the Secretariat. In support of that objective, section 361 of the John S. McCain NDAA for FY2019 exempted the Secretariat from the overall caps on personnel supporting the Office of the Secretary of Defense and directed that not less than \$4 million be used to increase the number of personnel supporting the Secretariat.

Unfortunately, the Department has fallen far short of the mandate provided by Congress in the FY2019 NDAA. On October 1, 2018, the Secretariat was staffed with 22 personnel, including 3 members of the Senior Executive Service (SES). As of the end of FY19, despite clear congressional direction, we understand the Secretariat has only grown by 6 personnel and has no members of the SES currently supporting the office.

We are concerned that the factors described above and the lack of a confirmed ASD SOLIC, Principal Deputy ASD SOLIC, or Director of the Secretariat are significantly inhibiting the ability of the office of the ASD SOLIC to fulfill its statutorily directed responsibilities. Furthermore, we understand that a reorganization of the office of the Under Secretary of Defense for Policy and the relocation of the Secretariat from the Pentagon to the Mark Center may be further exacerbating the current situation.

We fully agree with the findings of the National Defense Strategy (NDS) Commission, which wrote in its report that "implementation of the NDS must feature empowered civilians fulfilling their statutory responsibilities." An empowered and adequately resourced ASD SOLIC is critical to fulfilling its statutory responsibilities for oversight and advocacy of SOF, which is particularly important given the significant growth in personnel, budget, and responsibilities of SOF since 2001 (civilian and military personnel have nearly doubled and its budget has grown six-fold). We ask that you personally look into the issues described above and provide the Committee a plan and associated timeline for clarifying departmental guidance, hiring sufficient personnel, and completing other actions identified by the Department as necessary to ensure the ASD SOLIC can adequately fulfill its service secretary-like responsibilities for the oversight and advocacy of SOF.

Thank you for your prompt attention to this matter.

Sincerely,



Adam Smith
Chairman
House Armed Services Committee



James M. Inhofe
Chairman
Senate Armed Services Committee



Mac Thornberry
Ranking Member
Senate Armed Services Committee



Jack Reed
Ranking Member
Senate Armed Services Committee