

RICHARD C. SHELBY, ALABAMA, CHAIRMAN

MITCH McCONNELL, KENTUCKY  
LAMAR ALEXANDER, TENNESSEE  
SUSAN M. COLLINS, MAINE  
LISA MURKOWSKI, ALASKA  
LINDSEY GRAHAM, SOUTH CAROLINA  
ROY BLUNT, MISSOURI  
JERRY MORAN, KANSAS  
JOHN HOEVEN, NORTH DAKOTA  
JOHN BOOZMAN, ARKANSAS  
SHELLEY MOORE CAPITO, WEST VIRGINIA  
JOHN KENNEDY, LOUISIANA  
CINDY HYDE-SMITH, MISSISSIPPI  
STEVE DAINES, MONTANA  
MARCO RUBIO, FLORIDA  
JAMES LANKFORD, OKLAHOMA

PATRICK J. LEAHY, VERMONT  
PATTY MURRAY, WASHINGTON  
DIANNE FEINSTEIN, CALIFORNIA  
RICHARD J. DURBIN, ILLINOIS  
JACK REED, RHODE ISLAND  
JON TESTER, MONTANA  
TOM UDALL, NEW MEXICO  
JEANNE SHAHEEN, NEW HAMPSHIRE  
JEFF MERKLEY, OREGON  
CHRISTOPHER A. COONS, DELAWARE  
BRIAN SCHATZ, HAWAII  
TAMMY BALDWIN, WISCONSIN  
CHRISTOPHER S. MURPHY, CONNECTICUT  
JOE MANCHIN, III, WEST VIRGINIA  
CHRIS VAN HOLLEN, MARYLAND

SHANNON HUTCHERSON HINES, STAFF DIRECTOR  
CHARLES E. KIEFFER, MINORITY STAFF DIRECTOR

# United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

January 16, 2020

The Honorable Mark T. Esper  
Secretary  
Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Dear Secretary Esper,

We are deeply concerned with reports that the President intends to raid another \$7.2 billion from the Department of Defense (DoD) to construct a border wall. We urge you to oppose this action and consider the Airmen in aging hangars, Soldiers in failing maintenance shops, Sailors training to improve readiness, Marines in asbestos-laden operations centers, and all of their families relying on deteriorating schools and child development centers, before you divert funding from military construction accounts.

On December 20, 2019, the President signed into law two appropriations bills making funds available for Fiscal Year (FY) 2020. Congress specifically did not provide any requested DoD funds for border wall construction or to backfill the September 2019 raid of \$3.6 billion from various military construction accounts. Moreover, since DoD has not spent the vast majority of funds already taken in 2019, diverting billions more away from the needs of our service members is unnecessary and inappropriate. It is illogical in the extreme to assume that Congress will provide any funding in FY 2021 to backfill projects once-again raided for a border wall that does not serve our national security.

Furthermore, we are concerned that the Department will also seek to divert recently approved Overseas Contingency Operations (OCO) funding for additional wall construction. It is difficult to understand any rationale for using war-related funding to fulfill an unpopular campaign promise. We understand that there may be an effort to propose a new supplemental appropriations bill due to the crisis in the Middle East, but such a proposal would make no sense if the very same funds are to be raided for further wall construction. We note that the President has claimed that Saudi Arabia will pay "100 percent of the cost" of additional troop deployments to that country, making the case for a supplemental appropriations request even more puzzling.

However, in the event you are preparing to announce another raid on the military budget, we ask that you provide us answers to the following questions:

- Will the services whose funding was redirected to border wall construction be directed to issue project cancellation notices to Congress, as required by law pursuant to 10 U.S.C. 2853? If not, why not, and if so, when will that take place?

- DoD could have awarded dozens of projects over the past few months, including those that support homeland air defense in Louisiana, medical needs for Marines in North Carolina, and F-35 beddown in Alaska, but instead directed the funding to building the border wall. How are you mitigating the operational and fiscal impacts to these and the dozens more projects that were scheduled to be awarded in the coming months?
- Have you evaluated whether any military construction projects in the FY 2021 program will be affected by the decision to cut prior year projects? For example, the Marine Corps Future Year's Defense Program identifies ten FY 2021 projects on Guam, but four Navy-sponsored and four Air Force-sponsored projects were already cut.
- What criteria would the Department use to determine which previously funded projects would be raided? Would it follow last year's action exempting family and troop housing, as well as projects scheduled to be awarded in this fiscal year?
- Would the burden be evenly split between overseas and domestic military construction projects?
- How much has Saudi Arabia provided to the United States for troop deployment costs, and under what authority?

We expect you to exercise good judgement and be transparent and communicative with us, especially as we move into development of the Fiscal Year 2021 authorization and appropriations bills. Thank you for your consideration and we look forward to hearing from you.

Sincerely,



BRIAN SCHATZ  
United States Senator



RICHARD J. DURBIN  
United States Senator



PATRICK LEAHY  
United States Senator



JACK REED  
United States Senator