

Congress of the United States
House of Representatives
Washington, DC 20515-2004

January 17, 2020

The Honorable Mark T. Esper
Secretary of Defense
U.S. Department of Defense
1000 Defense, Pentagon
Washington, D.C. 20301-1000

Dear Secretary Esper:

We write to express our continued and deepening concern regarding reports that the Administration is once more planning to divert billions of dollars of military funds to the construction of additional fencing and other barriers on the southwest border.

There is clearly no requirement for the use of military resources to construct a border wall. The Administration's use of the national emergency declaration and the military to address the humanitarian situation does not properly reflect the current environment. The number of apprehensions over the last two years remains lower than any two years of the George W. Bush administration. In addition, the number of apprehensions and individuals deemed 'inadmissible' has decreased by 30% in the first three months of Fiscal Year 2020. These data points do not justify the declaration of a national emergency or the use of military funding for the construction of a border wall. Members of Congress agree in a bipartisan and bicameral manner, with more than 300 Senators and Representatives voting last year to terminate the emergency.

Department of Defense military and civilian leaders share this perspective and agree there is not a national security threat on the border. Last year at a House Armed Services Committee hearing, Department of Defense witnesses confirmed the lack of a significant threat when they stated they were "not aware of any terrorist threat" on the southwest border. Additionally, the witnesses stated the forces deployed to the border were "engineers and cops". Their testimony makes it clear that managing the border is better suited for the Department of Homeland Security, local law enforcement, and humanitarian aid workers, not the Department of Defense.

Despite these assessments from senior defense leaders, the administration continues to wastefully and irresponsibly reallocate defense funds to the border wall even as Congress has dramatically increased funding for border security. In the decade prior to the 2016 election, Congress appropriated nearly \$2.5 billion to the Department of Homeland Security to construct primary barriers on the southwest border. In the past three budget cycles, Congress has met the

President's request for additional funds by appropriating \$4.5 billion for barriers and fencing, a funding rate six times higher than the average of the previous ten years.

Despite the significant resources appropriated by Congress for border security, the Administration still decided to circumvent Congress and allocate \$6.1 billion of Department of Defense funding for border wall construction. Our understanding is that a significant portion of the previously reprogrammed funds still remain unobligated, to include at least \$1.8 billion in military construction funds that were diverted to border wall construction. Yet, it is being reported that the Department of Defense will be ordered to redirect an additional \$7.2 billion towards construction of the wall. This would bring the total amount of Department of Defense funding to a total of \$13.3 billion in transfers - more than the full unit acquisition cost of a Ford-class aircraft carrier, the entire research and development cost for the Columbia class of submarines, or the \$10.6 billion to purchase 98 F-35s in FY2020. The military construction projects being delayed or cancelled will only add to the over \$116 billion maintenance backlog of projects, directly impacting our military readiness and the well-being of our military families.

These actions come as we continue to face diverse, complex, and pressing security threats around the globe while trying to modernize our military and restore readiness. The lack of a strategy for the Middle East has led us to significantly heightened tensions with Iran, China and Russia continue to attempt to shape a world consistent with their authoritarian model, North Korea remains an agitator in the Pacific, and we continue to support our allies and partners in the fight against terrorism. We acknowledge that balancing the Department's resources across these competing requirements is a difficult task, which leaves us more confounded how the Department can reallocate resources towards a border wall that lacks a clear defense-related requirement.

These actions further run counter to the bipartisan budget agreements in Congress that have allowed us to begin recovering the readiness lost during sequestration. Over the last three years, Congress worked in a bipartisan manner to address the threats our nation faces by significantly increasing defense funding, providing greater budget certainty for the Department of Defense, and honoring the commitment we make to our service members: that they are as well trained and equipped as possible to confront our adversaries. Much as the impact from sequestration compounded in each subsequent year, a decision by the administration to once more cancel military construction projects requested by the Department of Defense, and authorized and appropriated by Congress, will cause a lasting detriment to our ability to build and sustain readiness, meet the security challenges we face, and to honor our promises to our armed forces and their families.

For all the above reasons we strongly urge you to reconsider before making any decision to redirect Department of Defense resources for the construction of additional border wall. We hope you take into consideration how such a move would impact our ability to modernize our military, restore and sustain readiness, and execute the National Defense Strategy. In the event that FY2020 Department of Defense funds are transferred to construct primary fencing or other barriers on the southwest border, we request the following:

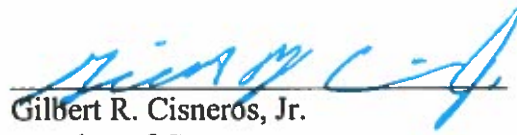
1. For each barrier project pursued using Military Construction funding:
 - a. a DD1391,
 - b. a detailed explanation for how the proposed border wall project directly supports the use of U.S. armed forces operating at the site of proposed construction in accordance with section 2808 of title 10, United States Code,
 - c. the planned date for obligating the funds, and
 - d. the dates of contract award, construction start, and construction complete.
2. A full list of the installations which are delayed, modified, or cancelled due to the transfer of the funds.
3. The impact on the volume and seizure of narcotics along the southwest border at and between the ports of entry due to transfer of funds for the proposed barrier projects.
4. The amount of FY2019 funds transferred for barrier construction which were obligated as of January 1, 2020.
5. The projected spend plan for the funds transferred in FY2019.

We look forward to continuing to work with you to strengthen our national defense, to support our warfighters, and to ensure we are realizing the most value from each taxpayer dollar appropriated to the Department of Defense.

Sincerely,



Anthony G. Brown
Member of Congress



Gilbert R. Cisneros, Jr.
Member of Congress



Veronica Escobar
Member of Congress



Mikie Sherrill
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Salud Carbajal
Member of Congress



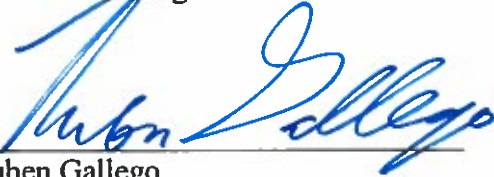
Tony Cardenas
Member of Congress




André Carson
Member of Congress



Joaquin Castro
Member of Congress



Ruben Gallego
Member of Congress



Deb Haaland
Member of Congress



Chrissy Houlahan
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Alan Lowenthal
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Elaine G. Luria
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Seth Moulton
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Tulsi Gabbard
Member of Congress



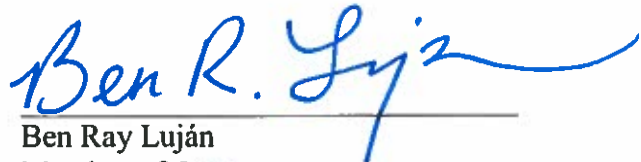
Sylvia R. Garcia
Member of Congress



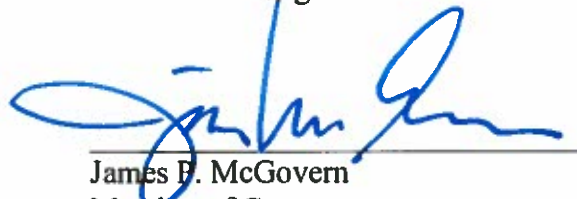
Johana Hayes
Member of Congress



Rick Larsen
Member of Congress



Ben Ray Luján
Member of Congress



James P. McGovern
Member of Congress



Donald Norcross
Member of Congress



Eleanor Holmes Norton
Member of Congress



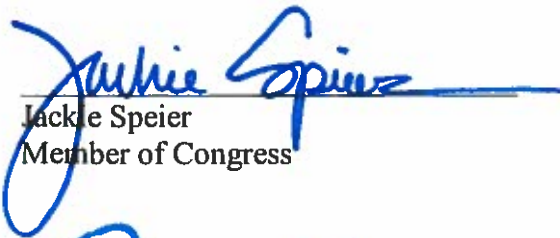
Jamie Raskin
Member of Congress



Jan Schakowsky
Member of Congress



Darren Soto
Member of Congress



Jackie Speier
Member of Congress



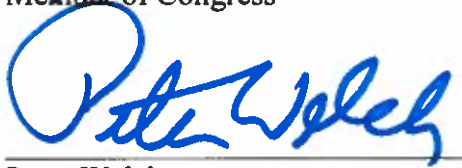
Lori Trahan
Member of Congress



Juan Vargas
Member of Congress



Filemon Vela
Member of Congress



Peter Welch
Member of Congress