



Durbin, Leahy, Schatz, Senators Demand Answers From DOD on Its Plans to Defund Military Projects to Pay for President Trump's Wall

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WASHINGTON – U.S. Senators Dick Durbin (D-IL), Vice Chairman of the Senate Appropriations Subcommittee on Defense; Patrick Leahy (D-VT), Vice Chairman of the Senate Appropriations Committee; and Brian Schatz (D-HI), Ranking Member on the Senate Appropriations Subcommittee on Military Construction and Veterans Affairs, today led a group of Democratic appropriators calling on the Department of Defense to provide Congress with a list of military projects it intends to defund to pay for President Donald Trump's ineffective border wall.

“We have strong concerns about hitting the pause button on such readiness initiatives that Congress already approved when it exercised its constitutional appropriations prerogative,” the Senators wrote. **“We request that you provide to us the list of the projects deemed less important than building a wall along the southern border, along with the military criteria used to justify those decisions.”**

In their letter to acting Defense Secretary Patrick Shanahan, the Senators highlighted the careful vetting process projects go through to get funding approval from Congress. They also underscored the harm that diverting funding would cause to military readiness and our national security.

The Senators also released a [partial list](#) of projects potentially under threat to be defunded to pay for President Trump's border wall. The list is not a Department of Defense document and is incomplete.

Along with Durbin, Leahy, and Schatz, the letter was signed by every Democratic member of the Military Construction and Defense Appropriations Subcommittees,

including U.S. Senators Tom Udall (D-NM), Jack Reed (D-RI), Chris Murphy (D-CT), Tammy Baldwin (D-WI), Patty Murray (D-WA), Jon Tester (D-MT), and Dianne Feinstein (D-CA).

The full text of the letter is available [here](#) and below:

Dear Secretary Shanahan,

We write to request information about the Department of Defense (DoD)’s plans to exercise the discretionary authority related to the use of military construction funds as delegated under President Donald Trump’s February 15, 2019 “Presidential Proclamation on Declaring a National Emergency Concerning the Southern Border of the United States.” By using such authority, DoD will have to cancel or delay approximately twenty percent of the military construction projects previously reported to Congress as top priorities for the military. We request that you provide to us the list of the projects deemed less important than building a wall along the southern border, along with the military criteria used to justify those decisions.

As you know, under a national emergency declaration, the law (10 U.S.C. 2808) allows you to direct the military services to undertake projects not otherwise authorized by Congress, provided that “uch projects may be undertaken only within the total amount of funds that have been appropriated for military construction, including funds appropriated for family housing, that have not been obligated.” It is our understanding that the Department has an estimated \$24 billion in unobligated military construction balances, with most of these funds tied to projects with existing contracts. Breaking those contracts could expose DoD to additional financial, legal, and operational risks. Moreover, officials have said that DoD will not use funds from family housing to support the national emergency declaration. As a result, we anticipate a limited pool of unobligated balances remains available to DoD—largely from projects that Congress authorized and appropriated in fiscal years 2017, 2018, and 2019—that can realistically satisfy the President’s \$3.6 billion demand to use unobligated military construction funds. That would put at risk one in five military construction projects that Congress funded with the intent to support service members and families at home and abroad—not for a wall on the southern border.

Military construction projects are among the most carefully scrutinized requests that DoD makes to Congress. The military services validate these projects thoroughly on numerous levels – from the requesting installation to your office – all in an effort to review and balance the operational necessity with existing fiscal constraints. Endorsed projects regularly take three to five years to develop before the Department formally

submits them for Congress's consideration. DoD's annual budget request then describes in detail the impact if Congress does not provide funding for requested projects, and how each one aligns with and supports the National Defense Strategy.

We believe that cancelling or delaying military construction and family housing projects would have damaging short- and long-term impacts. The decision to do so imposes known and unknown risks on the military services' ability to train the force, maintain readiness, and support military missions. These projects are intended to improve deteriorating airfields and piers, provide modern training and maintenance facilities, rehabilitate antiquated and hazardous healthcare and educational buildings, remediate environmental contamination at former bases, and contribute to alliance and partnership responsibilities around the world.

Former Secretary Mattis repeatedly argued that once readiness is lost, it takes much longer to rebuild and at a higher cost. We agree, and we have strong concerns about hitting the pause button on such readiness initiatives that Congress already approved when it exercised its constitutional appropriations prerogative.

Furthermore, DoD leaders have testified that the Department has a backlog of critical infrastructure and facilities needs in excess of \$100 billion—a significant portion of which the Department continues to buy down through military construction projects. Each military service is only able to request funding for a fraction of its top priority projects in a given budget year. The notion that DoD will request funds of Congress in the FY2020 budget to “backfill” delayed projects assumes additional risk in the completion of future projects that the military services could request in this and future budgets.

We have enclosed a list of military construction projects with unobligated balances—each of which contributes directly to combatant command and service requirements to maintain a ready force. We understand that this is a dynamic list as the Department continues to award contracts and obligate funds, and we fully expect DoD to continue to execute funded projects.

We request that you identify which projects or programs from the enclosed list that you, or the service secretaries, have assessed are too valuable to be used to pay for the wall. In order to ensure its accuracy since the list was necessarily developed based on limited data, we also ask that you provide an addendum to include any military construction and housing projects with unobligated balances not listed. Absent additional information eliminating potential projects from consideration, we will assume that each project on this list is as vulnerable as the next.

We appreciate your attention to this matter and look forward to working together to support our service members and families, as well as DoD's highest priority missions. We would appreciate a response not later than March 15, 2019.