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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

March 25, 2019

The Honorable Patrick Shanahan
Acting Secretary of Defense
The Pentagon
Washington, DC 20301

Dear Secretary Shanahan:

We have received your notification of the transfer of \$1 billion in military personnel funding to the Drug Interdiction and Counter-narcotics Activities account, to be used for building miles of wall on the Southwest border that was not approved by the Congress. We strongly object to both the substance of the funding transfer, and to the Department implementing the transfer without seeking the approval of the congressional defense committees and in violation of provisions in the defense appropriation itself. As a result, we have serious concerns that the Department has allowed political interference and pet projects to come ahead of many near-term, critical readiness issues facing our military.

The \$1 billion reprogramming that the Department is implementing without congressional approval constitutes a dollar-for-dollar theft from other readiness needs of our Armed Forces. As you are aware, each year, the military Services request billions in mid-year transfers to address unexpected shortfalls in paying our troops, providing training, maintaining their equipment, and accelerating new technologies.

While the Department of Defense has been unwilling to share complete estimates of its readiness shortfalls for this year despite repeated requests, we are aware of substantial shortfalls that currently total \$5 billion – and the list is growing. Examples of these shortfalls include:

- The Air Force and Marine Corps have working drafts of more than \$1.5 billion in proposals to speed cleanup and reconstruction of Tyndall Air Force Base and Camp Lejeune.
- The Navy has annually reprogrammed large sums to address shortfalls in ship maintenance, averaging \$671 million over each of the last nine years. We believe that the unanticipated ship maintenance costs this year are at least \$400 million, and could be as high as \$1 billion.
- The National Guard has a shortfall in pay and operations that, according to Department estimates provided to Congress, could total \$308 million in this year. Failure to address these costs would jeopardize National Guard drills across the country beginning this summer.

- The Navy is currently exceeding its endstrength goals, which may result in a pay shortfall as much as \$216 million.
- The Air Force was directed by former Secretary Mattis in October 2018 to increase its fighter aircraft rates to 80 percent. The cost of meeting this readiness directive may exceed half a billion dollars.
- The Air Force has identified a \$632 million shortfall in the next-generation of satellites to detect the launch of nuclear missiles from hostile nations. Absent these funds, the program may be delayed by years, at a time when our adversaries are increasing their capabilities to strike the U.S. homeland.

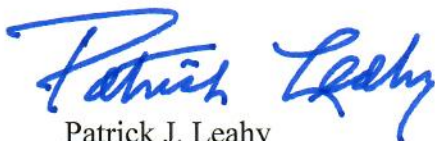
We are seriously concerned that the diversion of funds for the border wall will cause the Department to allow readiness initiatives to go unaddressed this year. To better understand the impacts of this short-sighted policy on our troops, we ask you to provide by April 15:

1. A comprehensive list of all shortfalls identified by the military Services and other components of the Department to date;
2. An updated list of shortfalls following completion of the Department's mid-year budget review in the coming weeks;
3. Your funding strategy for addressing these shortfalls given your remaining reprogramming authority; and
4. A list of shortfalls that you will be unable to address this year.

We also believe the Department has not complied with section 8005 of the Department of Defense Appropriations Act, 2019, which prohibits the transfer of funds "where the item for which reprogramming is requested has been denied by the Congress." As you are aware, the White House requested \$5.7 billion for 234 miles of wall in a letter dated January 6, 2019. As Congress opposed this request for hundreds of miles of wall, the President kept major portions of the Government closed for weeks after this letter was sent. The appropriations bill which reopened Government denied major portions of this request for hundreds of miles of border wall – prompting the President to declare an emergency and order the Department to take unprecedented action to override the denial of funds for this senseless project. As a result, the Committee has sought a legal judgment from the GAO on this matter, and we expect the Department to comply with its findings.

We look forward to your response as soon as possible.

Sincerely,



Patrick J. Leahy
United States Senator



Richard J. Durbin
United States Senator



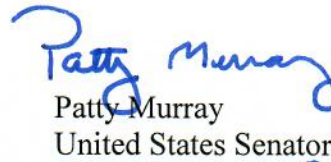
Jack Reed
United States Senator



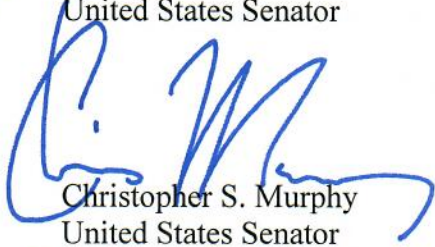
Brian Schatz
United States Senator



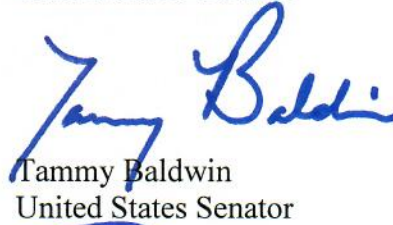
Jon Tester
United States Senator



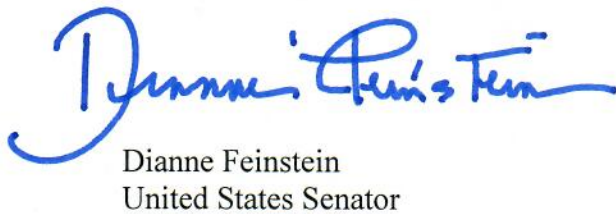
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United States Senator



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