

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
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<https://oversight.house.gov>

September 12, 2023

Lieutenant General Scott A. Spellmon
Commanding General
U.S. Army Corps of Engineers
441 G Street N.W.
Washington, D.C. 20314

Dear Lieutenant General Spellmon:

The Committee on Oversight and Accountability is investigating reports that the Biden administration is selling off components that were intended to be used to construct a border barrier system. In the midst of the worst border crisis in American history by several metrics,¹ the Biden administration should be focused on securing the southwest border, including by installing border barrier system components that have already been procured by the government. Instead, the Biden administration is actively trying to thwart future construction of this essential infrastructure. We write to obtain documents and information to enable oversight over the administration's actions.

On the day he was inaugurated, President Biden signed a proclamation halting the construction of the border wall, calling it “a waste of money that diverts attention from genuine threats to our homeland security.”² This occurred despite a December 2020 law appropriating \$1,375,000,000 “for the construction of [a] barrier system along the southwest border.”³ In fact, up until that time, every year since Fiscal Year 2018, Congress had provided funds for barriers and fencing along the southwest border, clearly signaling Congress's intent to secure the border

¹ Newsroom, *Southwest Land Border Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, available at <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (accessed August 28, 2023); Griff Jenkins, Bill Melugin & Timothy H.J. Nerozzi, *Record 856 migrants die at southern border in fiscal year 2022: CBP*, FOX NEWS (Oct. 22, 2022); Newsroom, *Drug Seizure Statistics* (Sort by Drug Type = Fentanyl), U.S. CUSTOMS AND BORDER PROTECTION, available at <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics> (accessed August 28, 2023).

² Proclamation by the President, *Emergency With Respect to the Southern Border of the United States And Redirection of Funds Diverted to Border Wall Construction* (Jan. 20, 2021) available at www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/.

³ See Consolidated Appropriations Act, 2021, Public Law No. 116-260, p. 275-76, Dec. 27, 2020, available at <https://www.congress.gov/116/bills/hr133/BILLS-116hr133enr.pdf> (“... An amount equal to the amount made available in section 209(a)(1) of division D of the Consolidated Appropriations Act, 2020...); see also Consolidated Appropriations Act, 2020, Public Law No: 116-93, Div. D, Sec. 209(a)(1), Dec. 16, 2019, available at <https://www.congress.gov/116/plaws/publ93/PLAW-116publ93.pdf>. (“\$1,375,000,000 for the construction of barrier system along the southwest border...”).

with a physical barrier.⁴ President Biden's position is a reversal of his prior support for the Secure Fence Act of 2006, when he stated a border fence would prevent "tons" of drugs from entering the country.⁵

Dismissing the border wall as "a waste of money" is patently false political rhetoric. Border barriers are an essential part of securing the border, as they have "proved to be a critical component in gaining operational control of the border" by diverting or slowing illegal crossings of people or contraband.⁶ Border barriers also result in a significant and measurable decrease in illegal entry in the areas they are erected and require less manpower to patrol, saving taxpayer money.⁷ Dismissing border barriers as a diversion from real threats reveals how shortsighted President Biden's policy decisions have been from day one, especially as the number of individuals illegally crossing the border with derogatory information related to terrorism has skyrocketed since President Biden took office, with over 146 such encounters so far just this Fiscal Year.⁸

The Biden administration appears to have learned no lessons from the last few years of chaos on the southwest border. Instead of endeavoring to enhance border security by reversing course and installing border barrier system along the southwest border, reports indicate that the U.S. Army Corps of Engineers has been working with the Defense Logistics Agency to sell off hundreds of millions of dollars in "excess border wall materials..."⁹ These appear to be materials ready for installation that have been sitting idle since President Biden halted border wall construction on his first day in office.

To assist the Committee in its investigation of waste and abuse of construction materials procured to secure the southwest border, we request the following documents and information, covering the time period January 20, 2021, to the present unless otherwise indicated, as soon as possible but not later than September 26, 2023:

1. All documents and communications containing any inventory or accounting of components or materials procured by the U.S. Government at any point in time for use in constructing, maintaining, or extending the border barrier system on the southwest border;

⁴ See CRS, *DHS Border Barrier Funding*, Jan. 29, 2020, available at <https://crsreports.congress.gov/product/pdf/R/R45888>.

⁵ See Andrew Kaczynski, *Joe Biden Once Said a Fence was Needed to Stop 'Tons' of drugs from Mexico*, CNN, May 10, 2019, available at <https://www.cnn.com/2019/05/10/politics/kfile-biden-drugs-fence-2006/index.html>.

⁶ Press Release, DHS, *The Border Wall System is Deployed, Effective, and Disrupting Criminals and Smugglers*, Oct. 29, 2020, available at <https://www.dhs.gov/news/2020/10/29/border-wall-system-deployed-effective-and-disrupting-criminals-and-smugglers#:~:text=CBP%20has%20seen%2079%25%20decrease,wall%20system%20in%20this%20area.>

⁷ *Id.*

⁸ Newsroom, *CBP Enforcement Statistics Fiscal Year 2023: Terrorist Screening Data Set Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, available at <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (accessed August 28, 2023).

⁹ McGrath Goodman, Leah, *Exclusive: Pentagon Sells Off Trump Border Wall*, THE DAILY UPSIDE (Aug. 11, 2023).

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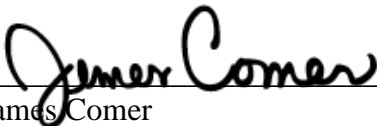
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2. All documents and communications concerning the disposition of components or materials procured by the U.S. Government for use in constructing, maintaining, or extending the border barrier system on the southwest border if such disposition was for a purpose other than to construct, maintain, or extend the border barrier system on the southwest border;
3. All documents and communications between the U.S. Army Corps of Engineers and any other Department of Defense agency concerning the disposition of components or materials procured by the U.S. Government for use in constructing, maintaining, or extending the border barrier system on the southwest border;
4. All documents and communications between the U.S. Army Corps of Engineers and any other civilian U.S. Government agency, including but not limited to the Department of Homeland Security or any component agency thereof, concerning the disposition of components or materials procured by the U.S. Government for use in constructing, maintaining, or extending the border barrier system on the southwest border;
5. All documents and communications between the U.S. Army Corps of Engineers and the White House concerning the disposition of components or materials procured by the U.S. Government for use in constructing, maintaining, or extending the border barrier system on the southwest border.


To arrange for the delivery of responsive documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074. Attached are instructions for producing the documents and information to the Committee.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



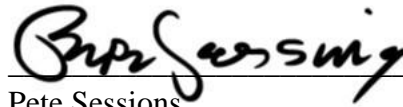
James Comer
Chairman
Committee on Oversight and Accountability



Jake LaTurner
Member of Congress



Glenn Grothman
Chairman
Subcommittee on National Security,
the Border, and Foreign Affairs



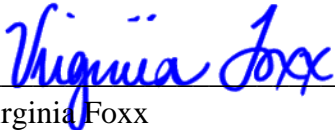
Pete Sessions
Chairman
Subcommittee on Government Operations
and the Federal Workforce



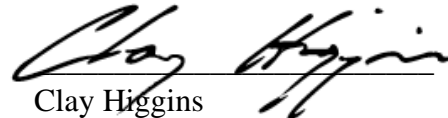
Nancy Mace
Chairwoman
Subcommittee on Cybersecurity,
Information Technology, and
Government Innovation



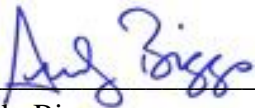
Lisa McClain
Chairwoman
Subcommittee on Health Care and
Financial Services



Virginia Foxx
Member of Congress



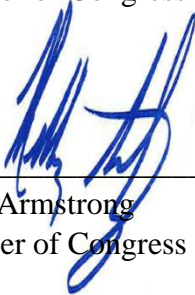
Clay Higgins
Member of Congress



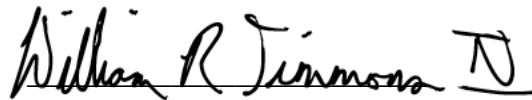
Andy Biggs
Member of Congress



Byron Donalds
Member of Congress



Kelly Armstrong
Member of Congress



William R. Timmons, IV
Member of Congress

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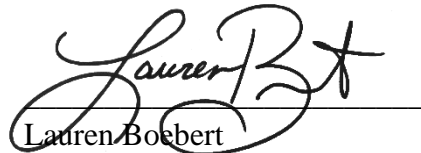
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Tim Burchett
Member of Congress



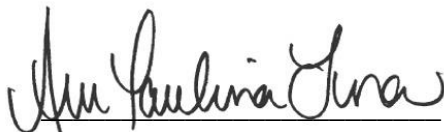
Marjorie Taylor Greene
Member of Congress



Lauren Boebert
Member of Congress



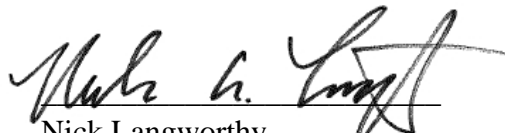
Russell Fry
Member of Congress



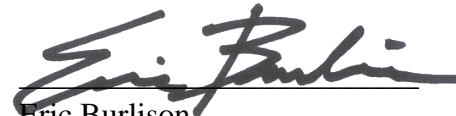
Anna Paulina Luna
Member of Congress



Chuck Edwards
Member of Congress



Nick Langworthy
Member of Congress



Eric Burlison
Member of Congress

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Robert Garcia, Ranking Member
Subcommittee on National Security, the Border, and Foreign Affairs

The Honorable Kweisi Mfume, Ranking Member
Subcommittee on Government Operations and the Federal Workforce

The Honorable Gerald Connolly, Ranking Member Subcommittee on Cybersecurity,
Information Technology, and Government Innovation

The Honorable Katie Porter, Ranking Member
Subcommittee on Health Care and Financial Services