

Stopping Executive Overreach on Military Appropriations Act (SEOMA)
Introduced by U.S. Senator Patty Murray

On September 3, 2019, Secretary of Defense Esper announced that **\$3.6 billion dollars** of military construction funds would be diverted to pay for the President’s border wall. To do this, Secretary Esper invoked the obscure “2808 authority” which allows the President to reprogram unspent funds that Congress has already appropriated for specific military construction projects.

This decision will impact **127 military construction projects in 26 states and territories**. It will indefinitely delay projects that are vital to our national security, as well as programs—such as schools and child care centers—that are essential to the well-being of our servicemembers and their families. This decision will make our country less safe and hurt servicemembers and military families, while the funds being ransacked from the federal military construction budget will only pay for less than 30 miles of wall.

Moreover, the President’s decision to raid critical federal military construction funds to put toward building his wall on the southern U.S. border is an egregious abuse of executive power, and undermines one of Congress’s most fundamental constitutional authorities: the power to appropriate and allocate federal funds.

To that end, Senator Patty Murray—a senior member of the Senate Appropriations Committee, including the subcommittee with purview over military construction spending—is introducing comprehensive legislation to address this executive overreach, reaffirm appropriate separation of powers, and prevent this President—and future presidents—from unnecessarily raiding federal military construction dollars during a national emergency without Congressional approval. Her legislation would:

- **Assert Congress’ constitutional obligation over the budget process by requiring affirmative approval from Congress before the President can use money intended for military construction projects to support a national emergency.**
 - This section would amend section 2808 of title 10 to ensure that any time the 2808 authority is used during a period of national emergency, no military construction funds may be transferred, no existing projects may be curtailed, and no new project may be undertaken until Congress enacts a joint resolution approving such transfer of funds.
 - A resolution to approve such a transfer would be afforded expedited procedures to ensure it will receive a vote.
 - This section will not apply in the case of declaration of war.
- **Prohibit the use of defense money to build, upgrade, maintain or replace the southern border wall.**
- **Immediately return the \$3.6 billion dollars that have been transferred from military construction projects to Trump’s border wall back to the projects that the money was originally appropriated for.**
- **Direct the Office of Government Ethics to review all current and future contracts related to Trump’s border wall to determine if the President, his family, or his top lieutenants would personally profit from such contracts, or if there is any conflict of interest.**