

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

June 8, 2012

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. President:

We are writing today in response to your decision to apply sequestration to overseas contingency operations (OCO) under the Budget Control Act of 2011 (BCA, Public Law 112-25). As you may expect, this decision came as a surprise to members of our respective committees, as the decision differs from the position taken by Secretary of Defense Panetta in November 2011. At that time, we were assured that sequestration would not apply to the troops on the frontline, but rather, would be applied to the base budget of the Department of Defense.

We all agree that sequestration of just the base budget would be disastrous for the military. Secretary Panetta has stated that sequestration would result in, "defense cuts that I believe would do real damage to our security, our troops and their families, and our military's ability to protect the nation." Chairman of the Joint Chiefs of Staff, General Martin Dempsey, has told Congress that, "sequestration would pose unacceptable risk." Moreover, sequester will have far reaching impacts on jobs and the economy. Office of Management and Budget Acting Director Zient has stated, "In terms of the sequester, it is a bad policy." Even your own press secretary has stated that we must, "ensure that the sequester never happens." But to impose arbitrary and automatic cuts to our warfighters, who are putting their lives on the line for our country, would be morally unconscionable and would break faith with them and their families.

As the BCA, the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, or Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139) do not explicitly address the issue of OCO funding, which by definition is an off-budget, supplemental appropriation, it would appear that the applicability of sequestration to OCO is subject to interpretation. We would like to understand the rationale for both Secretary Panetta's original opinion and Acting Director Zient's differing opinion provided last month. Additionally, we seek to understand what changed to shift the interpretation of the applicability of sequestration to OCO. If there is flexibility in the law, we urge you stand on the side of our troops – do not apply sequester to OCO activities.

The Honorable Barack Obama

June 8, 2012

Page 2

In previous correspondence with the committees, your staff has failed to address other potential sequester questions under the BCA, the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, or Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139). It is precisely this piecemeal review by your staff that is of grave concern. Lack of a complete implementation plan has resulted in the transmission of incomplete and contradictory information to Congress and between agencies. It has resulted in individual decisions that are subsequently overturned, as evidenced by the recent change to the application of sequestration to OCO activities. We acknowledge that unless you and Congress take a positive step to avert sequestration, it will happen whether your Administration has planned for it or not. Nevertheless, we believe that a comprehensive review of the mechanics of sequestration and the impacts it will have to various programs would go a long way to informing a bipartisan solution to the problem.

We agree with you that a full bipartisan resolution to resolving sequestration is preferable. We believe we can agree that placing the burden of sequestration on the backs of deployed, active-duty soldiers is not the preferred solution. But in addition to a lack of information on implementation, we are also concerned about additional roadblocks being put in place that make it less likely a bipartisan solution can be found. For example, you have threatened to veto any of the Republican sponsored solutions put forward and, to date, the Democrat-controlled Senate has not put forward any legislation to resolve sequestration. In the case of both authorization and appropriation bills, the threat of a veto is made public even before a bill passed by both houses appears at your desk. We recognize that the Constitution provides you with the ability to veto any measure brought forward, but we respectfully request that you allow Congress to exercise its Constitutional authority to generate bipartisan bills that provide for the common defense of the nation, as well as resolve sequestration, before saying "no".

The committees welcome your staff to come discuss your interpretation of the sequestration language and how you would proceed in the application of the provisions therein. The committees would like to compare and contrast your interpretation with the review of other legal experts in the field to determine common ground as we move forward. When we understand the ramifications in real terms, we believe judgments can be made in a bipartisan manner to resolve sequestration without affecting the common defense of our nation.

We look forward to further discussions on this most critical of issues facing our nation.

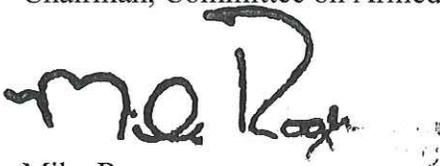
Sincerely,



Howard P. "Buck" McKeon
Chairman, Committee on Armed Services



Heana Ros-Lentinen
Chairman, Committee on Foreign Affairs



Mike Rogers
Chairman, Permanent Select Committee on Intelligence

HPM:js