

United States Senate

WASHINGTON, DC 20510

January 18, 2007

The Honorable Robert C. Byrd, Chairman
Senator Thad Cochran, Ranking Member
Senate Committee on Appropriations
S-128
U.S. Capitol
Washington, D.C. 20510

Dear Chairman Byrd and Senator Cochran:

As you draft the joint resolution to provide continued funding through the remainder of Fiscal Year 2007, we respectfully request that you provide full funding in the military construction portion of the resolution for the Assembled Chemical Weapons Alternatives (ACWA) program.

The ACWA program was created by Congress to dispose of the chemical weapons stockpiles at the Blue Grass Army Depot in Kentucky and Pueblo Chemical Depot in Colorado. The President's budget request for Fiscal Year 2007 included \$130.99 million in military construction funding for ACWA. The Department has the capacity, however, to spend an additional \$10 million at Blue Grass to construct and improve an access road to the site of the future facility. Accordingly, the John Warner National Defense Authorization Act for Fiscal Year 2007 authorized \$140.99 million in military construction funding for the ACWA sites, and the version of the Fiscal Year 2007 Military Construction Appropriations bill that the Senate passed during the 109th Congress included the same amount for the program.

Providing military construction funding for the ACWA program in Fiscal Year 2007 is critical. This is reflected by the fact that the Administration included funding at a \$91 million rate for ACWA as one of only 13 anomaly requests for the entire federal government for the current continuing resolution. The House, unfortunately, refused to recognize the importance of providing adequate funding for ACWA in the continuing resolution, and ACWA ultimately did not receive sufficient funds in the resolution, hampering efforts to dispose of dangerous chemical weapons stockpiles as expeditiously as possible. This shortsighted action increases the importance of fully funding ACWA in the joint resolution to ensure that the program can continue to make progress this year.

We understand that the joint resolution may be crafted in part by using Fiscal Year 2006 enacted funding levels as a baseline. In the case of ACWA, however, simply carrying forward the Fiscal Year 2006 baseline would be devastating. In Fiscal Year 2006, the Administration requested only research and development funds for ACWA, so the Fiscal Year 2006 Military Construction Appropriations Act did not include any funds for the ACWA sites. We are concerned that failure to specify the full amount of military construction funding for ACWA in the joint resolution would mean that the ACWA sites would not receive *any* military construction funds to continue progress on constructing facilities in Fiscal Year 2007.

The Senate version of the Fiscal Year 2007 Military Construction Appropriations bill also included bill language to prevent the ACWA construction funds from being diverted to other non-ACWA chemical demilitarization sites. The Fiscal Year 2006 Department of Defense Appropriations Act included this language, and in Fiscal Year 2007, the Administration requested such language for the Defense appropriations bill. Congress again enacted the language into law in the Fiscal Year 2007 Defense Appropriations Act. Applying this language to the military construction account for ACWA simply brings the Military Construction bill language into conformity with the Defense bill language and would prevent DOD from diverting funds once again to other programs and setting the ACWA sites further behind schedule.

In short, we respectfully request that you draft the joint resolution to ensure that \$140.99 million in military construction funding is appropriated to the ACWA program for Fiscal Year 2007 and include bill language to protect these funds from being diverted to non-ACWA sites.

Thank you for your consideration of these requests. Please do not hesitate to contact Reb Brownell or Brytt Brooks of Senator McConnell's staff at 224-2541, Matt Lee-Ashley of Senator Salazar's staff at 228-5905, Bill Beaver at Senator Bunning's staff at 224-6857, or Lance Landry of Senator Allard's staff at 224-5941 if you have any questions.

Sincerely,


MITCH McCONNELL


KEN SALAZAR


JIM BUNNING


WAYNE ALLARD

cc: Senator Kay Bailey Hutchison
Senator Tim Johnson
Senator Jack Reed

FY 2007 MIL CON BILL LANGUAGE REQUESTED

Chemical Demilitarization Construction, Defense-Wide

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$140,993,000, to remain available until September 30, 2011, which shall be only for the Assembled Chemical Weapons Alternatives program.

FY 2007 DEFENSE APPROPRIATIONS ACT LANGUAGE

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,277,304,000, of which \$1,046,290,000 shall be for Operation and maintenance; \$231,014,000 shall be for Research, development, test and evaluation, of which \$215,944,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than \$111,283,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which \$41,074,000 shall be for activities on military installations and of which \$70,209,000, to remain available until September 30, 2008, shall be to assist State and local governments.