

**Congress of the United States**  
Washington, DC 20510

April 23, 2020

Sean O'Donnell  
Acting Inspector General  
Office of Inspector General  
United States Department of Defense  
4800 Mark Center Drive  
Alexandria, VA 22350-1500

Dear Mr. O'Donnell:

We write today regarding the recent decision by the U.S. Army Corps of Engineers (USACE) to award a \$569 million no-bid contract to the Montana-based company BFBC for “17.17 miles of border wall design-build construction.”<sup>1</sup> We urge you to conduct a thorough review of the circumstances surrounding this award, and we urge that you examine whether there is pattern of preferential treatment in the award of contracts to build the border wall. While there are obviously far more effective ways to secure our borders than the construction of a wall, if the Administration continues to move forward with this project, it is critical that expenditures for it be free of abuse and waste.

The decision to award a no-bid contract to BFBC—whose parent firm, Barnard Construction, is led by a reliable Republican campaign donor who has donated thousands of dollars to President Trump’s reelection campaign<sup>2</sup>—raises serious questions about both potential government waste and the fairness of the procurement process. BFBC has so far received more than \$1 billion of taxpayer money to build the border wall. In this newest contract, USACE is paying \$33 million per mile of border wall—a price that is more than 50% higher than the \$20 million per-mile average reported in January.<sup>3</sup> In light of this troubling information, we have numerous questions about whether federal procurement law may have been subverted in order to reward a political ally of the administration.<sup>4</sup>

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<sup>1</sup> U.S. Department of Defense, “Contracts for April 13, 2020,”

<https://www.defense.gov/Newsroom/Contracts/Contract/Article/2148296/>.

<sup>2</sup> The Daily Beast, “Army Decides a Pandemic Is a Good Time to Give GOP Donors \$569 Million to ‘Build the Wall,’” Spencer Ackerman, Noah Shachtman, and William Bredderman, April 16, 2020, <https://www.thedailybeast.com/army-decides-a-coronavirus-pandemic-is-a-good-time-to-give-gop-donors-dollar569-million-to-build-the-wall>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; NPR, “\$11 Billion And Counting: Trump's Border Wall Would Be The World's Most Costly,” John Burnett, January 19, 2020, <https://www.npr.org/2020/01/19/797319968/-11-billion-and-counting-trumps-border-wall-would-be-the-world-s-most-costly>.

This recent contract appears to be just the latest in a series in which Republican donors have been awarded highly lucrative contracts to build President Trump's border wall. Late last year, the USACE awarded a \$400 million contract to North Dakota-based company Fisher Sand and Gravel (FSG), another reliable Republican Party donor. Several questions posed to the USACE about this contract have gone unanswered, or addressed only incompletely.<sup>5</sup> We are pleased that your office has since initiated an audit of the solicitation and award of the FSG contract.<sup>6</sup> We note that, stunningly, on April 15, 2020, FSG was awarded \$7.6 million to build 800 feet of border wall, for a cost of about \$50 million per mile, even though FSG is still under investigation by your office.<sup>7</sup>

Particularly now, as we must prioritize funding to save lives and to help the millions of Americans who have suffered severe economic harms as a result of the coronavirus pandemic, taxpayer funds must not be wasted, and Federal procurement processes must not favor campaign donors or personal favorites of the President. When followed, Federal procurement and contracting laws prevent corruption, ensuring that taxpayer funds are spent to hire contractors that can do the job right, do it safely, and do it as inexpensively as possible. The Trump Administration's decision to award an expensive, no-bid contract for hundreds of millions of dollars to a company favored by the President calls into question the Administration's compliance with Federal procurement laws and demands a thorough investigation.

In order to better understand the circumstances regarding the decision by Department of Defense and USACE to award a no-bid contract to BFBC at what appears to be a highly inflated price, we ask that you investigate this matter, alongside your review of the FSG contract. We also ask that you examine whether there is a pattern of favoritism and subversion of federal procurement laws and regulations in the awarding of border-wall related contracts.

Sincerely,



Elizabeth Warren  
United States Senator



Bennie G. Thompson  
Chairman  
Committee on Homeland Security

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<sup>5</sup> Letter from Senator Elizabeth Warren to Lieutenant General Todd T. Semonite, December 5, 2019, <https://www.warren.senate.gov/download/2019125-letter-to-us-army-corps-of-engineers-about-border-wall-contract>; Letter from Lieutenant General Todd T. Semonite to Senator Elizabeth Warren, December 20, 2019, [https://www.warren.senate.gov/download/usace\\_to\\_warren\\_12202019](https://www.warren.senate.gov/download/usace_to_warren_12202019); Communication from U.S. Army Corps of Engineers to Senator Elizabeth Warren, January 14, 2020, [https://www.warren.senate.gov/download/usace\\_to\\_warren\\_01142020](https://www.warren.senate.gov/download/usace_to_warren_01142020).

<sup>6</sup> Letter from Representative Bennie G. Thompson to Glenn A. Fine, December 4, 2019, <https://homeland.house.gov/imo/media/doc/USACEReview.pdf>; Letter from Glenn A. Fine to Representative Bennie G. Thompson, December 12, 2019, <https://www.washingtonpost.com/context/department-of-defense-ig-letter-announcing-audit-of-400-million-border-wall-contract/e9ee2bab-a9d6-412e-95a4-1c1e42b5526c/>.

<sup>7</sup> U.S. Department of Defense, "Contracts For April 15, 2020," <https://www.defense.gov/Newsroom/Contracts/Contract/Article/2151724/>.