



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

December 4, 2019

Glenn A. Fine
Principal Deputy Inspector General
Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350

Dear Mr. Fine:

I write seeking a review of the \$400 million contract the U.S. Army Corps of Engineers (USACE) awarded to Fisher Sand and Gravel Co. on December 2, 2019, to design and build border infrastructure in Yuma County, Arizona.¹

Since President Trump ordered the immediate construction of a “wall” along the southern border in January 2017, USACE has awarded multiple construction contracts valued at more than an estimated \$2.5 billion—mostly for the replacement of existing fencing along the U.S.-Mexico border. Fisher Sand and Gravel Co. had not been awarded a construction contract prior to December 2, as its proposals reportedly did not meet the operational requirements of U.S. Customs and Border Protection and its prototype project came in late and over budget.²

Nevertheless, President Trump has personally repeatedly urged USACE to award construction contracts to Fisher Sand and Gravel Co.³ Jared Kushner, whom President Trump recently named as the White House lead for border construction projects, has also reportedly supported the company’s selection.⁴ Moreover, Department of Homeland Security officials—including acting Secretary Chad Wolf—toured a private border barrier being constructed by Fisher Sand and Gravel Co. just over a week before USACE awarded the \$400 million construction contract.⁵

¹ U.S. Department of Defense: *Contracts for Dec. 2, 2019* (<https://www.defense.gov/Newsroom/Contracts/Contract/Article/2030017/source/GovDelivery/>).

² Nick Miroff and Josh Dawsey, *‘He always brings them up’: Trump tries to steer border wall deal to North Dakota firm*, The Washington Post (May 23, 2019) https://www.washingtonpost.com/immigration/he-always-brings-them-up-trump-tries-to-steer-border-wall-deal-to-north-dakota-firm/2019/05/23/92d3858c-7b30-11e9-8bb7-0fc796cf2ec0_story.html.

³ Ibid.

⁴ Ibid and Josh Dawsey and Nick Miroff, *Jared Kushner’s new assignment: Overseeing the construction of Trump’s border wall*, The Washington Post (November 25, 2019) https://www.washingtonpost.com/politics/jared-kushners-new-assignment-overseeing-the-construction-of-trumps-border-wall/2019/11/25/b175cad4-0d63-11ea-a49f-9066f51640f6_story.html.

⁵ Nick Miroff, *Right-wing group continues to build private border wall. It lacks permits, but not official praise*, The Washington Post (November 22, 2019) https://www.washingtonpost.com/immigration/right-wing-group-continues-to-build-private-border-wall-it-lacks-permits-but-not-official-praise/2019/11/22/b4281676-0c71-11ea-8397-a955cd542d00_story.html.

These actions raise concerns about the possibility of inappropriate influence on USACE's contracting decision. Therefore, I am requesting that you review the award of this contract to ensure that the bid submitted by Fisher Sand and Gravel Co. met the solicitation standards and that USACE made the award in accordance with federal procurement law and regulations.

Thank you for your prompt attention to this matter. If you have any questions or require additional information, please contact Alison Northrop, Oversight Director, at (202) 226-2616.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson". The signature is written in a cursive style with a long, sweeping tail on the "n" of Thompson.

Bennie G. Thompson
Chairman