



The Senate of the State of New Hampshire

107 North Main Street, Concord, N.H. 03301-4951

March 25, 2019

Christopher T. Sununu
Governor of New Hampshire
107 North Main Street
Concord, NH 03301

Dear Governor Sununu,

We write to request that the state of New Hampshire intervene in President Donald J. Trump's emergency declaration that threatens to raid funding appropriated by the U.S. Congress for military construction projects and drug interdiction efforts, including \$224 million for the Portsmouth Naval Shipyard, in order to build a wall along the southern border. We believe this declaration is unconstitutional and could hurt both the Shipyard and American national security for years to come. We request that you direct Attorney General Gordon MacDonald to join the 16 other states that have filed a lawsuit challenging this emergency declaration on the grounds that it ignores the separation of powers enshrined in the U.S. Constitution by redirecting already-appropriated taxpayer money to a project Congress has already rejected.

The Constitution determines that the U.S. Congress has authority over how federal funding is spent, and the Congress refused to appropriate funds to pay for a border wall along the southern border because it would be costly and ineffective. Yet, President Trump has declared a manufactured emergency to allow him to use this funding anyway. This emergency declaration is unconstitutional because the President is bypassing Congress and its constitutional authority to appropriate funds. This is especially problematic for New Hampshire because the military construction funding that the President seeks to raid could dramatically affect our state's economy.

Last Monday, the administration released a list of projects from which some these funds could be taken, and it included \$224 million in total funding at the Portsmouth Naval Shipyard for four critical projects: \$62 million for a consolidated Paint, Blast and Rubber facility, a \$12 million warehouse, \$110 million for the Dry Dock #1 Superflood Basin and \$40 million for an Extended Portal Crane Rail. The Portsmouth Naval Shipyard plays a significant role in our national security as well as New Hampshire's economy and Seacoast communities. These potentially dramatic cuts in funding would hurt both shipyard workers and the entire Seacoast region.

Twelve Republican Senators voted to pass a resolution to block President Trump's emergency declaration because of its questionable constitutionality. Moreover, sixteen other states have filed a lawsuit challenging the declaration in court. The President vetoed the resolution after it passed both chambers of Congress, so the lawsuit is the only effective way to ensure that these critical military construction projects in Portsmouth and around the country, as well as funds for drug interdiction efforts, are not raided.

We know that you understand the important role of the Portsmouth Naval Shipyard, and the potentially disastrous effect of funding for it being raided for the President's wall, and so we urge you to join this lawsuit immediately to block the emergency declaration before it's too late. We are happy to meet with you to discuss this further.

Sincerely,

Senate Majority Leader Dan Feltes

Senator Martha Fuller Clark

Senator David Watters

Senator Dr. Tom Sherman

Senator Jon Morgan