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United States Senate

WASHINGTON, DC 20510

December 20, 2010

Jacob Lew
Director
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Lew,

I am writing for two purposes. First, I would like to express my gratitude for your responsiveness, as well as that of your Associate Director for Legislative Affairs, Kate Eltrich, regarding the future of the F136 Joint Strike Fighter (JSF) Alternate Engine program. Second, I would appreciate written clarification regarding the Administration's interpretation of the requirements applicable to the Department of Defense (DoD) in HR 3082 and in the Inouye substitute to that bill.

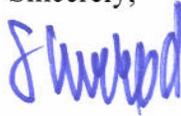
Via email, Kate has provided clear and straightforward answers to questions posed by my staff about the F136 Alternate Engine program. In those emails, dated Monday, December 6, 2010 and Friday, December 17, 2010, Kate asserted that under both the current CR and under the next CR, the DoD would be required by law to continue to obligate funding to the F136 program at the funding levels specified in HR 3326, the FY 2010 Department of Defense Appropriations Act (PL111-118) unless Congress specifically stated differently. I am grateful for her timely responses and unambiguous statements affirming that DoD did not have discretion to reduce or eliminate funding for the JSF Alternate Engine or in any other way disrupt this engine program.

I am requesting that, in response to this letter, your office provide similarly unambiguous guidance regarding the treatment of the F136 Alternate Engine program under HR 3082, the CR which would expire on March 4, 2011. Specifically, under HR 3082 as it is currently crafted and under the Inouye substitute, is the Department of Defense required by law to continue to fund the alternate engine at fiscal year 2010 levels? Does DoD have discretion to modify funding levels or other obligations to the F136 Alternate Engine program under either piece of legislation?

Because your answers to these questions have dramatic implications for thousands of Ohio workers, and, more broadly, bear on our nation's military preparedness, I ask that you respond to this letter immediately. I would appreciate a faxed response before the December 21, 2010 cloture vote on the Continuing Resolution.

I commend your leadership. The Obama Administration is well served by you and by Kate, whose professionalism, competence, and commitment to excellence in her capacity as the Associate Director for Legislative Affairs speaks well of your office as a whole.

Sincerely,



Sherrod Brown
United States Senator

We're all glad you're part of
the Administration