



September 2020

WHAT YOU NEED TO KNOW ABOUT Border Wall Funding

PRO POINTS

- **Democratic presidential nominee Joe Biden would take a nearly opposite approach to immigration from President Donald Trump, laying out plans that would sharply reverse key administration policies in crucial ways.**
- **The Trump administration has heavily involved the Pentagon in its border policy by diverting money from the defense budget to help finance the construction of barriers on the U.S.-Mexico border.**
- **The budget maneuver has sapped nearly \$10 billion in funding from military construction, personnel, equipment and weapons accounts.**
- **The diversion of money from the Pentagon toward the border wall has agitated both Democrats and Republicans who worry about the consequences on military readiness and the undermining of congressional spending prerogatives, but lawmakers haven't been able to stop it so far.**
- **House Democrats have tied border wall provisions to annual defense policy and spending bills in response to Trump raiding the Pentagon's budget.**

HOW WE GOT HERE

President Donald Trump and Democratic lawmakers have repeatedly clashed over funding to build a wall on the U.S.-Mexico border, a cornerstone pledge of his 2016 presidential campaign.

Following a 35-day partial government shutdown resulting from a fight over border wall funding, Trump declared a national emergency at the southern border in February 2019 and said he would tap into billions in funding for military construction projects and Pentagon counternarcotic activities.

The move was swiftly condemned by Democrats — as well as some Republicans — as an unconstitutional money grab that undermines Congress' power of the purse and hurts military readiness.

Democrats and a handful of Republicans have joined forces twice to pass resolutions terminating Trump's national emergency and nullify his order to shift military construction funds to the border. Trump vetoed the effort both times and lawmakers couldn't muster enough votes to override him.

Several lawsuits have challenged the diversion of money toward constructing barriers on the southern border. But an order from the Supreme Court has allowed construction of the border wall to continue as the legal challenges proceed.

In addition to helping foot the bill for border wall construction, thousands of troops have been deployed to the U.S.-Mexico border since 2018 to assist Homeland Security personnel.

WHERE THE MONEY CAME FROM

The Trump administration has siphoned off just under \$10 billion in Pentagon funding for the border in four tranches.

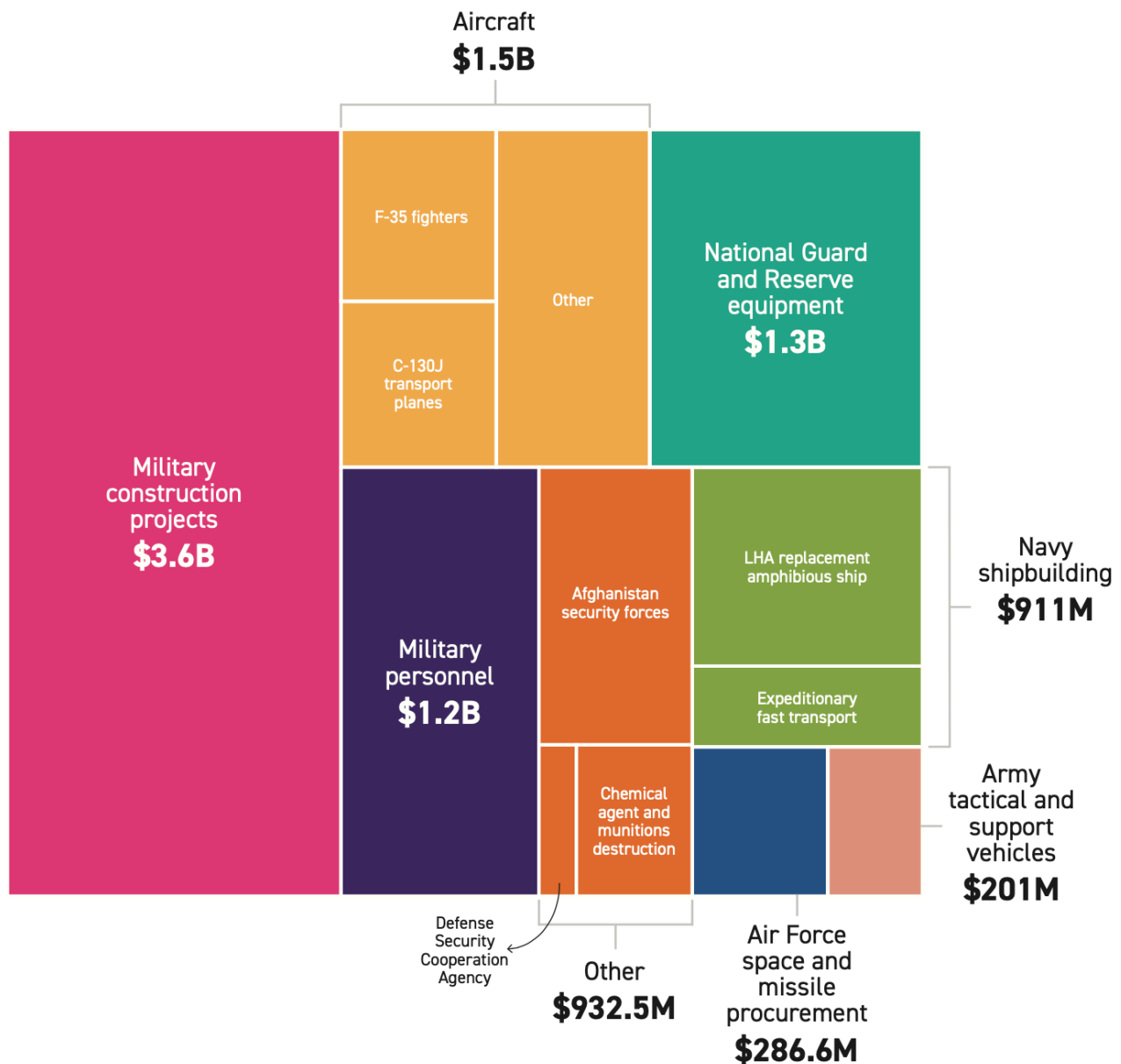
The Pentagon first reprogrammed \$1 billion in unobligated military personnel funds to the Pentagon counternarcotic account for use at the border in March 2019. In May 2019, the Pentagon shifted another \$1.5 billion from personnel accounts as well as hundreds of millions in funding for security forces in Afghanistan, chemical agent and munitions destruction, and Air Force missile and space procurement.



In September 2019, seven months after Trump announced \$3.6 billion in military construction funds would be diverted toward the border, the Pentagon released a list of 127 domestic and overseas infrastructure projects that would be deferred to pay for the wall. The deferrals included just under \$1.1 billion in projects in 23 states. Projects totaling \$687 million in three U.S. territories — Puerto Rico, Guam and the Virgin Islands — were also impacted. And \$1.8 billion in construction projects in 19 countries were deferred.

Where the money came from

The Trump administration has pulled money from a variety of Pentagon accounts to finance its border wall. That includes \$3.6 billion from military construction projects, \$1.3 billion from National Guard and Reserve equipment accounts, \$1.2 billion from personnel programs and several billion dollars from major weapons systems and other Pentagon initiatives.





Defense Secretary Mark Esper in April restored \$545 million in funding for 22 domestic projects that were originally deferred to pay for the wall. The Pentagon took money mostly from overseas projects instead.

The Trump administration transferred another \$3.8 billion toward the border in February. The latest plan sapped money from fighter jets, ships, vehicles and equipment for the National Guard and Reserve. The Pentagon's focus on diverting money for popular weapons program sparked outrage among lawmakers in both parties.

The transfer drained money from several popular weapons programs, including: \$379 million from the F-35 fighter jet; \$650 million from the Navy's amphibious assault ship replacement program; \$365 million from the Air Force's C-130J transport plane; \$100 million from the Army National Guard's Humvee modernization program; and \$1.3 billion from National Guard and Reserve equipment accounts.

WHAT'S NEXT

More than a year and a half after Trump began dipping into Pentagon coffers to fund his border wall, lawmakers are still battling with the president. But so far, they've come up short.

On top of voting to terminate Trump's national emergency, House Democrats have sought to limit or roll back the use of military money for border barriers through annual defense policy and spending legislation. In 2019, those must-pass bills included provisions to block any defense money from being used to build barriers and limit the money the Pentagon can shift within its own budget. Those provisions were opposed by the White House and Senate Republicans and weren't included in the final bills.

House Democrats didn't renew their most aggressive border wall provisions in this year's defense policy bill, known as the National Defense Authorization Act.

Still, Democrats are tying tough border wall measures to their defense appropriations bill. The House defense spending bill passed in July would bar Pentagon money for the border wall, dramatically reduce the Defense Department's budget transfer authority and require the administration to return to original accounts any of the \$3.8 billion transferred in February that hasn't been spent. Those provisions are unlikely to become law, however, amid opposition from Senate Republicans and the White House.

What's Congress doing about it?

House Democrats have offered provisions to halt border wall funding in their versions of the fiscal 2021 defense appropriations bill and the National Defense Authorization Act.



- Prohibit defense funding from being used to build a wall, fencing or barriers on the U.S.-Mexico border
- Require all unspent money from the Feb. 13 \$3.8 billion border reprogramming to be returned to the original accounts
- Reduce Defense Department's budget transfer authority to \$1.9 billion, down from \$6 billion this year
- Bar the deployment of active-duty troops to the southern border in support of immigration agencies unless the agency requesting assistance reimburses the costs



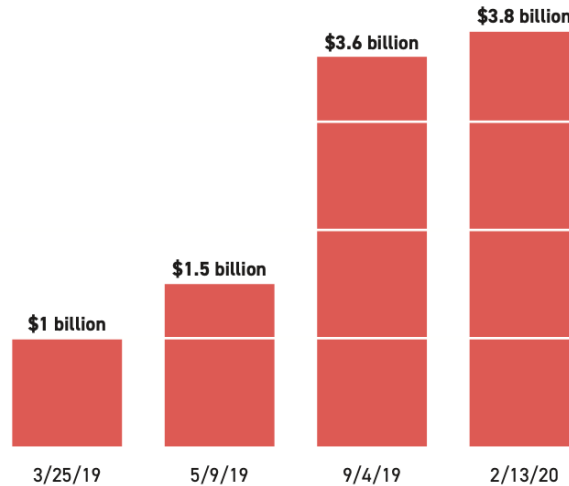
- Set an annual limit of military construction funds that can be used in a national emergency at \$100 million for domestic use and \$500 million for overseas construction
- Require the Pentagon to certify that the deployment of military personnel to the U.S.-Mexico border won't impact readiness



The border wall will almost certainly be a moot point if Trump is defeated by former Vice President Joe Biden at the polls in November. Biden has pledged that he won't build "another foot of wall" as president, and that could mean restoring some of the money taken from the Pentagon budget.

Border wall funding totals nearly \$10 billion

The Trump administration has siphoned off just under \$10 billion from the defense budget for border wall construction since early 2019. The money has been transferred in four tranches over a year.



POWER PLAYERS



Defense Secretary Mark Esper

The Pentagon chief has defended the administration's use of military funding for barriers along the U.S.-Mexico border amid heavy criticism from lawmakers. Esper also extended the deployment of thousands of U.S. troops to support border patrol personnel at the southern border through October 2021.



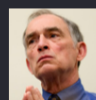
Rep. Adam Smith

The Washington state Democrat chairs the House Armed Services Committee. He has sought to block more money from being diverted to the border wall from military accounts.



Sen. Jim Inhofe

The Oklahoma Republican chairs the Senate Armed Services Committee and is a close Trump ally. Despite his advocacy for a border wall, Inhofe has lamented that defense money was tapped to construct barriers and has advocated backfilling the Pentagon accounts that were funneled toward the wall.



Rep. Pete Visclosky

The Indiana Democrat chairs the House Appropriations subcommittee that oversees defense spending. From that perch, he's excoriated the Trump administration for undermining congressional spending prerogatives and pressed to limit the diversion of defense money in annual defense appropriations legislation.