

Pentagon announces transfer of \$1 billion for border wall construction

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The Trump administration's war against immigrants has taken two major steps forward. On Monday night, the Pentagon announced that it would make available \$1 billion to facilitate the construction of the border wall. On Tuesday, the US House of Representatives failed to override Trump's veto of the congressional resolution to overturn his declaration of a national emergency on the US-Mexico border, the official basis for the Pentagon action.

In his letter to the Department of Homeland Security, acting Defense Secretary Patrick Shanahan announced he had made \$1 billion available for the border wall construction by "re-programming" available funds. Basically, part of the money allocated to the Pentagon for military personnel was moved to an account for drug enforcement. These funds would be made available to the Army Corps of Engineers and help facilitate the construction of 57 miles of "pedestrian fencing," road construction and lighting along stretches of the border in Arizona and Texas.

The practice of "re-programming"—moving funds between various government agencies, or between various accounts—is not a new one, and does not legally require congressional authorization. However, it has been customary for the Department of Defense (DoD) to run its requests past Congress before moving any large amount of money. This was not the case with the latest re-programming.

Instead of seeking prior approval, the DoD merely notified Congress that it was acting on executive orders under the national emergency to carry out a transfer of funds. In his response, House Armed Services Committee Chair Adam Smith (D-WA) chastised the DoD for going against the "gentleman's agreement" and rejected the notice: "The committee does not approve the use of Department of Defense funds to

construct additional physical barriers." The rejection remains essentially meaningless since the Pentagon did not seek permission.

At this point, given that the budget appropriations for fiscal year 2019 have already been finalized, the Appropriations and Armed Services committees have no control over general re-programming. That hasn't prevented House Democrats on these committees from promising that they would "zero-out" re-programming, supposedly to dramatically reduce the amount of money the Pentagon can move around in 2020. This is a promise that should not be taken at face-value.

On a whole range of issues, including the unlawful detention of immigrants, separation of families, the abuse of detainees, the expansion of the powers of Immigration and Customs Enforcement (ICE), and the ongoing militarization of the border, the Democrats' position has ranged from silence to actual complicity, albeit cloaked in phony rhetoric.

Even prior to the declaration of the national emergency, Congress had given the Trump administration a significant amount of funding for the wall: \$341 million in 2017, and \$1.375 billion in 2018. This funding would not have been possible but for support from the Democratic Party. Democrats have, however, tried to claim that the 2018 funding in particular is not for "building" the wall, since it is specifically earmarked for repairs to existing structures.

In addition to these appropriations and the \$8.6 billion it plans to seek in its 2020 budget request, the Trump administration intends to raid three pots of money for the wall: Treasury Forfeiture Funds, Pentagon drug-enforcement funds, and military construction funds.

The administration is reportedly seeking a total of \$600 million from the Treasury fund, which collects the

money federal law enforcement agents seize from convicted drug and other criminals. Congress has customarily used these funds to pay for various programs, and this does not require a declaration of national emergency. The use of Pentagon military construction funds, however, do require the exercise of emergency powers by the President.

In and of itself, the re-programming of funds from the military personnel account to the drug enforcement account would not render them available for the border wall construction program. That it does so is because of one of the more blatant and constantly reiterated lies by this administration about immigration: that a border wall is necessary to prevent drug smuggling. This claim—like almost everything that has been put out by the administration about why the wall needs to be built—has been proven to be baseless, given that most drugs actually enter the US through official ports of entry, not by illegal crossings in unpoliced areas.



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