



Funding U.S.-Mexico Border Barrier Construction: Current Issues

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The construction of barriers on the U.S.-Mexico border to control unauthorized crossings has been a matter of significant debate since President Donald Trump made construction of a border wall a key element of his campaign. This Insight provides a brief overview of the funding history for these barriers and how the current administration is redirecting federal funds to support construction.

Border Barriers Under Presidents George W. Bush and Barack Obama

In the decade prior to President Trump's election, Congress had appropriated almost \$2.5 billion to U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), to construct more than 650 miles of primary barriers along the southwest border. This includes approximately 350 miles of primary barriers designed to restrict the flow of pedestrians and approximately 300 miles of primary barriers to restrict the flow of vehicles in areas where unauthorized border crossing on foot was less of a concern. Funding for construction of border barriers in this period largely ended in FY2011.

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Border Barriers Under President Trump

Shortly after his inauguration in January 2017, President Trump signed an [Executive Order](#) that called for the construction of a border wall. In March, the President submitted a [supplemental appropriations request](#) for FY2017, which included almost \$1 billion to begin planning and construction. (At the time, annual appropriations requested for FY2017 by the Obama Administration had yet to be resolved.)

In response to this and subsequent requests from the Trump Administration totaling more than \$13.27 billion through FY2020, Congress has provided almost \$4.47 billion for border barrier construction through DHS appropriations. Funding has been provided with [conditions](#) that the barriers are built in certain border patrol sectors and meet certain design requirements.

In response to Congress not providing DHS the level of border barrier funding requested by the Administration, since FY2019, the White House has been redirecting other federal resources to support border barrier construction. These efforts include a \$601 million transfer of resources from the Treasury Forfeiture Fund to CBP.

Most of the redirected funding for border barriers sought by the Administration is through the Department of Defense (DOD). In 2019, President Trump undertook a series of executive actions that redirected \$6.1 billion in FY2019 defense funds to 17 border barrier construction projects identified by DHS.

Of this amount, DOD made \$2.5 billion available using General (and Special) Transfer Authority, and 10 U.S.C. §284, a statute that allows the transfer of defense funds for the purpose of supporting other agencies' counterdrug activities (e.g., the construction of roads and fencing to block drug smuggling corridors across international boundaries). The remaining \$3.6 billion, which the Secretary of Defense made available by indefinitely deferring ongoing military construction projects, was authorized under 10 U.S.C. §2808, following the [declaration of a national emergency](#) by the President in February 2019.

Although unresolved court actions have delayed the obligation of some border barrier construction funds, DOD has generally proceeded with barrier project execution on an expedited timetable, prioritizing projects on the basis of speed of potential execution, as opposed to DHS priorities.

FY2020 Funding

The Administration sought \$5 billion for border barrier construction for CBP in the FY2020 DHS Appropriations Act. The House Appropriations Committee provided no funding in its FY2020 bill (H.R. 3931) for border barriers; the Senate Appropriations Committee included \$5.0 billion. The FY2020 DHS Appropriations Act (P.L. 116-93, Div. D) included \$1.375 billion for construction of barriers.

As part of its FY2020 budget request to Congress, the Administration also sought \$7.2 billion in military construction funds for border barrier construction projects. This included \$3.6 billion to replenish (or backfill) military construction projects deferred by the use of 10 U.S.C. §2808 and an additional \$3.6 billion for new border barrier projects. Congress did not authorize or appropriate this funding.

The House attempted to include restrictions on border barrier funding in the FY2020 [Homeland Security appropriations](#), [defense authorization](#), [defense appropriations](#), and [military construction appropriations](#) bills, but the provisions in the House-passed measures were not enacted.

On February 13, 2020, the Administration again used its General and Special Transfer Authority at 10 U.S.C. §284 to [reallocate \\$3.8 billion](#) of FY2020 DOD appropriations to support border barrier construction. Defense [authorization](#) and [appropriations](#) committees in the House have opposed this reprogramming. In the Senate, opponents have introduced [legislation](#) that would reverse the reallocations.

FY2021 Funding

The Administration sought \$1.96 billion for CBP in the FY2021 DHS Appropriations Act to construct approximately 82 miles of border barrier system. Unlike last year, the Administration has not requested that Congress provide additional defense funds to support DHS border construction.

USACE Role

Border barrier construction is generally carried out by private sector firms through contracts awarded by the U.S. Army Corps of Engineers (USACE), which is part of DOD. DHS transfers its funds to the USACE under an Economy Act agreement to manage the real estate work involved and to perform construction; DOD funds its barrier construction under the authorities in the above-mentioned statutes and uses USACE to manage the real estate work and perform construction.

As of February 28, 2020, USACE has indicated they have \$9.9 billion in DOD funding, including the FY2020 reprogramming, for 484 miles of border barrier, as well as \$5.1 billion through DHS, including the FY2019 Treasury Forfeiture Fund transfer, for 274 miles. These totals include replacements of existing miles as well as additional linear miles of barrier.

For More Information

Information on the history of and DHS funding for construction of U.S.-Mexico border barriers can be found in CRS Report R45888, *DHS Border Barrier Funding*.

Detailed information on the Administration's request for border barrier funding through DOD can be found in CRS Report R45937, *Military Funding for Southwest Border Barriers*.

Information on court cases related to the Administration's efforts to fund barrier construction in the absence of additional appropriations to CBP can be found in CRS Report R45908, *Legal Authority to Repurpose Funds for Border Barrier Construction*.

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