



Analysis of the Supplemental Budget Request

A peek at what's behind the White House's border "surge"

By Dan Cadman

On July 8, the White House submitted its [emergency budget request](#) to the House of Representatives (which holds the "power of the purse" under our Constitution) to deal with the "humanitarian crisis" on our southern border.

The budget request, which totals \$3.7 billion, immediately drew flack from many representatives who called it a blank check. Responding in the media, White House Director of the Domestic Policy Council Cecilia Muñoz said that Congress cannot have it both ways: criticizing the administration while withholding the funding to effectively handle the crisis.

Having studied the request, it seems clear to me that it is the White House that wants it both ways.

In this regard, it is noteworthy that Department of Homeland Security (DHS) Secretary Jeh Johnson, when interviewed July 6 on NBC's "[Meet the Press](#)", repeatedly demurred when pressed by frustrated host David Gregory to say whether or not all — or indeed any — of the unaccompanied alien children (UACs) would ever be returned.

Johnson did say that, "With regards to adults who are bringing their children, we're bringing on additional detention capacity. We're turning that population of people around quicker." But nothing in either the specifics of the budget request, or what fragmentary statistical information the government has released about adults who have arrived as a part of the surge, shows even that statement to be true.

While administration leaders publicly claim they are working to effectively stem the tide of arrivals and ensure their speedy removal, everything about the budget request suggests this is more about resettlement, prolonging removal proceedings into infinity, and then quietly letting the tens of thousands of most recent arrivals recede into the woodwork of society to join the [more than 840,000 aliens](#) who are already fugitives from immigration courts around the country.

Reciting the entire litany of questionable items that pop out at me when I read the request is beyond the boundaries of a blog. But here are a few of the things that garnered my attention and concern:

- Of the \$3.7 billion being requested, fully \$1.8 billion (about 49 percent of the total) is for resettlement costs to be appropriated to the Department of Health and Human Services (HHS) — not just for the UACs, but for entire family units, including adult men and women. There is no reason to think that the accommodations will be temporary, insofar as the funds include authorization "for acquisition, construction, improvement, repair, operation, and maintenance of real property and facilities."
- There is a "general provision" in the request which, under the guise of limiting reprogramming or real-locating of funds once appropriated, in fact gives the administration the right to move as much as 30 percent of the monies around as they choose. (Past history suggests that such reprogramming is usually limited to 10 percent of appropriated funds, unless specifically approved by Congress.)

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- The Department of Justice (DOJ) would be given \$15 million to hire attorneys to defend the UACs against deportation in removal proceedings before an immigration judge. An additional \$1.1 million would be given to DOJ for “immigration litigation attorneys” who, presumably, would assist alien adults in their proceedings. It is clear that such litigation attorneys are not prosecutors, who are called “trial attorneys” and work for DHS, not DOJ. In essence, Congress is being asked to approve the executive branch’s violation of the law. Section 292 of the Immigration and Nationality Act specifically [prohibits representation of aliens in immigration proceedings at government expense](#).
- Much of the so-called “enforcement” portion of the budget is not truly geared toward removal; rather, it is a recouping of costs for temporary detention and subsequent transporting of aliens (including adults) to facilitate their resettlement and relocation by HHS. (It is noteworthy that, according to a leaked Immigration and Customs Enforcement (ICE) Office of Intelligence [document](#), fully 47 percent of the arrivals are adults, who *should* be subjected to expedited removal, *not* to relocation and resettlement.)
- A meager \$109 million is being requested to facilitate anti-smuggling investigative efforts, which, according to Secretary Johnson’s statements and testimony in other venues, are supposed to be one of the crown-jewels in his 14-point plan to stem the surge. In any case, such efforts are destined to limited success. This is because the United States has very little influence over ineffectual or corrupt police and military services in the source and transit countries, to ensure that they root out criminal gangs responsible for the smuggling. On the U.S. side, the ones responsible for predicating the effort through contact with, and payment to, the gangs are often the parents or other relatives of those being smuggled and, rather than investigate and prosecute such individuals to the full extent of the law, the government instead acts as the ultimate delivery agent, passing along the smuggled-but-apprehended alien to the people who paid to have him or her smuggled. And at the border proper, the ones who act as the guides for groups being smuggled are low-level nothings; the equivalent of mules. They are easily replaceable and their capture disrupts nothing.

So the government takes a hands-off approach to the UACs being smuggled, and after a few days of detention and make-work processing, passes them over to the ones who initiated the venture; it then takes a hands-off approach to the people who want to take possession of the ready-for-release smuggled UACs and families (even if those people are themselves illegal aliens). It’s a closed circle of illogic. Little will come of any anti-smuggling program, except to permit the secretary to say he’s fulfilling his 14-point plan. Perhaps that is why the administration isn’t spending much more than chump change on the effort.

It’s no wonder that many in Congress are balking at being asked to go along with such a Potemkin village approach to the problem, one that the White House saddled itself with by reason of its fecklessness where respect for the rule of immigration law is concerned.