

FLOOR SPEECH
SENATE VOTE ON RESOLUTION OF DISAPPROVAL OF
PRESIDENT'S NATIONAL EMERGENCY DECLARATION ON BORDER WALL
March 14, 2019

When each senator is sworn into office, we take a fundamental pledge: To “support and defend the Constitution of the United States...” That vow -- that we “support the Constitution”-- dates back to the very first Congress, in 1789.

Defending the Constitution is our first and most sacred duty.

The founders built a system of checks and balances into our Constitution. They made sure that the three branches of government exercised their own, separate powers.

And they made sure that no one branch and no one person could exercise too much power -
- especially over the use of taxpayer money.

The Founders gave to Congress the power of the purse. One of our most fundamental powers. Article 1, section 9 of the Constitution could not be more clear: “No money shall be drawn from the treasury, but in Consequence of Appropriations made by Law...”

Congress holds the power to spend taxpayer money. Not the president.

It is our job to make sure that spending decisions have widespread public support and are not the product of an extreme minority. Much less one man.

We all know that the president wants a wall. We just had a major debate over border security funding. The president shut down the government for 35 days because Congress refused his wall request.

Eventually he relented. But now, he’s declared a “emergency” -- to simply try and take the money that he couldn’t get from the appropriations process.

He even said “I didn’t have to do this.” He flaunted the fact that this is not a real emergency.

The president is testing the limits of executive power.

The question before the Senate today is — are we going to let this happen? Are we going to open this Pandora’s box?

What about Article 1 of the Constitution? What about the 35 day government shutdown?
What about presidential budget requests? What about the Appropriations Committee?

Are we really going to let a president raid taxpayer money after Congress denies the request?

The opposition to this power grab is bipartisan. As it should be.

Among the American people, the numbers are overwhelming. Almost **seventy percent** of the American people oppose the president’s emergency declaration to raid taxpayer money for the wall. Almost seventy percent!

My fellow senators – it is time for the Senate to do its job. It is time for us to assert our authority over the purse. It is time to honor our oath of office.

Every senator should vote “yes” on the resolution to terminate the president’s emergency declaration.

I want to thank my co-sponsors in this effort -- Senators Collins, Murkowski, and Shaheen. Senator Collins is here on the floor again to urge us to do the right thing. To stand up for Congress’s authority.

This vote is historic. The Constitution’s principle of separation of powers is at stake. If the Senate enables the president to hijack our power to appropriate – history will not remember us fondly.

This vote is not about the wisdom of building a wall along the border. This vote is not about party.

This vote is about whether we will let any president trample on the Constitution. Whether we will sit by, and let the president take away our constitutional authority to appropriate.

I rise today hopeful. Hopeful that my Republican colleagues will speak up. In addition to Senators Collins and Murkowski, Senator Tillis stated firmly in a recent opinion piece, "I support Trump's vision on border security. But I would vote against the emergency."

Why does he say he will vote against the emergency declaration?

Because, he says, "[a]s a U.S. senator, I cannot justify providing the executive with more ways to bypass Congress."

Former Governor Kasich authored another opinion piece recently, titled "It's time for Republicans in Congress to put country over party."

He states: "Let's be clear. This vote is not about the situation at the border; it's about an executive power grab and, above all, congressional respect for the democratic process."

I agree. And I would like to enter the full pieces by Senator Tillis and Governor Kasich into the record.

To get this wall money -- the president caused the longest government shutdown in the history of our nation. The shutdown caused hardship for millions of federal employees and lasting pain for thousands of federal contractors. Not to mention the millions of Americans who were denied services for 35 days — services they paid for with their tax dollars.

I visited with New Mexicans hurt by the shutdown. It was painful to hear their stories.

In the end, Congress decided – on a bipartisan basis -- **not** to spend the \$5.7 billion dollars the president demanded for his wall.

He got \$1.3 billion. I didn't want to see that much. But it was a hard fought compromise. And a deal's a deal.

Congress's determination should have ended the debate for this fiscal year.

And now, the president is asking Congress for \$8.6 billion dollars for the border wall for next year. That is his prerogative.

But -- make no mistake -- it is not only Congress's prerogative, it is Congress's constitutional responsibility to decide if he gets that money.

As the old saying goes, the president proposes, and Congress disposes. President Trump is being treated no differently than all previous presidents.

That is how our constitutional system works.

Or, at least, how it's supposed to work.

The president's emergency declaration is end-run around Congress. Plain and simple.

If any Democratic president issued an emergency declaration like this – say for climate change or gun safety funding – Republicans in this body who would scream bloody murder and vote to disapprove.

Now – I am on record that climate change is the most pressing issue facing our planet. I am on record that gun violence is a national crisis.

But -- I have voted for and proposed actual legislation on these topics. As our system is supposed to work. No previous president has used the National Emergency Act to bypass the appropriations process like this.

Our Constitution. The rule of law. Separation of powers. All of these rise far above the day-to-day controversies like the president's border wall.

On a practical note: The president wants to take real money away from real military construction projects that will have a real impact on national security. Military construction projects that have been vetted through years of scrutiny. Through the military. Through numerous Congressional committees and Congress. Projects deemed essential to national security. Projects all across the nation -- in your states -- now at risk.

We have a long list of military construction projects threatened by the president. Yet, he has not bothered to tell us which projects will be cut to build his wall.

Will he raid \$793 million dollars to rebuild Camp Lejeune, in North Carolina, after the devastation from Hurricane Florence?

Will he steal up to \$800 million dollars for Navy ship maintenance to make sure that accidents like what happened to the USS McCain and USS Fitzgerald never happen again?

Will he raid \$125 million dollars from my home state of New Mexico for Holloman Air Force Base -- to develop unmanned aerial vehicles to track terrorists -- and for White Sands Missile Range, to build a badly needed information systems facility?

The answer is, we don't know. But these critical projects -- in all of our states -- are at risk.

We each need to think about our states. And the people we were sent here to represent.

I am from one of the four states that border Mexico. One of the four states that would be most directly impacted by any border wall.

I am here to tell you: there is no national security emergency along my state's border with Mexico. What is happening at our border does **not** justify the use of this authority.

New Mexico's border communities are flourishing with economic, cultural, and educational activity. Border communities are as safe—or safer—than many others in the interior.

This is not a partisan view along the border. Republican William Hurd represents more than 500 miles of the Texas border with Mexico. He not only believes the president's emergency declaration is unconstitutional, he thinks the president's wall is QUOTE "the most expensive and least effective way to do border security."

But again – whether you support or oppose the border wall is not at issue.

What is at issue is our oath to "support and defend" the Constitution. Whether any President can toss Congress aside, and raid critical funds at will.

We have an opportunity to stand up to an unconstitutional power grab. I urge everyone in this chamber to seize that opportunity.

I yield the floor.