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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. KELLY of Illinois).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 26, 2019.

I hereby appoint the Honorable ROBIN L. KELLY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2019, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 11:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

VA MEDICAL CENTERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. BOST) for 5 minutes.

Mr. BOST. Madam Speaker, I have run a small business, and I know that any organization needs long-term certainty. No organization can successfully operate under a revolving door of short-term leaders, especially not one tasked with caring for America's heroes. Unfortunately, this is what is happening at our Nation's VA centers.

Almost 20 VA medical centers, nationwide, currently lack a permanent

director. Some of these facilities have not been staffed by a permanent director in almost 2 years. Instead, these facilities are managed by short-term directors who stay on the job for just a few months.

There is just not a lot you can do in a few months. It is not nearly long enough to review operations, recommend improvements, and see these reforms brought through to an end. That is why I introduced bipartisan legislation with Mr. COSTA from California that put an end to this revolving door. Our bill pushes the VA to hire permanent directors at all VA medical centers—no more interim directors.

We all want a VA system that can complete its mission to care for those who shall have borne the battle. Having consistent leadership is the least we can do for our Nation's heroes.

ASSAULT ON THE FIRST AMENDMENT

Mr. BOST. Madam Speaker, I say to the people of southern Illinois and this country: Your constitutional rights are under assault. If you are a law-abiding gun owner, a sportsman, you need to pay attention.

This week, the House Democrats will bring a bill to the floor that will restrict your freedoms and do little to reduce gun violence.

As a father and a grandfather, I want to reduce gun violence as much as anyone, but we have to be smart. We can't get roped into scoring political points. That is why I worked with my colleagues on both sides of the aisle last year on a measure which is now law to increase security for our kids in the schools. But the gun control bill being considered this week makes it harder for law-abiding citizens to defend themselves and others against criminals who have guns.

We need to enforce the laws already on the books, not limit the rights of law-abiding citizens who want to protect their families.

EMERGENCY DECLARATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. MALINOWSKI) for 5 minutes.

Mr. MALINOWSKI. Madam Speaker, I rise to urge that we come together today to defend the Constitution of the United States by repudiating President Trump's emergency declaration of February 15.

Few provisions of the Constitution are more plain than Article I, Section 9, Clause 7: "No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

The President has immense powers, but he cannot spend money unless we, the people's Representatives in Congress, have agreed that he can.

Now, there might be extraordinary circumstances when a President could violate that principle, when all of us would agree that he must act but there is no time to ask Congress for funds: a military invasion or a massive natural disaster, for example. The National Emergencies Act provides for that.

But if the situation on the southern border were that kind of emergency, then the President hasn't been acting like it. For 2 years, when his party controlled the House and Senate, he never asked us for money to build a wall, and if we truly faced that kind of imminent threat, a wall would not even be an emergency measure given how long it would take to build.

The critical point is this: When the President finally got around to asking us for money, we deliberated on his request, and we said no. You may believe we were right or you may believe we were wrong, but that is what the elected Representatives of the American people decided.

So the question before us today is not how do we secure the border; it is whether this President or any President can use emergency powers to defy the Congress when he disagrees with a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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decision that we have made. Are we going to stand by and watch this President seize funds from the military to forcibly take land from law-abiding American citizens to build something that Congress has said should not be built?

We know this would be wrong. The National Emergencies Act is for genuine emergencies. It is not a get-out-of-the-Constitution-free card for Presidents who want something that Congress won't give them.

Now, I have heard some people say that President Obama did the same thing. I am sorry, he did not. Both President Obama and President Bush were sometimes accused of exceeding their constitutional authority; the courts sometimes overruled them. But neither Obama nor Bush nor Nixon nor Reagan nor Roosevelt nor Lincoln nor any President since the founding of our Republic has ever decreed an emergency to spend money that the Congress explicitly denied them.

If you want to find a precedent for what President Trump has done, I can give you one. When I was a diplomat representing our country and standing up for our values around the world, I had this exact same debate with authoritarian governments in Ethiopia, in Bahrain, and in Egypt, telling them: Do not use emergency powers to get around your constitutions. I never thought I would have that kind of argument with a President of the United States.

Many of my Republican colleagues have been saying that America must not go the way of Venezuela, and they are right. When President Trump said in his State of the Union that we must never become a socialist country, I joined them in getting to my feet and applauding.

But how do you think Venezuela got to be a socialist country? I will tell you. President Maduro declared a state of economic emergency to give himself the power to defy his elected national assembly and spend money however he pleased.

That is not America. We must never become that. We believe in rule of law, not rule by decree.

We disagree passionately within the boundaries the Constitution draws, but we agree zealously to defend those boundaries when any one of our party or any party tries to cross those boundaries. That is how we have survived as a constitutional democracy. It is the only way we can survive.

We are divided enough right now, so, please, let's not allow another tear in the constitutional fabric that holds us together. Let's unite as patriots on this one question so that we can safely disagree as partisans on everything else.

THE NATIONAL EMERGENCY ON OUR SOUTHERN BORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to discuss the issue that is facing Americans across the Nation: the opioids crisis.

The 2018 National Drug Threat Assessment, a comprehensive guide published by the Drug Enforcement Administration, indicates that illegal drug use continues to rise. It cites Mexican transnational criminal organizations as America's greatest enemy in the war against drugs. While these criminal organizations are bringing a wide variety of illegal drugs across our southern border, I am particularly worried about their role in spreading the opioid crisis.

Thousands of pounds of opioids are smuggled across our southern border every year. Just last year, the DEA seized more than 17,000 pounds of heroin in the United States. About 39 percent of this was seized at the southern border.

Another opioid that has devastated communities across America is fentanyl. As we started to understand the scope of the opioid crisis facing our Nation, the CDC says doctors started prescribing less and less pharmaceutical fentanyl. But fentanyl overdoses remained steady as prescription rates dropped, meaning that illicitly manufactured fentanyl is one of the main drivers of the opioid crisis.

Illicit fentanyl is a synthetic opioid that is produced in China and Mexico. It is either smuggled into the United States through the mail from China or across our southern border from Mexico. In 2017, Customs and Border Patrol agents seized nearly 1,500 pounds of fentanyl at the border. Considering fentanyl is 50 to 100 times more potent than morphine, last year's seizures accounted for millions of potential overdoses and deaths.

But it is easy to discuss the amount of illegal drugs that have been seized at the border. It is easy to discuss the need for change. The hardest part is discussing the human toll that this crisis has taken.

Madam Speaker, last year more Americans died of a drug overdose than in any other recorded year. In 2017, overdoses killed more than 70,000 Americans, and more than 28,000 of these deaths were related to synthetic opioids such as fentanyl.

Our country is facing a crisis, and action is necessary. That is why I was proud to stand with President Trump and support H.J. Res. 31. This appropriations bill included provisions that are vital to my congressional district and that will bring the fight against opioids to the front lines: the southern border.

Although I was disappointed that my Democratic colleagues didn't include more to combat this crisis, I was pleased that it included funding for 55 miles of wall on the southern border. Walls work, and we need to continue the construction of this wall. This is why President Trump's national emergency declaration is necessary.

But, Madam Speaker, tomorrow House Democrats will bring up a measure to block President Trump's emergency declaration, H.J. Res. 46. They say the wall is immoral. They say it is cruel. I say we need decisive action to fight the opioid crisis, and this is the first step in the right direction.

Since President Carter, there have been 31 national emergencies declared. President Clinton declared 6, and President Obama declared 10 that are still in place. All 31 national emergencies recognized a dire threat to the American people and took action. By declaring this national emergency, President Trump is taking action against a threat that killed 70,000 Americans in 2017 alone.

Madam Speaker, I urge my colleagues to vote "no" on H.J. Res. 46. Support our President and save American lives.

EMERGENCY DECLARATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. ARRINGTON) for 5 minutes.

Mr. ARRINGTON. Madam Speaker, I rise in strong opposition to the resolution the House will vote on later today that would terminate the President's declaration of a national emergency.

The need to secure our borders isn't just a matter of good public policy, it is our highest calling, and it is our constitutionally prescribed duty as guardians of our citizens' safety.

When our Founding Fathers penned our Constitution and changed the course of history, they charged the Federal Government in the preamble with the preeminent responsibility to provide for the common defense. But they didn't just stop there. They went on and not only empowered, but they commanded that the Federal Government shall protect every State in the Union against invasion.

Madam Speaker, unfortunately, as the American people and, especially, the citizens of the great State of Texas know far too well, the Federal Government has abdicated its most important responsibility and has been derelict in its constitutional duty to defend our borders and provide for our defense.

For too long, politicians have pontificated and they have postured that they would stop illegal immigration and that they would secure the border, but the fact is they haven't. Anyone who has been to the border or worked along the border or lives along the border knows that this is a crisis. This is a national emergency.

We know that, just last month, apprehensions at the southern border spiked 84 percent compared to the same time last year, with 120,000 apprehensions in the last 2 months alone. Homeland Security personnel spent 28,000 man-hours to render basic medical services to folks who were coming across the border.

New migrant caravans continue to form and march toward our cities