

The act is procedural in nature. It lays out the process the President must follow to declare a national emergency but does not provide the President with any additional powers. Instead, it requires the President to specify where, in existing law, he has been granted the authority for the powers he intends to exercise.

By itself, the National Emergencies Act does not give the President the power to repurpose billions of dollars to build a wall. The President must look elsewhere for that authority.

In his declaration, the President cites the authority provided by title 10, section 2808 of the U.S. Code, which relates to “Construction authority in the event of a declaration of war or national emergency.” But that authorization applies only to “military construction projects” that are “necessary to support [the] use of the armed forces.” I do not believe this provision can be fairly read to bootstrap the presence of troops along the southern border into the authority to build a wall as a military construction project.

The question isn’t whether the President can act in an emergency but whether he can do so in a manner that would undermine the congressional power of the purse.

Here, I think we need a better understanding of what should qualify as an emergency. One place we could turn is to a five-part test originally developed by the Office of Management and Budget in 1991, under former President George Herbert Walker Bush, to determine whether requested funding merited an “emergency spending” designation under our budget rules.

Under that test, a spending request was designated as an “emergency” only if all five of the following conditions were met:

First, expenditures had to be necessary; second, the need had to be sudden, coming into being quickly, not building up over time; third, the need had to be urgent; fourth, the need had to be unforeseen; and fifth, the need could not be permanent.

I raise this test only by way of analogy, but it is fair to say that whether or not you agree with the President that more should be done to secure the southern border—and I do agree with the President’s goal—his decision to fund a border wall through a national emergency declaration would not pass this five-part test.

The President’s declaration also has practical implications for the military construction appropriations process, as my colleague has pointed out.

Last year, in testimony before the Appropriations Committee, the Department of Defense said that the President’s budget request for military construction funding was crucial to support our national defense, including construction projects to improve military readiness and increase the lethality of the force. This includes missile defense, improved facilities in Europe to deter Russian aggression,

and infrastructure to operationalize the F-35 stealth fighter.

This also included several important efforts at the Portsmouth Naval Shipyard in Maine that are vital to the Navy conducting timely maintenance and refueling of our Nation’s submarines. Shifting funding away from these vital projects is shortsighted and could have very real national security implications.

We must defend Congress’s institutional powers, as the Founders hoped we would, even when doing so is inconvenient or goes against the outcome we might prefer.

The gridlock we have experienced on difficult issues like border security and immigration reform is not simply a failure to get our work done but a reflection of the fact that we have yet to reach a consensus.

The President’s emergency declaration is ill-advised precisely because it attempts to shortcut the process of checks and balances by usurping Congress’s authority. This resolution blocks that overreach, and I hope, regardless of our colleague’s position on the construction of the border wall, that we will join together to assert Congress’s constitutional authority in the appropriations process.

I urge our colleagues to support this important resolution.

Mr. UDALL. Would the Senator yield?

Ms. COLLINS. I would be happy to.

Mr. UDALL. I just want to say, because we have both been here for a bit talking on the floor about this, I want to thank Senator COLLINS for standing up for principle. I want to thank her for standing up for our Constitution. It is a real honor to join her in this resolution of disapproval.

I also, as she just did, thank the two other Senators who are joining us, Senator MURKOWSKI and Senator SHAHEEN. I thank the Senator very much.

Ms. COLLINS. Mr. President, I would thank the Senator for his gracious comments. As always, it has been a great pleasure to work with him, and I know he cares deeply about the constitutional principle that brings us to the floor today. Let us defend the Constitution.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 85—RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF EASTERSEALS, A LEADING ADVOCATE AND SERVICE PROVIDER FOR CHILDREN AND ADULTS WITH DISABILITIES, INCLUDING VETERANS AND OLDER ADULTS, AND THEIR CAREGIVERS AND FAMILIES

Mr. BROWN (for himself and Mr. PORTMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 85

Whereas, on April 22, 1919, an organization now known as Easterseals was formed to

highlight and address the health care and service needs of children with disabilities;

Whereas, in 1945, Easterseals expanded its mission by opening its programs and services to returning veterans of World War II and other adults with disabilities;

Whereas, since its inception, Easterseals has strongly advocated for essential services and support for individuals with disabilities and diverse needs, including by authoring a “Bill of Rights” for children with disabilities in 1931 that led to government-funded disability services and by increasing public awareness and support through national campaigns, including its successful “seals” campaign;

Whereas Easterseals has grown from humble beginnings in Elyria, Ohio, to become a national network of leading nonprofit organizations in States across the country that deliver high-quality, local services and support to help children and adults with disabilities, including veterans and older adults, live independently, achieve milestones, and fully participate in their communities, and to help caregivers and families of children and adults with disabilities;

Whereas Easterseals partners with the Federal Government, State and local governments, corporations, foundations, and other entities to provide or connect individuals with disabilities and their families with early childhood education and intervention services, employment assistance and placement services, transportation solutions, mental health services, respite services, camping and recreation activities, and caregiving and aging support; and

Whereas Easterseals continues the mission and commitment to service envisioned by its founder, Edgar Allen, a parent, businessman, and Rotarian, who concluded, “Your life and mine shall be valued not by what we take, but by what we give.”: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates April 22, 2019, as the 100th anniversary of the founding of Easterseals; and

(2) recognizes Easterseals for—

(A) its impact during the past 100 years in the lives of millions people in the United States; and

(B) its commitment to expanding possibilities for children and adults with disabilities, including veterans and older adults, to ensure that all individuals can live, learn, work, and play in their communities.

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##### SENATE RESOLUTION 86—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. BLUNT submitted the following resolution; which was considered and agreed to.:

S. RES. 86

*Resolved*, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Blunt, Mr. Roberts, Mr. Wicker, Ms. Klobuchar, and Mr. Udall.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Blunt, Mr. Roberts, Mr. Shelby, Ms. Klobuchar, and Mr. Leahy.

**SENATE RESOLUTION 87—AUTHORIZING THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE**

Mr. BLUNT (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 87

*Resolved*, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

**SENATE RESOLUTION 88—DESIGNATING MARCH 1, 2019, AS “READ ACROSS AMERICA DAY”**

Ms. COLLINS (for herself, Mr. REED, Mr. BRAUN, Mr. BLUMENTHAL, Mrs. CAPITTO, Mr. WHITEHOUSE, Mr. DURBIN, Mr. CARPER, Ms. KLOBUCHAR, Ms. HASSAN, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas reading is—

(1) a basic requirement for quality education and professional success; and

(2) a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention and providing additional resources for reading assistance, including through—

(1) the programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); and

(2) annual appropriations for library and literacy programs; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to designate March 2, the anniversary of the birth of Theodor Geisel (commonly known as “Dr. Seuss”), as a day to celebrate reading; Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 1, 2019, as “Read Across America Day”;

(2) honors—

(A) all authors for their success in encouraging children to discover the joy of reading; and

(B) the 22nd anniversary of Read Across America Day; and

(3) encourages—

(A) parents, educators, and communities to read with children for at least 30 minutes on Read Across America Day and, in honor of the commitment of the Senate to building a country of readers, to promote—

(i) a love of reading; and

(ii) opportunities for all children to see themselves reflected in literature; and

(B) the people of the United States to observe Read Across America Day with appropriate ceremonies and activities.

**SENATE RESOLUTION 89—EXPRESSING THE CONDOLENCES OF THE SENATE AND HONORING THE MEMORY OF THE VICTIMS OF THE MASS SHOOTING IN AURORA, ILLINOIS, ON FEBRUARY 15, 2019**

Mr. DURBIN (for himself and Ms. DUCKWORTH) submitted the following

resolution; which was considered and agreed to:

S. RES. 89

Whereas, on February 15, 2019, a gunman opened fire at his coworkers in the Henry Pratt Company warehouse in Aurora, Illinois;

Whereas 5 innocent people were tragically killed in this mass shooting, and others, including officers of the Aurora Police Department, were wounded;

Whereas the innocent employees who lost their lives that day were—

(1) Russell Beyer, age 47, of Yorkville, Illinois, a 25-year company employee, proud union man and shop chairman, a loving father of 2 children and a beloved son and brother, and a “fun, loving gentle giant of a guy,” who “would truly give you the shirt off his back”;

(2) Vicente Juarez, age 54, of Oswego, Illinois, a 15-year company employee and union man, a loving husband and father of 3 children and grandfather of 8, who had a passion for working on his 1969 Chevy Impala;

(3) Clayton “Clay” Parks, age 32, of Elgin, Illinois, a 2014 graduate of the College of Business at Northern Illinois University, a loving husband and father to his 9-month-old son, a leader and mentor, and an avid Chicago sports fan with a contagious smile and laugh, whose greatest joy was his family;

(4) Josh Pinkard, age 37, of Oswego, Illinois, a plant manager for the company since 2018, and a loving husband and father of 3 children, whose heartbreaking final message to his wife was, “I love you, I’ve been shot at work”;

(5) Trevor Wehner, age 21, of Sheridan, Illinois, a senior at Northern Illinois University who was killed on the first day of an internship, a loving son, brother, and boyfriend, and a high school and college baseball player active in his community who “never met a stranger” and “made friends with everyone young and old”;

Whereas officers from the Aurora Police Department swiftly arrived at the shooting scene within 4 minutes of the first 911 call;

Whereas the officers who arrived were fired upon by the gunman almost immediately, 5 officers were wounded, and more officers rushed in to take their place;

Whereas Aurora Police Chief Kristen Ziman said that—

(1) “Every time an officer was shot, another went in. No one retreated. They forged ahead with shields and weapons as true warriors do and no one backed down until the threat was eliminated.”;

(2) “The officers who were shot that day put their own lives at risk to save others. They are what it means to be a warrior. Those who were in the gunfire and those who stood ready to battle are just as worthy of the term hero.”;

Whereas the 6 officers wounded or injured were—

(1) Officer Diego Avila, who has served since 2016;

(2) Officer John Cebulski, who has served since 1988;

(3) Officer Marco Gomez, who has served since 2005;

(4) Officer Adam Miller, who has served since 2015;

(5) Officer Reynaldo Rivera, who has served since 1995; and

(6) Officer James Zegar, who has served since 1993;

Whereas the Aurora Fire Department and a broad array of municipal, county, State, and Federal law enforcement and medical support agencies also responded to the emergency promptly and assisted capably in the initial crisis and the subsequent investigation;

Whereas the people of Illinois and the United States are thankful to law enforcement officers, firefighters, 911 emergency dispatchers, and emergency medical teams for their heroic response to the shooting;

Whereas the Aurora shooting that took the lives of 2 members of the Northern Illinois University community took place one day after the February 14th anniversary of the 2008 mass shooting at Northern Illinois University that killed 5 students and wounded 17 others;

Whereas communities across Illinois, including the city of Chicago, and across the United States have suffered from the epidemic of gun violence in the United States;

Whereas the people of Aurora, Illinois, have now joined the ever-growing list of communities that have suffered from a mass shooting; and

Whereas the Aurora community has come together in support of the families and loved ones of the victims and those injured by this mass shooting and, will, in the words of Aurora Mayor Richard Irvin, “emerge as a stronger city”; Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its sincere condolences to the families, friends, and loved ones of those who were killed in the tragic shooting on February 15, 2019, in Aurora, Illinois; Russell Beyer, Vicente Juarez, Clayton Parks, Josh Pinkard, and Trevor Wehner;

(2) extends its support and prayers to those who were wounded or injured and wishes them a speedy recovery;

(3) commends the law enforcement officers, emergency responders, and medical personnel who responded to the shooting with professionalism, dedication, and bravery;

(4) expresses its support for the Aurora community in this difficult time; and

(5) stands in solidarity with the victims of senseless gun violence in communities across the United States.

**SENATE RESOLUTION 90—DESIGNATING FEBRUARY 28, 2019, AS “RARE DISEASE DAY”**

Mr. BROWN (for himself, Mr. BARASSO, Mr. WHITEHOUSE, Mr. MARKEY, Mr. BLUMENTHAL, Mr. COONS, Ms. STABENOW, Mr. BOOKER, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Whereas a rare disease or disorder is one that affects a small number of patients, which, in the United States, is considered to be a population of fewer than 200,000 individuals;

Whereas, as of the date of the adoption of this resolution, more than 7,000 rare diseases affect as many as 30,000,000 people in the United States and their families;

Whereas children with rare diseases account for a significant portion of the population affected by rare diseases in the United States;

Whereas many rare diseases are serious and life-threatening and lack effective treatments;

Whereas, as a result of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2049), there have been important advances made in the research of, and treatment for, rare diseases;

Whereas the Food and Drug Administration has made great strides in gathering patient perspectives to inform the drug review process as part of the Patient-Focused Drug Development program, an initiative that was reaffirmed under the FDA Reauthorization Act of 2017 (Public Law 115-52; 131 Stat. 1005);

Whereas, although more than 750 orphan indications for drugs and biological products