

Mr. Speaker, on some issues, it is better to stand alone than not stand at all, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDOWELL). Members are reminded to refrain from engaging in personalities toward the President.

LEGISLATIVE CALENDAR DAYS

(Under the Speaker's announced policy of January 3, 2025, Mr. KILEY of California was recognized for 30 minutes.)

Mr. KILEY of California. Mr. Speaker, I wanted to discuss two votes that occurred this week that have been broadly characterized as relating to tariffs. However, the issues are a little more nuanced than they have generally been portrayed.

Let's start with the vote that occurred on Wednesday. It is always good to look at the actual text because that, at the end of the day, is the only thing that matters. This was a vote on a rule which is a kind of arcane procedural mechanism that we have here in the House for bringing bills to the floor for consideration and setting the terms of debate.

When you vote on the rule, Mr. Speaker, you are not voting on the bills themselves, you are just bringing them to the floor where they will eventually be voted on.

There is this norm of voting in favor of rules, which I have always done, because if you don't do that, Mr. Speaker, then the business of the House grinds to a halt.

The only times in which I haven't done that are when the form of a rule, the mechanism of a rule, is abused for some purpose that actually impacts policy.

That is what we had in this particular rule. At the end of it, which was a normal rule for most purposes, but at the very end, Mr. Speaker, you had tacked on this peculiar provision which starts by saying that each day during the period from February 10, 2026, through July 31, 2026, shall not constitute a calendar day.

So that is a little odd on the face of it, simply fiatting that somehow these days of the months in the calendar year, February 11, February 12, February 13, and so on all the way to July 31 are somehow now by legislative decree not days.

Now, I had actually voted against this very same provision in November when the only thing that was different were the dates. As a matter of fact, there were enough votes to stop that rule from taking effect when we originally voted on it in November, but then there was a huddle among House leadership and some of those who were opposed to it. I won't get into the nature of what was discussed, but you can sort of connect the dots because after this rule passed, there was then another one that changed the end date, in that case, from March 31 to January 30.

January 30 was set to be the agreed upon end day for this accounting trick. So I was pretty surprised when January 30 comes and goes, and then we get this new provision saying: No we are actually now going to extend this all the way out to July 31.

Let's go out further in the text here. It says that these months shall not constitute a calendar day for purposes of section 202 of the National Emergencies Act with respect to various resolutions declaring a national emergency. The National Emergencies Act is a statute that gives the President the power to declare a state of emergency. It also gives Congress not just the power but the obligation to evaluate every 6 months whether we are still in a state of emergency. Congress shall consider it, is what it says.

For example, a few years ago this is how we terminated the COVID state of emergency. I was the cosponsor of that resolution actually, and it got so much bipartisan support in the House that President Biden, even though he was initially opposed, signed it into law. That is how the COVID emergency was brought to an end.

In this case, Mr. Speaker, we were being asked with this language here to say that you are not allowed to do that, Congress will be cut out of its statutory role in evaluating whether we still have an emergency for these designated emergencies and for this designated period of time.

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As such, it was limiting the power of our Members to weigh in on these very important questions. This runs contrary to everything I have ever believed when it comes to states of emergency.

When I was in the legislature in California, and even in the early days of COVID, I was very much opposed to the legislature having no role in determining whether we were in a state of emergency. I introduced a resolution many times on whether or not the state of emergency should continue. Therefore, of course, I would not support cutting Congress out of that process entirely here.

In effect, what we were being asked to do with this very peculiar provision was to abuse the procedural vehicle known as a rule to legislate a fiction that a day is not a day, to countenance endless emergencies, endless states of emergency without congressional oversight in defiance of every principle I have ever fought for and to surrender our own power as Members of the House in relation both to our own leadership and the executive branch. That is something I was not going to do. There was bipartisan support that this was not a good idea.

The rule did not pass, meaning that this accounting trick of a day is not a day is no longer in effect. As such, a resolution has now ripened regarding one particular state of emergency. This is to say, Congress playing the role

that is in law that every 6 months it should evaluate whether an emergency still exists. This is what we voted on yesterday. This was Congress exercising its statutory responsibility to determine whether an emergency declared by the President is still in effect.

Now, because we have had these delays in terms of Congress doing this, it has actually been a year since this particular emergency was declared by the President, on February 1, 2025.

If you look at the language of this—it this is the entire resolution—it simply says that the national emergency declared by finding of the President is hereby terminated.

The question on its face is not about whether tariffs are good or bad. It is not even about whether tariffs are a valid emergency power. That is the question that the Supreme Court is considering. Rather, it was about this particular executive order a year ago, which was titled as follows: "Imposing Duties to Address the Flow of Illicit Drugs Across Our Northern Border."

The national emergency declared by the President was about fentanyl coming into the United States from Canada. We can debate whether or not that was truly an emergency at the time that it was declared, given that a tiny fraction of the fentanyl that comes into our country—maybe 1 percent or so—does come from Canada. Fentanyl itself, of course, is the most severe of emergencies for our country, but the specific question is whether the fentanyl coming from Canada is.

Let's assume for the sake of argument that it was an emergency at that time. After all, the President does have broad discretion in terms of declaring an emergency. The question for us in Congress 1 year later in exercising our statutory responsibility to evaluate this question is whether there is still an emergency.

I listened to the debate on this issue with an open mind. I listened to the comments of our very capable chair of the Homeland Security Committee here in the House saying that actually Canada has taken significant efforts to crack down on fentanyl ever since this executive order was issued. They have devoted \$1.2 billion to it. They have stepped up internal enforcement. They have appointed a fentanyl czar. They have cracked down on precursor chemicals coming in.

There is way more fentanyl being seized at their border now. By some estimates, there has been a 97 percent reduction in fentanyl going over the border. It would appear that if the tariffs were designed to encourage Canada to take this issue of fentanyl crossing the border more seriously, they have been very effective in that respect. As such, the basis for the emergency that was declared does not appear to me to exist at this time.

Of course, it is also appropriate to consider the actual effect of the emergency power being asserted, which in

this case is, of course, the tariffs. I would argue that with respect to Canada, there are unique considerations at play: for example, the fact that we have a pretty recently signed free trade agreement, the fact that this is our neighbor, and the fact that there are unique impacts both in terms of tariffs and the retaliatory tariffs when it comes to cars, construction, and energy.

That is to say, if there are any other such votes on other declared emergencies that have been used to impose tariffs, I will evaluate the facts of each case individually in deciding how to vote.

Of course, the Supreme Court will be weighing in on a related issue very shortly, which is whether tariffs are a valid emergency power that Congress has legitimately delegated to the executive branch when a national emergency has been declared.

However that case might turn out, I do believe that it is in the national interest for important matters of economic and national security policy to be considered and debated by the House of Representatives. That is what we are here for. The view of our leadership that such matters should not even be allowed to be debated on this floor was, I believe, the wrong thing for our institution.

NATIONAL CAP ON GAS TAXES

Mr. KILEY of California. Mr. Speaker, I want to address one more topic today.

Mr. Speaker, I rise today to announce I am introducing the gas price reduction act or the gas tax reduction act, I should say, which will lower the price of gas for California residents.

The reality of life in California is this: We have the highest cost of living of any State in the country. We are the most unaffordable State. A big reason for that is because our gas prices are so much higher than anywhere else in the country.

There are various reasons why they are so much higher. In fact, they are going to get even higher with refinery closures that are happening, but a big part of the equation is that we have a much higher gas tax than anywhere else in the United States—71 cents per gallon.

All of this money, by the way, is supposed to be going toward transportation, so you would think we would have these beautiful roads throughout California, but quite the contrary, our roads are routinely rated as among the very worst in the country. When you pay the highest gas tax while driving over the deepest potholes, something is very wrong.

I have introduced a simple bill that puts a national cap on State gas taxes. There are only a few States right now that have over 50 cent gas taxes, so I figured that that is a good maximum, that no State should be able to force its citizens to pay taxes of more than 50 cents a gallon for gasoline. This will immediately save California drivers 21

cents a gallon and will prevent the tax from continuing to be raised by State politicians.

The way we are doing this has several precedents and is actually fairly routine, where we have Federal highway funds that come with a number of strings attached, a number of conditions. For example, States have to abide by the 21-year-old minimum age for alcohol, various drunk driving laws, and various vehicle weight laws, all of which are a condition of receiving Federal highway funds.

The mechanism here is exactly the same, that States, as a condition of receiving their Federal highway funds, shall not impose a gas tax higher than 50 cents on their residents. I think this will give our drivers, especially those who have to commute a long way to work, who live in rural areas some much-needed relief and be a much-needed check-and-balance against the politicians in Sacramento who continue to demand of citizens more and more of their tax dollars while delivering less and less in return.

Mr. Speaker, I yield back the balance of my time.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3705.—An act to provide for the creation of a congressional time capsule in commemoration of the semicentennial of the United States, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to clause 13 of rule I, the House stands adjourned until 10 a.m. tomorrow.

Thereupon (at 12 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, February 13, 2026, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC-2874. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Fair Lending, Fair Housing, and Equitable Housing Finance Plans (RIN: 2590-AB53) February 5, 2026, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

EC-2875. A letter from the Attorney Advisor, Office of the General Counsel, Department of Transportation, transmitting a notification of a nomination, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, Sec. 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

EC-2876. A letter from the Manager, Legal Litigation and Support, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31645;

Amdt. No.: 4201] received February 9, 2026, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-2877. A letter from the Manager, Legal Litigation and Support, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Newport Municipal Airport, Newport, OR [Docket No.: FAA-2025-2282; Airspace Docket No.: 25-ANM-131] (RIN: 2120-AA66) received February 9, 2026, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-2878. A letter from the Manager, Legal Litigation and Support, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Washburn, ND [Docket No.: FAA-2024-2305; Airspace Docket No.: 24-AGL-22] (RIN: 2120-AA66) received February 9, 2026, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-2879. A letter from the Manager, Legal Litigation and Support, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Ashland, Bucyrus, and Mansfield, OH [Docket No.: FAA-2025-5107; Airspace Docket No.: 25-AGL-16] (RIN: 2120-AA66) received February 9, 2026, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-2880. A letter from the Manager, Legal Litigation and Support, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; New Lexington, OH [Docket No.: FAA-2025-5108; Airspace Docket No.: 25-AGL-17] (RIN: 2120-AA66) received February 9, 2026, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-2881. A letter from the Manager, Legal Litigation and Support, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E4 Airspace Over Wilkes-Barre, PA [Docket No.: FAA-2025-5147; Airspace Docket No.: 25-AEA-17] (RIN: 2120-AA66) received February 9, 2026, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-2882. A letter from the Manager, Legal Litigation and Support, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2025-0611; Project Identifier MCAI-2024-00763-T; Amendment 39-23243; AD 2026-02-07] (RIN: 2120-AA64) received February 9, 2026, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-2883. A letter from the Manager, Legal Litigation and Support, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters [Docket No.: FAA-2025-0629; Project Identifier MCAI-2023-01183-R; Amendment 39-23237; AD 2026-02-01] (RIN: 2120-AA64) received February 9, 2026, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-2884. A letter from the Manager, Legal Litigation and Support, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. Engines