

# National emergency overview

Analysis and background information on national emergencies

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**Producer**

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# President Trump's emergency declaration might allow him to use nearly \$8 billion for wall construction

President Trump signed a national emergency declaration on February 20, 2019

## Breakdown of wall funding from the emergency declaration



"I, Donald J. Trump, by the authority vested in me by the Constitution and the laws of the United States of America...hereby declare that a national emergency exists at the southern border of the United States."

**President Trump,  
in his February 20 emergency declaration**

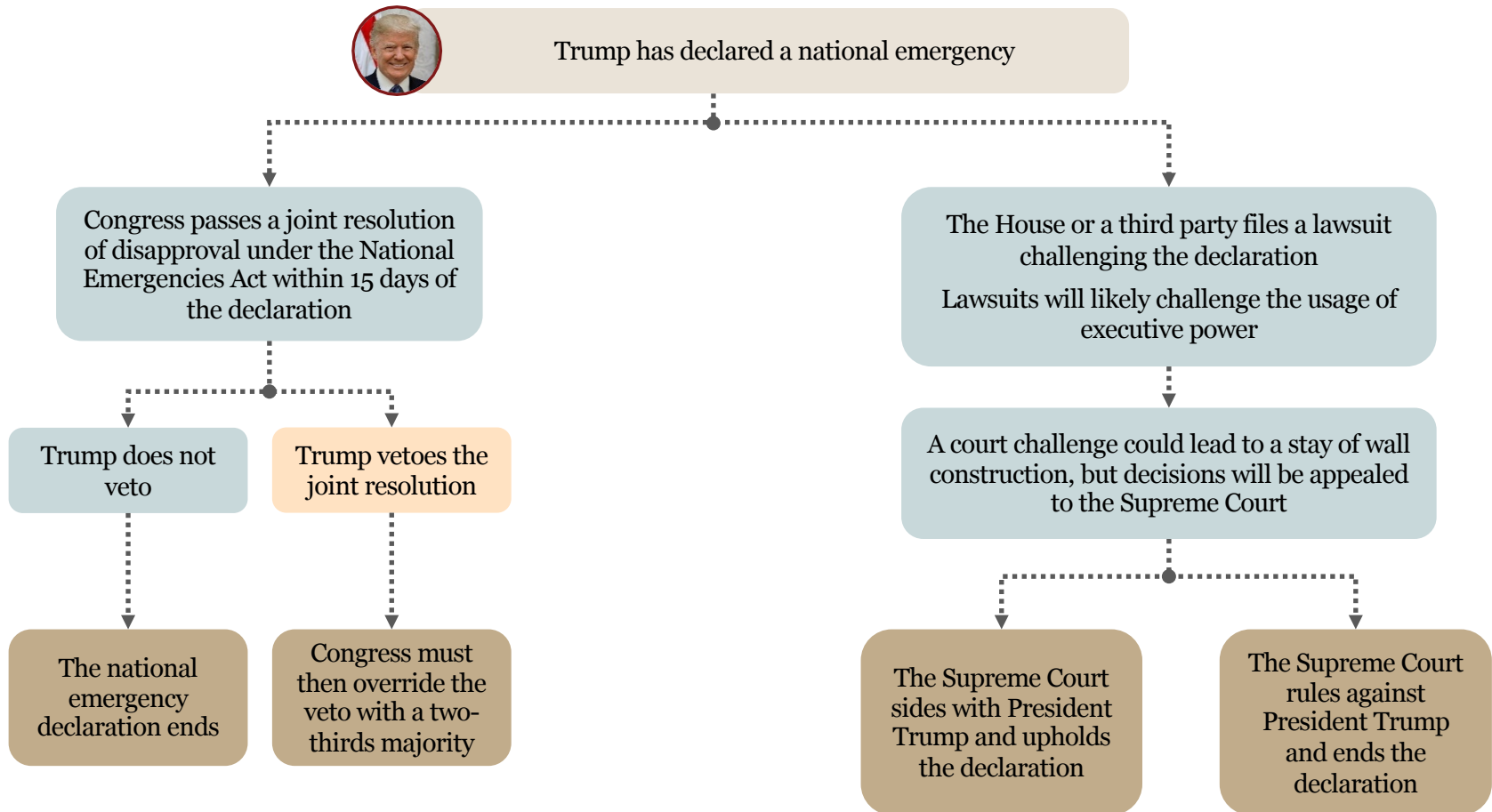
Defense Department military construction budget: \$3.5 billion	Defense Department drug interdiction program: \$2.5 billion
	Treasury Department drug forfeiture fund: \$600 million
Appropriation for 55 miles of border fencing: \$1.375 billion	

- The February 14 government funding bill allocated \$1.375 billion for 55 miles of steel-post border fencing
- The Treasury Department's drug forfeiture fund consists of money seized through drug trafficking-related asset forfeiture and can be used to fund programs assisting drug interdiction
- The Defense Department's (DoD) drug interdiction program allows the DoD to fund construction supporting counterdrug efforts
- The DoD's military construction budget allows it to fund military construction projects in the event of a national emergency declaration

Sources: John Parkinson, Benjamin Siegel, and Jonathan Karl. "Trump will sign border bill, McConnell says, and declare national emergency." *ABC News*. February 15, 2019; Trump's border emergency: Pelosi, Schumer call declaration 'unlawful.' *Washington Post*. February 15, 2019; "Declaring a National Emergency Concerning the Southern Border of the United States." *Federal Register*. February 20, 2019.

# Trump's national emergency declaration faces litigation and legislative challenges

## Potential responses to Trump's national emergency declaration

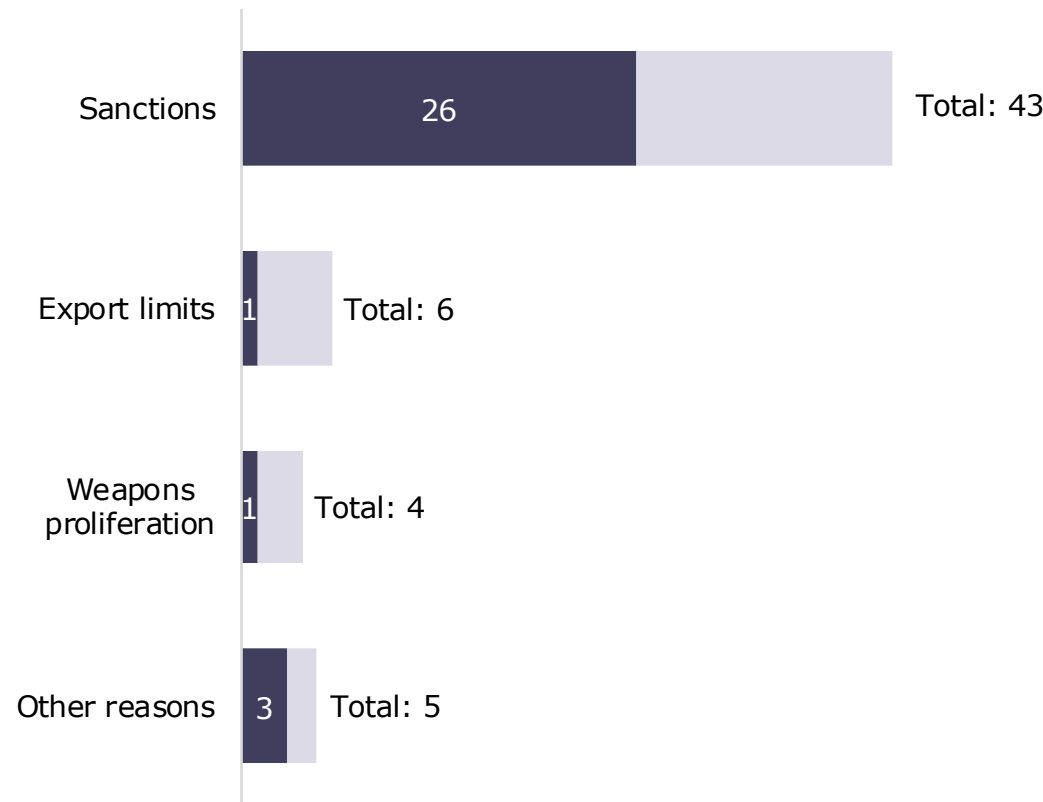


Sources: Nicholas Fandos. "Trump Will Declare a National Emergency. What Happens Next?" *New York Times*. February 15, 2019.

# The United States is currently under 31 active national emergencies, the earliest dating back to 1979

## National emergency declarations, by type

■ Ongoing ■ Expired



## President Trump has declared three national emergencies, all related to sanctions

1

**December 2017 - E.O. 13818**  
Imposes sanctions on people involved in human rights violations in Myanmar

2

**September 2018 - E.O. 13848**  
Imposes sanctions in the event that a foreign power interferes in a US election

3

**November 2018 - E.O. 13851**  
Imposes sanctions on people contributing to unrest in Nicaragua

Sources: Kevin Schaul, "How Trump's border wall would fit with previous national emergency declarations," The Washington Post, February 14, 2019; Kendall Heath, "Here's a list of the 31 national emergencies that have been in effect for years," ABC News, January 10, 2019; FederalRegister.gov; White House.gov.

# Sixteen states are suing to block Trump's use of emergency powers to access additional funding to build a border wall

## California et al. v. Trump

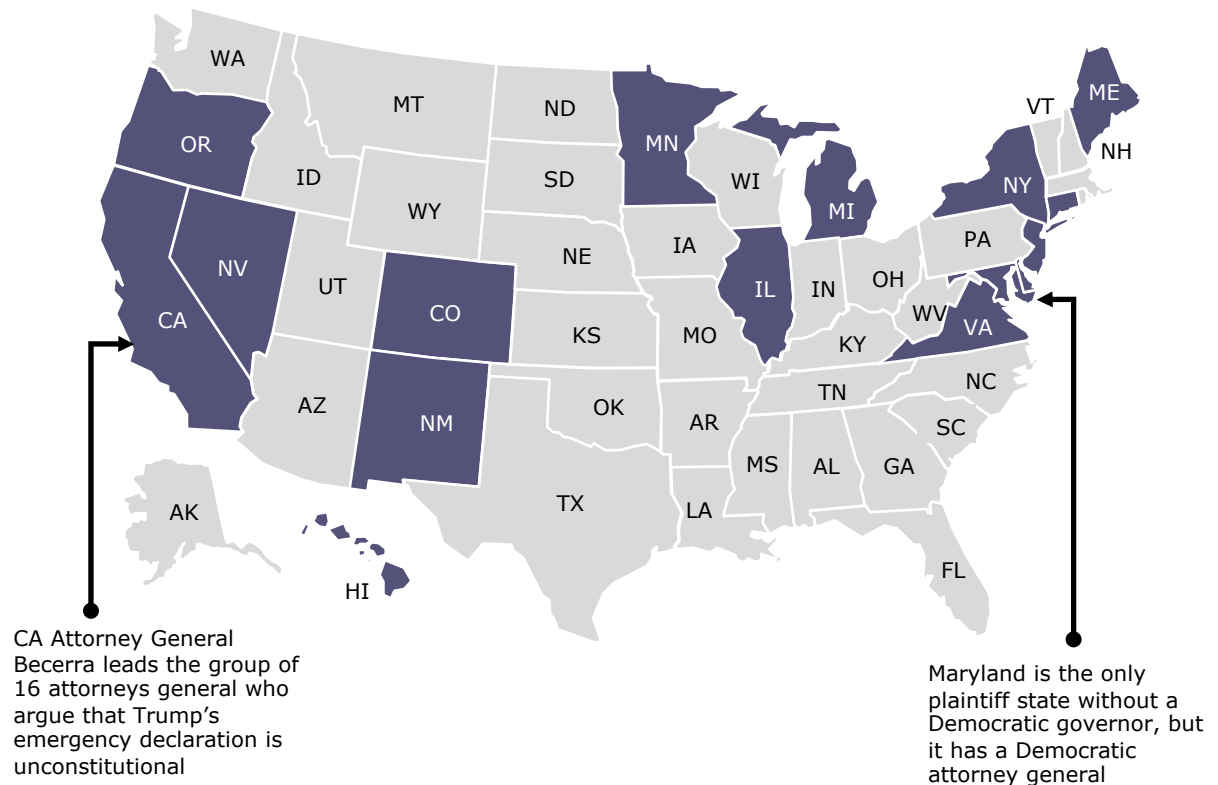
- The suit was filed in Federal District Court in San Francisco
- The plaintiff states claim that, because Congress controls spending, the president does not have the power to redirect funds for the construction of his proposed border wall
- The coalition of states claim they are going to court in order to protect their residents, natural resources and economic interests

## Look ahead

The House of Representatives may execute one of three actions:

1. File its own lawsuit
2. Support a lawsuit brought by a third party
3. Attempt a vote to override the emergency declaration

■ States challenging Trump's emergency declaration

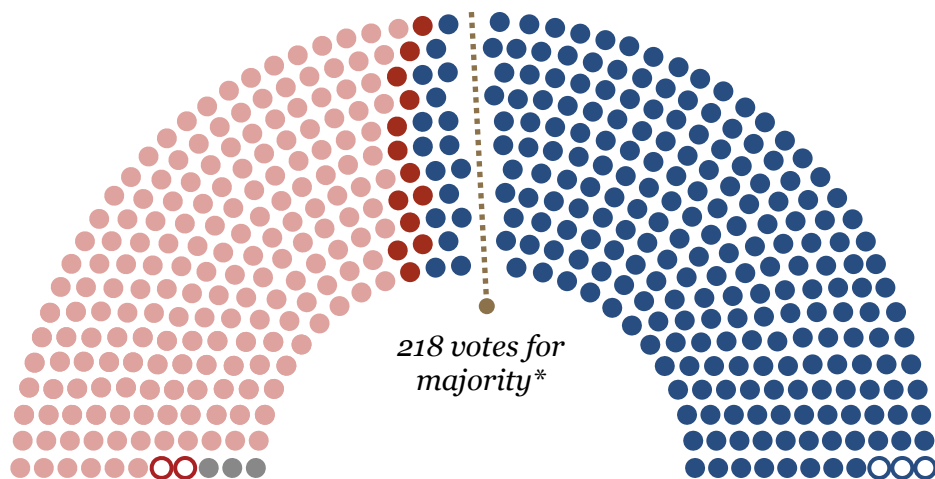


Sources: Charlie Savage, "16 States Sue to Stop Trump's Use of Emergency Powers to Build Border Wall," NY Times, February 18, 2019; Nicholas Fandos, "Answer to 4 Key Questions About Trump's Declaration of an Emergency," NY Times, February 14, 2019.

# 13 House Republicans split with their party and voted for the House resolution to nullify Trump's disaster declaration

## House vote on nullification resolution (H.J. Res. 46)

Votes by Party	Yea	Nay	Not Voting
Republicans	● 13	● 182	○ 2
Democrats	● 232	● 0	○ 3
Total	245	182	5



### GOP representatives who voted for the resolution

Rep. Francis Rooney (R-FL-19)

Rep. Thomas Massie (R-KY-4)

Rep. Justin Amash (R-MI-3)

Rep. Fred Upton (R-MI-6)

Rep. Elise Stefanik (R-NY-21)

Rep. Greg Walden (R-OR-2)

Rep. Brian Fitzpatrick (R-PA-1)

Rep. Dusty Johnson (R-SD-AL)

Rep. Will Hurd (R-TX-23)

Rep. Jaime Herrera Beutler (R-WA-3)

Rep. Cathy McMorris Rodgers (R-WA-5)

Rep. James Sensenbrenner (R-WI-5)

Rep. Mike Gallagher (R-WI-8)

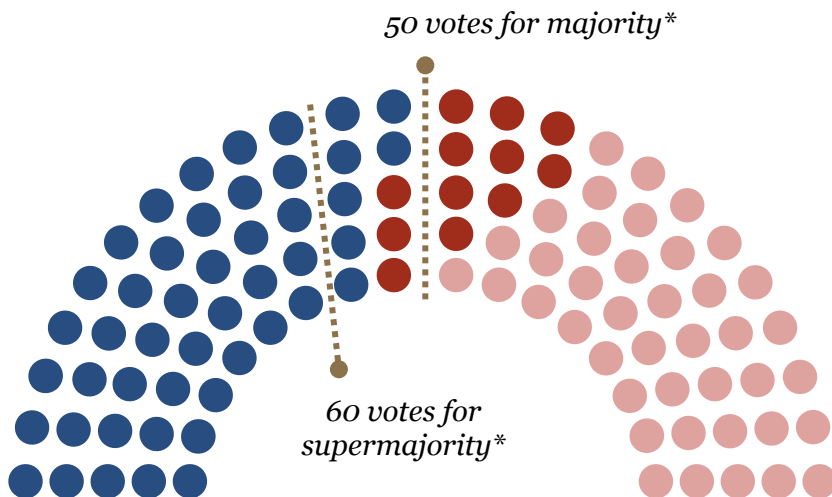
\*If no vacancies and all members vote. Vacancies are shown as grey circles.

Sources: "H.J.Res. 46." *Congress.gov*.

# 12 Senate Republicans voted to pass the House's nullification resolution, leading to President Trump's first veto

Senate vote on nullification resolution (H.J. Res. 46)

Votes by Party	Yea	Nay
Republicans	12	41
Democrats	47	0
Total	59	41



## GOP senators who voted for the resolution

Sen. Roy Blunt (R-MO)

Sen. Marco Rubio (R-FL)

Sen. Rob Portman (R-OH)

Sen. Susan Collins (R-ME)

Sen. Lisa Murkowski (R-AK)

Sen. Pat Toomey (R-PA)

Sen. Roy Blunt (R-MO)

Sen. Lamar Alexander (R-TN)

Sen. Mitt Romney (R-UT)

Sen. Rand Paul (R-KY)

Sen. Jerry Moran (R-KS)

Sen. Mike Lee (R-UT)

Sources: "H.J.Res. 46." Congress.gov.