

Senate Concurrent Resolution No. 1609

By Senator Haley

3-15

1 A CONCURRENT RESOLUTION affirming the action of the United
2 States House of Representatives and the United States Senate in
3 condemning the declaration of a "national emergency" by the
4 president of the United States because the declaration is not warranted
5 and is a grave threat to the separation of powers created by the United
6 States Constitution.

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8 WHEREAS, The people of Kansas, as a matter of public policy, value
9 the rule of law established by the United States Constitution and the
10 separation of powers; and

11 WHEREAS, The president on February 15, 2019, declared a "national
12 emergency" for the purpose of diverting appropriated funds from
13 previously designated uses to build a wall along the southern border; and

14 WHEREAS, The United States House of Representatives and the
15 United States Senate passed Joint Resolution 46, disapproving the
16 "national emergency," and an outspoken majority of the members of
17 Congress have voiced their opposition to the president's declaration; and

18 WHEREAS, The overwhelming evidence in the public record, in
19 addition to the administration's own data and estimates, indicate that the
20 president's actions are not necessary to confront an imminent threat to the
21 safety and security of the United States; and

22 WHEREAS, A group of 58 ex-national security officials from
23 administrations of both major political parties condemned the declaration
24 because "there is no factual basis for the declaration of a national
25 emergency for the purpose of circumventing the appropriations process
26 and reprogramming billions of dollars in funding to construct a wall at
27 the southern border," and stated that there is no evidence that
28 unauthorized immigrants have any special proclivity to engage in
29 criminal or violent behavior; and

30 WHEREAS, A collection of at least 20 states have filed a lawsuit
31 against the president, claiming that the declaration of a "national
32 emergency" is an attempt by the president to circumvent Congress; and

33 WHEREAS, There is no evidence of a surge in the number of people
34 seeking to cross the southern border that constitutes a "national
35 emergency"; and

36 WHEREAS, Drug or human trafficking at the southern border, or

1 similar serious crimes, would be little deterred by a wall because the vast
2 majority of trafficking occurs through ports of entry, with approximately
3 two-thirds of human trafficking victims arriving in the country on valid
4 visas; and

5 WHEREAS, The redirection of funds away from programs that are
6 responsible for keeping our troops and country safe and running
7 efficiently would undermine national and state security. Members of the
8 Kansas Army National Guard were required to deploy to the southern
9 border as part of the "national emergency" but would be better deployed
10 protecting the well-being of Kansas citizenry: Now, THEREFORE,

11 *Be it resolved by the Senate of the State of Kansas, the House of*
12 *Representatives concurring therein:* That the State of Kansas hereby joins
13 the majority of members of the United States House of Representatives
14 and United States Senate to condemn the declaration of a "national
15 emergency" by the president of the United States. We call on members of
16 Congress, executive officials in the president's administration and the
17 president to ascribe value to the rule of law as enumerated in the United
18 States Constitution and reject any actions under the declaration of a
19 "national emergency" that would undermine state and national security;
20 and

21 *Be it further resolved:* That the Secretary of the Senate shall send
22 enrolled copies of this resolution to the President and Secretary of the
23 United States Senate, the Speaker and the Clerk of the United States
24 House of Representatives, members of the congressional delegation from
25 Kansas, and to the president of the United States.