



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 26, 2019  
(House)

## STATEMENT OF ADMINISTRATION POLICY

### **H.J. Res. 46 – Terminating the National Emergency Declared by the President on the Southern Border**

(Rep. Castro, D-TX, and 233 cosponsors)

The Administration strongly opposes H.J. Res. 46. The current situation at the Southern Border presents a humanitarian and security crisis that threatens core national security interests and constitutes a national emergency. The Southern Border is a major entry point for criminals, gang members, and illicit narcotics. The problem of large-scale unlawful migration through the Southern Border is enduring, and, despite the Administration's use of existing statutory authorities, in recent years the situation has worsened in certain respects. In particular, we have recently seen sharp increases in the number of illegal entrances into the United States of family units, unaccompanied minors, and persons claiming a fear of return—aliens whom the Administration is largely unable to detain or remove because of antiquated laws and problematic court decisions.

The resolution would terminate the national emergency declared by the President on February 15, 2019, and undermine the Administration's ability to respond effectively to the ongoing crisis at the Southern Border. The President's emergency declaration, and his further determination that the emergency requires the use of the Armed Forces, allowed the President to invoke the construction authority provided in 10 U.S.C. 2808, and made that authority available to the Secretary of Defense, within his discretion, to undertake military construction projects that are necessary to support such use of the Armed Forces. This is the same authority that President George W. Bush and President Barack Obama used to undertake more than 18 different military construction projects between 2001 and 2013.

If H.J. Res. 46 were presented to the President in its current form, his advisors would recommend that he veto it.

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