

# [***Joe Manchin: If Border Deal Fails, Biden Must Declare National Emergency***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B5K-59T1-JBR6-9005-00000-00&context=1516831)

Newsweek.com

January 23, 2024 Tuesday 2:30 PM EST

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**Length:** 507 words

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**Highlight:** "If Congress cannot, because of ***politics***, consummate a deal, then he has to declare a national emergency," Manchin told Newsweek.

**Body**

The [*Senate*](https://www.newsweek.com/topic/senate?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) remains embroiled in heated bipartisan border negotiations that could see the upper chamber vote on a deal by this week or next.

However, Speaker [*Mike Johnson*](https://www.newsweek.com/topic/mike-johnson?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) has refrained from committing to put such an agreement for vote on the House floor if it doesn't go far enough in achieving conservative policy priorities aimed to curb migration and bolster enforcement.

If Johnson does indeed refuse a vote, one of the Senate's chief advocates of bipartisanship, Democratic Senator [*Joe Manchin*](https://www.newsweek.com/topic/joe-manchin?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) of West Virginia, said President [*Joe Biden*](https://www.newsweek.com/topic/joe-biden?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) must declare a national emergency.

"The President has a responsibility and, I think, an obligation that if [*Congress*](https://www.newsweek.com/topic/congress?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) cannot, because of ***politics***, consummate a deal, then he has to declare a national emergency," Manchin told *Newsweek*. "The border is probably the greatest crisis we face right now."

Declaring a national emergency offers the president a unique array of powers not normally afforded to the office, including the ability to authorize military construction projects, enter national defense-related contracts, and deploy troops to coordinate relief efforts, among 145 other powers, as detailed by the Brennan Center for Justice.

Former President [*Donald Trump*](https://www.newsweek.com/topic/donald-trump?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) declared a national emergency in 2019 after Congress failed to reach a deal to fund the southwest border wall he desired, resulting in funds appropriated to the Department of Defense to be spent on the project.

Democratic leaders decried the effort, with Senate Leader Charles Schumer calling it a "lawless act, a gross abuse of the power of the presidency." When Biden took office, he terminated the declaration.

The situation at the border has shifted since Trump's office, as migrant crossing numbers have spiked, in part because of the economic and social unrest triggered by the COVID-19 pandemic, [*advocacy groups say*](https://www.newsweek.com/enough-people-crossed-border-2021-create-10th-largest-city-us-1615776?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships).

During the four financial years coinciding with Trump's presidency, total [*annual encounters*](https://www.newsweek.com/josh-hawley-disagrees-gop-leaders-who-say-border-deal-helps-trump-1863013?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) between border officials and migrants, as reported by U.S. Customs and Border Protection, fluctuated from around 304,000 to nearly 852,000. Over Biden's tenure, the annual encounters have ranged from roughly 1.73 million to nearly 2.48 million.

***Politics*** surround a potential deal, however, as some [*Republicans*](https://www.newsweek.com/topic/republicans?utm_source=Synacor&utm_medium=Attnet&utm_campaign=Partnerships) fear an agreement could present a political win for Biden heading into the 2024 election. Republican Representative Troy Nehls of Texas said [*on CNN*](https://www.cnn.com/2024/01/03/politics/senate-immigration-negotiations-congress/index.html) he's "not willing to do too damn much right now to help a Democrat and to help Joe Biden's approval rating." If Johnson holds a similar belief, a deal could be doomed.

Yet, if the House GOP does indeed prevent a deal from moving forward, declaring a national emergency would paint a significant contrast between Biden and a House GOP that does not want a bipartisan moving forward due to election-year ***politics***. It could also provide some of the relief Manchin desires.

"There has to be security and we can't have this openness with hundreds of thousands of people coming through," Manchin told *Newsweek*. "It's dangerous, very dangerous, and it's a crisis."

[*Link to Image*](https://d.newsweek.com/en/full/2339597/manchin-floats-border-national-emergency.jpg)

**Graphic**

Manchin Floats Border National Emergency

Photo by Jemal Countess/Getty Images for JDRF

Democratic Senator Joe Manchin of West Virginia has been vocal in his desire to address the situation facing the southwest border. Here, he speaks during a Senate Appropriations Committee hearing on July 11, 2023 in Washington, D.C.

**Load-Date:** January 23, 2024

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