

Is this really an emergency?

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Since taking office in January 2025, [Donald Trump has issued eight emergency declarations](#), bringing the total for his entire presidency (including his first term) to twenty-one. By comparison, George W. Bush issued only sixteen during his eight years in office. These declarations have been issued to justify a number of policies including militarizing our southern border, expanding drilling for fossil fuels and logging on public lands, and imposing tariffs.

In 1976, Congress enacted [the National Emergencies Act](#), legislation that gives the president power to act in sudden, unforeseen crises where the normal legislative process does not provide the speed and/or flexibility circumstances demand. As a protection against presidential overreach, the bill also gave Congress the power to rescind an emergency declaration by a simple majority vote, also known as a legislative vote.

However, in 1983 the Supreme Court ruled that a legislative vote was unconstitutional, thus making it harder for Congress to challenge a presidential emergency declaration. Now, if Congress wants to end a state of emergency it must pass legislation with enough votes to overcome a presidential veto.

There is the real danger that a president could use an emergency declaration to circumvent Congress in an effort to achieve her/his policy goals. For example, during his first term, Donald Trump declared an emergency at the US/Mexico border after Congress failed to appropriate funding for his border wall. Similarly, he is using an emergency declaration ([International Emergency Economic Powers Act](#)) to impose his tariff scheme. This act can be invoked when the US faces an unusual and extraordinary threat to its national security, foreign policy or economy. US trade relationships, many of long duration or with small countries, hardly meet this standard.

Fearing a presidential power grab, the Founders constructed a complex system of checks and balances. These checks and balances are under severe strain today as the executive branch usurps greater power and Congress seems to be incapable of exercising its constitutional prerogatives.