

# Alaska State Legislature

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## **Sponsor Statement House Bill 373**

House Bill 373, the Defend the Guard Act, is a necessary step to realign the State of Alaska with the U.S. Constitution. This legislation prevents overseas deployment of the Alaska National Guard into combat without a Congressional declaration of war as required under Article I, § 8 of the U.S. Constitution.

In an era of increasing federal overreach, the temptation to send Alaska National Guardsmen into combat in places like Syria, Gaza and Ukraine must be checked by the legal requirement that these forces be used as intended by the Constitution. The Defend the Guard Act will ensure that the men and women who join our state armed forces have confidence that they will only be ordered into overseas active-duty combat when needed to defend the nation and subsequent to constitutional authorization by Congress.

This requirement ensures fidelity with the United States Constitution while also preserving our state armed forces for their intended function. During peacetime, when the Congress does not declare war, the Alaska National Guard remains available to serve the State of Alaska and, if directed, deploy to any location within the United States. The Defend The Guard Act seeks to reinforce the constitutional relationship between the armed forces of the state and the federal government concerning the overseas deployment of members of the Alaska National Guard. Under House Bill 373, members of the Alaska National Guard may be deployed to active-duty combat in any possession of the United States without limitation. This includes each of the United States, the District of Columbia, the U.S. Virgin Islands, Guam, Puerto Rico, American Samoa, the Northern Mariana Islands, Midway, Wake, Jarvis, Baker, Howland, Navassa, Kingman Reef, Johnston Atoll, Palmyra Atoll, and other U.S. possessions. The ability of the Alaska National Guard to defend the United States in any of these places is in no way limited by House Bill 373.

Furthermore, passage of the Defend the Guard Act will directly contribute to ending the current nationwide recruitment crisis facing the National Guard. Those who wish to serve the nation by participating in combat operations overseas may pursue enlistment or commissioning in any active-duty service branch. Those who wish to serve our state in peacetime in ways other than active-duty overseas combat, may do so by joining the Alaska National Guard or the Alaska State Defense Force. While service in any portion of our state armed forces may involve combat during time of war, and may involve deployment outside the state for training, national emergency response, and other authorized purposes, use of our state armed forces for overseas combat should be limited to times of war.

The Defend the Guard Act also contributes to encouraging prudent foreign policy guided by the United States Constitution. By requiring a declaration of war for overseas combat deployments of the Alaska National Guard, House Bill 373 requires an additional layer of scrutiny for any overseas deployment likely to put members of the Alaska National Guard at risk of death or serious injury in combat. The deliberative process required by Article I, § 8 encourages policymakers to assess the opportunities as well as the costs and consequences of using Alaska National Guard units to engage in military actions overseas.