

HOUSE JOINT RESOLUTION NO. 21

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/15/24

Referred: State Affairs, House Special Committee on Military and Veterans' Affairs

A RESOLUTION

1 Relating to recruitment and retention in the United States Armed Forces and the
2 National Guard; requesting President Biden to make available the results of an
3 evaluation concerning the president's mental fitness and ability to discharge the powers
4 and duties of the Office of the President of the United States; and urging the principal
5 officers of the executive departments of the United States to examine the repeated
6 failures of the United States Department of Defense to meet assigned recruitment goals
7 and to take immediate action.

8 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 **WHEREAS** the National Defense Authorization Act for Fiscal Year 2024, signed into
10 law by the president on December 22, 2023, reduced the authorized end strength for active
11 duty personnel in the United States Armed Forces to 1,284,500; and

12 **WHEREAS** the authorization reflects the lowest authorized end strength for active
13 duty personnel in the United States Armed Forces since 1940; and

14 **WHEREAS** the reduction in authorized end strength was not driven by a similar

1 reduction in threats to the national security interests of the United States, but is a direct
2 consequence of the failure of the United States Armed Forces to meet assigned recruitment
3 and retention goals; and

4 **WHEREAS** the ranking member of the United States Senate Committee on Armed
5 Services has stated publicly that the nation needs a larger number of active duty personnel in
6 every branch, but the reduction in active duty personnel is driven by the reality of recruitment,
7 not the needs of the nation; and

8 **WHEREAS**, in fiscal year 2023, the United States Armed Services failed to meet its
9 recruitment goals by 41,000 personnel; and

10 **WHEREAS**, in fiscal year 2023, the United States National Guard also again failed to
11 meet its recruitment goals; and

12 **WHEREAS**, in response to recruitment challenges, the United States Department of
13 Defense has announced changes to the Armed Services Vocational Aptitude Battery to
14 increase scores on the armed forces enlistment examination, has expanded waivers for recruits
15 who fail to pass initial drug screenings, has implemented programs for potential recruits who
16 fail to meet required physical and academic standards, and, in some cases, has begun
17 recruiting candidates without a high school diploma or GED; and

18 **WHEREAS** art. II, sec. 2, Constitution of the United States, provides that "[t]he
19 President shall be Commander in Chief of the Army and Navy of the United States"; and

20 **WHEREAS** the Oath of Enlistment for the United States Armed Forces states, "I will
21 obey the orders of the President of the United States and the orders of the officers appointed
22 over me, according to regulations and the Uniform Code of Military Justice"; and

23 **WHEREAS** service in the United States Armed Forces carries the inherent risk of
24 injury or death in the course of obeying the orders of the President of the United States; and

25 **WHEREAS**, on January 11, 2024, two United States Navy SEALs were killed in the
26 Gulf of Aden; and

27 **WHEREAS**, on January 28, 2024, three United States Army Reservists were killed in
28 Jordan; and

29 **WHEREAS**, on February 6, 2024, five United States Marines were killed during a
30 training mission in California; and

31 **WHEREAS** the individuals who serve in the United States Armed Forces must have

1 confidence in the mental fitness of the president, upon whose orders the individuals may be
2 sent into harm's way; and

3 **WHEREAS** uncertainty over the current health and mental fitness of the president has
4 a negative effect on recruitment and retention in the United States Armed Forces; and

5 **WHEREAS** recent events have given rise to questions concerning the mental fitness
6 of the President of the United States; and

7 **WHEREAS** President Joe Biden was born on November 20, 1942, during a time
8 when the United States was at war with Nazi Germany and the Empire of Japan; and

9 **WHEREAS**, when asked on June 28, 2023, about the Russian invasion of Ukraine,
10 the president declared that Russian President Vladimir Putin is losing the war in Iraq; and

11 **WHEREAS**, in a televised speech on February 4, 2024, President Biden referred to
12 the current President of France, Emmanuel Macron, as the previous President of France,
13 Francois Mitterrand, who passed away in 1996; and

14 **WHEREAS**, in a televised speech on February 7, 2024, President Biden repeatedly
15 addressed the living previous German Chancellor Angela Merkel as the former German
16 Chancellor Helmut Kohl, who passed away in 2017; and

17 **WHEREAS**, in a report released by Special Counsel Robert Hur on February 8, 2024,
18 it was noted that when President Biden was interviewed by the United States Department of
19 Justice, he could not remember when he became Vice President of the United States, when his
20 term of office ended, or when his son had died; and

21 **WHEREAS** these and other events necessitate that a determination be immediately
22 made as to whether President Biden is currently able to discharge the powers and duties of his
23 office; and

24 **WHEREAS**, if President Biden is no longer able to discharge those powers and
25 duties, the public is entitled to know who is currently discharging those powers and duties on
26 the public's behalf; and

27 **WHEREAS** the Office of the President of the United States is currently the sole
28 authority that may lawfully order the use of nuclear weapons by the United States, and when
29 that order is issued by the Office of the President of the United States, no other authority may
30 lawfully countermand the order;

31 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests that

1 President Biden make available to the vice president, the principal officers of the executive
 2 departments, and the public the results of a recent evaluation concerning President Biden's
 3 mental fitness and ability to discharge the powers and duties of the Office of the President of
 4 the United States; and be it

5 **FURTHER RESOLVED** that, if the president is unwilling or unable to make the
 6 results of an evaluation available, or if the results of an evaluation indicate that the president
 7 is currently unable to discharge the powers and duties of the office, the Alaska State
 8 Legislature respectfully requests that Vice President Harris and the principal officers of the
 9 executive departments immediately transmit to the President pro tempore of the Senate and
 10 the Speaker of the House of Representatives a written declaration that President Biden is
 11 currently unable to discharge the powers and duties of the Office of the President of the
 12 United States.

13 **COPIES** of this resolution shall be sent to the Honorable Joseph R. Biden, President
 14 of the United States; the Honorable Kamala D. Harris, Vice President of the United States and
 15 President of the U.S. Senate; the Honorable Mike Johnson, Speaker of the U.S. House of
 16 Representatives; the Honorable Patty Murray, President pro tempore of the U.S. Senate; the
 17 Honorable Antony Blinken, United States Secretary of State; the Honorable Janet Yellen,
 18 United States Secretary of the Treasury; the Honorable Lloyd Austin, United States Secretary
 19 of Defense; the Honorable Merrick Garland, Attorney General of the United States; the
 20 Honorable Deb Haaland, United States Secretary of the Interior; the Honorable Tom Vilsack,
 21 United States Secretary of Agriculture; the Honorable Gina Raimondo, United States
 22 Secretary of Commerce; the Honorable Xavier Becerra, United States Secretary of Health and
 23 Human Services; the Honorable Marcia Fudge, United States Secretary of Housing and Urban
 24 Development; the Honorable Pete Buttigieg, United States Secretary of Transportation; the
 25 Honorable Jennifer Granholm, United States Secretary of Energy; the Honorable Miguel
 26 Cardona, United States Secretary of Education; the Honorable Denis McDonough, United
 27 States Secretary of Veterans Affairs; the Honorable Alejandro Mayorkas, United States
 28 Secretary of Homeland Security; the Honorable Julie Su, acting United States Secretary of
 29 Labor; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators,
 30 and the Honorable Mary Peltola, U.S. Representative, members of the Alaska delegation in
 31 Congress.