

SENATE AMENDMENTS TO SENATE JOINT MEMORIAL 11

By COMMITTEE ON RULES

May 15

1 Delete lines 6 through 18 of the printed joint memorial and insert:

2 “Whereas the Oregon National Guard has served Oregon well and faithfully since territorial
3 times; and

4 “Whereas the approximately 8,500 men and women of Oregon’s Air National Guard and Army
5 National Guard continue to serve our nation and our state at home and abroad; and

6 “Whereas the National Guard supports civil authorities in a multitude of ways that are partic-
7 ular to our local communities and region; and

8 “Whereas Oregon National Guard units train with first responders locally and statewide on
9 specific scenarios and in disaster preparedness exercises, establishing critical lines of communi-
10 cation and uniform operating procedures for relief efforts during emergencies and disasters that may
11 befall the State of Oregon or any other state; and

12 “Whereas state control of the National Guard in the event of emergencies is critical to the ex-
13 ecution of the National Response Plan, the Oregon State Emergency Management Plan, the city and
14 county emergency plans and intrastate and interstate mutual aid arrangements such as the Emer-
15 gency Management Assistance Compact and the Pacific Northwest Emergency Management Ar-
16 rangement; and

17 “Whereas the Insurrection Act, prior to the passage of the National Defense Authorization Act
18 (Public Law 109-364), served our nation well as an extraordinary remedy that allowed the President
19 to take control of the National Guard in the most rare and exceptional cases, such as the use of the
20 National Guard by Presidents Eisenhower and Kennedy to enforce Supreme Court civil rights deci-
21 sions; and

22 “Whereas, unless activated for purely federal service, the National Guard is and should remain
23 under state control with Governors as commanders-in-chief; and

24 “Whereas the dual mission of the National Guard, as a combat-ready force that can be called
25 upon by the President and as a first responder in domestic emergencies or disasters under the
26 command and control of the Governor, requires that federal law clearly delineates a chain of com-
27 mand for each mission; and

28 “Whereas placing National Guard units under federal control without either the consent of the
29 Governors or any required consultation or consent of Congress could confuse the issue of who
30 commands the National Guard units during a domestic emergency and may result in an inability to
31 respond to citizens’ needs in the event of a natural disaster or local emergency; and

32 “Whereas changes made to the Insurrection Act by section 1076 of the National Defense Au-
33 thorization Act create uncertainty over the command of the National Guard in a domestic emer-
34 gency by authorizing the President to impose federal control over the National Guard without
35 notice, consultation or consent of Governors in the event of ‘a natural disaster, epidemic, or other

1 serious public emergency, terrorist attack or incident'; and

2 "Whereas the uncertainty with respect to the command of the National Guard during a domestic
3 emergency could threaten the unity of local, state and federal efforts that is needed in times of do-
4 mestic peril and undermines the speed and efficiency with which the National Guard responds under
5 the Governor's control to emergencies in Oregon and in support of other states through state-to-
6 state mutual aid compacts such as the Emergency Management Assistance Compact; now,
7 therefore,"

8 Delete lines 20 through 26 and insert:

9 "(1) The Congress of the United States is urged to repeal the provision in section 1076 of the
10 National Defense Authorization Act that authorizes the President of the United States to impose
11 federal control over the National Guard without notice, consultation or consent of the Governor in
12 the event of a natural disaster, epidemic or other serious public emergency, terrorist attack or in-
13 cident.

14 "(2) A copy of this memorial shall be sent to the President of the United States, to the Senate
15 Majority Leader, to the Speaker of the House of Representatives and to each member of the Oregon
16 Congressional Delegation."

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