

1 control without the consent of the governor of Texas would
2 undermine the Texas National Guard's effectiveness and deprive the
3 State of Texas of the ability to perform its most essential
4 function, the protection of its own citizens; and

5 WHEREAS, Section 1076 of the John Warner National Defense
6 Authorization Act for Fiscal Year 2007 (Pub. L. No. 109-364), which
7 was adopted without any public hearing, improvidently amended the
8 federal Insurrection Act by authorizing the president of the United
9 States to impose federal control over the National Guard, without
10 notice, consultation, or consent of the nation's governors, in the
11 event of a "natural disaster, epidemic or other serious public
12 emergency, terrorist attack or incident"; and

13 WHEREAS, The unilateral presidential authority conferred by
14 Section 1076 of Public Law 109-364 is similarly devoid of any
15 required consultation or consent of the United States Congress; and

16 WHEREAS, The provisions of Section 1076 of Public Law 109-364
17 were signed into law despite the opposition of the nation's
18 governors acting on behalf of their respective sovereign states;
19 and

20 WHEREAS, Imposing presidential control over the Texas
21 National Guard for domestic purposes without the consent of the
22 governor of Texas would compromise the unity of effort needed
23 between local, state, and federal authorities in times of domestic
24 peril and would undermine the speed and efficiency with which the
25 Texas National Guard responds, under the governor's control, to
26 emergencies within the State of Texas and in support of other
27 states; and

1 WHEREAS, S. 513 and H.R. 869, if enacted into law, will
2 rescind the objectionable provisions of Section 1076 of Public Law
3 109-364; now, therefore, be it

4 RESOLVED, That the 80th Legislature of the State of Texas
5 hereby respectfully urge the Congress of the United States to
6 ensure state control of the National Guard by enacting S. 513 and
7 H.R. 869; and, be it further

8 RESOLVED, That the Texas secretary of state forward official
9 copies of this resolution to the president of the United States, to
10 the speaker of the house of representatives and the president of the
11 senate of the United States Congress, and to all the members of the
12 Texas delegation to the congress with the request that this
13 resolution be officially entered in the *Congressional Record* as a
14 memorial to the Congress of the United States of America.