



National Guard Association of North Dakota (NGAND) North Dakota National Guard Enlisted Association (NDNGEA)

Chairperson Schauer and members of the House Government and Veterans Affairs,

On behalf of the North Dakota National Guard Officer (NGAND) and Enlisted Associations (NDNGEA), I thank you for the opportunity to testify in opposition to House Bill 1315, commonly known as the “Defend the Guard” bill, but the ramifications of this bill being passed results in it being known among many in the National Guard as “Defund the Guard”. We are state associations that are also tied to our national associations which are the National Guard Association of the United States (NGAUS) for the officer association, and the Enlisted Association of the United States (EANGUS) for our enlisted Soldiers and Airmen. This legislation would require a formal congressional declaration of war before the North Dakota National Guard could be mobilized for federal missions. While we understand and respect the intent behind this bill to preserve constitutional principles, we firmly believe its enactment would have significant unintended consequences for the readiness, effectiveness, and national security role of the North Dakota National Guard.

1. Undermining National Guard Readiness and Responsiveness

The National Guard operates as a critical component of our nation’s defense and as a ready reserve force for the U.S. Army and Air Force. Requiring a formal declaration of war for federal mobilization would severely restrict our ability to respond to emergent threats and crises. Modern conflicts rarely involve formal declarations of war, yet the need for rapid deployment to support national defense objectives, humanitarian missions, and disaster response remains constant. HB 1315 would place unnecessary constraints on this responsiveness, potentially jeopardizing lives and national security.

2. Impact on the Guard’s Dual State and Federal Mission

The National Guard’s unique dual mission allows us to serve both state and federal needs. Over the years, North Dakota Guardsmen have answered the call during state emergencies such as floods and wildfires, while also deploying overseas to support federal missions. The proposed legislation could create a legal and operational conflict, hampering our ability to seamlessly transition between these roles. Such restrictions could diminish North Dakota’s role in the broader National Guard network, isolating our state from vital national resources and opportunities. Passing this bill would have a cost to the state of over \$214M in pay and allowances only. This does not include federal dollars allocated for equipment.

3. Erosion of Federal Support and Opportunities for Service Members

Federal funding and resources for the National Guard are closely tied to its integration within the broader Department of Defense structure. Imposing conditions on federal mobilization

could jeopardize this relationship, leading to reduced funding for equipment, training, and facilities. This would directly impact the readiness and morale of our service members. Moreover, it could limit career development opportunities for North Dakota Guardsmen, as many of these arise from participation in federal missions.

4. Constitutional and Legal Concerns

While HB 1315 aims to uphold constitutional principles, it may inadvertently conflict with established federal authority over the National Guard. The Constitution and federal laws, such as the National Defense Act, grant the federal government the authority to mobilize the Guard for national defense purposes. Enacting HB 1315 could lead to legal challenges and uncertainty, further complicating the Guard's ability to operate effectively.

5. The Human Element

At the heart of this issue are the men and women who serve in the North Dakota National Guard. They have volunteered to serve both their state and nation, knowing they may be called upon to deploy in support of national objectives. By imposing additional barriers to federal mobilization, HB 1315 could undermine their sense of purpose and the trust they place in the system that governs their service.

In conclusion, while we respect the intent of HB 1315 to ensure accountability in the use of military forces, our state associations and members strongly believe this legislation would have adverse effects on the North Dakota National Guard's readiness, effectiveness, and ability to fulfill its dual state and federal missions. Our national associations do not support any current iterations of the Defend the Guard legislation that has been introduced at a state or federal level. We urge the members of this committee to oppose this bill and preserve the operational flexibility and integrity of the North Dakota National Guard.

Thank you for your time and attention. We are happy to answer any questions the committee may have.

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