

TESTIMONY ON HOUSE BILL 930

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My name is Ammon Blair, I am representing the Texas Public Policy Foundation and testifying in support of H.B. 930.

Today, we face the most complex security environment since World War II. The United States confronts potential near-peer conflicts and unprecedented asymmetric threats directly targeting our homeland. According to the Commission on the National Defense Strategy, current military readiness is "grossly inadequate" to effectively counter these evolving threats.

Inflation and our escalating national debt compound this readiness crisis, placing extraordinary pressure on defense budgets and compromising essential capabilities. Consequently, the Department of Defense has become increasingly reliant on the National Guard, transforming it from a strategic reserve into an operational combat reserve frequently deployed overseas, often without explicit congressional authorization.

This situation demands careful reconsideration of the constitutional framework established by our nation's founders. H.B. 930 explicitly addresses this critical issue by reaffirming the constitutional contract articulated in Article I, Section 8, Clause 11, which vests Congress alone with the power to declare war. Additionally, Article I, Section 8, Clauses 15 and 16 further clarify Congress's authority "to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions," and "to provide for organizing, arming, and disciplining, the Militia," respectively.

Article II, Section 2 (the Commander-in-Chief Clause) explicitly limits the president's authority to prosecute wars only after Congress has formally declared them.

James Madison emphasized this critical separation of powers, writing, "In no part of the constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature, and not to the executive" (Madison, Letter to Thomas Jefferson, 1798).

Alexander Hamilton similarly emphasized this limitation, saying, "The President's authority as commander-in-chief would amount to nothing more than the supreme command and direction of the military...while [the power] of DECLARING war would appertain to the legislature" (Hamilton, Federalist No. 69, 1788).

H.B. 930 honors these constitutional principles by explicitly prohibiting the governor from releasing any member of the Texas National Guard for "active combat duty" unless the United States Congress fulfills its constitutional duty and passes an official declaration of war under Article I, Section 8, Clause 11, or explicitly invokes the Texas National Guard under one of the three constitutionally enumerated purposes in Clause 15:

1. Repelling invasions.
2. Suppressing insurrections.
3. Executing the Laws of the Union, provided those laws are made in strict pursuance of delegated constitutional powers.

The necessity of H.B. 930 arises from decades of constitutional deviation through Authorizations for Use of Military Force (AUMFs) and misuse of the War Powers Resolution of 1973. AUMFs, originally intended as temporary measures in response to specific threats, have become open-ended authorizations that have enabled the executive branch to engage in ongoing military conflicts without explicit congressional declarations of war.

One stark example is the Syrian Civil War. In 2013, President Obama asked Congress to authorize military action in Syria, and Congress said no. Yet, the administration moved forward anyway, citing the Afghanistan 2001 Authorization for Use of Military Force—meant to target the perpetrators of 9/11—to justify American involvement in Syria. At the beginning of the Syrian Civil War, less than 3% of U.S. forces deployed were National Guard members. By the war's conclusion in 2024, after the fall of the Assad regime, 58% of the U.S. troops involved were National Guard.

Similarly, the War Powers Resolution of 1973—initially designed to limit executive war-making authority—unintentionally facilitated unilateral executive action by allowing presidents to deploy military forces into combat for up to 90 days without formal legislative approval. This has directly undermined the Constitution's explicit requirement for Congress to declare war.

Further compounding this constitutional issue is the dual enlistment system established by amendments to the National Defense Act of 1933. These amendments blurred constitutional distinctions between state militias and the federal standing army, raising fundamental constitutional questions regarding the proper activation and deployment authority of the militia.

However, the 2021 case Texas v. Department of Defense clarified the constitutional roles of state and federal authority over the National Guard, affirming the governor's duty to ensure readiness standards are met without yielding complete control to federal directives. This decision bolstered the principle of dual sovereignty, reflecting the Founders' intent to balance state autonomy with national unity.

Historically, the militia—now the National Guard—has functioned as a civilian force under state leadership, with its dual federal-state role enshrined in the Constitution. As Josiah Quincy II wrote in 1774, "No free government was ever founded without uniting the citizen and the soldier in defense of a free state," underscoring the militia's roots in civic liberty.

Texas, with the nation's largest National Guard force, consistently contributes substantial personnel to overseas deployments. Passing H.B. 930 ensures:

- Deployments occur only with constitutionally proper authorization, protecting Texans' rights.
- Reduced strain on Guard members, families, and civilian employers.
- Restoration of the constitutional balance between state and federal power, reinforcing Texas sovereignty as upheld in Texas v. Department of Defense (2021).
- More focus on training units and individuals per their Mission Essential Task Lists, prioritizing readiness over recurring contingency operations to rebuild the military's warrior ethos.

President Trump's Executive Order, "Clarifying the Military's Role in Protecting the Territorial Integrity of the United States," reinforces the Texas National Guard's operational priority must realign with the Armed Forces of the United States to "prioritize the protection of the sovereignty and territorial integrity of the United States along our national borders."

Texas must defend our homeland first—particularly securing and sealing Texas's borders by "repelling forms of invasion, including unlawful mass migration, narcotics trafficking, human smuggling and trafficking, and other criminal activities"—rather than sacrificing Texas's resources and young service members in endless and senseless foreign wars.

President Trump's vision for "Peace Through Strength" aligns explicitly with H.B. 930, emphasizing military readiness not merely to win battles but to deter wars altogether, thus ensuring national peace, security, and unity:

"We will measure our success not only by the battles we win but also by the wars that we end—and perhaps most importantly, the wars we never get into. My proudest legacy will be that of a peacemaker and unifier... In recent years, our nation has suffered greatly. But we are going to bring it back and make it great again, greater than ever before... We will be a nation like no other, full of compassion, courage, and exceptionalism. Our power will stop all wars and bring a new spirit of unity to a world that has been angry, violent, and totally unpredictable." (Inauguration Speech, 2025)

Our National Guard must be "the strongest and most lethal force in the world" by "matching threats to capabilities" capable of defending both the nation and the states against all enemies.

H.B. 930 resolves this critical issue by reallocating time to enhance the National Guard's lethality and readiness for assigned federal combat missions while prioritizing operational deployments for current homeland defense needs. This vision aligns closely with Defense Secretary Pete Hegseth's priority of remaining "the strongest and most lethal force in the world," by reestablishing "deterrence by defending our homeland—on the ground and in the sky," through "a focus on lethality, meritocracy, accountability, standards, and readiness."

Passing H.B. 930 decisively affirms Texas's sovereignty, fulfills constitutional obligations, and significantly enhances national security. This bill ensures our National Guard remains ready, lethal, and constitutionally accountable—prepared for war yet primarily committed to our homeland's defense.

Texas has the duty and obligation to ensure Texas National Guardsmen are prepared to protect our homeland first, thus preserving peace by clearly demonstrating strength at home.

Thank you for your thoughtful consideration of this vital legislation.