

119TH CONGRESS
1ST SESSION

S. _____

To provide for limitations on domestic deployments of National Guard members.

IN THE SENATE OF THE UNITED STATES

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for limitations on domestic deployments of National Guard members.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Notification of Troop
5 Involvement and Congressional Engagement Act” or the
6 “NOTICE Act”.

7 **SEC. 2. LIMITATIONS ON DOMESTIC DEPLOYMENTS OF NA-**
8 **TIONAL GUARD MEMBERS.**

9 Section 12406 of title 10, United States Code, is
10 amended—

1 (1) by striking “Whenever” and inserting “(a)
2 IN GENERAL.—Whenever”; and

3 (2) by adding at the end the following new sub-
4 sections:

5 “(b) NOTIFICATION REQUIREMENT.—(1) Not later
6 than 24 hours before calling into Federal service members
7 and units of the National Guard of any State under sub-
8 section (a), the President shall notify Congress of the
9 planned deployment.

10 “(2) The notice required under paragraph (1) shall
11 assert a good-faith claim for federalizing the National
12 Guard and describe with specificity—

13 “(A)(i) the invasion, including the United
14 States territory, the foreign power, and the act or
15 acts of the foreign power that constitute an invasion
16 necessitating the use of authority pursuant to sub-
17 section (a)(1);

18 “(ii) the rebellion against the authority of the
19 Government of the United States, including the
20 place and time of the rebellion, the person, persons,
21 or group engaged in the rebellion, and the activities
22 of those engaged in the rebellion necessitating the
23 use of authority pursuant to subsection (a)(2); or

24 “(iii) the laws of the United States which the
25 President is unable to execute, the reasons that reg-

1 ular forces are unable to execute the law, and, where
2 the President is taking such action without the con-
3 sent of the Governor of the State, evidence of the
4 Governor's inability or refusal to provide for the
5 safety and welfare of the public, or the Governor's
6 refusal to obey a court order, or other active steps
7 the Governor has taken to obstruct the President
8 from faithfully executing the law;

9 “(B) the geographical area where the National
10 Guard will be called to and the duration of the fed-
11 eralization of the National Guard;

12 “(C) the training received by the National
13 Guard unit or units expected to be deployed and
14 interacting with civilian populations, including re-
15 strictions under section 1385 of title 18; and

16 “(D) the chain of command the National Guard
17 unit or units will be placed under and their require-
18 ments to communicate with state and local forces.

19 “(c) NOTIFICATION REQUIREMENT FOR LONGER DE-
20 PLOYMENTS.—(1) If a deployment under this section lasts
21 longer than 48 hours, the President shall notify Congress
22 of the continued deployment in writing and provide subse-
23 quent updates every 72 hours thereafter.

24 “(2) The notice required under paragraph (1) shall
25 assert a good-faith claim for the continued deployment of

1 the National Guard and describe with specificity the condi-
2 tions described under subsection (b)(2), including any
3 changes to the conditions since the prior notice.”.