

**AMENDMENT TO H.R. 2647, AS REPORTED
OFFERED BY MR. WILSON OF SOUTH CAROLINA**

At the end of title IX, add the following new section:

1 **SEC. 9** . **RECOGNITION OF AND SUPPORT FOR STATE DE-**
2 **FENSE FORCES.**

3 (a) **RECOGNITION AND SUPPORT.**—Section 109 of
4 title 32, United States Code, is amended—

5 (1) by redesignating subsections (d) and (e) as
6 subsections (k) and (l), respectively; and

7 (2) by inserting after subsection (c) the fol-
8 lowing new subsections:

9 “(d) **RECOGNITION.**—Congress hereby recognizes
10 forces established under subsection (c) as an integral mili-
11 tary component of the homeland security effort of the
12 United States, while reaffirming that those forces remain
13 entirely State regulated, organized, and equipped and rec-
14 ognizing that those forces will be used for homeland secu-
15 rity purposes exclusively at the local level and in accord-
16 ance with State law.

17 “(e) **ASSISTANCE BY DEPARTMENT OF DEFENSE.**—
18 (1) The Secretary of Defense may coordinate homeland
19 security efforts with, and provide assistance to, a defense
20 force established under subsection (c) to the extent such

1 assistance is requested by a State or by a force established
2 under subsection (c) and subject to the provisions of this
3 section.

4 “(2) The Secretary may not provide assistance under
5 paragraph (1) if, in the judgment of the Secretary, such
6 assistance would—

7 “(A) impede the ability of the Department of
8 Defense to execute missions of the Department;

9 “(B) take resources away from warfighting
10 units;

11 “(C) incur nonreimbursed identifiable costs; or

12 “(D) consume resources in a manner incon-
13 sistent with the mission of the Department of De-
14 fense.

15 “(f) USE OF DEPARTMENT OF DEFENSE PROPERTY
16 AND EQUIPMENT.—The Secretary of Defense may author-
17 ize qualified personnel of a force established under sub-
18 section (c) to use and operate property, arms, equipment,
19 and facilities of the Department of Defense as needed in
20 the course of training activities and State active duty.

21 “(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The
22 Secretary of Defense may transfer to a State or a force
23 established under subsection (c) any personal property of
24 the Department of Defense that the Secretary determines
25 is—

1 “(A) excess to the needs of the Department of
2 Defense; and

3 “(B) suitable for use by a force established
4 under subsection (e).

5 “(2) The Secretary of Defense may transfer personal
6 property under this section only if—

7 “(A) the property is drawn from existing stocks
8 of the Department of Defense;

9 “(B) the recipient force established under sub-
10 section (e) accepts the property on an as-is, where-
11 is basis;

12 “(C) the transfer is made without the expendi-
13 ture of any funds available to the Department of
14 Defense for the procurement of defense equipment;
15 and

16 “(D) all costs incurred subsequent to the trans-
17 fer of the property are borne or reimbursed by the
18 recipient.

19 “(3) Subject to paragraph (2)(D), the Secretary may
20 transfer personal property under this section without
21 charge to the recipient force established under subsection
22 (e).

23 “(h) FEDERAL/STATE TRAINING COORDINATION.—

24 (1) Participation by a force established under subsection

1 (c) in a training program of the Department of Defense
2 is at the discretion of the State.

3 “(2) Nothing in this section may be construed as re-
4 quiring the Department of Defense to provide any training
5 program to any such force.

6 “(3) Any such training program shall be conducted
7 in accordance with an agreement between the Secretary
8 of Defense and the State or the force established under
9 subsection (c) if so authorized by State law.

10 “(4) Any direct costs to the Department of Defense
11 of providing training assistance to a force established
12 under subsection (c) shall be reimbursed by the State. Any
13 agreement under paragraph (3) between the Department
14 of Defense and a State or a force established under sub-
15 section (c) for such training assistance shall provide for
16 payment of such costs.

17 “(i) FEDERAL FUNDING OF STATE DEFENSE
18 FORCES.—Funds available to the Department of Defense
19 may not be made available to a State defense force.

20 “(j) LIABILITY.—Any liability for injuries or dam-
21 ages incurred by a member of a force established under
22 subsection (c) while engaged in training activities or State
23 active duty shall be the sole responsibility of the State,
24 regardless of whether the injury or damage was incurred
25 on United States property or involved United States

1 equipment or whether the member was under direct super-
2 vision of United States personnel at the time of the inci-
3 dent.”.

4 (b) DEFINITION OF STATE.—

5 (1) DEFINITION.—Such section is further
6 amended by adding at the end the following new
7 subsection:

8 “(n) STATE DEFINED.—In this section, the term
9 ‘State’ includes the District of Columbia, the Common-
10 wealth of Puerto Rico, Guam, and the Virgin Islands.”.

11 (2) CONFORMING AMENDMENTS.—Such section
12 is further amended in subsections (a), (b), and (c)
13 by striking “a State, the Commonwealth of Puerto
14 Rico, the District of Columbia, Guam, or the Virgin
15 Islands” each place it appears and inserting “a
16 State”.

17 (c) STYLISTIC AMENDMENTS.—Such section is fur-
18 ther amended—

19 (1) in subsection (a), by inserting “PROHIBI-
20 TION ON MAINTENANCE OF OTHER TROOPS.—”
21 after “(a)”;

22 (2) in subsection (b), by inserting “USE WITH-
23 IN STATE BORDERS.—” after “(b)”;

24 (3) in subsection (c), by inserting “STATE DE-
25 FENSE FORCES AUTHORIZED.—” after “(c)”;

1 (4) in subsection (k), as redesignated by sub-
2 section (a)(1), by inserting "EFFECT OF MEMBER-
3 SHIP IN DEFENSE FORCES.—" after "(k)"; and

4 (5) in subsection (l), as redesignated by sub-
5 section (a)(1), by inserting "PROHIBITION ON RE-
6 SERVE COMPONENT MEMBERS JOINING DEFENSE
7 FORCES.—" after "(l)".

8 (d) CLERICAL AMENDMENTS.—

9 (1) SECTION HEADING.—The heading of such
10 section is amended to read as follows:

11 **"§ 109. Maintenance of other troops: State defense**
12 **forces".**

13 (2) CLERICAL AMENDMENT.—The item relating
14 to such section in the table of sections at the begin-
15 ning of chapter 1 of such title is amended to read
16 as follows:

"109. Maintenance of other troops: State defense forces."

