

108TH CONGRESS  
1ST SESSION

# H. R. 2797

To amend title 32, United States Code, to improve the readiness of State defense forces and to increase military coordination for homeland security between the States and the Department of Defense.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2003

Mr. WILSON of South Carolina (for himself, Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. COLLINS, Mr. MCCOTTER, Mr. CARDOZA, and Mrs. MYRICK) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 32, United States Code, to improve the readiness of State defense forces and to increase military coordination for homeland security between the States and the Department of Defense.

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 “State Defense Force  
5 Improvement Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) Domestic threats to national security and  
2 the increased use of National Guard forces for out-  
3 of-State deployments greatly increase the potential  
4 for service by members of State defense forces estab-  
5 lished under section 109(c) of title 32, United States  
6 Code.

7           (2) The efficacy of State defense forces is im-  
8 peded by lack of clarity in the Federal regulations  
9 concerning those forces, particularly in defining lev-  
10 els of coordination and cooperation between those  
11 forces and the Department of Defense.

12           (3) The State defense forces suffer from lack of  
13 adequate military training, equipment, support, and  
14 coordination with the Department of Defense and  
15 other Federal agencies as a result of real and per-  
16 ceived Federal regulatory impediments.

17 **SEC. 3. RECOGNITION OF STATE DEFENSE FORCES.**

18           (a) IN GENERAL.—Section 109 of title 32, United  
19 States Code, is amended—

20           (1) by redesignating subsections (d) and (e) as  
21 subsections (i) and (j), respectively;

22           (2) by inserting after subsection (c) the fol-  
23 lowing new subsections:

24           “(d) RECOGNITION.—Congress hereby recognizes  
25 forces established under subsection (c) as an integral mili-

1 tary component of the Nation’s homeland security effort,  
2 while reaffirming that those forces remain entirely State  
3 regulated, organized, and equipped and recognizing that  
4 those forces will be used for homeland security purposes  
5 exclusively at the local level and in accordance with State  
6 law.

7 “(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—  
8 The Secretary of Defense is authorized to coordinate  
9 homeland security efforts with, and to provide assistance  
10 to, a defense force established under subsection (c) to the  
11 extent such assistance is requested by a State or by a force  
12 established under subsection (c) and subject to the provi-  
13 sions of this section.

14 “(f) USE OF DEPARTMENT OF DEFENSE PROPERTY  
15 AND EQUIPMENT.—(1) The Secretary of Defense may au-  
16 thorize qualified personnel of a force established under  
17 subsection (c) to use and operate property, equipment, and  
18 facilities of the Department of Defense as needed in the  
19 course of training activities and State active duty.

20 “(2) The Secretary of Defense may determine meth-  
21 ods to expedite the ability of forces established under sub-  
22 section (c) to have access to surplus Department of De-  
23 fense equipment, consistent with the authorized mission  
24 of such forces, in a manner that will not result in direct  
25 or indirect costs to the Department of Defense.

1           “(g) FEDERAL/STATE TRAINING COORDINATION.—

2 (1) Participation by a force established under subsection  
3 (c) in a training program of the Department of Defense  
4 is at the discretion of the State.

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

8           “(3) Any such coordinated training program shall be  
9 conducted in accordance with a joint voluntary agreement  
10 between the Department of Defense and the State or the  
11 force established under subsection (c).

12           “(4) Any direct or indirect costs to the Department  
13 of Defense of providing training assistance to a force es-  
14 tablished under subsection (c) shall be reimbursed by the  
15 State. Any agreement between the Department of Defense  
16 and a State or a force established under subsection (c)  
17 for such training assistance shall provide for payment of  
18 such costs.

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

1 vision of United States personnel at the time of the inci-  
2 dent.”; and

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

5 “(k) DEFINITION.—In this section, the term ‘State’  
6 includes a Territory, the Commonwealth of Puerto Rico,  
7 and the District of Columbia.”.

8 (b) CONFORMING AMENDMENTS.—Such section is  
9 further amended in subsections (a), (b), and (c) by strik-  
10 ing “or Territory,” and all that follows through “of Co-  
11 lumbia”.

12 (c) CLERICAL AMENDMENTS.—(1) The heading of  
13 such section is amended to read as follows:

14 **“§ 109. Maintenance of other troops: State defense**  
15 **forces”.**

16 (2) The item relating to such section in the table of  
17 sections at the beginning of chapter 1 of such title is  
18 amended to read as follows:

“109. Maintenance of other troops: State defense forces.”.

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