

AMENDMENT TO RULES COMM. PRINT 119-8
OFFERED BY MR. MCCORMICK OF GEORGIA

At the appropriate place in subtitle B of title V, insert the following:

1 **SEC. 10 ____ . AUTHORITY OF THE PRESIDENT TO CALL TO**
2 **FEDERAL SERVICE MEMBERS AND UNITS OF**
3 **THE NATIONAL GUARD OF ANY STATE.**

4 (a) IN GENERAL.—Section 12406 of title 10, United
5 States Code, is amended to read as follows:

6 **“§ 12406. National guard in Federal service: call**

7 “(a) IN GENERAL.—The President may call into
8 Federal service members and units of the National Guard
9 of any State in such numbers as he considers necessary
10 to repel the invasion, suppress the rebellion, or execute
11 those laws whenever—

12 “(1) the United States, or any of the Common-
13 wealths or possessions, is invaded or is in danger of
14 invasion by a foreign nation;

15 “(2) there is a rebellion or danger of a rebellion
16 against the authority of the Government of the
17 United States; or

18 “(3) the President is unable with the regular
19 forces to execute the laws of the United States;

1 “(b) ISSUANCE OF ORDERS.—An order issued under
2 subsection (a) shall be issued through the governor of the
3 State or, in the case of the District of Columbia, through
4 the commanding general of the National Guard of the Dis-
5 trict of Columbia.

6 “(c) REDUCTION IN AMOUNT OF STATE FUNDING IN
7 COVERED CIRCUMSTANCES.—

8 “(1) IN GENERAL.—In the event of a covered
9 circumstance, the President shall—

10 “(A) provide to the governor of the State
11 where the covered circumstance occurred notice
12 of the determination of the President under
13 paragraph (2)(B) by not later than 30 days
14 after the date of the conclusion of the covered
15 circumstance; and

16 “(B) except as provided in paragraph (3),
17 direct the Secretary of Defense to coordinate
18 with the Secretary of the Treasury, and any
19 other appropriate Federal officials or agencies,
20 to determine the cost incurred by the Federal
21 Government as a result of the calling the Na-
22 tional Guard into service to respond to the cov-
23 ered circumstance, and after notifying the Gov-
24 ernor of the State, reduce the amount of Fed-

1 eral funds made available to such State by an
2 amount equal to 100 percent of such cost.

3 “(2) COVERED CIRCUMSTANCE.—In this sub-
4 section, the term ‘covered circumstance’ means an
5 invasion, danger of invasion, rebellion, danger of re-
6 bellion, or circumstance in which the President was
7 unable to execute the laws of the United States with
8 the regular forces—

9 “(A) for which the President calls into
10 Federal service members or units of the Na-
11 tional Guard of a State under subsection (a);
12 and

13 “(B) that the President determines was
14 the result of an action or act of negligence car-
15 ried out by the government of the State.

16 “(3) WAIVER.—The President may waive the
17 requirement to reduce the amount of funds made
18 available for a State under paragraph (1)(B) if the
19 President determines that—

20 “(A) such a reduction would result in ex-
21 treme financial hardship to the State; or

22 “(B) the calling into Federal service of
23 members or units of the National Guard of the
24 State in response to a covered circumstance was

1 done primarily to protect Federal property or
2 enforce Federal law.

3 “(d) REGULATIONS.—The Secretary of Defense may
4 prescribe regulations to implement this section.”.

5 (b) RETROACTIVE APPLICABILITY.—The amendment
6 made by subsection (a) shall take effect on June 1, 2025,
7 and apply to any call into Federal service of members or
8 units of the National Guard of a State that occurs on or
9 after that date.

