

Rep. Pauer, Hills. 36
Rep. Granger, Straf. 2
Rep. T. Mannion, Hills. 1
January 2, 2024
2024-0045h
06/05

Floor Amendment to HB 229-FN

1 Amend RSA 110-B:5-a as inserted by section 2 of the bill by replacing it with the following:

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3 110-B:5-a Deploying National Guard Into Active National Service.

4 I. This section shall be known as the "Defend the Guard Act".

5 II. For the purposes of this section:

6 (a) "Active duty combat" means performing the following services in the active federal
7 military service of the United States:

8 (1) Participation in an armed conflict under Title 10 of the United States Code; or

9 (2) Performance of a hazardous service through an instrumentality of war relating to
10 an armed conflict in a foreign state under Title 10 of the United States Code.

11 (b) "Official declaration of war" means an official declaration of war made by the United
12 States Congress pursuant to Article I, Section 8, Clause 11 of the United States Constitution.

13 III. Notwithstanding any other provisions of New Hampshire law, the New Hampshire
14 national guard and any member thereof shall not be released from the state into active duty combat
15 unless the United States Congress has passed an official declaration of war or has taken an official
16 action pursuant to Article I, Section 8, Clause 15 of the United States Constitution to explicitly call
17 forth the New Hampshire national guard and any member thereof for the enumerated purposes to
18 expressly execute the laws of the union, repel an invasion, or suppress an insurrection. The
19 governor shall take all actions necessary to comply with the requirements of this section.

20 IV. Nothing in this section shall limit or prohibit the governor from consenting to the
21 deployment of any New Hampshire national guard member under Title 32 of the United States
22 Code.

23 V. Nothing in this section shall limit nor prohibit the participation of the New Hampshire
24 national guard in training exercises outside of the continental United States under Title 10 of the
25 United States Code or in training with friendly foreign countries as part of the State Partnership
26 program under 10 U.S.C. section 321.

27 VI. Nothing in this section shall limit or prohibit the participation of the New Hampshire
28 national guard in the capacity of humanitarian and civic assistance provided in conjunction with
29 military operations pursuant to 10 U.S.C. section 401.