

118TH CONGRESS
2D SESSION

S. 3697

To establish the Space National Guard.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2024

Mr. RUBIO (for himself, Ms. BUTLER, Mr. HICKENLOOPER, Mr. RISCH, Mrs. BLACKBURN, Mr. CRAPO, Mr. SCOTT of Florida, Mr. BENNET, Ms. SINEMA, Mr. PADILLA, Mr. VANCE, Mr. HAGERTY, Mr. BRAUN, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To establish the Space National Guard.

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 “Space National Guard
5 Establishment Act of 2024”.

6 **SEC. 2. ESTABLISHMENT OF SPACE NATIONAL GUARD.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—There is established a Space
9 National Guard that is part of the organized militia

1 of the several States and Territories, Puerto Rico,
2 and the District of Columbia—

3 (A) in which the Space Force operates;

4 and

5 (B) active and inactive.

6 (2) RESERVE COMPONENT.—There is estab-
7 lished a Space National Guard of the United States
8 that is the reserve component of the United States
9 Space Force all of whose members are members of
10 the Space National Guard.

11 (b) COMPOSITION.—The Space National Guard shall
12 be composed of the Space National Guard forces of the
13 several States and Territories, Puerto Rico, and the Dis-
14 trict of Columbia—

15 (1) in which the Space Force operates; and

16 (2) active and inactive.

17 **SEC. 3. NO EFFECT ON MILITARY INSTALLATIONS.**

18 Nothing in this Act, or the amendments made by this
19 Act, shall be construed to authorize or require the reloca-
20 tion of any facility, infrastructure, or military installation
21 of the Space National Guard or Air National Guard.

22 **SEC. 4. IMPLEMENTATION OF SPACE NATIONAL GUARD.**

23 (a) REQUIREMENT.—Except as specifically provided
24 by this Act, the Secretary of the Air Force and the Chief
25 of the National Guard Bureau shall implement this Act,

1 and the amendments made by this Act, not later than one
2 year after the date of the enactment of this Act.

3 (b) BRIEFING REQUIRED.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, and annually
6 for the five subsequent years, the Secretary of the
7 Air Force, the Chief of the Space Force, and the
8 Chief of the National Guard Bureau shall jointly
9 provide to the congressional defense committees a
10 briefing on the status of the implementation of the
11 Space National Guard pursuant to this Act and the
12 amendments made by this Act.

13 (2) ELEMENTS.—The briefing required by
14 paragraph (1) shall address—

15 (A) the current missions, operations and
16 activities, personnel requirements and status,
17 and budget and funding requirements and sta-
18 tus of the Space National Guard; and

19 (B) such other matters with respect to the
20 implementation and operation of the Space Na-
21 tional Guard as the Secretary and the Chiefs
22 jointly determine appropriate to keep Congress
23 fully and currently informed on the status of
24 the implementation of the Space National
25 Guard.

1 **SEC. 5. CONFORMING AMENDMENTS AND CLARIFICATION**
 2 **OF AUTHORITIES.**

3 (a) DEFINITIONS.—

4 (1) TITLE 10, UNITED STATES CODE.—Title 10,
 5 United States Code, is amended—

6 (A) in section 101—

7 (i) in subsection (c)—

8 (I) by redesignating paragraphs

9 (6) and (7) as paragraphs (8) and

10 (9), respectively; and

11 (II) by inserting after paragraph

12 (5) the following new paragraphs:

13 “(6) The term ‘Space National Guard’ means
 14 that part of the organized militia of the several
 15 States and territories, Puerto Rico, and the District
 16 of Columbia, active and inactive, that—

17 “(A) is a space force;

18 “(B) is trained, and has its officers ap-
 19 pointed under the sixteenth clause of section 8,
 20 article I of the Constitution;

21 “(C) is organized, armed, and equipped
 22 wholly or partly at Federal expense; and

23 “(D) is federally recognized.

24 “(7) The term ‘Space National Guard of the
 25 United States’ means the reserve component of the

1 Space Force all of whose members are members of
2 the Space National Guard.”; and

3 (B) in section 10101—

4 (i) in the matter preceding paragraph
5 (1), by inserting “the following” before the
6 colon; and

7 (ii) by adding at the end the following
8 new paragraph:

9 “(8) The Space National Guard of the United
10 States.”.

11 (2) TITLE 32, UNITED STATES CODE.—Section
12 101 of title 32, United States Code is amended—

13 (A) by redesignating paragraphs (8)
14 through (19) as paragraphs (10) through (21),
15 respectively; and

16 (B) by inserting after paragraph (7) the
17 following new paragraphs:

18 “(8) The term ‘Space National Guard’ means
19 that part of the organized militia of the several
20 States and territories, Puerto Rico, and the District
21 of Columbia, in which the Space Force operates, ac-
22 tive and inactive, that—

23 “(A) is a space force;

1 “(B) is trained, and has its officers ap-
 2 pointed under the sixteenth clause of section 8,
 3 article I of the Constitution;

4 “(C) is organized, armed, and equipped
 5 wholly or partly at Federal expense; and

6 “(D) is federally recognized.

7 “(9) The term ‘Space National Guard of the
 8 United States’ means the reserve component of the
 9 Space Force all of whose members are members of
 10 the Space National Guard.”.

11 (b) RESERVE COMPONENTS.—Chapter 1003 of title
 12 10, United States Code, is amended—

13 (1) by adding at the end the following new sec-
 14 tions:

15 **“§ 10115. Space National Guard of the United States:**
 16 **composition**

17 “The Space National Guard of the United States is
 18 the reserve component of the Space Force that consists
 19 of—

20 “(1) federally recognized units and organiza-
 21 tions of the Space National Guard; and

22 “(2) members of the Space National Guard who
 23 are also Reserves of the Space Force.

1 **“§ 10116. Space National Guard: when a component of**
 2 **the Space Force**

3 “The Space National Guard while in the service of
 4 the United States is a component of the Space Force.

5 **“§ 10117. Space National Guard of the United States:**
 6 **status when not in Federal service**

7 “When not on active duty, members of the Space Na-
 8 tional Guard of the United States shall be administered,
 9 armed, equipped, and trained in their status as members
 10 of the Space National Guard.”; and

11 (2) in the table of sections at the beginning of
 12 such chapter, by adding at the end the following new
 13 items:

“10115. Space National Guard of the United States: composition.

“10116. Space National Guard: when a component of the Space Force.

“10117. Space National Guard of the United States: status when not in Federal
 service.”.

