

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1131  
Appropriations

(Delegate Bartlett)

---

**National Guard - Assignment to Cybersecurity Support**

---

This bill requires the Adjutant General to assign members of the National Guard to support State cybersecurity programs in the Maryland Department of Emergency Management (MDEM) and Department of Information Technology (DoIT).

---

**Fiscal Summary**

**State Effect:** The Military Department advises that the bill likely cannot be implemented because the Governor, and not the Adjutant General, has the authority to order the National Guard into active duty, as discussed below. However, to the extent that it can be implemented, general fund expenditures increase, potentially significantly, for the State to reimburse the Military Department for any wages and subsistence afforded to guard members during active duty. In such a case, revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

---

**Analysis**

**Bill Summary:** The Adjutant General must assign members of the National Guard to support State cybersecurity programs as follows:

- five members to the cyber preparedness unit in MDEM;
- four members to the State Security Operations Center in DoIT;
- four members to the Information Sharing and Analysis Center in DoIT; and
- four members to the Office of Security Management in DoIT for vulnerability, threat, and incident response.

## **Current Law:**

### *Adjutant General, the Military Department, and Militia Composition*

The Adjutant General heads the Military Department, is responsible for the department's budget, and is the custodian of all State and federal property used by the organized militia. The Adjutant General maintains all State-owned armories located in Maryland and all other properties that may be occupied, purchased, or leased by the Military Department. The Adjutant General also regulates the use of such facilities.

The Public Safety Article lists two classes of State militia: the organized militia and the unorganized militia. The organized militia consists of the National Guard, Inactive National Guard, and the Maryland Defense Force (MDDF). Generally, the National Guard is part of the reserve components of the U.S. Armed Forces under dual control of the State and the federal government. MDDF is an all-volunteer force designed to assist the National Guard during stateside emergencies. The Governor is the Commander-in-Chief of MDDF, and MDDF generally cannot be deployed outside the borders of Maryland.

### *State Activation of the Militia and National Guard*

The Governor may order MDDF and the National Guard into active duty for imminent public crises (such as disasters, rioting, catastrophes, and other general periods of unrest), when martial law is declared, to enforce the laws, or to carry on any function of the State militia. Upon activation by the Governor, National Guard salaries and expenses are the responsibility of the State; the remaining funding for equipment, training, and other federal missions are paid for by the National Guard Bureau within the U.S. Department of Defense (DOD).

State law does not include provisions for permanent active duty status for National Guard members.

### *Cyber Units within the Military Department*

Several units within the Military Department support various cyber-related activities. Within MDDF, the Cyber Security Unit provides professional, civilian-military expertise in cybersecurity to the Military Department and to State and local agencies as a service. The 169th Cyber Protection Team of the Maryland Army National Guard is a team of cyber professionals whose mission is to defend DOD information networks and assist in cyber defense issues. The 175th Cyberspace Operations Group of the Maryland Air National Guard is tasked with cyber offense and defense activities while supporting the U.S. Cyber Command.

**State Expenditures:** The Military Department advises that the bill, as written, cannot be implemented because the Governor, and not the Adjutant General, has the authority to order the organized militia (which includes the National Guard) into active duty, which is a prerequisite to implementing the bill's provisions. Moreover, the National Guard is generally a response force and only ordered into State active duty through an emergency declaration by the Governor of Maryland or the President of the United States. As noted above, State law does not include provisions for permanent active duty status for National Guard members and, consequently, it is unclear how National Guard members could be assigned to MDEM and DoIT on a permanent or semi-permanent basis, as envisioned by the bill.

To the extent that the bill can be implemented, however, general fund expenditures increase potentially significantly to reimburse the Military Department for any wages and subsistence afforded to National Guard members during their duty.

---

### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 891 (Senator Hester) - Rules.

**Information Source(s):** Military Department; Department of Information Technology; Maryland Department of Emergency Management; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2023  
km/mcr

---

Analysis by: Richard L. Duncan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510