

116TH CONGRESS
2D SESSION

S. 3981

To extend to the Mayor of the District of Columbia the same authority over the National Guard of the District of Columbia as the Governors of the several States exercise over the National Guard of those States with respect to administration of the National Guard and its use to respond to natural disasters and other civil disturbances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2020

Mr. VAN HOLLEN (for himself, Mr. CARPER, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. MARKEY, Mr. WYDEN, Mr. LEAHY, Mr. CARDIN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To extend to the Mayor of the District of Columbia the same authority over the National Guard of the District of Columbia as the Governors of the several States exercise over the National Guard of those States with respect to administration of the National Guard and its use to respond to natural disasters and other civil disturbances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “District of Columbia
3 National Guard Home Rule Act”.

4 **SEC. 2. EXTENSION OF NATIONAL GUARD AUTHORITIES TO**
5 **MAYOR OF THE DISTRICT OF COLUMBIA.**

6 (a) **MAYOR AS COMMANDER-IN-CHIEF.**—Section 6 of
7 the Act entitled “An Act to provide for the organization
8 of the militia of the District of Columbia, and for other
9 purposes”, approved March 1, 1889 (sec. 49–409, D.C.
10 Official Code), is amended by striking “President of the
11 United States” and inserting “Mayor of the District of
12 Columbia”.

13 (b) **RESERVE CORPS.**—Section 72 of such Act (sec.
14 49–407, D.C. Official Code) is amended by striking
15 “President of the United States” each place it appears
16 and inserting “Mayor of the District of Columbia”.

17 (c) **APPOINTMENT OF COMMISSIONED OFFICERS.**—
18 (1) Section 7(a) of such Act (sec. 49–301(a), D.C. Official
19 Code) is amended—

20 (A) by striking “President of the United
21 States” and inserting “Mayor of the District of Co-
22 lumbia”; and

23 (B) by striking “President.” and inserting
24 “Mayor.”.

1 (2) Section 9 of such Act (sec. 49–304, D.C. Official
2 Code) is amended by striking “President” and inserting
3 “Mayor of the District of Columbia”.

4 (3) Section 13 of such Act (sec. 49–305, D.C. Official
5 Code) is amended by striking “President of the United
6 States” and inserting “Mayor of the District of Colum-
7 bia”.

8 (4) Section 19 of such Act (sec. 49–311, D.C. Official
9 Code) is amended—

10 (A) in subsection (a), by striking “to the Sec-
11 retary of the Army” and all that follows through
12 “which board” and inserting “to a board of exam-
13 ination appointed by the Commanding General,
14 which”; and

15 (B) in subsection (b), by striking “the Sec-
16 retary of the Army” and all that follows through the
17 period and inserting “the Mayor of the District of
18 Columbia, together with any recommendations of the
19 Commanding General.”.

20 (5) Section 20 of such Act (sec. 49–312, D.C. Official
21 Code) is amended—

22 (A) by striking “President of the United
23 States” each place it appears and inserting “Mayor
24 of the District of Columbia”; and

1 (B) by striking “the President may retire” and
2 inserting “the Mayor may retire”.

3 (d) CALL FOR DUTY.—(1) Section 45 of such Act
4 (sec. 49–103, D.C. Official Code) is amended by striking
5 “, or for the United States Marshal” and all that follows
6 through “shall thereupon order” and inserting “to order”.

7 (2) Section 46 of such Act (sec. 49–104, D.C. Official
8 Code) is amended by striking “the President” and insert-
9 ing “the Mayor of the District of Columbia”.

10 (e) GENERAL COURTS MARTIAL.—Section 51 of such
11 Act (sec. 49–503, D.C. Official Code) is amended by strik-
12 ing “the President of the United States” and inserting
13 “the Mayor of the District of Columbia”.

14 **SEC. 3. CONFORMING AMENDMENTS TO TITLE 10, UNITED**
15 **STATES CODE.**

16 (a) FAILURE TO SATISFACTORILY PERFORM PRE-
17 SCRIBED TRAINING.—Section 10148(b) of title 10, United
18 States Code, is amended by striking “the commanding
19 general of the District of Columbia National Guard” and
20 inserting “the Mayor of the District of Columbia”.

21 (b) APPOINTMENT OF CHIEF OF NATIONAL GUARD
22 BUREAU.—Section 10502(a)(1) of such title is amended
23 by striking “the commanding general of the District of
24 Columbia National Guard” and inserting “the Mayor of
25 the District of Columbia”.

1 (c) VICE CHIEF OF NATIONAL GUARD BUREAU.—
2 Section 10505(a)(1)(A) of such title is amended by strik-
3 ing “the commanding general of the District of Columbia
4 National Guard” and inserting “the Mayor of the District
5 of Columbia”.

6 (d) OTHER SENIOR NATIONAL GUARD BUREAU OF-
7 FICERS.—Section 10506(a)(1) of such title is amended by
8 striking “the commanding general of the District of Co-
9 lumbia National Guard” both places it appears and insert-
10 ing “the Mayor of the District of Columbia”.

11 (e) CONSENT FOR ACTIVE DUTY OR RELOCATION.—
12 (1) Section 12301 of such title is amended—

13 (A) in subsection (b), by striking “commanding
14 general of the District of Columbia National Guard”
15 in the second sentence and inserting “Mayor of the
16 District of Columbia”; and

17 (B) in subsection (d), by striking the period at
18 the end and inserting the following: “, or, in the
19 case of the District of Columbia National Guard, the
20 Mayor of the District of Columbia.”.

21 (2) Section 12406 of such title is amended by striking
22 “the commanding general of the National Guard of the
23 District of Columbia” and inserting “the Mayor of the
24 District of Columbia”.

1 (f) CONSENT FOR RELOCATION OF UNITS.—Section
 2 18238 of such title is amended by striking “the com-
 3 manding general of the National Guard of the District of
 4 Columbia” and inserting “the Mayor of the District of Co-
 5 lumbia”.

6 **SEC. 4. CONFORMING AMENDMENTS TO TITLE 32, UNITED**
 7 **STATES CODE.**

8 (a) MAINTENANCE OF OTHER TROOPS.—Section
 9 109(c) of title 32, United States Code, is amended by
 10 striking “(or commanding general in the case of the Dis-
 11 trict of Columbia)”.

12 (b) DRUG INTERDICTION AND COUNTER-DRUG AC-
 13 TIVITIES.—Section 112(h)(2) of such title is amended by
 14 striking “the Commanding General of the National Guard
 15 of the District of Columbia” and inserting “the Mayor of
 16 the District of Columbia”.

17 (c) ADDITIONAL ASSISTANCE.—Section 113 of such
 18 title is amended by adding at the end the following new
 19 subsection:

20 “(e) INCLUSION OF DISTRICT OF COLUMBIA.—In
 21 this section, the term ‘State’ includes the District of Co-
 22 lumbia.”.

23 (d) APPOINTMENT OF ADJUTANT GENERAL.—Sec-
 24 tion 314 of such title is amended—

25 (1) by striking subsection (b);

1 (2) by redesignating subsections (c) and (d) as
2 subsections (b) and (c), respectively; and

3 (3) in subsection (b) (as so redesignated), by
4 striking “the commanding general of the District of
5 Columbia National Guard” and inserting “the
6 Mayor of the District of Columbia,”.

7 (e) RELIEF FROM NATIONAL GUARD DUTY.—Sec-
8 tion 325(a)(2)(B) of such title is amended by striking
9 “commanding general of the District of Columbia Na-
10 tional Guard” and inserting “the Mayor of the District
11 of Columbia”.

12 (f) AUTHORITY TO ORDER TO PERFORM ACTIVE
13 GUARD AND RESERVE DUTY.—

14 (1) AUTHORITY.—Subsection (a) of section 328
15 of such title is amended by striking “the com-
16 manding general” and inserting “the Mayor of the
17 District of Columbia after consultation with the
18 commanding general”.

19 (2) CLERICAL AMENDMENTS.—

20 (A) SECTION HEADING.—The heading of
21 such section is amended to read as follows:

22 **“§ 328. Active Guard and Reserve duty: authority of**
23 **chief executive”.**

24 (B) TABLE OF SECTIONS.—The table of
25 sections at the beginning of chapter 3 of such

1 title is amended by striking the item relating to
2 section 328 and inserting the following new
3 item:

“328. Active Guard and Reserve duty: authority of chief executive.”.

4 (g) PERSONNEL MATTERS.—Section 505 of such title
5 is amended by striking “commanding general of the Na-
6 tional Guard of the District of Columbia” in the first sen-
7 tence and inserting “Mayor of the District of Columbia”.

8 (h) NATIONAL GUARD CHALLENGE PROGRAM.—Sec-
9 tion 509 of such title is amended—

10 (1) in subsection (c)(1), by striking “the com-
11 manding general of the District of Columbia Na-
12 tional Guard, under which the Governor or the com-
13 manding general” and inserting “the Mayor of the
14 District of Columbia, under which the Governor or
15 the Mayor”;

16 (2) in subsection (g)(2), by striking “the com-
17 manding general of the District of Columbia Na-
18 tional Guard” and inserting “the Mayor of the Dis-
19 trict of Columbia”;

20 (3) in subsection (j), by striking “the com-
21 manding general of the District of Columbia Na-
22 tional Guard” and inserting “the Mayor of the Dis-
23 trict of Columbia”; and

24 (4) in subsection (k), by striking “the com-
25 manding general of the District of Columbia Na-

1 tional Guard” and inserting “the Mayor of the Dis-
2 trict of Columbia”.

3 (i) ISSUANCE OF SUPPLIES.—Section 702(a) of such
4 title is amended by striking “commanding general of the
5 National Guard of the District of Columbia” and inserting
6 “Mayor of the District of Columbia”.

7 (j) APPOINTMENT OF FISCAL OFFICER.—Section
8 708(a) of such title is amended by striking “commanding
9 general of the National Guard of the District of Colum-
10 bia” and inserting “Mayor of the District of Columbia”.

11 **SEC. 5. CONFORMING AMENDMENT TO THE DISTRICT OF**
12 **COLUMBIA HOME RULE ACT.**

13 Section 602(b) of the District of Columbia Home
14 Rule Act (sec. 1–206.02(b), D.C. Official Code) is amend-
15 ed by striking “the National Guard of the District of Co-
16 lumbia,”.

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