

117TH CONGRESS  
1ST SESSION

# S. 130

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

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

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## 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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