

116TH CONGRESS  
1ST SESSION

# H. R. 1090

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, while ensuring that the President retains control of the National Guard of the District of Columbia to respond to homeland defense emergencies.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Ms. NORTON introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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, while ensuring that the President retains control of the National Guard of the District of Columbia to respond to homeland defense emergencies.

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 “District of Columbia  
 5       National Guard Home Rule Act”.

6       **SEC. 2. EXTENSION OF NATIONAL GUARD AUTHORITIES TO**  
 7                 **MAYOR OF THE DISTRICT OF COLUMBIA.**

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

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

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

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

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

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

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

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

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

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

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

1 (A) by striking “President of the United  
 2 States” each place it appears and inserting “Mayor  
 3 of the District of Columbia”; and

4 (B) by striking “the President may retire” and  
 5 inserting “the Mayor may retire”.

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

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

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

17 **SEC. 3. RETENTION OF PRESIDENTIAL AUTHORITY OVER**  
 18 **USE OF NATIONAL GUARD OF THE DISTRICT**  
 19 **OF COLUMBIA TO RESPOND TO HOMELAND**  
 20 **DEFENSE EMERGENCIES.**

21 (a) IN GENERAL.—Chapter 9 of title 32, United  
 22 States Code, is amended by adding at the end the fol-  
 23 lowing new section:

1 **“§ 909. Control of National Guard of the District of**  
 2 **Columbia for homeland defense activities**

3 “Notwithstanding the authority of the Mayor of the  
 4 District of Columbia as the Commander-in-Chief of the  
 5 National Guard of the District of Columbia, as provided  
 6 by section 6 of the Act entitled ‘An Act to provide for  
 7 the organization of the militia of the District of Columbia,  
 8 and for other purposes’, approved March 1, 1889 (sec. 49–  
 9 409, D.C. Official Code), the President retains control  
 10 over units and members of the National Guard of the Dis-  
 11 trict of Columbia to conduct homeland defense activities  
 12 that the President determines to be necessary and appro-  
 13 priate for participation by the National Guard units or  
 14 members.”.

15 (b) CLERICAL AMENDMENT.—The table of sections  
 16 at the beginning of such chapter is amended by adding  
 17 at the end the following new item:

“909. Control of National Guard of the District of Columbia for homeland de-  
 fense activities.”.

18 **SEC. 4. CONFORMING AMENDMENTS TO TITLE 10, UNITED**  
 19 **STATES CODE.**

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

1 (b) APPOINTMENT OF CHIEF OF NATIONAL GUARD  
2 BUREAU.—Section 10502(a)(1) of such title is amended  
3 by striking “the commanding general of the District of  
4 Columbia National Guard” and inserting “the Mayor of  
5 the District of Columbia”.

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

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

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

18 (A) in subsection (b), by striking “commanding  
19 general of the District of Columbia National Guard”  
20 in the second sentence and inserting “Mayor of the  
21 District of Columbia”; and

22 (B) in subsection (d), by striking the period at  
23 the end and inserting the following: “, or, in the  
24 case of the District of Columbia National Guard, the  
25 Mayor of the District of Columbia.”.

1       (2) Section 12406 of such title is amended by striking  
2 “the commanding general of the National Guard of the  
3 District of Columbia” and inserting “the Mayor of the  
4 District of Columbia”.

5       (f) CONSENT FOR RELOCATION OF UNITS.—Section  
6 18238 of such title is amended by striking “the com-  
7 manding general of the National Guard of the District of  
8 Columbia” and inserting “the Mayor of the District of Co-  
9 lumbia”.

10 **SEC. 5. CONFORMING AMENDMENTS TO TITLE 32, UNITED**  
11 **STATES CODE.**

12       (a) MAINTENANCE OF OTHER TROOPS.—Section  
13 109(c) of title 32, United States Code, is amended by  
14 striking “(or commanding general in the case of the Dis-  
15 trict of Columbia)”.

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

21       (c) ADDITIONAL ASSISTANCE.—Section 113 of such  
22 title is amended by adding at the end the following new  
23 subsection:

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

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

6           (1) by striking subsection (b);

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

9           (3) in subsection (b) (as so redesignated), by  
10 striking “the commanding general of the District of  
11 Columbia National Guard” and inserting “the  
12 Mayor of the District of Columbia,”.

13       (e) RELIEF FROM NATIONAL GUARD DUTY.—Sec-  
14 tion 325(a)(2)(B) of such title is amended by striking  
15 “commanding general of the District of Columbia Na-  
16 tional Guard” and inserting “the Mayor of the District  
17 of Columbia”.

18       (f) AUTHORITY TO ORDER TO PERFORM ACTIVE  
19 GUARD AND RESERVE DUTY.—

20           (1) AUTHORITY.—Subsection (a) of section 328  
21 of such title is amended by striking “the com-  
22 manding general” and inserting “the Mayor of the  
23 District of Columbia after consultation with the  
24 commanding general”.

25           (2) CLERICAL AMENDMENTS.—



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

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

5 (B) TABLE OF SECTIONS.—The table of  
 6 sections at the beginning of chapter 3 of such  
 7 title is amended by striking the item relating to  
 8 section 328 and inserting the following new  
 9 item:

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

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

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

16 (1) in subsection (c)(1), by striking “the com-  
 17 manding general of the District of Columbia Na-  
 18 tional Guard, under which the Governor or the com-  
 19 manding general” and inserting “the Mayor of the  
 20 District of Columbia, under which the Governor or  
 21 the Mayor”;

22 (2) in subsection (g)(2), by striking “the com-  
 23 manding general of the District of Columbia Na-  
 24 tional Guard” and inserting “the Mayor of the Dis-  
 25 trict of Columbia”;

9 (i) ISSUANCE OF SUPPLIES.—Section 702(a) of such  
10 title is amended by striking “commanding general of the  
11 National Guard of the District of Columbia” and inserting  
12 “Mayor of the District of Columbia”.

17 SEC. 6. CONFORMING AMENDMENT TO THE DISTRICT OF  
18 COLUMBIA HOME RULE ACT.

Section 602(b) of the District of Columbia Home Rule Act (sec. 1-206.02(b), D.C. Official Code) is amended by striking “the National Guard of the District of Columbia,”.

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