AMENDMENT TO RULES COMMITTEE PRINT 115–23

OFFERED BY MS. NORTON OF DISTRICT OF COLUMBIA

Add at the end of subtitle G of title V the following:

SEC. 575. EXTENSION OF NATIONAL GUARD AUTHORITIES TO MAYOR OF THE DISTRICT OF COLUMBIA.

(a) SHORT TITLE.—This section may be cited as the “District of Columbia National Guard Modernization Act”.

(b) EXTENSION OF NATIONAL GUARD AUTHORITIES TO MAYOR OF THE DISTRICT OF COLUMBIA.—

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

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

(3) APPOINTMENT OF COMMISSIONED OFFICERS.—(A) Section 7(a) of such Act (sec. 49–301(a), D.C. Official Code) is amended—

(i) by striking “President of the United States” and inserting “Mayor of the District of Columbia”; and

(ii) by striking “President.” and inserting “Mayor.”.

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

(C) Section 13 of such Act (sec. 49–305, D.C. Official Code) is amended by striking “President of the United States” and inserting “Mayor of the District of Columbia”.

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

(i) in subsection (a), by striking “to the Secretary of the Army” and all that follows through “which board” and inserting “to a board of examination appointed by the Commanding General, which”; and
(ii) in subsection (b), by striking “the Secretary of the Army” and all that follows through the period and inserting “the Mayor of the District of Columbia, together with any recommendations of the Commanding General.”.

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

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

(ii) by striking “the President may retire” and inserting “the Mayor may retire”.

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

(B) Section 46 of such Act (sec. 49–104, D.C. Official Code) is amended by striking “the President” and inserting “the Mayor of the District of Columbia”.

(5) GENERAL COURTS MARTIAL.—Section 51 of such Act (sec. 49–503, D.C. Official Code) is amended by striking “the President of the United
States” and inserting “the Mayor of the District of Columbia”.

(c) RETENTION OF PRESIDENTIAL AUTHORITY OVER USE OF NATIONAL GUARD OF THE DISTRICT OF COLUMBIA TO RESPOND TO HOMELAND DEFENSE EMERGENCIES.—

(1) IN GENERAL.—Chapter 9 of title 32, United States Code, is amended by adding at the end the following new section:

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

“Notwithstanding the authority of the Mayor of the District of Columbia as the Commander-in-Chief of the National Guard of the District of Columbia, as provided by section 6 of the Act entitled ‘An Act to provide for the organization of the militia of the District of Columbia, and for other purposes’, approved March 1, 1889 (sec. 49–409, D.C. Official Code), the President retains control over units and members of the National Guard of the District of Columbia to conduct homeland defense activities that the President determines to be necessary and appropriate for participation by the National Guard units or members.”.
(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“909. Control of National Guard of the District of Columbia for homeland defense activities.”.

(d) Conforming Amendments to Title 10, United States Code.—

(1) Failure to satisfactorily perform prescribed training.—Section 10148(b) of title 10, United States Code, is amended by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

(2) Appointment of Chief of National Guard Bureau.—Section 10502(a)(1) of such title is amended by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

(3) Vice Chief of National Guard Bureau.—Section 10505(a)(1)(A) of such title is amended by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

(4) Other senior National Guard Bureau officers.—Section 10506(a)(1) of such title is amended by striking “the commanding general of
the District of Columbia National Guard” both places it appears and inserting “the Mayor of the District of Columbia”.

(5) CONSENT FOR ACTIVE DUTY OR RELOCATION.—(A) Section 12301 of such title is amended—

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

(ii) in subsection (d), by striking “governor or other appropriate authority of the State concerned” and inserting “governor of the State (or, in the case of the District of Columbia National Guard, the Mayor of the District of Columbia)”.

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

(6) CONSENT FOR RELOCATION OF UNITS.— Section 18238 of such title is amended by striking “the commanding general of the National Guard of
the District of Columbia’’ and inserting ‘‘the Mayor of the District of Columbia’’.

(c) CONFORMING AMENDMENTS TO TITLE 32, UNITED STATES CODE.—

(1) MAINTENANCE OF OTHER TROOPS.—Section 109(e) of title 32, United States Code, is amended by striking ‘‘(or commanding general in the case of the District of Columbia)’’.

(2) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Section 112(h)(2) of such title is amended by striking ‘‘the Commanding General of the National Guard of the District of Columbia’’ and inserting ‘‘the Mayor of the District of Columbia’’.

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

‘‘(e) INCLUSION OF DISTRICT OF COLUMBIA.—In this section, the term ‘State’ includes the District of Columbia.’’.

(4) APPOINTMENT OF ADJUTANT GENERAL.— Section 314 of such title is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and
(C) in subsection (b) (as so redesignated),
by striking “the commanding general of the
District of Columbia National Guard” and in-
serting “the Mayor of the District of Colum-
bia,”.

(5) RELIEF FROM NATIONAL GUARD DUTY.—
Section 325(a)(2)(B) of such title is amended by
striking “commanding general of the District of Co-
lumbia National Guard” and inserting “the Mayor
of the District of Columbia”.

(6) AUTHORITY TO ORDER TO PERFORM ACTIVE
GUARD AND RESERVE DUTY.—

(A) AUTHORITY.—Subsection (a) of sec-
tion 328 of such title is amended by striking
“the commanding general” and inserting “the
Mayor of the District of Columbia after con-
sultation with the commanding general”.

(B) CLERICAL AMENDMENTS.—

(i) SECTION HEADING.—The heading
of such section is amended to read as fol-
lows:

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

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

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

(7) PERSONNEL MATTERS.—Section 505 of
such title is amended by striking “commanding gen-
eral of the National Guard of the District of Colum-
bia” in the first sentence and inserting “Mayor of
the District of Columbia”.

(8) NATIONAL GUARD CHALLENGE PROGRAM.—
Section 509 of such title is amended—

(A) in subsection (c)(1), by striking “the
commanding general of the District of Colum-
bia National Guard, under which the Governor
or the commanding general” and inserting “the
Mayor of the District of Columbia, under which
the Governor or the Mayor”; 

(B) in subsection (g)(2), by striking “the
commanding general of the District of Colum-
bia National Guard” and inserting “the Mayor
of the District of Columbia”; 

(C) in subsection (j), by striking “the com-
manding general of the District of Columbia
National Guard” and inserting “the Mayor of
the District of Columbia”; and
(D) in subsection (k), by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

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

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

(f) CONFORMING AMENDMENT TO THE DISTRICT OF 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,”.