

92ND CONGRESS
2ND SESSION

H. R. 56

To establish the National Guard

IN THE HOUSE OF REPRESENTATIVES OF THE
UNITED STATES

6th of April, 2024

Speaker. LuckyVinick (for himself) has introduced the following bill; which shall be read on the House floor and referred to the appropriate committee.

AN ACT

To establish the National Guard

*Be it enacted by the Senate and House of Representatives
of the United States in Congress Assembled.*

SEC. 1—SHORT TITLE

- (a) This piece of legislation shall be referred to as “*National Guard Establishment Act*” or as “*NGEA 24*”

SEC. 2—GENERAL PROVISIONS

- (a) Any part of any act, joint resolution, memorandum or codified law that conflicts with this act shall be deemed null and void.

- (b) This act shall be servable, in which, if any provision of this act is found unconstitutional the rest of the act shall be in full effect unless also found unconstitutional.
- (c) This act shall go into effect immediately.

SEC. 3—ESTABLISHMENT

- (a) The National Guard is hereby established as a vital component of the nation's defense and security infrastructure. It shall serve as a reserve military force, composed of both active-duty service members from various branches of the military and civilians who choose to enlist directly into the National Guard.
- (b) The primary purpose of the National Guard is to provide support and assistance to state and federal authorities during times of emergency, disaster relief, civil unrest, and other situations as directed by the President of the United States.

SEC. 4—MEMBERSHIP

- (a) Membership in the National Guard shall be open to individuals meeting the eligibility criteria established by federal law and regulations made by the President and the Secretary of Defense. This includes active-duty service members from the Army, Air Force, Navy, Marine Corps, and Coast Guard, as well as civilians who voluntarily enlist directly in the National Guard.
- (b) The President of the United States shall have direct authority and coordination over the National Guard, both generally and in times of national emergency, war, or when called upon to provide support for federal missions.
- (c) The President of the United States and the Secretary of Defense create general guidelines

on obtaining, keeping and losing membership within the National Guard.

SEC. 5—DUTIES AND RESPONSIBILITIES

- (a) The National Guard shall be responsible for carrying out a wide range of missions, including but not limited to:
 - (i) Supporting law enforcement agencies in maintaining public order and safety during civil unrest or emergencies.
 - (ii) Conducting homeland defense operations to protect the nation's borders and critical infrastructure.
 - (iii) Deploying overseas to support combat operations, peacekeeping missions, and humanitarian efforts as directed by the President and Congress.
- (b) National Guard members shall receive comprehensive training to ensure readiness for their assigned missions, including regular drills, exercises, and ongoing professional development opportunities.
- (c) The Secretary of Defense, at the direction of the President, shall establish policies, procedures, and standards governing the recruitment, training, equipping, and deployment of National Guard units, including for the structures inside the National Guard.

SEC. 6—ADMINISTRATION AND OVERSIGHT

- (a) The National Guard is under the general coordination of the Commander-in-Chief and the Secretary of Defense, in that order.
- (b) The National Guard Bureau, headed by the Chief of the National Guard Bureau, shall serve as the principal advisory body to the President and the Secretary of Defense on all matters related to the National Guard.
- (c) The ranks, promotion and demotion systems, suspensions and discharges from the National

Guard are enacted by the President and the Secretary of Defense.

- (d) The Chief and the Vice Chief of the National Guard Bureau are appointed by the President, with the advice and consent of the Senate. Other command ranks, middle ranks and lower ranks are appointed and dismissed in accordance with regulations set in accordance with this act.
- (e) Congressional oversight is exercised on National Guard practices and matters.

SEC. 7—ACTIVE POWERS

- (a) The National Guard can enforce the law on U.S. soil, at the direction of the President of the United States, or at the direction of the Secretary of Defense if allowed by the President.
- (b) National Guard law enforcement capabilities are not continuous. The President must decree temporary law enforcement capabilities when the President considers it necessary, including when:
 - (i) in-game criminality is high;
 - (ii) existing law enforcement agencies request support;
 - (iii) when the Speaker of the House, the President pro tempore of the Senate or the Majority or Minority Leaders of the House of Representatives and of the Senate request to the President, in writing, that the National Guard's presence is needed in-game, subject to the approval of the President;
 - (iv) when the President deems it fit;
 - (v) when martial law is in effect.
- (c) Such temporary designations of deputization and law enforcement capabilities of the National Guard cannot extend to more than three hours a day for the same day, unless there is continuous martial law in effect.

(d) National Guard members can only effectuate legitimate arrests. Under the powers of this act, the National Guard can effectuate arrests if criminal activity is committed in their presence, and can lock down public areas, and protect public officials and federal areas and buildings as directed by the President of the United States.