

117TH CONGRESS
1ST SESSION

S. 3162

To clarify the authority of States to use National Guard members performing Active Guard and Reserve duty during State-directed responses to domestic incidents.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2021

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To clarify the authority of States to use National Guard members performing Active Guard and Reserve duty during State-directed responses to domestic incidents.

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 “National Guard Emer-
5 gency Response Act of 2021”.

1 **SEC. 2. AUTHORITY OF STATES TO USE NATIONAL GUARD**
 2 **MEMBERS PERFORMING ACTIVE GUARD AND**
 3 **RESERVE DUTY DURING STATE-DIRECTED**
 4 **RESPONSES TO DOMESTIC INCIDENTS.**

5 Section 328(b) of title 32, United States Code, is
 6 amended—

7 (1) by inserting “(1)” before “A member”; and

8 (2) by adding at the end the following new
 9 paragraph:

10 “(2) Under regulations prescribed by the Chief of the
 11 National Guard Bureau, the adjutant general of the juris-
 12 diction concerned may authorize a member of the National
 13 Guard performing duty under subsection (a) to perform
 14 additional duties in response to a State-declared emer-
 15 gency or disaster provided that the adjutant general deter-
 16 mines that members performing such additional duties will
 17 derive a benefit that satisfies or complements training re-
 18 quirements for the wartime mission or other training ob-
 19 jectives of the members’ unit.”.

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