



# IN THE CONGRESS OF THE UNITED STATES

AUGUST 4, 2020

Mr. Wayne (for himself, Mr. Galt, Mr. Turner, Mr. Smith) introduced the  
following bill;

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To re-establish State Sovereignty over the National Guard

*Be it enacted by the House of Representatives of the United States of America in  
Congress Assembled,*

## **SECTION 1. SHORT TITLE.**

This Act may be cited as the “State Guard Sovereignty Act”

## **SEC. 2. FINDINGS.**

Congress finds that—

- (a) State National Guards go back to the militias of the Revolutionary War and Beyond
- (b) Control over their actions and deployment has traditionally been in the hands of the respective State Governors
- (c) The National Defense Authorization Act (NDAA) of 2007 wrongfully took the control of the State National Guard Units from the States and their Governors into the sole hands of the President
- (d) State National Guard Units must be returned to the control of their respective states and leave to them to decide if the residents of their state should be involved in the affairs of another state or a conflict abroad

## **SEC. 3. DEFINITIONS.**

In this Act—

- (a) National Defense Authorization Act (NDAA)- Refers to **H.R. 5122**, also known as the **John Warner National Defense Authorization Act for Fiscal Year 2007**
- (b) National Guard- Refers to the National Guard of the Respective States (e.g. Pennsylvania National Guard)
- (c) National Guard Unit- Any division, brigade, or other organized body of a respective state's National Guard
- (d) State- A State or Territory of the United States, including their respective territorial seas
- (e) Country- Any sovereign nation, including their respective territorial seas
- (f) Head of State of a Foreign Country- Commander-in-Chief of the armed forces for the country in question
- (g) International Waters- Any waters beyond the territorial seas of any state or country
- (h) President- Referring to the President of the United States

#### **SEC. 4. CURRENT DEPLOYMENTS**

- (a) If any State has any of their National Guard has any of their units deployed within another state, that State Governor must either:
  - (i) Give their authorization and receive the authorization of the Governor of the state in which they are deployed.
  - (ii) Revoke authorization and return or demobilize the National Guard Units in question.
- (b) If the State Governor has any units meeting the description of Subsection 4(a) and performs neither action listed within 30 days after the passage of this act, those units are automatically returned to their state of origin and demobilized.
- (c) If any State has any of their National Guard has any of their units deployed within another country, that state Governor must either:
  - (i) Give their authorization and receive the authorization of the head of state for that country in which they are deployed. This authorization from the foreign country must be handled through the Office of President of the United States.
  - (ii) Revoke authorization and return or demobilize the National Guard Units in question.
- (d) If the State Governor has any units meeting the description of Subsection 4(c) and performs neither action listed within 60 days after the passage of this act, those units are automatically returned to their state of origin and demobilized.
- (e) If any State has any of their National Guard has any of their units deployed in international waters, that state Governor must either:
  - (i) Give their authorization for continued deployment.
  - (ii) Revoke authorization and return or demobilize the National Guard Units in question.

- (f) If the State Governor has any units meeting the description of Subsection 4(e) and performs neither action listed within 60 days after the passage of this act, those units are automatically returned to their state of origin and demobilized.
- (g) The Secretary of Defense shall testify before Congress between 60 and 75 days after the passage of this act on its implementation.
- (h) All such authorizations must be renewed periodically, as described in Section 5.

## **SEC. 5. FUTURE DEPLOYMENTS**

- (a) Any future domestic deployments of a National Guard Unit outside of its state of origin must have the authorization of the governor of the state of origin, the destination state's governor, and Presidential authorization.
- (b) Any future international deployments of a National Guard Unit must have the authorization of the Governor of the state of origin, the destination country's head of state, and Presidential authorization.
- (c) Any future deployments of a National Guard Unit in international waters must have the authorization of the Governor of the state of origin and Presidential authorization.
- (d) Any authorizations described in Section 4 or Section 5 must be renewed every 30 days if units are deployed domestically and every 60 days if deployed internationally or in international waters as described in SubSections 5(a), 5(b), and 5(c).

## **SEC. 6. ENACTMENT.**

**EFFECTIVE DATE.**— The provisions of this Act shall come into force immediately upon passage unless otherwise noted and override any other previous acts of Congress in contradiction.

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