

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 49.**  
**MILITARY.**

**CHAPTER 4.**  
**COMPOSITION, ORGANIZATION, AND CONTROL.**

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**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 4. COMPOSITION, ORGANIZATION, AND**  
**CONTROL.**

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# CHAPTER 4. COMPOSITION, ORGANIZATION, AND CONTROL.

## SUBCHAPTER I. GENERAL.

### § 49-401. MILITIA; PERSONS TO BE ENROLLED.

Every able-bodied male citizen resident within the District of Columbia, of the age of 18 years and under the age of 45 years, excepting persons exempted by § 49-402, and idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of any infamous crime, shall be enrolled in the militia.

Persons so convicted after enrollment shall forthwith be disenrolled; and in all cases of doubt respecting the age of a person enrolled, the burden of proof shall be upon him.

(Mar. 1, 1889, 25 Stat. 772, ch. 328, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 39-101.

1973 Ed., § 39-101.

### § 49-402. EXEMPTIONS FROM SERVICE.

In addition to the persons exempted from enrollment in the militia by the general laws of the United States, the following persons shall also be exempted from enrollment in the militia of the District of Columbia, namely: Officers of the government of the District of Columbia; judges and officers of the courts of the District of Columbia; officers who have held commissions in the regular or volunteer Army, Navy, or Air Force of the United States; officers who have served for a period of 5 years in the militia of the District of Columbia or of any state of the United States; ministers of the gospel; practicing physicians; and conductors and engine-drivers of railroad trains.

(Mar. 1, 1889, 25 Stat. 772, ch. 328, § 2; Nov. 19, 1985, D.C. Law 6-52, § 2(a), 32 DCR 5690; Apr. 20, 1999, D.C. Law 12-264, § 41(a), 46 DCR 2118.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 39-102.

1973 Ed., § 39-102.

##### *Legislative History of Laws*

Law 6-52 was introduced in Council and assigned Bill No. 6-66, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on September 10, 1985, and September 24, 1985, respectively. Signed by the Mayor on September 30, 1985, it was assigned Act No. 6-75 and transmitted to both Houses of Congress for its review.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

### § 49-403. ASSESSORS TO MAKE LIST OF PERSONS LIABLE TO

## ENROLLMENT.

The Mayor of the District of Columbia shall provide for the enrollment of the militia, and for this purpose may require the assessors of taxes, at the same time they are engaged in taking the assessment of valuation of real and personal property, to make a list of persons liable to enrollment, and such record shall be deemed a sufficient notification to all persons whose names are thus recorded that they have been enrolled in the militia. Immediately after the completion of each enrollment they shall furnish the Commanding General of the militia with a copy of the same.

(Mar. 1, 1889, 25 Stat. 773, ch. 328, § 3.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 39-103.

1973 Ed., § 39-103.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 49-404. DUTY OF ENROLLED MILITIA; POLICE AND FIRE DEPARTMENT PERSONNEL.**

The enrolled militia shall not be subject to any duty except when called into the service of the United States, or to aid the civil authorities in the execution of the laws or suppression of riots. However, if the enrolled militia is called to aid the civil authorities, who already have activated, or will concomitantly activate, the police and fire departments, no member of these departments shall be subject to duty in the militia. Also, if the enrolled militia is called into service of the United States, the chief of the police department and the chief of the fire department shall be entitled to have exempted from call in the militia minimum personnel considered necessary to ensure continued, reasonable police and fire services to the citizens of the District of Columbia.

(Mar. 1, 1889, 25 Stat. 773, ch. 328, § 4; Nov. 19, 1985, D.C. Law 6-52, § 2(b), 32 DCR 5690.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 39-104.

1973 Ed., § 39-104.

#### *Temporary Enactments*

For temporary (225 day) addition, see § 2 of National Guard Operations Coordination Temporary Act of 2006 (D.C. Law 16-149, July 25, 2006, law notification 53 DCR 7508).

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2 of National Guard Operations Coordination Emergency Act of 2006 (D.C. Act 16-365, April 26, 2006, 53 DCR 3632).

For temporary (90 day) addition, see § 3032 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) addition, see § 3032 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) addition, see § 3032 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

#### *Legislative History of Laws*

For legislative history of D.C. Law 6-52, see Historical and Statutory Notes following § 49-402.

Short title: Section 3031 of D.C. Law 16-192 provided that subtitle C of title III of the act may be cited as the "National Guard Operations Coordination Act of 2006".

Establishment of a plan to coordinate operations of the National Guard and the Metropolitan Police Department: Section 3032 of D.C. Law 16-192 provided:

"The Mayor is directed to consult with the Commanding General of the National Guard of the District of Columbia to establish a plan whereby the National Guard Reaction Force provides supplemental manpower to the Special Operations Division of the Metropolitan Police Department to assist it in the performance of its duties. The plan shall be implemented within 180 days of April 26, 2006."

## **§ 49-405. ORDERING ENROLLED MILITIA INTO SERVICE.**

Whenever it shall be necessary to call out any portion of the enrolled militia the Commander-in-Chief shall order out, by draft or otherwise, or accept as volunteers as many as required. Every member of the enrolled militia who volunteers, or who is ordered out or drafted under the provisions of this chapter, who does not appear at the time and place designated, may be arrested by order of the Commanding General and be tried and punished by a court-martial. The portion of the enrolled militia ordered out or accepted shall be mustered into service for such period as may be required, and the Commanding General may assign them to existing organizations of the active militia, or may organize them as the exigencies of the occasion may require.

(Mar. 1, 1889, 25 Stat. 773, ch. 328, § 5.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 39-105.

1973 Ed., § 39-105.

## **§ 49-406. ORGANIZED MILITIA; VOLUNTEER SERVICE; DESIGNATION.**

The organized militia shall be composed of volunteers, and shall be designated the National Guard of the District of Columbia.

(Mar. 1, 1889, 25 Stat. 774, ch. 328, § 10; Feb. 18, 1909, 35 Stat. 629, ch. 146, § 10.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 39-106.

1973 Ed., § 39-106.

## **§ 49-407. RESERVE CORPS; ORGANIZATION; COMPOSITION.**

A reserve corps of the National Guard of the District of Columbia is hereby organized, to consist of honorably discharged officers and men of the Army, the Navy, the Air Force, and the Marine Corps of the United States, honorably discharged officers and men of the organized militia of any state or territory who are residents of the District of Columbia, and honorably discharged members of the National Guard of the District of Columbia, whose military training and physical condition shall conform to the standard determined by regulations to be promulgated by the President of the United States; provided, that the term of enlistment in the reserve and the military duties and obligations required of reservists shall be determined by regulations to be promulgated by the President of the United States; provided further, that when called out for military duty, reservists shall receive the same pay and allowances as officers and men of like grade on the active list of the National Guard of the District of Columbia.

(Mar. 1, 1889, 25 Stat. 777, ch. 328, as added Feb. 18, 1909, 35 Stat. 636, ch. 146, § 72.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 39-107.

1973 Ed., § 39-108.

## **§ 49-408. DISBANDING COMPANIES BELOW MINIMUM STRENGTH.**

When any company of the National Guard shall, for a period of not less than 90 days, contain less than the required number of enlisted men, or upon a duly ordered inspection, shall be found to have fallen below a proper standard of efficiency, the Commanding General may, with consent of the President, either disband such company or consolidate it with any other company of the National Guard, and grant an honorable discharge to the supernumerary officers and noncommissioned officers produced by such consolidation. Officers and enlisted men discharged by reason of such disbanding or consolidation and at any time thereafter reentering the service shall have allowed to them, as part of their term of service, the time already served.

(Mar. 1, 1889, 25 Stat. 774, ch. 328, § 18; Feb. 18, 1909, 35 Stat. 630, ch. 146, § 12; June 3, 1916, 39 Stat. 200, ch. 134, § 68.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 39-108.

1973 Ed., § 39-111.

## **§ 49-409. PRESIDENT TO BE COMMANDER-IN-CHIEF.**

The President of the United States shall be the Commander-in-Chief of the militia of the District of Columbia.

(Mar. 1, 1889, 25 Stat. 773, ch. 328, § 6.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 39-109.

1973 Ed., § 39-112.

#### *Miscellaneous Notes*

Supervision and control of National Guard of District of Columbia: See Presidential Executive Order No. 11485, October 1, 1969, 34 F.R. 15411.

## **SUBCHAPTER II. ASSOCIATIONS AND CORPORATIONS.**

## **§ 49-431. DISTRICT OF COLUMBIA NATIONAL GUARD MORALE, WELFARE, AND RECREATION ASSOCIATION.**

(a) All commissioned officers, warrant officers, and enlisted personnel of the District of Columbia National Guard, including retired personnel, may organize themselves into an association, the name of which shall be the District of Columbia National Guard Morale, Welfare, and Recreation Association ("MWRA"). The purpose of the MWRA shall be to enhance the morale and welfare of District of Columbia National Guard members and their families. The MWRA may adopt, alter, and amend bylaws not otherwise inconsistent with District law. Participation in the MWRA shall be voluntary.

(b) To facilitate its purpose, the MWRA may accept donations of money, property, or services from any lawful source to improve the capabilities of the District of Columbia National Guard or otherwise support members and their families.

(c) The District may appropriate funds, donate any other valuable thing, or grant or lease any land belonging to the District to aid, or further the purpose of, the MWRA.

(d) The money appropriated, other valuable thing donated, or the land granted or leased to the MWRA shall be, so far as practicable, expended or disposed of by the District of Columbia National Guard in such manner and under such lawful conditions as the donor may direct.

(Dec. 8, 2009, D.C. Law 18-83, § 2, 56 DCR 8142.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2 of National Guard Morale Welfare and Recreation Emergency Act of

2009 (D.C. Act 18-177, August 4, 2009, 56 DCR 6889).

For temporary (90 day) addition, see § 2 of National Guard Morale, Welfare, and Recreation Congressional Review Emergency Act of 2009 (D.C. Act 18-226, October 28, 2009, 56 DCR 8664).

*Legislative History of Laws*

Law 18-83, the "National Guard Morale, Welfare, and Recreation Act of 2009", as introduced in Council and assigned Bill No. 18-193, which was referred to the Committee on Public Safety and the Judiciary. The bill as adopted on first and second readings on July 14, 2009, and September 22, 2009, respectively. Effective without the Mayor's signature on October 10, 2009, it was assigned Act No. 18-202 and transmitted to both Houses of Congress for its review. D.C. Law 18-83 became effective on December 8, 2009.

## **§ 49-432. MILITARY CORPORATIONS; ESTABLISHMENT, MEMBERSHIP, PURPOSE, AND POWERS.**

(a) The officers, the enlisted personnel, or the officers and enlisted personnel of an organization or unit of the District of Columbia National Guard ("DCNG"), may organize themselves into a military corporation for social purposes and for the purpose of holding, acquiring, and disposing of those funds, goods, or property as such military organizations may possess or acquire. The military corporation shall not engage in business and shall not be required to pay any filing or license fee to the District. A military corporation may include:

- (1) Enlisted, officer, or all-ranks clubs;
- (2) Family support groups;
- (3) Auxiliary organizations;
- (4) Service branch organizations;
- (5) Battalion, brigade, company or unit fund organizations; and
- (6) Other such organizations that provide support to personnel and their families.

(b) A military corporation may raise funds and provide services, if retained funds are used for unit or company support or for other charitable purposes.

(c) A military corporation may use armory or DCNG facilities if there is no expense to the District government. When any area of the armory or DCNG facilities is used, the District and the DCNG shall have access to that area as needed or practical, and the use of that area by the military corporation is not exclusive.

(d) Any sale of alcoholic beverages shall conform to the limitations of sales under other provisions of District law, except that sales within the unit, and not-for-profit, do not require licensing by the District.

(e) The Adjutant General and the Mayor shall coordinate and make provisions to standardize applications for incorporation. No incorporation may be made under this article without the approval of the Adjutant General and the District Judge Advocate. All accounts and documents of a military corporation organized under this subchapter shall be available for inspection and review by the Adjutant General.

(f) The Commanding General of the DCNG shall have authority to issue rules and regulations regarding the operations, authority to receive donations make expenditures of military corporations established under this section.

(Dec. 8, 2009, D.C. Law 18-83, § 3, 56 DCR 8142.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) addition, see § 3 of National Guard Morale Welfare and Recreation Emergency Act of 2009 (D.C. Act 18-177, August 4, 2009, 56 DCR 6889).

For temporary (90 day) addition, see § 3 of National Guard Morale, Welfare, and Recreation Congressional Review Emergency Act of 2009 (D.C. Act 18-226, October 28, 2009, 56 DCR 8664).

*Legislative History of Laws*

For Law 18-83, see notes following § 49-431.

## **§ 49-433. UNIT AND COMPANY FUNDS.**

(a)(1) There is authorized to be created and maintained for each separate unit of the District of Columbia National Guard a unit fund. Expenditures from such unit fund shall be made in accordance with rules and regulations established by the Commanding General of the District of Columbia National Guard and all

applicable federal and District laws, rules, and regulations.

(2) There is authorized to be deposited in each unit fund such moneys as may be received from gifts, bequests, and contributions, including federal and District contributions, and such amounts as may be appropriated to such unit funds by the District of Columbia.

(3) The unit commander of each unit is the custodian of the unit fund. The unit commander shall:

(A) Receive, safely keep, and properly disburse, as the Commanding General may require, the money trusted to the unit commander's care; and

(B) Submit to the Adjutant General, on June 30 and December 31 of each year, an itemized statement of money received and disbursed during the preceding 6 months.

(b)(1) There is authorized to be created and maintained for each separate company of the District of Columbia National Guard a company fund. Expenditures from such company fund shall be made in accordance with rules and regulations established by the Commanding General of the District of Columbia National Guard and all applicable federal and District laws, rules, and regulations.

(2) There is authorized to be deposited in each company fund such moneys as may be received from gifts, bequests, and contributions, including federal and District contributions, and such amounts as may be appropriated to such company fund by the District of Columbia.

(3) The commanding officer of each company is the custodian of the company fund. The commanding officer shall:

(A) Receive, safely keep, and properly disburse, as the Commanding General may require, the money trusted to the commanding officer's care; and

(B) Submit to the Adjutant General, on June 30 and December 31 of each year, an itemized statement of money received and disbursed during the preceding 6 months.

(Dec. 8, 2009, D.C. Law 18-83, § 4, 56 DCR 8142.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 4 of National Guard Morale Welfare and Recreation Emergency Act of 2009 (D.C. Act 18-177, August 4, 2009, 56 DCR 6889).

For temporary (90 day) addition, see § 4 of National Guard Morale, Welfare, and Recreation Congressional Review Emergency Act of 2009 (D.C. Act 18-226, October 28, 2009, 56 DCR 8664).

##### *Legislative History of Laws*

For Law 18-83, see notes following § 49-431.

## **§ 49-434. YOUTH CHALLENGE PARTICIPANT SUPPORT FUND.**

(a) The Commanding General of the DCNG may establish a Youth Challenge Participant Support Fund ("Challenge Fund") for the purpose of assisting in the purchase and provision of materials, supplies, and equipment for participants of the DCNG Youth Challenge program. To facilitate the accomplishment of its purpose, the Challenge Fund may accept donations of money or property from any lawful source.

(b) The Commanding General may authorize that up to \$3,000 of any unused District balance from the funds appropriated in a fiscal year for the DCNG Youth Challenge program be retained in the Challenge Fund for use in the current or a subsequent fiscal year; provided, that there shall be no retention of appropriated funds if the fiscal year-end balance of the Challenge Fund exceeds \$10,000.

(Dec. 8, 2009, D.C. Law 18-83, § 4a, as added Sept. 14, 2011, D.C. Law 19-21, § 3042, 58 DCR 6226.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 19-21, the "Fiscal Year 2012 Budget Support Act of 2011", was introduced in Council and assigned Bill No. 19-203, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 25, 2011, and June 14, 2011, respectively. Signed by the Mayor on July 22, 2011, it was assigned Act No. 19-98 and transmitted to both Houses of Congress for its review. D.C. Law 19-21 became effective on September 14, 2011.

##### *Miscellaneous Notes*

Short title: Section 3041 of D.C. Law 19-21 provided that subtitle E of title III of the act may be cited as "National Guard Morale Welfare and Recreation DCNG Youth Challenge Participant Support Fund Establishment Amendment Act of 2011".