

or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

(2) The performance of the activities is not to degrade the military skills of the members of the National Guard performing those activities.

(Added Pub. L. 108-375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1878.)

#### § 905. Funding assistance

In the case of any homeland defense activity for which the Secretary of Defense determines under section 902 of this title that participation of units or members of the National Guard of a State is necessary and appropriate, the Secretary may provide funds to that State in an amount that the Secretary determines is appropriate for the following costs of the participation in that activity from funds available to the Department for related purposes:

(1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State.

(2) The operation and maintenance of the equipment and facilities of the National Guard of that State.

(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State.

(Added Pub. L. 108-375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1879.)

#### § 906. Requests for funding assistance

A Governor of a State may request funding assistance for the homeland defense activities of the National Guard of that State from the Secretary of Defense. Any such request shall include the following:

(1) The specific intended homeland defense activities of the National Guard of that State.

(2) An explanation of why participation of National Guard units or members, as the case may be, in the homeland defense activities is necessary and appropriate.

(3) A certification that homeland defense activities are to be conducted at a time when the personnel involved are not in Federal service.

(Added Pub. L. 108-375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1879.)

#### § 907. Relationship to State duty

Nothing in this chapter shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

(Added Pub. L. 108-375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1879.)

#### § 908. Annual report

(a) REQUIREMENT FOR REPORT.—After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter, the Secretary of Defense shall submit to the congressional defense committees a report regarding any assistance provided and activities carried out under this chapter during that fiscal year. The report for a fiscal year shall be submitted not later than March 31 of the year following the year in which such fiscal year ended.

(b) CONTENT.—The report for a fiscal year shall include the following matters:

(1) The numbers of members of the National Guard excluded under subsection (i)(13) of section 115 of title 10 from being counted for the purpose of end-strengths authorized pursuant to subsection (a)(1) of such section.

(2) A description of the homeland defense activities conducted with funds provided under this chapter.

(3) An accounting of the amount of the funds provided to each State.

(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform homeland defense activities under this chapter.

(Added Pub. L. 108-375, div. A, title V, § 512(a)(1), Oct. 28, 2004, 118 Stat. 1879; amended Pub. L. 109-364, div. A, title X, § 1071(b)(2), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 112-81, div. A, title X, § 1065(a), Dec. 31, 2011, 125 Stat. 1588.)

#### AMENDMENTS

2011—Subsec. (a). Pub. L. 112-81 substituted “After the end of any fiscal year during which any assistance was provided or activities were carried out under this chapter,” for “After the end of each fiscal year.”

2006—Subsec. (b)(1). Pub. L. 109-364 substituted “(i)(13)” for “(i)”.