

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3040(a)–(c) of this title, prior to repeal by Pub. L. 103–337, §904(b)(1).

## AMENDMENTS

2011—Subsec. (d). Pub. L. 112–81, §512(b)(2) added subsec. (d). Former subsec. (d) redesignated (e).

Pub. L. 112–81, §511(a)(1), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Chief of the National Guard Bureau shall be appointed to serve in the grade of general.”

Subsec. (e). Pub. L. 112–81, §512(b)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Pub. L. 112–81, §511(a)(2), amended subsec. (e) generally. Prior to amendment, text related to succession for office of Chief of the National Guard Bureau.

Subsec. (f). Pub. L. 112–81, §512(b)(1), redesignated subsec. (e) as (f).

2008—Subsec. (a). Pub. L. 110–181, §1811(a), added pars. (1) to (8) and struck out former pars. (1) to (3) which read as follows:

“(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(2) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

“(3) are in a grade above the grade of brigadier general.”

Subsec. (b). Pub. L. 110–181, §1825(c)(2), inserted par. (1) designation before “An officer appointed” and substituted “(2) Except as provided in section 14508(d) of this title, while holding the office of Chief of the National Guard Bureau” for “While holding that office”.

Pub. L. 110–181, §1811(c), struck out “An officer may not hold that office after becoming 64 years of age.” after “four years.”

Subsec. (c). Pub. L. 110–181, §1811(d), amended subsec. (c) generally. Prior to amendment, text read as follows: “The Chief of the National Guard Bureau is the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.”

Subsec. (d). Pub. L. 110–181, §1811(b), substituted “general” for “lieutenant general”.

2004—Pub. L. 108–375, §507(b)(1), inserted “; succession” after “grade” in section catchline.

Subsec. (e). Pub. L. 108–375, §507(a), added subsec. (e).

## EFFECTIVE DATE

Section effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103–337, set out as a note under section 10501 of this title.

**§ 10503. Functions of National Guard Bureau: charter**

The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of the Army, and the Secretary of the Air Force, shall develop and prescribe a charter for the National Guard Bureau. The charter shall reflect the full scope of the duties and activities of the Bureau, including the following matters:

(1) Allocating unit structure, strength authorizations, and other resources to the Army National Guard of the United States and the Air National Guard of the United States.

(2) The role of the National Guard Bureau in support of the Secretary of the Army and the Secretary of the Air Force.

(3) Prescribing the training discipline and training requirements for the Army National Guard and the Air National Guard and the allocation of Federal funds for the training of the Army National Guard and the Air National Guard.

(4) Ensuring that units and members of the Army National Guard and the Air National Guard are trained by the States in accordance with approved programs and policies of, and guidance from, the Chief, the Secretary of the Army, and the Secretary of the Air Force.

(5) Monitoring and assisting the States in the organization, maintenance, and operation of National Guard units so as to provide well-trained and well-equipped units capable of augmenting the active forces in time of war or national emergency.

(6) Planning and administering the budget for the Army National Guard of the United States and the Air National Guard of the United States.

(7) Supervising the acquisition and supply of, and accountability of the States for, Federal property issued to the National Guard through the property and fiscal officers designated, detailed, or appointed under section 708 of title 32.

(8) Granting and withdrawing, in accordance with applicable laws and regulations, Federal recognition of (A) National Guard units, and (B) officers of the National Guard.

(9) Establishing policies and programs for the employment and use of National Guard technicians under section 709 of title 32.

(10) Supervising and administering the Active Guard and Reserve program as it pertains to the National Guard.

(11) Issuing directives, regulations, and publications consistent with approved policies of the Army and Air Force, as appropriate.

(12) Facilitating and supporting the training of members and units of the National Guard to meet State requirements.

(13)(A) Assisting the Secretary of Defense in facilitating and coordinating with the entities listed in subparagraph (B) the use of National Guard personnel and resources for operations conducted under title 32, or in support of State missions.

(B) The entities listed in this subparagraph for purposes of subparagraph (A) are the following:

(i) Other Federal agencies.

(ii) The Adjutants General of the States.

(iii) The combatant command the geographic area of responsibility of which includes the United States.

(14) Such other functions as the Secretary of Defense may prescribe.

(Added Pub. L. 103–337, div. A, title IX, §904(a), Oct. 5, 1994, 108 Stat. 2825; amended Pub. L. 110–181, div. A, title XVIII, §1813(a)–(c)(1), Jan. 28, 2008, 122 Stat. 497, 498; Pub. L. 112–239, div. A, title X, §1081(3), Jan. 2, 2013, 126 Stat. 1960.)

## AMENDMENTS

2013—Par. (13)(B)(iii), (iv). Pub. L. 112–239 redesignated cl. (iv) as (iii) and struck out former cl. (iii) which read as follows: “The United States Joint Forces Command.”

2008—Pub. L. 110-181, §1813(c)(1), substituted “charter” for “charter from Secretaries of the Army and Air Force” in section catchline.

Pub. L. 110-181, §1813(b)(1), in introductory provisions, substituted “The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of the Army, and the Secretary of the Air Force, shall develop” for “The Secretary of the Army and the Secretary of the Air Force shall jointly develop” and “reflect the full scope of the duties and activities of the Bureau, including” for “cover”.

Pars. (2) to (14). Pub. L. 110-181, §1813(a), (b)(2), added pars. (2) and (13), redesignated former pars. (2) to (11) as (3) to (12), respectively, and former par. (12) as (14), and substituted “the Secretary of Defense” for “the Secretaries” in par. (14).

#### EFFECTIVE DATE

Section effective at end of 90-day period beginning on Oct. 5, 1994, see section 904(d) of Pub. L. 103-337, set out as a note under section 10501 of this title.

#### ANNUAL PREPARATION OF FUTURE YEARS DEFENSE PLAN

Pub. L. 104-196, §123, Sept. 16, 1996, 110 Stat. 2392, provided that: “The National Guard Bureau shall annually prepare a future years defense plan based on the requirement and priorities of the National Guard: *Provided*, That this plan shall be presented to the committees of Congress concurrent with the President’s budget submission for each fiscal year.”

#### § 10504. Chief of National Guard Bureau: annual reports

(a) ANNUAL REPORT ON STATE OF THE NATIONAL GUARD.—(1) The Chief of the National Guard Bureau shall submit to the Secretary of Defense, through the Secretaries of the Army and the Air Force, an annual report on the state of the National Guard and the ability of the National Guard to meet its missions.

(2) The annual report required by paragraph (1) shall be prepared in conjunction with the Secretary of the Army and the Secretary of the Air Force and may be submitted in classified and unclassified versions.

(b) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense shall transmit the annual report of the Chief of the National Guard Bureau to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113(c) of this title is submitted to Congress.

(c) ANNUAL REPORT ON NON-FEDERALIZED SERVICE NATIONAL GUARD PERSONNEL, TRAINING, AND EQUIPMENT REQUIREMENTS.—(1) Not later than January 31 of each of calendar years 2018 through 2020, the Chief of the National Guard Bureau, in coordination with the Secretary of Defense, shall submit to the recipients described in paragraph (3) a report that identifies the personnel, training, and equipment required by the non-Federalized National Guard—

(A) to support civilian authorities in connection with natural and man-made disasters during the covered period; and

(B) to carry out prevention, protection, mitigation, response, and recovery activities relating to such disasters during the covered period.

(2) In preparing each report under paragraph (1), the Chief of the National Guard Bureau shall—

(A) consult with the chief executive of each State, the Council of Governors, and other appropriate civilian authorities;

(B) collect and validate information from each State relating to the personnel, training, and equipment requirements described in paragraph (1);

(C) set forth separately the personnel, training, and equipment requirements for—

(i) each of the emergency support functions of the National Response Framework; and

(ii) each of the Federal Emergency Management Agency regions;

(D) assess core civilian capability gaps relating to natural and man-made disasters, as identified by States in submissions to the Department of Homeland Security;

(E) take into account threat and hazard identifications and risk assessments of the Department of Defense, the Department of Homeland Security, and the States; and

(F) assess the budgets of each State to support the personnel, training, and equipment requirements of the non-Federalized National Guard.

(3) The annual report required by paragraph (1) shall be submitted to the following officials:

(A) The congressional defense committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The Secretary of Defense.

(C) The Secretary of Homeland Security.

(D) The Council of Governors.

(E) The Secretary of the Army.

(F) The Secretary of the Air Force.

(G) The Commander of the United States Northern Command.

(H) The Commander of the United States Indo-Pacific Command.

(I) The Commander of the United States Cyber Command.

(4) In this subsection, the term “covered period” means the fiscal year beginning after the date on which a report is submitted under paragraph (1).

(Added Pub. L. 103-337, div. A, title IX, §904(a), Oct. 5, 1994, 108 Stat. 2825; amended Pub. L. 115-91, div. A, title III, §333(a), (b)(1), Dec. 12, 2017, 131 Stat. 1354-1356; Pub. L. 115-232, div. A, title X, §1081(a)(30), title XII, §1251(b)(1), Aug. 13, 2018, 132 Stat. 1985, 2053.)

#### AMENDMENTS

2018—Subsec. (a). Pub. L. 115-232, §1081(a)(30)(A), inserted “(1)” before “The Chief”.

Subsecs. (b), (c). Pub. L. 115-232, §1081(a)(30)(B), redesignated subsec. (b), relating to annual report on non-Federalized service National Guard personnel, training, and equipment requirements, as (c).

Subsec. (c)(3)(H). Pub. L. 115-232, §1251(b)(1), substituted “United States Indo-Pacific Command” for “United States Pacific Command”.

2017—Pub. L. 115-91, §333(b)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Chief of National Guard Bureau: annual report”.

Subsec. (a). Pub. L. 115-91, §333(a)(1)(A), substituted “Report on State of the National Guard” for “Report” in heading.