

under what conditions the National Guard could respond to a cyber attack as a homeland defense activity under section 902 of such title.

“(2) Guidance promulgated regarding how units of the National Guard shall collaborate with relevant civil, law enforcement, and cybersecurity agencies when conducting a homeland defense activity under section 902 of title 32, United States Code.

“(c) UPDATE TO CERTAIN REGULATIONS AND GUIDANCE.—If the Secretary of Defense determines such is appropriate based on the evaluation required under subsection (a) and the review described in subsection (b), the Secretary shall update—

“(1) the regulations referred to in subsection (b)(1); and

“(2) the guidance referred to in subsection (b)(2).

“(d) UPDATE TO THE NATIONAL CYBER INCIDENT RESPONSE PLAN.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense, may update the National Cyber Incident Response Plan to address any changes made by the Secretary of Defense to the roles and responsibilities of the National Guard for the response to and recovery from significant cyber incidents.

“(e) JOINT BRIEFINGS.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly brief the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the following:

“(1) The results of the evaluation required under subsection (a)(1), including the utilization of any input provided to the Secretary of Defense pursuant to subsection (a)(2).

“(2) Any updated regulations or guidance in accordance with subsection (c).

“(3) Any update by the Secretary of Homeland Security to the National Cyber Incident Response Plan pursuant to subsection (d).

“(4) How the Department of Defense, including the National Guard, and the Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency and the Federal Emergency Management Agency, will collaborate with each other and with relevant law enforcement, State governments, and other non-Federal entities when responding to and recovering from significant cyber incidents.

“(f) DEFINITION.—The term ‘significant cyber incident’ means a cyber incident that results, or several related cyber incidents that result, in demonstrable harm to—

“(1) the national security interests, foreign relations, or economy of the United States; or

“(2) the public confidence, civil liberties, or public health and safety of the American people.”

§ 902. Homeland defense activities: funds

The Secretary of Defense may provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities that the Secretary determines to be necessary and appropriate for participation by the National Guard units or members, as the case may be.

(Added Pub. L. 108–375, div. A, title V, §512(a)(1), Oct. 28, 2004, 118 Stat. 1878; amended Pub. L. 109–364, div. A, title X, §1071(b)(1), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 115–232, div. A, title X, §1081(b), Aug. 13, 2018, 132 Stat. 1985.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 substituted “the Secretary determines” for “the Secretary, determines”.

2006—Pub. L. 109–364 struck out “(a)” before “The Secretary”.

§ 903. Regulations

The Secretary of Defense shall prescribe regulations to implement this chapter.

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

§ 904. Homeland defense duty

(a) FULL-TIME NATIONAL GUARD DUTY.—All duty performed under this chapter shall be considered to be full-time National Guard duty under section 502(f) of this title. Members of the National Guard performing full-time National Guard duty in the Active Guard and Reserve Program may support or execute homeland defense activities performed by the National Guard under this chapter.

(b) DURATION.—The period for which a member of the National Guard performs duty under this chapter shall be limited to 180 days. The Governor of the State may, with the concurrence of the Secretary of Defense, extend the period one time for an additional 90 days to meet extraordinary circumstances.

(c) RELATIONSHIP TO REQUIRED TRAINING.—A member of the National Guard performing duty under this chapter shall, in addition to performing such duty, participate in the training required under section 502(a) of this title. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing the duty under this chapter. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State for homeland defense activities does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the homeland defense activities that units and personnel of the National Guard of a State may perform:

(1) The performance of the activities is not to affect adversely the quality of that training 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 participa-