

110th CONGRESS  
2d Session  
**S. 2760**  
**IN THE SENATE OF THE UNITED STATES**

Mr. BYRD (for himself and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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**A BILL**

To amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'National Guard Empowerment and State-National Defense Integration Act of 2008'.

**SEC. 2. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.**

(a) Membership on Joint Chiefs of Staff-

(1) IN GENERAL- Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

'(7) The Chief of the National Guard Bureau.'

(2) CONFORMING AMENDMENT- Section 10502 of such title is amended--

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

'(d) Member of Joint Chiefs of Staff- The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.'

(b) Annual Report to Congress on Validated Requirements- Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

'(c) Annual Report on Validated Requirements- Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

'(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

'(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

'(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.'

**SEC. 3. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.**

(a) Military Assistance for Civil Authorities- Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

**Sec. 10503a. Functions of National Guard Bureau: military assistance to civil authorities**

- (a) Identification of Additional Necessary Assistance- The Chief of the National Guard Bureau shall--
- (1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and
  - (2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.
- (b) Scope of Responsibilities- In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:
- (1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.
  - (2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.
  - (3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.
  - (4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.
  - (5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.
  - (6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.
- (c) Assistance- The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.
- (d) Consultation- (1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the 'National Guard Bureau Strategic Integrated Planning Process'.
- (2)(A) Under the integrated planning process established under paragraph (1)--
- (i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and
  - (ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).
- (B) The planning committee described in this subparagraph is a planning committee (to be known as the 'State Strategic Integrated Planning Committee') composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.
- (C) The planning directorate described in this subparagraph is a planning directorate (to be known as the 'Federal Strategic Integrated Planning Directorate') composed of the following (as designated by the Secretary of Defense for purposes of this subsection):
- (i) A major general of the Army National Guard.
  - (ii) A major general of the Air National Guard.
  - (iii) A major general of the regular Army.
  - (iv) A major general of the regular Air Force.
  - (v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.
  - (vi) The Director of the Joint Staff of the National Guard Bureau under section 10505 of this title.
  - (vii) Seven adjutants general from the planning committee under paragraph (B).'

(b) Budgeting for Training and Equipment for Military Assistance to Civil Authorities and Other Domestic Missions- Chapter 1013 of such title is amended by adding at the end the following new section:

**`Sec. 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations**

`(a) In General- The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

`(b) Scope of Funding- The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

`(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

`(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.'

(c) Clerical Amendments-

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

`10503a. Functions of National Guard Bureau: military assistance to civil authorities.'

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

`10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.'

*END*