

tled under the laws, customs, or usages of the State of Massachusetts.”

Executive Documents

EX. ORD. NO. 13528. ESTABLISHMENT OF THE COUNCIL OF GOVERNORS

Ex. Ord. No. 13528, Jan. 11, 2010, 75 F.R. 2053, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1822 of the National Defense Authorization Act of [sic] 2008 (Public Law 110-181), and in order to strengthen further the partnership between the Federal Government and State governments to protect our Nation and its people and property, it is hereby ordered as follows:

SECTION 1. *Council of Governors.*

(a) There is established a Council of Governors (Council). The Council shall consist of 10 State Governors appointed by the President (Members), of whom no more than five shall be of the same political party. The term of service for each Member appointed to serve on the Council shall be 2 years, but a Member may be reappointed for additional terms.

(b) The President shall designate two Members, who shall not be members of the same political party, to serve as Co-Chairs of the Council.

SEC. 2. *Functions.* The Council shall meet at the call of the Secretary of Defense or the Co-Chairs of the Council to exchange views, information, or advice with the Secretary of Defense; the Secretary of Homeland Security; the Assistant to the President for Homeland Security and Counterterrorism; the Assistant to the President for Intergovernmental Affairs and Public Engagement; the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs; the Commander, United States Northern Command; the Chief, National Guard Bureau; the Commandant of the Coast Guard; and other appropriate officials of the Department of Homeland Security and the Department of Defense, and appropriate officials of other executive departments or agencies as may be designated by the Secretary of Defense or the Secretary of Homeland Security. Such views, information, or advice shall concern:

- (a) matters involving the National Guard of the various States;
- (b) homeland defense;
- (c) civil support;
- (d) synchronization and integration of State and Federal military activities in the United States; and
- (e) other matters of mutual interest pertaining to National Guard, homeland defense, and civil support activities.

SEC. 3. *Administration.*

(a) The Secretary of Defense shall designate an Executive Director to coordinate the work of the Council.

(b) Members shall serve without compensation for their work on the Council. However, Members shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law.

(c) Upon the joint request of the Co-Chairs of the Council, the Secretary of Defense shall, to the extent permitted by law and subject to the availability of appropriations, provide the Council with administrative support, assignment or detail of personnel, and information as may be necessary for the performance of the Council's functions.

(d) The Council may establish subcommittees of the Council. These subcommittees shall consist exclusively of Members of the Council and any designated employees of a Member with authority to act on the Member's behalf, as appropriate to aid the Council in carrying out its functions under this order.

(e) The Council may establish a charter that is consistent with the terms of this order to refine further its purpose, scope, and objectives and to allocate duties, as appropriate, among members.

SEC. 4. *Definitions.* As used in this order:

(a) the term “State” has the meaning provided in paragraph (15) [now (17)] of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(15) [now 101(17)]); and

(b) the term “Governor” has the meaning provided in paragraph (5) of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(5)).

SEC. 5. *General Provisions.*

(a) Nothing in this order shall be construed to impair or otherwise affect:

(1) the authority granted by law to a department, agency, or the head thereof; or

(2) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 105. Inspection

(a) Under regulations prescribed by such Secretary, the Secretary of the Army and the Secretary of the Air Force shall each have an inspection made by inspectors general, or by any other commissioned officers of the Regular Army or the Regular Air Force detailed for that purpose, to determine whether—

(1) the amount and condition of property held by the Army National Guard or Air National Guard are satisfactory;

(2) the Army National Guard or Air National Guard is organized as provided in this title;

(3) the members of the Army National Guard or Air National Guard meet prescribed physical and other qualifications;

(4) the Army National Guard or Air National Guard and its organization are properly uniformed, armed, and equipped and are being trained and instructed for active duty in the field, or for coast defense;

(5) Army National Guard or Air National Guard records are being kept in accordance with this title;

(6) the accounts and records of each property and fiscal officer are properly maintained;

(7) the units of the Army National Guard or Air National Guard meet requirements for deployment; and

(8) the units and members of the Army National Guard or Air National Guard comply with Federal law and policy applicable to the National Guard, including policies issued by the Secretary of Defense, the Secretary of the military department concerned, or the Chief of the National Guard Bureau.

(b) The reports of inspections under subsection (a) are the basis for determining whether the National Guard is entitled to the issue of military property as authorized under this title and to retain that property; and for determining which organizations and persons constitute units and members of the National Guard; and for determining which units of the National Guard meet deployability standards.

(c) The Chief of the National Guard Bureau may have an inspection described in subsection (a) made by inspectors general, or by commissioned officers of the Army National Guard of the United States or the Air National Guard of

the United States detailed for that purpose, on behalf of the Secretary of the Army or the Secretary of the Air Force. Any such inspection may be made only with the approval of the Secretary of the Army or the Secretary of the Air Force, as applicable.

(Aug. 10, 1956, ch. 1041, 70A Stat. 598; Pub. L. 95-79, title VIII, §804(a), July 30, 1977, 91 Stat. 333; Pub. L. 102-484, div. A, title XI, §1122, Oct. 23, 1992, 106 Stat. 2540; Pub. L. 116-92, div. A, title V, §517, Dec. 20, 2019, 133 Stat. 1349; Pub. L. 117-263, div. A, title V, §514(a), Dec. 23, 2022, 136 Stat. 2565.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
105(a)	32:15 (1st sentence).	June 3, 1916, ch. 134, §93,
105(b)	32:15 (less 1st sentence).	39 Stat. 206.

In subsection (a), the word “commissioned” is inserted, since 32:15 historically applied only to commissioned officers (see opinion of the Judge Advocate General of the Army (JAGA 1953/4078, 6 May 1953)).

In subsection (a)(2), the words “provided in this title” are substituted for the words “hereinbefore prescribed”.

In subsection (a)(4), the words “the Army National Guard and its organizations” are substituted for the words “the organization and the officers and enlisted men thereof”. The word “uniformed” is omitted as covered by the word “equipped”.

In subsection (b), the words “under subsection (a)” are substituted for the word “such”. The words “units and members” are substituted for the word “parts”. The words “within the meaning of this title” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(8). Pub. L. 117-263 added par. (8).

2019—Subsec. (a). Pub. L. 116-92, §517(a), in introductory provisions, substituted “by such Secretary, the Secretary of the Army and the Secretary of the Air Force shall each have” for “by him, the Secretary of the Army shall have” and “the Regular Army or the Regular Air Force” for “the Regular Army” and struck out “, if necessary,” after “inspectors general, or”; in pars. (1) to (5) and (7), substituted “Army National Guard or Air National Guard” for “Army National Guard”; and struck out concluding provisions which read as follows: “The Secretary of the Air Force has a similar duty with respect to the Air National Guard.”

Subsec. (c). Pub. L. 116-92, §517(b), added subsec. (c).

1992—Subsec. (a). Pub. L. 102-484, §1122(1), substituted “shall” for “may” in introductory provisions and added par. (7).

Subsec. (b). Pub. L. 102-484, §1122(2), inserted before period at end “; and for determining which units of the National Guard meet deployability standards”.

1977—Subsec. (a). Pub. L. 95-79 substituted “Under regulations prescribed by him, the Secretary of the Army may have an inspection made” for “The Secretary of the Army shall have an inspection made at least once a year” and added cl. (6).

§ 106. Annual appropriations

Sums will be appropriated annually, out of any money in the Treasury not otherwise appropriated, for the support of the Army National Guard and the Air National Guard, including the issue of arms, ordnance stores, quartermaster stores, camp equipage, and other military supplies, and for the payment of other expenses authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 599.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106	32:21.	June 3, 1916, ch. 134, §67 (1st par.), 39 Stat. 199.

The words “issue of” are substituted for the words “the expense of providing”. The words “for issue to the National Guard” and “pertaining to said guard as are or may be” are omitted as surplusage.

§ 107. Availability of appropriations

(a) Under such regulations as the Secretary concerned may prescribe, appropriations for the National Guard are available for—

(1) the necessary expenses of members of a regular or reserve component of the Army or the Air Force traveling on duty in connection with the National Guard;

(2) the necessary expenses of members of the Regular Army or the Regular Air Force on duty in the National Guard Bureau or with the Army Staff or the Air Staff, traveling to and from annual conventions of the Enlisted Association of the National Guard of the United States, the National Guard Association of the United States, or the Adjutants General Association;

(3) the transportation of supplies furnished to the National Guard as permanent equipment;

(4) the office rent and necessary office expenses of officers of a regular or reserve component of the Army or the Air Force on duty with the National Guard;

(5) the expenses of the National Guard Bureau, including clerical services;

(6) the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges;

(7) such incidental expenses of authorized encampments, maneuvers, and field instruction as the Secretary considers necessary; and

(8) other expenses of the National Guard authorized by law.

(b) The expenses of enlisted members of the Regular Army or the Regular Air Force on duty with the National Guard shall be paid from appropriations for the Army National Guard or the Air National Guard, as the case may be, but not from the allotment of a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands. Payable expenses include allowances for subsistence and housing under sections 402 and 403 of title 37 and expenses for medicine and medical attendance.

(c) The pay and allowances for the Chief of the National Guard Bureau and officers of the Army National Guard of the United States or the Air National Guard of the United States called to active duty under section 12402 of title 10 shall be paid from appropriations for the pay of the Army National Guard or Air National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 599; Pub. L. 90-83, §4, Sept. 11, 1967, 81 Stat. 220; Pub. L. 92-119, §1(a), Aug. 13, 1971, 85 Stat. 340; Pub. L. 97-258, §2(h), Sept. 13, 1982, 96 Stat. 1061; Pub. L. 100-456, div. A, title XII, §1234(b)(1), Sept. 29,