



Department of Defense **DIRECTIVE**

NUMBER 5105.77

May 21, 2008

DA&M

SUBJECT: National Guard Bureau (NGB)

References: (a) Title 10, United States Code
(b) Army Regulation 130-5/Air Force Mission Directive 10, December 30, 2001
(c) Chairman of the Joint Chiefs of Staff Instruction 1001.01, "Joint Manpower and Personnel Program," December 28, 2004
(d) Title 32, United States Code
(e) through (h), see Enclosure 1

1. PURPOSE

Pursuant to the authority vested in the Secretary of Defense under section 113 of Reference (a), this Directive establishes policy for and defines the organization and management, responsibilities and functions, relationships, and authorities of the Chief, NGB, and:

- 1.1. Establishes the NGB as a joint activity of the Department of Defense.
- 1.2. Supersedes the NGB charter dated September 1, 1995, as promulgated by Reference (b).

2. APPLICABILITY AND SCOPE

2.1. This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, the National Guard Bureau, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

2.2. For the purposes of this Directive, the term "State" includes the several States, the U. S. Virgin Islands, Guam, Puerto Rico, and the District of Columbia; and the term "governor" includes the governors of the several States, the Virgin Islands, Guam, the Commonwealth of Puerto Rico, and, in the case of the District of Columbia National Guard, the President or his designee.

2.3. Unless the context indicates otherwise, in this Directive the term National Guard means the Army National Guard, the Air National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

3. ORGANIZATION AND MANAGEMENT

3.1. The NGB is a joint activity of the Department of Defense pursuant to section 10501 of Reference (a).

3.1.1. The Chief, NGB is under the authority, direction, and control of the Secretary of Defense. The Secretary normally exercises authority, direction, and control through the Secretaries of the Army and the Air Force for matters pertaining to their responsibilities in law or DoD policy.

3.1.2. The Chief, NGB, is a principal advisor to the Secretary of Defense through the Chairman of the Joint Chiefs of Staff on matters involving non-federalized National Guard forces and through other DoD officials on matters as addressed herein, or as determined by the Secretary of Defense.

3.1.3. NGB manpower shall be managed under a joint manpower document in the same manner as manpower for other joint activities in accordance with Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 1001.01 (Reference (c)) to the greatest extent possible.

3.2. The NGB shall consist of the Chief; the Director of the Joint Staff, NGB; the United States Property and Fiscal Officers; and such separate personal and special staff offices as are prescribed in statute or required by the Chief, NGB, and the following:

3.2.1. Office of the Director of the Joint Staff, NGB, composed of the Director, an Executive Office, and operating offices for joint matters as may be prescribed by the Chief, NGB.

3.2.2. Office of the Director, Army National Guard, composed of the Director, Army National Guard; Deputy Director, Army National Guard; Executive Office; the Army National Guard Readiness Center; and such operating divisions as may be prescribed by the Chief, NGB, for those matters pertaining to the Army National Guard and the Army National Guard of the United States.

3.2.3. Office of the Director, Air National Guard, composed of the Director, Air National Guard; Deputy Director, Air National Guard; Executive Office; the Air National Guard Readiness Center; and such operating divisions as may be prescribed by the Chief, NGB, for those matters pertaining to the Air National Guard and the Air National Guard of the United States.

4. POLICY

It is DoD policy that:

4.1. Consistent with section 10503 of Reference (a), the NGB charter shall be prepared by the Secretary of Defense in consultation with the Secretary of the Army, the Secretary of the Air Force, and the Chairman of the Joint Chiefs of Staff. The Charter shall prescribe the functions of the NGB and the responsibilities, relationships, and the authorities of the Chief, NGB.

4.2. The NGB is the focal point at the strategic level for National Guard matters that are not under the authority and direction of the Secretaries of the Army and Air Force, including joint, interagency, and intergovernmental matters where NGB acts through other DoD officials as specified herein.

4.3. The NGB is the channel of communications on all matters pertaining to the National Guard between (1) the Department of the Army and the Department of the Air Force, and (2) the several States.

4.4. In achieving unity of effort among the Heads of the DoD Components in engaging all elements of the Total Force in support of National Defense Strategy, the actions of the Department of Defense will support the authority and responsibilities of the Secretaries of the Army and the Air Force and the Chief, NGB, as established in law. Nothing herein shall diminish the statutory authority and responsibilities of the Secretaries of the Army and the Air Force, or the Chief, NGB.

5. RESPONSIBILITIES AND FUNCTIONS

5.1. The Chief, NGB, in addition to the roles described in paragraph 3.1., shall:

5.1.1. Serve as the principal advisor to the Secretary of the Army, the Chief of Staff of the Army, Secretary of the Air Force, and the Chief of Staff of the Air Force, on matters relating to the National Guard.

5.1.2. Serve as an advisor to the Commanders of the Combatant Commands on National Guard matters pertaining to their combatant command missions and support planning and coordination for such activities as requested by the Chairman of the Joint Chiefs of Staff or the Commanders of the Combatant Commands.

5.1.3. Serve as the channel of communications on all matters pertaining to the National Guard between (1) the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the DoD Components other than the Department of the Army and the Department of the Air Force, and (2) the States. The Chief, NGB, shall keep the Secretaries of the Army and the Air Force informed of all communications unless otherwise directed by the Secretary of Defense.

5.1.4. Serve as the channel of communications on all matters pertaining to the National Guard, the Army National Guard of the United States and the Air National Guard of the United States between (1) the Department of the Army and the Department of the Air Force, and (2) the several States.

5.1.5. Consult with the Heads of the DoD Components and the OSD Principal Staff Assistants (PSAs) on National Guard matters as they pertain to the authorities and responsibilities of those officials as established by law or DoD policy.

5.1.6. Inform the Secretaries of the Army and the Air Force of all significant matters and all communications provided to others pertaining to their respective departments.

5.1.7. Direct the NGB and organize and manage its personnel and other resources to accomplish the responsibilities and functions, as prescribed in this Directive, while ensuring direct liaison between the NGB and the respective Service staffs.

5.1.8. Implement DoD, Department of the Army, and Department of the Air Force guidance on the structure, strength authorizations, and other resources of the Army National Guard of the United States and the Air National Guard of the United States.

5.1.9. Prescribe 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.

5.1.10. Ensure that units and members of the Army National Guard and the Air National Guard are trained by the States in accordance with approved policies and programs of the Secretaries of the Army and the Air Force.

5.1.11. As directed by the Secretary of Defense, or as directed by the Secretary of the Army or the Secretary of the Air Force, monitor and assist 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, and:

5.1.11.1. Participate in Global Force Management, Force Employment, and Force Reset matters pertaining to domestic homeland defense and defense support of civil authorities and other matters impacting National Guard forces when under command of their governors.

5.1.11.2. Facilitate and deconflict the use of National Guard forces among the States to ensure that adequate and balanced forces are available and responsive for domestic and foreign military operations, consistent with national security objectives and priorities.

5.1.12. Plan, program, and administer the budgets of the Army National Guard of the United States and the Air National Guard of the United States.

5.1.13. Supervise 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, United States Code (Reference (d)).

5.1.14. Grant and withdraw, in accordance with applicable laws and regulations, Federal recognition of units and officers of the National Guard.

5.1.15. Coordinate policies and programs for the employment and use of National Guard technicians under section 709 of Reference (d).

5.1.16. Supervise and administer the Active Guard and Reserve program as it pertains to the National Guard in accordance with priorities established by the Secretaries of the Army and the Air Force.

5.1.17. Ensure that, in the performance of their duties, all officials and personnel of the NGB comply fully with applicable DoD, Department of the Army, and Department of the Air Force policies, issuances, publications, and legal opinions.

5.1.18. Ensure that appointments of all officials and personnel of the NGB comply with applicable Army and Air Force personnel and manpower policies.

5.1.19. Implement, as the NGB-responsible DoD official, as it applies to the National Guard, DoD Directive (DoDD) 5500.11 (Reference (e)), which implements Title VI of the Civil Rights Act of 1964.

5.1.20. Consistent with the policies of the Secretary of Defense and Chairman of the Joint Chiefs of Staff, administer such joint programs and functions as necessary to effectively integrate National Guard resources and capabilities into DoD joint functions. Consistent with the policies of the Secretary of Defense, the Secretaries of the Army and Air Force, and the Chairman of the Joint Chiefs of Staff, coordinate matters related to the several National Guard Joint Force Headquarters-State that affect the Department of Defense.

5.1.21. As directed by the Secretary of Defense, or as directed by the Secretary of the Army or the Secretary of the Air Force, or the Chairman of the Joint Chiefs of Staff on behalf of the Secretary of Defense, facilitate and coordinate with the Heads of the DoD Components, other Federal agencies, and the several States, the use of National Guard personnel and resources for and in military operations, overseas and domestic. This includes but is not limited to:

5.1.21.1. Facilitating and supporting, as appropriate, the training of members and units of the National Guard to meet State and other non-DoD requirements.

5.1.21.2. Assisting the Secretary of Defense in facilitating and coordinating with other Federal agencies, the Adjutants General of the States, the United States Joint Forces Command (USJFCOM), USNORTHCOM, U.S. Southern Command (USSOUTHCOM), and U.S. Pacific Command (USPACOM) the use of National Guard personnel and resources for operations conducted under Reference (d) or in support of State missions. Such matters shall be

coordinated with the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD/ASA)), the Chairman of the Joint Chiefs of Staff, and the Secretaries of the Army and the Air Force as they pertain to their respective Military Departments.

5.1.21.3. In coordination with the supported Commanders of the Combatant Commands, supporting the development of operational concepts, capabilities, and plans for domestic operations that integrate considerations of the State use of National Guard forces in accordance with policy prescribed by the Chairman of the Joint Chiefs of Staff, the Secretaries of the Army and the Air Force, and the ASD(HD/ASA).

5.1.21.4. Participating in Joint Staff capability-based planning and assessments, the Joint Capabilities Integration and Development System described in CJCSI 3170.01F (Reference (f)) and DoD planning, programming, budgeting, and execution (PPBE) process deliberations and actions pertaining to National Guard capabilities, including but not limited to homeland defense and defense support of civil authorities.

5.1.22. Pursuant to section 10541(d) of Reference (a), annually certify an inventory for the preceding year of each item of equipment for which funds were appropriated; which was due to be procured in that fiscal year; and which was not received by the National Guard unit by the end of that fiscal year.

5.2. The Secretary of the Army shall:

5.2.1. In accordance with References (a) and (d), this Directive, and except as otherwise directed by the Secretary of Defense, and in coordination with the Secretary of the Air Force, exercise authority, direction, and control over the NGB on matters pertaining to the Secretary's responsibilities in law or DoD policy.

5.2.2. Seek and consider NGB input on matters of policy and procedures affecting the National Guard, as appropriate.

5.2.3. In coordination with the Secretary of the Air Force and the Chairman of the Joint Chiefs of Staff, ensure NGB and National Guard requirements for capabilities and functions are considered during the DoD PPBE process deliberations and budget execution.

5.3. The Secretary of the Air Force shall:

5.3.1. In accordance with References (a) and (d), this Directive, and except as otherwise directed by the Secretary of Defense, and in coordination with the Secretary of the Army, exercise authority, direction, and control over the NGB on matters pertaining to the Secretary's responsibilities in law or DoD policy.

5.3.2. Seek and consider NGB input on matters of policy and procedures affecting the National Guard, as appropriate.

5.3.3. In coordination with the Secretary of the Army and the Chairman of the Joint Chiefs of Staff, ensure NGB and National Guard requirements for capabilities and functions are considered during the DoD PPBE process deliberations and budget execution.

5.4. The Chairman of the Joint Chiefs of Staff shall:

5.4.1. Include the Chief, NGB, in the coordination of guidance to the Commanders of the Combatant Commands on the incorporation of National Guard forces into their plans for consequence management and DoD support of civil authorities, and on ways to integrate National Guard forces under State governor command and to incorporate the capabilities and resources of the several States, where appropriate.

5.4.2. Include the Chief, NGB, in coordination of joint doctrine, operational concepts, and plans that address National Guard forces in any status.

5.4.3. When considering NGB and National Guard requirements for capabilities and functions during DoD PPBE process deliberations and budget execution, coordinate with the Secretaries of the Army and the Air Force.

5.5. The ASD(HD/ASA), under the authority, direction, and control of the Under Secretary of Defense for Policy (USD(P)), exercising overall supervision of homeland defense activities of the Department of Defense and performing other duties as directed by the Secretary of Defense, shall:

5.5.1. Ensure that DoD policy, in assigned areas of responsibility, incorporates the roles and responsibilities of the NGB and the National Guard pertaining to the use of National Guard forces under both Federal and non-Federal control.

5.5.2. Represent the Department of Defense in interagency, national, and international forums concerning policy for matters identified in 5.5.1.

5.5.3. Respond to requests for coordination from the Chief, NGB, when the Chief, NGB, is carrying out his responsibilities under paragraph 5.1.21.2, or in similar circumstances requiring the Chief, NGB, to coordinate with the ASD(HD/ASA).

5.6. The Assistant Secretary of Defense for Reserve Affairs (ASD(RA)), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), shall:

5.6.1. Pursuant to DoDDs 5124.02 and 5125.01 (References (g) and (h)), and in consultation with Secretaries of the Army and the Air Force, oversee National Guard affairs conducted by the Chief, NGB, to ensure the effective integration of National Guard capabilities into a cohesive Total Force.

5.6.2. Coordinate with the Chief, NGB, and the ASD(HD&ASA), in consultation with the Secretaries of the Army and the Air Force, in developing statutory changes, policies, and procedures affecting federally funded National Guard forces under State governor command.

5.7. The Commanders of the Combatant Commands shall:

5.7.1. Establish relationships with the Chief, NGB, that facilitate the advisory relationships prescribed in this Directive.

5.7.2. In coordination with USNORTHCOM as lead combatant command, advocate for National Guard defense support of civil authorities requirements for domestic operations in DoD's capabilities development, requirements generation and validation, programming systems, and for other National Guard requirements that pertain to their commands.

5.8. The Heads of the DoD Components and the OSD PSAs in exercising their designated authorities and responsibilities as established by law or DoD policy shall coordinate with the Chief, NGB, through the Secretary of the Army or the Secretary of the Air Force on matters under the Secretaries' authority, direction, and control; and shall coordinate with the Chief, NGB, on all other National Guard matters.

6. RELATIONSHIPS

6.1. The Chief, NGB, shall coordinate and exchange information with the OSD PSAs, the Heads of the DoD Components, and other Federal officials having collateral or related functions, as appropriate.

6.2. Nothing in this Directive shall be interpreted to subsume or replace the functions, responsibilities, or authorities of the Secretaries of the Army and the Air Force, OSD PSAs, the Chairman of the Joint Chiefs of Staff, the Heads of the other DoD Components, or the Chief, NGB, as prescribed by law.

7. AUTHORITIES

The Chief, NGB, is hereby delegated the authority to:

7.1. With the approval of the Secretary concerned or the Chairman of the Joint Chiefs of Staff, as appropriate, develop and promulgate directives, regulations, and publications on National Guard matters consistent with DoD, Department of the Army, and Department of the Air Force policies.

7.2. Except as otherwise indicated herein, communicate directly with the Heads of the DoD Components, as necessary to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance. Communications to the Commanders of the Combatant Commands normally shall be transmitted through the Chairman of the Joint Chiefs of

Staff except for those direct communications with the Commanders of USNORTHCOM, USPACOM, USSOUTHCOM, USSTRATCOM, and USJFCOM relating to homeland defense and defense support of civil authorities, and with the Commanders of U.S. Central Command, USPACOM, U.S. European Command, U.S. Africa Command, and USSOUTHCOM pertaining to routine planning and execution of the State Partnership Program, in which case the Chief, NGB, shall keep the Chairman of the Joint Chiefs of Staff informed.

7.3. Except as otherwise indicated herein, communicate with other Federal government officials, as appropriate, in carrying out assigned responsibilities and functions. Such matters shall be coordinated with the USD(P). The Chief, NGB, shall normally keep the Chairman of the Joint Chiefs of Staff informed when communicating with Heads of the DoD Components and other Federal officials; and when communicating with the Department of Homeland Security on matters of homeland defense and defense support of civil authorities policy and resource allocation, the Chief, NGB, shall communicate in coordination with the Commander, USNORTHCOM. See also paragraph 5.1.6.

7.4. Exercise the administrative authorities in Enclosure 2.

8. ADMINISTRATION

8.1. Pursuant to section 10502 of Reference (a), the Chief, NGB, is appointed by the President with the advice and consent of the Senate and shall be appointed to serve in the grade of general. Such appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who:

8.1.1. 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.

8.1.2. Are recommended for such appointment by the Secretary of the Army or the Secretary of the Air Force.

8.1.3. Have had at least 10 years of federally recognized commissioned service in an active status in the National Guard.

8.1.4. Are in a grade above the grade of brigadier general.

8.1.5. Are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have had significant joint duty experience.

8.1.6. Are determined by the Secretary of Defense to have successfully completed such other assignments and experiences so as to possess a detailed understanding of the status and capabilities of National Guard forces and the missions of the NGB, as set forth in section 10503 of Reference (a).

8.1.7. Have a level of operational experience in a position of significant responsibility, professional military education, and demonstrated expertise in national defense and homeland defense matters that are commensurate with the advisory role of the Chief, NGB.

8.1.8. Possess such other qualifications as the Secretary of Defense shall prescribe.

8.2. Actions to appoint officers to serve as Chief, NGB, shall be coordinated with the ASD(RA) and the Chairman of the Joint Chiefs of Staff prior to being initiated.

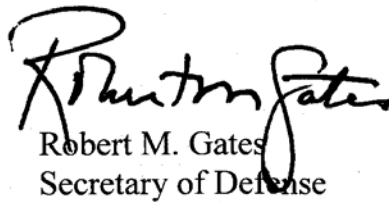
8.3. The Secretaries of the Army and the Air Force shall assign military personnel to the NGB in accordance with approved authorizations and procedures for assignment to joint duty. The Chairman of the Joint Chiefs of Staff shall consult with the Secretaries of the Army and the Air Force on manpower requirements for the NGB.

9. RELEASABILITY

UNLIMITED. This Directive is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

10. EFFECTIVE DATE

This Directive is effective immediately.



Robert M. Gates
Secretary of Defense

Enclosures – 2

- E1. References, continued
- E2. Delegations of Authority

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 5500.11, "Nondiscrimination in Federally Assisted Programs," May 27, 1971
- (f) Chairman of the Joint Chiefs of Staff Instruction 3170.01F, "Joint Capabilities Integration and Development System," May 1, 2007
- (g) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006
- (h) DoD Directive 5125.01, "Assistant Secretary of Defense for Reserve Affairs (ASD(RA))," December 27, 2006

E2. ENCLOSURE 2

DELEGATIONS OF AUTHORITY

E2.1. Pursuant to the authority vested in the Secretary of Defense, and subject to his authority, direction, and control, and in accordance with DoD policies and issuances, the Chief, NGB, or in the absence of the Chief, the person acting for the Chief, is hereby delegated authority to exercise, within assigned responsibilities and functional areas, all authority of the Secretary of Defense derived from statute, Executive order, regulation, and interagency agreement, except where specifically limited by statute, Executive order, or the Secretary of the Army, or the Secretary of the Air Force. Additionally, as required for the administration and operation of the NGB, the Chief, NGB, is specifically delegated authority to:

E2.1.1. Maintain an official seal and attest to the authenticity of official records under that seal.

E2.1.2. Administer oaths of office to those entering the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with 5 United States Code (U.S.C.) 2903, and designate in writing, as may be necessary, officers and employees of the NGB to perform this function.

E2.1.3. In accordance with Executive Order (E.O.) 10450, "Security Requirements for Government Employment," April 27, 1953; E.O. 12968, "Access to Classified Information," August 2, 1995; and DoD Directive 5200.2, as appropriate:

E2.1.3.1. Designate any position in the NGB as a "sensitive" position.

E2.1.3.2. Authorize, in the case of an emergency, the appointment of a person to a sensitive position in the NGB for a limited period of time and for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

E2.1.3.3. Initiate personnel security investigations and, if necessary in the interest of national security, suspend a security clearance for personnel assigned, detailed to, or employed by the NGB. Any action under this paragraph shall be taken in accordance with procedures prescribed in DoD 5200.2-R.

E2.1.4. Authorize and approve:

E2.1.4.1. Temporary duty travel for military personnel assigned or detailed to the NGB in accordance with Joint Federal Travel Regulations, Volume 1, "Uniformed Service Members," current edition.

E2.1.4.2. Travel for NGB civilian personnel in accordance with Joint Travel Regulations (JTR), Volume 2, "DoD Civilian Personnel," current edition.

E2.1.4.3. Invitational travel to non-DoD personnel whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, NGB activities according to the JTR, Volume 2.

E2.1.4.4. Overtime work for NGB civilian personnel according to 5 U.S.C. Chapter 55, Subchapter V, and applicable Office of Personnel Management regulations.

E2.1.5. Approve the expenditure of funds available for travel by military personnel assigned or detailed to the NGB for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances when the approval of the Secretary of Defense, or designee, is required by 37 U.S.C. 412, and 5 U.S.C. 4110 and 4111.

E2.1.6. Enter into and administer contracts, directly or through a Military Department, a DoD contract administration services component, or other Federal Agency as appropriate, for supplies, equipment, and services required to accomplish the mission of the NGB. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority shall be exercised by the appropriate Military Department Secretary or an Under Secretary or Assistant Secretary of Defense.

E2.1.7. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to 44 U.S.C. 3102 and DoDD 5015.2.

E2.1.8. Use government purchase cards for micropurchases of material and services, other than personal services, for the NGB when it is determined to be more advantageous and consistent with the best interests of the Government to do so.

E2.1.9. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of common supply and service regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Instruction 5025.01.

E2.1.10. Enter into support and service agreements with the DoD Components, or other Federal Government agencies, as required, for the effective performance of NGB functions and responsibilities.

E2.1.11. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals, as required for the effective administration and operation of the NGB, consistent with 44 U.S.C. 3702.

E2.2. The Chief, NGB, may, in writing, redelegate these authorities, as appropriate, except as otherwise specifically indicated above, or prohibited by law, Executive Order, or regulation.