

109TH CONGRESS
2^D SESSION

S. 2681

To amend title 10, United States Code, to provide for reports on the withdrawal or diversion of equipment from Reserve units to other Reserve units being mobilized, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2006

Ms. CANTWELL (for herself, Mr. BIDEN, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for reports on the withdrawal or diversion of equipment from Reserve units to other Reserve units being mobilized, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Guard Equip-
5 ment Accountability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The National Guard continues to provide
2 invaluable resources to meet national security, home-
3 land defense, and civil emergency mission require-
4 ments.

5 (2) Current military operations, transnational
6 threats, and domestic emergencies will increase the
7 use of the National Guard for both military support
8 to civilian authorities and to execute the military
9 strategy of the United States.

10 (3) To meet the demand for certain types of
11 equipment for continuing United States military op-
12 erations, the Army has required Army National
13 Guard Units to leave behind many items for use by
14 follow-on forces.

15 (4) The Governors of every State and 2 Terri-
16 tories expressed concern in February 2006 that
17 units returning from deployment overseas without
18 adequate equipment would have trouble carrying out
19 their homeland security and domestic disaster du-
20 ties.

21 (5) The Department of Defense estimates that
22 it has directed the Army National Guard to leave
23 overseas more than 75,000 items valued at approxi-
24 mately \$1,760,000,000 to support Operation Endur-
25 ing Freedom and Operation Iraqi Freedom.

1 (6) Department of Defense Directive 1225.6 re-
2 quires a replacement and tracking plan be developed
3 within 90 days for equipment of the reserve compo-
4 nents of the Armed Forces that is transferred to the
5 active components of the Armed Forces.

6 (7) In October 2005, the Government Account-
7 ability Office found that the Department of Defense
8 can only account for about 45 percent of such equip-
9 ment and has not developed a plan to replace such
10 equipment.

11 (8) The Government Accountability Office also
12 found that without a completed and implemented
13 plan to replace all National Guard equipment left
14 overseas, Army National Guard units will likely face
15 growing equipment shortages and challenges in re-
16 gaining readiness for future missions.

17 **SEC. 3. REPORTS ON WITHDRAWAL OR DIVERSION OF**
18 **EQUIPMENT FROM RESERVE UNITS FOR SUP-**
19 **PORT OF RESERVE UNITS BEING MOBILIZED**
20 **AND OTHER UNITS.**

21 (a) IN GENERAL.—Chapter 1007 of title 10, United
22 States Code, is amended by inserting after section 10208
23 the following new section:

1 **“§ 10208a. Mobilization: reports on withdrawal or di-**
2 **version of equipment from Reserve units**
3 **for support of Reserve units being mobi-**
4 **lized and other units**

5 “(a) REPORT REQUIRED ON WITHDRAWAL OR DI-
6 VERSION OF EQUIPMENT.—Not later than 90 days after
7 withdrawing or diverting equipment from a unit of the Re-
8 serve to a unit of the Reserve being ordered to active duty
9 under section 12301, 12302, or 12304 of this title, or to
10 a unit or units of a regular component of the armed forces,
11 for purposes of the discharge of the mission of such unit
12 or units, the Secretary concerned shall submit to the Sec-
13 retary of Defense a report on the withdrawal or diversion
14 of equipment.

15 “(b) ELEMENTS.—Each report under subsection (a)
16 on equipment withdrawn or diverted shall include the fol-
17 lowing:

18 “(1) A plan to replace such equipment within
19 the unit from which withdrawn or diverted.

20 “(2) If such equipment is to remain in a the-
21 ater of operations while the unit from which with-
22 drawn or diverted returns to the United States, a
23 plan to provide such unit with replacement equip-
24 ment appropriate to ensure the continuation of the
25 readiness training of such unit.

1 “(3) A signed memorandum of understanding
2 between the active or reserve component to which
3 withdrawn or diverted and the reserve component
4 from which withdrawn or diverted that specifies—

5 “(A) how such equipment will be tracked
6 by the unit or units to which withdrawn or di-
7 verted; and

8 “(B) when such equipment will be returned
9 to the unit from which withdrawn or diverted.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 1007 of such title is amended
12 by inserting after the item relating to section 10208 the
13 following new item:

 “10208a. Mobilization: reports on withdrawal or diversion of equipment from
 Reserve units for support of Reserve units being mobilized and
 other units.”.

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