



*Employ the National Guard for  
Domestic Operations  
(Duty Status 101)*

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## **Task:**

Employ the National Guard for Domestic Operations (Duty Status 101)

## **Condition:**

Given a natural or man-made disaster and appropriate forms, match the proper duty-status with mission requirements

## **Standards:**

After analyzing the MA and other documents (SecDef memo) reply to J3 with appropriate duty status and actions/corrective measures (Go/No Go).

## **Enabling Learning Objectives/Performance Steps**

1. Discuss Immediate Response, SAD, 32 USC, 502 and Ch 9.
2. Discuss the response cycle, and sources of appropriations/authority (FEMA Form 90-129, MA), and SecDef Memo.
3. Discuss and determine appropriate duty status for scenarios in handouts.
4. Discuss the use and limitations of "immediate response."
5. Describe each status as it pertains to Title 32, State Active Duty and Title 10.
6. Determine the authorizing and appropriations sources for each duty status.

## **References**

Handouts: <http://www.fema.gov/government/training/index.shtm>

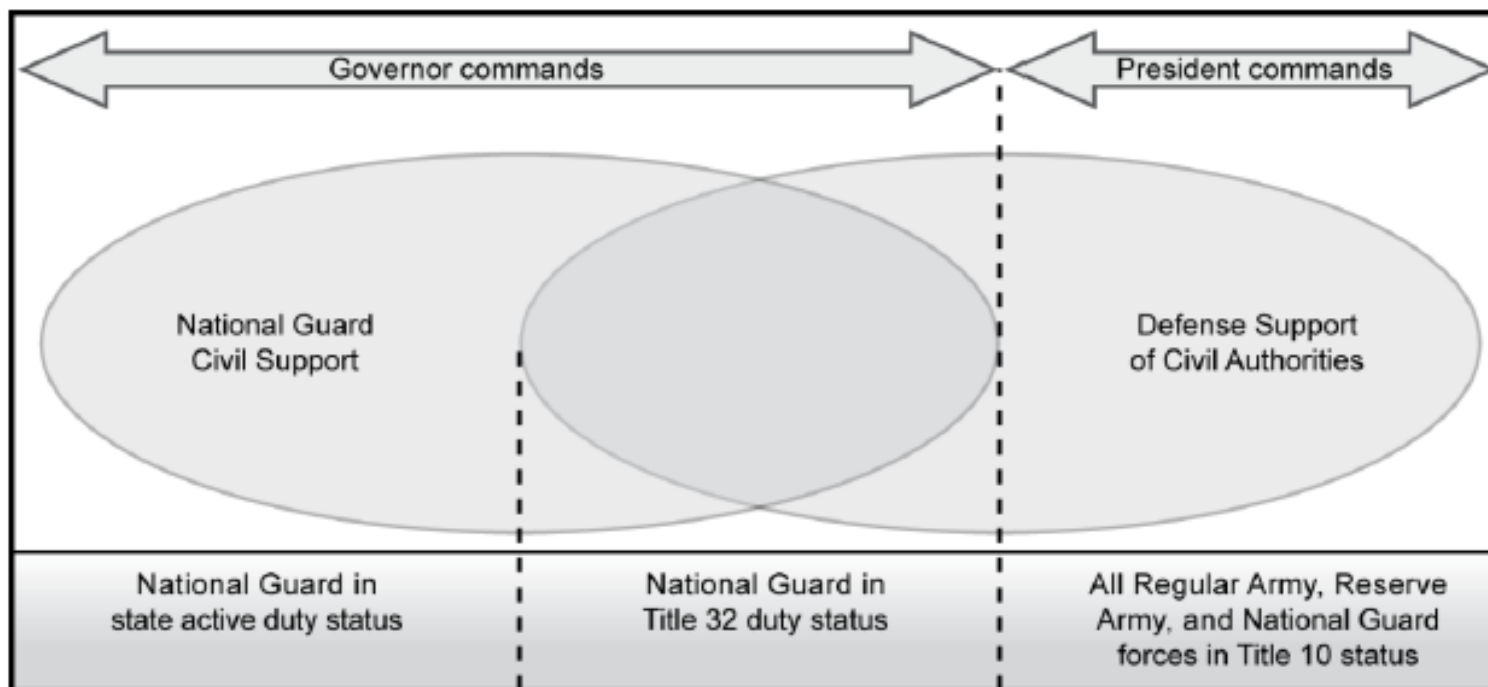
32 U.S.C. 112b(2), (A)

Case Studies

[http://www.dtic.mil/doctrine/new\\_pubs/jp4\\_06.pdf#search=%22Funeral%22](http://www.dtic.mil/doctrine/new_pubs/jp4_06.pdf#search=%22Funeral%22)

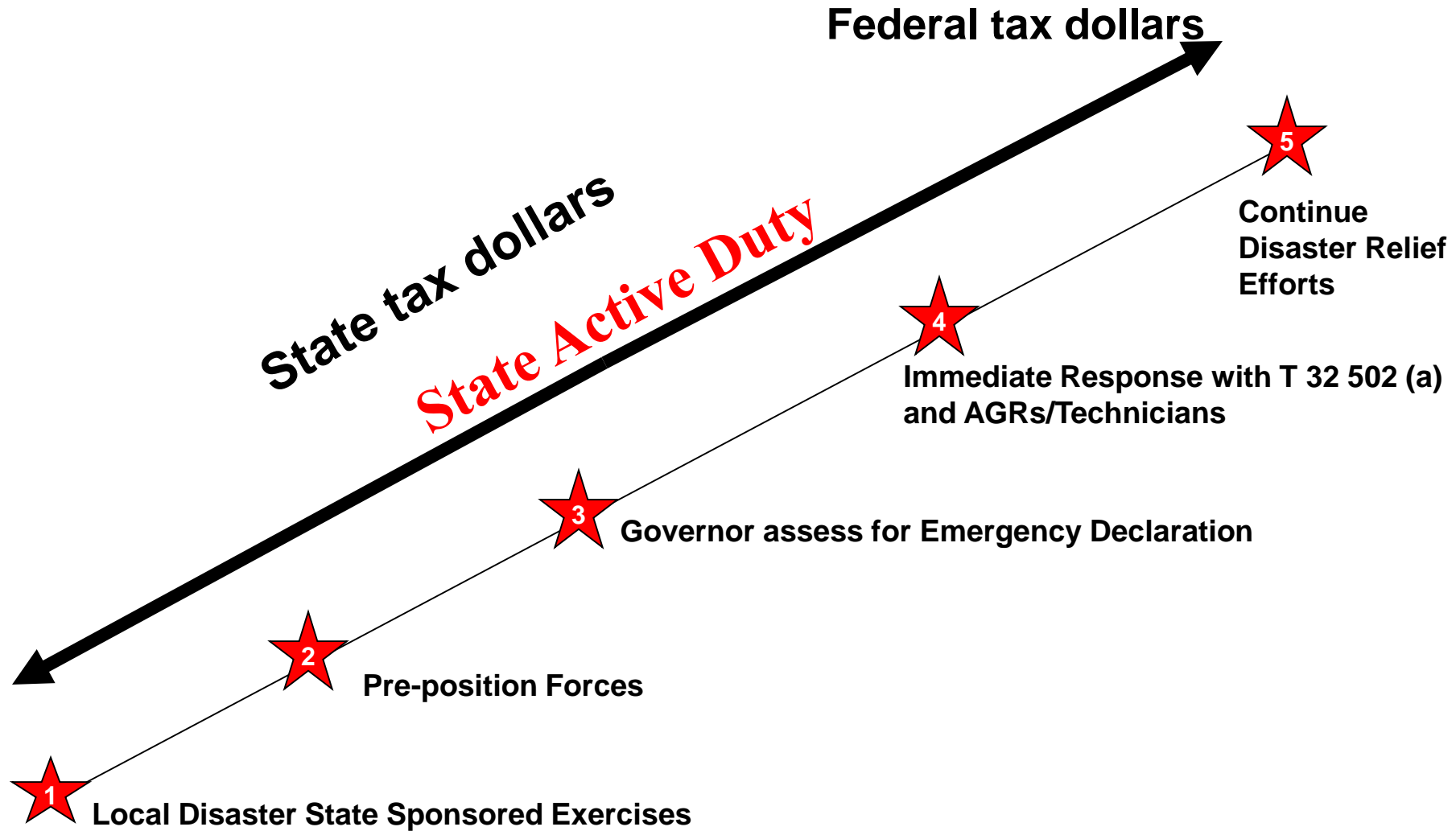


# Duty Status – The Basics



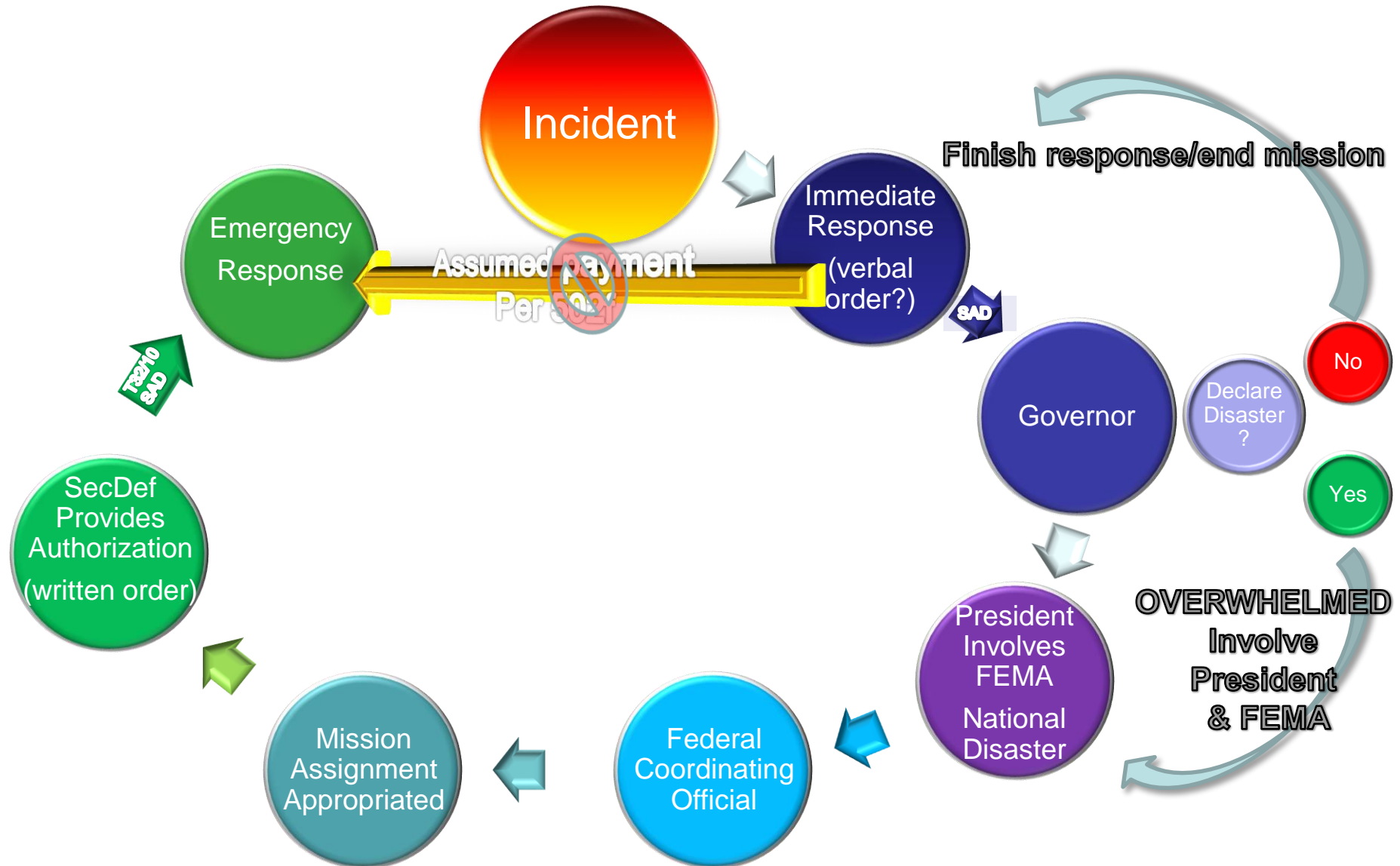


# State Active Duty





# Crisis Response Cycle





## *Immediate Response*

- Save lives, prevent human suffering, mitigate property damage
- Report IR to CNGB as soon as practical to permit reassessment of whether there remains a necessity to employ them under that authority
- Reassess no later than 72 hours
- Use only **EXISTING** manpower resources (members currently in Duty Status)
- Any new orders would be in **SAD**



## *Immediate Response – Does 32 U.S.C. 502f Work?*

- **Background:** initial purpose was to all commanders to perform "AGR-like" duties of administering training activities prior to UTAs and field exercises.
- **Contemporary complication:** interpretations of the phrases "or duty" and "operations or missions", led to inclusion of very specific missions which the President or Secretary of Defense sourced to the National Guard.
- **Conclusion:**
  - An immediate response may involve any available unit resources required to save lives (within first 72 hours).
  - States should anticipate, paying the costs of the operation unless FEMA or other federal agency appropriates other funding.
  - DoD funds are for "*defense*"; there is no DoD emergency spending account.



# *Use of Immediate Response Personnel*

## Use of AGRs

- Can respond in an “immediate response” situation to save lives, prevent human suffering, or mitigate property damage, not to extend beyond the first 72 hours. No new orders needed

## Use of Technicians

- If a technician’s unit is ordered to support, the technician may likewise be ordered into that same status. Must be in annual leave, leave without pay, compensatory leave, etc.
- If a technician’s unit is performing operational Title 32, a technician can support in a technician status if it does not interfere their primary technician duties
- Technicians may respond in an “immediate response” not to exceed 72 hours





## *Use of Immediate Response Personnel*

### Use of Drilling and AT status members

- Members who are **currently** drilling IADT (UTA) or in AT can provide “immediate response”
- If in the YEARLY TRAINING PLAN
- Does not extend beyond their current IADT or AT order
- Members may not be placed on new 502 (a) orders to respond to natural disaster
- Members whose IADT or AT orders have expired will be placed on SAD
- All traditional Guard members will be placed on SAD



## *Use of Immediate Response Personnel*

### Use of Counterdrug Personnel and others on duty under Title 32 502 (f)

- Members performing interdiction and counterdrug activities will not be ordered to perform duties that are not a specific requirement of the counterdrug mission unless commander curtails orders and either returns members to their unit or issues new orders under the proper statutory and fiscal authority

NOTE: If orders are curtailed, members would be responding in a SAD status until such time as Title 32 response for the natural disaster is approved. This change in status could affect member's entitlements.

- Counter drug members may also respond in an "immediate response" situation, but may not exceed 72 hours without specific approval by CNGB



# Relationship to Duty Status

Duty Status			
Authority/Basis	Type	Purpose of Duty	Funding
<b>Active Duty</b>			
10 USC 12301(b)	Involuntary	Annual Training	Reserve Personnel
		Additional Training	
10 USC 12301(d)	Voluntary	Operational Support	Military Personnel or Reserve Personnel
		AGR Duty	Reserve Personnel
<b>Inactive Duty</b>			
10 USC 12503	Voluntary	Funeral Honors	Military Personnel or Reserve Personnel
10 USC 12319	Involuntary	Muster Duty	Reserve Personnel
<b>National Guard Duty (Full-time National Guard Duty and Inactive Duty: National Guard)</b>			
<b>32 USC 502(a)</b>	<b>Involuntary</b>	<b>Annual Training/Drill Requirement</b>	NG Personnel
<b>32 USC 502(f)(1)</b>		<b>Additional Training</b>	
		<b>Operational Support</b>	
		<b>Additional Training</b>	
		<b>Operational Support</b>	
<b>32 USC 502(f)(2)</b>		<b>Counter-Drug Duty</b>	
		<b>AGR Duty</b>	
32 USC 115	Voluntary	Funeral Honors	
32 USC 325	Voluntary	Dual Status Command	
<b>Mobilization</b>			
10 USC 12304	Involuntary	PRC	Military Personnel
10 USC 12302		Partial Mobilization	
10 USC 12301(a)		Full Mobilization	
14 USC 712		Emergencies	
<b>Special Circumstances</b>			
10 USC 12301(h)	Voluntary	Medical Care	Military Personnel or Reserve Personnel
10 USC 12322		Medical Evaluation and Treatment	
10 USC 12301(g)	Involuntary	Captive Status	Military Personnel
10 USC 802(d)		Disciplinary	Reserve Personnel
10 USC 10148		Unsatisfactory Participant (up to 45 days)	
10 USC 12303		Unsatisfactory Participant (up to 24months)	
10 USC 12406			Military Personnel
10 USC 331		Insurrection	
10 USC 332			
<b>Legend</b>			
Frequently Used			
Preiodically Used			
Infrequently Used (if ever)			

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