



Department of Defense

INSTRUCTION

NUMBER 1100.06
March 13, 2007

USD(P&R)

SUBJECT: National Defense Executive Reserve (NDER)

- References:**
- (a) DoD Directive 1100.6, subject as above, December 7, 1983 (hereby canceled)
 - (b) DoD Directive 5124.2, "Under Secretary of Defense for Personnel and Readiness," February 11, 2006
 - (c) Deputy Secretary of Defense Memorandum, "DoD Directives – Phase II," July 13, 2005
 - (d) Appendix 2160(e) of title 50, United States Code, as amended
 - (e) through (h), see Enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues Reference (a) as a DoD Instruction in accordance with the authority in Reference (b) and the guidance in Reference (c).

1.2. Establishes policy, provides procedures, and assigns responsibilities pursuant to Reference (b) for the administration of the NDER pursuant to Reference (d) and Executive Order 12919 (Reference (e)).

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense (OSD), the Military Departments (including the Coast Guard at all times, including when it is a service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense.

3. DEFINITIONS

3.1. Executive Position. A position in an agency that is classified above GS-15 or equivalent position, which is not required to be filled by an appointment by the President by and with the advice and consent of the Senate, and in which an employee: directs the work of an organizational unit; is held accountable for the success of one or more specific programs or projects; monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustments to such goals; supervises the work of employees other than personal assistants; and otherwise exercises important policy-making, policy-determining, or other executive function.

3.2. NDER Program. A Federal program that provides a corps of persons of recognized expertise from various segments of the private sector and from government (except full-time Federal employees) for training for employment in executive positions in the Federal Government in the event of an emergency that requires such employment.

3.3. NDER Unit. A nucleus of executive reserve personnel comprised of persons with recognized expertise from various segments of the private sector and, to a limited extent, from the Federal service, for the purpose of performing functions during an emergency. The NDER Unit is a select group of individuals who are qualified on the basis of managerial, professional, and technical skills, and highly expert in their fields.

4. POLICY

It is DoD policy that, as part of the manpower mobilization base for national security, a unit or units of the NDER program may be established and maintained to ensure the Department is capable of responding to all threats to the national security of the United States.

5. RESPONSIBILITIES

5.1 The Secretary of Defense is authorized to exercise the President's authority to employ civilian personnel in accordance with Reference (d) when activating all or part of its NDER unit. The exercise of this authority shall be subject to the provisions of Reference (e) and shall not be further delegated.

5.2. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall:

5.2.1. Establish procedures for, and coordinate appropriate use of, the DoD NDER program in compliance with the Federal Emergency Management Agency (FEMA) National Defense Executive Reserve Policies and Procedures Manual (Reference (f)).

5.2.2. Comply with the information requirements prescribed in paragraph 7.1.

5.2.3. Represent the Department of Defense on the Interagency NDER Committee provided for in Reference (f).

5.2.4. Delegate all or part of the responsibilities in paragraph 7. to subordinate officials to act on his or her behalf.

5.3. The Secretaries of the Military Departments and the Heads of the Defense Agencies and DoD Field Activities with independent appointing authority on behalf of themselves and their serviced populations shall:

5.3.1. Activate the NDER unit upon written determination from the Secretary of Defense that an emergency affecting the national security or defense preparedness of the United States exists and that the activation of the unit is necessary to carry out the emergency program functions of the Department or agency.

5.3.2. Determine the need for an NDER program and establish the number of necessary NDER units.

5.3.3. Define NDER unit functions and notify in writing, at least 72 hours prior to activating the NDER unit, the Secretary, Homeland Security, with FEMA concurrence, of the impending activation of an NDER unit.

5.3.4. Coordinate the recruitment and training of NDER members according to Reference (f).

5.3.5. Designate, redesignate, and deactivate members of the NDER according to Reference (f).

5.3.6. Determine the level of security clearance necessary for each member of the NDER under existing security position sensitivity designation standards for positions within the Federal service, and ensure that the proper security clearance is obtained before a person is designated an NDER member.

5.3.7. Ensure that, within funding limitations, the appropriate annual training is conducted for each NDER unit. This training shall include general orientations and provision of up-to-date information on the actions planned in the event of mobilization and on the associated responsibilities of NDER members. NDER members shall participate in mobilization exercises to the maximum extent feasible. NDER training policies shall be based on guidance provided by FEMA and the USD(P&R).

5.3.8. Ensure that all policies and regulations of FEMA and the Office of Personnel Management pertaining to the NDER program are observed. (See Reference (f)).

5.3.9. Prescribe additional operating procedures consistent with this Instruction and any applicable FEMA issuances that may be necessary for the efficient establishment and operation of the NDER program.

5.3.10. Ensure that appropriate qualification levels and standards are established for the recruitment and selection of NDER members for successful performance of their planned emergency assignment consistent with Reference (f).

5.3.11. Ensure that appropriate documentation is submitted to FEMA when deactivating NDER units (see Reference (f)).

5.3.12. Comply with the information requirements prescribed in paragraph 7.

6. PROCEDURES

The following procedures shall be used for the NDER program:

6.1. The membership of individual NDER units shall be limited to the number of executive positions that cannot be filled appropriately during a national emergency by regular full-time Federal employees, as determined by officials with authority to establish and maintain NDER units.

6.2. In the interest of efficiency, existing facilities, materials, and information channels shall be used as much as possible in operating the NDER program.

6.3. Persons assigned to the Ready Reserve of the Military Services may not be designated as members of the NDER. State and local officials and persons campaigning for elective local office who have (or would have, if elected) emergency responsibilities because of their positions shall also be precluded from consideration for membership.

6.4. NDER members are not considered officers or employees of the Federal Government during times in which they receive training for mobilization assignments under the NDER program. At such times, they may not act or advise on any matter pending before a DoD Component.

6.5. During periods of national emergency, NDER members may be appointed as “special Government employees” as defined in section 202(a) of title 18, United States Code (Reference (g)). An NDER appointee, although subject to conflict-of-interest regulations (see Reference (f)), may continue to receive compensation from his or her private employer during the period he or she is performing services for the Federal Government.

6.6. When policy matters are involved, NDER appointees are limited to advising appropriate full-time salaried Federal Government officials who are responsible for making policy decisions, in compliance with Reference (f).

7. INFORMATION REQUIREMENTS

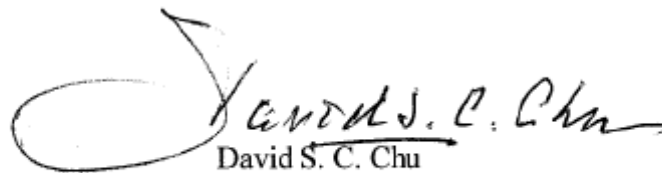
7.1. The USD(P&R) shall provide the Secretary of Homeland Security any information required regarding DoD units established under the NDER program according to Reference (f). The Secretary of Homeland Security must concur with establishment of a DoD NDER unit.

7.2. The Director of Washington Headquarters Service, for the OSD and the Components for which WHS provides administrative support; the Secretaries of the Military Departments; the Directors of the Defense Agencies; and DoD Field Activities with independent appointing authority shall submit reports as required by the USD(P&R) according to Reference (f).

7.3. These reporting requirements have been assigned Report Control Symbol DD-P&R (AR) 2258-I in accordance with DoD 8910.1-M (Reference (h)).

8. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense for
Personnel and Readiness

Enclosure – 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Executive Order 12919, “National Defense Industrial Resources Preparedness,”
June 6, 1994
- (f) “The National Defense Executive Reserve (NDER) Policies and Procedures Manual,”
June 20, 2007 ¹
- (g) Section 202(a) of title 18, United States Code, as amended
- (h) DoD Directive 8910.1, “Management and Control of Information Requirements,”
June 7, 1994

¹ This Manual is available from Carol Johnson at the Department of Homeland Security at carol.johnson@dhs.gov or 202-646-3328