



Department of Defense **INSTRUCTION**

NUMBER 3025.22

July 26, 2013

USD(P)

SUBJECT: The Use of the National Guard for Defense Support of Civil Authorities

References: See Enclosure 1

1. **PURPOSE.** This instruction establishes policy, assigns responsibilities, and provides procedures for the use of the National Guard for Defense Support of Civil Authorities (DSCA) in accordance with the authority in section 502(f) of Title 32, United States Code (U.S.C.) (Reference (a)), DoD Directive (DoDD) 5111.1 (Reference (b)), and Deputy Secretary of Defense Memorandum (Reference (c)); the responsibilities and functions in accordance with DoDD 5111.13 (Reference (d)); and the guidance in DoDD 3025.18 (Reference (e)).

2. **APPLICABILITY.** This instruction:

a. Applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) 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, and all other organizational entities within the DoD (referred to collectively in this instruction as the “DoD Components”).

(2) The use of the National Guard for DSCA in response to a request for assistance from a federal department or agency or qualifying entity in accordance with Reference (e), when conducted in a duty status pursuant to section 502(f) of Reference (a).

(a) Except as specified otherwise, reference to DoD use of the National Guard for DSCA refers to use of the National Guard pursuant to section 502(f) of Reference (a).

(b) Unless the context indicates otherwise, in this instruction 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.

b. Does not apply to:

(1) National Guard activities conducted while on active duty or in federal service in accordance with sections 12301, 12302, 12303, 12304, 12304b, 12310, 12406, or Chapter 15 of Title 10, U.S.C. (Reference (f)); sections 112, 509, and 901-908 of Reference (a); or State immediate response activities using National Guard personnel that are conducted in accordance with paragraph 4.h. of Reference (e).

(2) National Guard activities conducted in State active duty status, including State immediate response activities using National Guard personnel, activities that are determined to be the responsibilities of the individual States, or activities conducted through the execution of mutual aid and assistance agreements between the States or local civil authorities.

(3) The Chief of the National Guard Bureau (CNGB) responsibility to 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 pursuant to DoDD 5105.77 (Reference (g)).

(4) National Guard training activities that are conducted in a duty status pursuant to section 502(a) or 502(f) of Reference (a).

(5) Innovative readiness training conducted in accordance with DoDD 1100.20 (Reference (h)).

(6) Military community relations programs and activities administered by the Assistant to the Secretary of Defense for Public Affairs in accordance with DoDD 5410.18 (Reference (i)).

(7) The use of the District of Columbia National Guard for DSCA, which will be handled in accordance with Executive Order 11485 (Reference (j)) and the Secretary of Defense Memorandum (Reference (k)).

3. POLICY. It is DoD policy that:

a. In accordance with Reference (a), the Secretary of Defense, with the concurrence of the affected Governors, is the sole authority to authorize DoD funding of the National Guard for DoD operations or missions, including DSCA. In coordination with the CJCS, other appropriate DoD Component heads, and the CNGB, the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD&ASA)), as the principal civilian advisor for DSCA, makes recommendations to the Secretary of Defense for the use of National Guard forces in a duty status in accordance with section 502(f) of Reference (a) for DSCA.

b. In accordance with Reference (e), DSCA is initiated by a request for DoD assistance from civil authorities or qualifying entities, or is authorized by the President or Secretary of Defense. Any request for assistance that is the responsibility of another federal department or agency will be redirected to the appropriate department or agency.

c. In accordance with Reference (e), section 377 of Reference (f), section 1535 of Title 31, U.S.C. (Reference (l)), and section 5121 et. seq. of Title 42, U.S.C. (also known as “the Robert T. Stafford Disaster Relief and Emergency Assistance Act”) (Reference (m)), requests for DSCA include a commitment to reimburse the DoD.

d. The use of the National Guard to support a federal department or agency or qualifying entity request for assistance will only be conducted in a duty status pursuant to Reference (f) or section 502(f) of Reference (a), unless otherwise authorized by the Secretary of Defense.

(1) The National Guard will be considered for DSCA in accordance with the Global Force Management (GFM) process.

(2) The recommendation to approve funding for the National Guard in a duty status pursuant to section 502(f) of Reference (a) will be made to the Secretary of Defense after:

(a) The National Guard has been selected as the recommended sourcing solution to perform a DSCA mission.

(b) It has been determined that the National Guard in a duty status in accordance with section 502(f) of Reference (a) is more appropriate than in a duty status in accordance with Reference (f).

e. Approval of the use of the National Guard in a duty status pursuant to section 502(f) of Reference (a) for DSCA requires:

(1) Receipt of a reimbursable request from a federal department or agency or qualifying entity for DoD assistance in accordance with the policy established in Reference (e).

(2) Selection of the National Guard as the sourcing solution to a Combatant Commander’s request for forces.

(3) Concurrence from the applicable Governor(s).

(4) Determination by the Secretary of Defense to approve the use of the National Guard in a duty status pursuant to section 502(f) of Reference (a) for DSCA to respond to the approved request.

f. The use of the National Guard for DSCA will not be approved to:

(1) Perform DSCA operations or missions at the direct request to DoD of a State or local civil authority, or to perform activities that the Secretary of Defense determines to be a State’s responsibility, including activities performed under a mutual aid and assistance agreement.

(2) Perform activities that are the responsibilities of another federal department or agency, unless the Secretary of Defense has approved a reimbursable request for DoD assistance from that federal department or agency.

(3) Resolve issues regarding matters under State jurisdiction (e.g., concerns about State active duty pay and allowances, interstate licensure, and liability protections).

g. Support may be provided on a non-reimbursable basis only if required by law or if both authorized by law and approved by the Secretary of Defense.

4. RESPONSIBILITIES. See Enclosure 2.

5. RELEASABILITY. **Unlimited**. This instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

6. EFFECTIVE DATE. This instruction:

a. Is effective July 26, 2013.

b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DoD Instruction 5025.01 (Reference (n)). If not, it will expire effective July 26, 2023 and be removed from the DoD Issuances Website.



James N. Miller
Under Secretary of Defense for Policy

Enclosures

1. References
2. Responsibilities

Glossary

ENCLOSURE 1

REFERENCES

- (a) Title 32, United States Code
- (b) DoD Directive 5111.1, “Under Secretary of Defense for Policy (USD(P)),” December 8, 1999
- (c) Deputy Secretary of Defense Memorandum, “Delegations of Authority,” November 30, 2006
- (d) DoD Directive 5111.13, “Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs (ASD(HD&ASA)),” January 16, 2009
- (e) DoD Directive 3025.18, “Defense Support of Civil Authorities,” December 29, 2010, as amended
- (f) Title 10, United States Code
- (g) DoD Directive 5105.77, “National Guard Bureau,” May 21, 2008
- (h) DoD Directive 1100.20, “Support and Services for Eligible Organizations and Activities Outside the Department of Defense,” April 12, 2004
- (i) DoD Directive 5410.18, “Public Affairs Community Relations Policy,” November 20, 2001, as amended
- (j) Executive Order 11485, “Supervision and Control of the National Guard of the District of Columbia,” October 1, 1969
- (k) Secretary of Defense Memorandum, “Supervision and Control of the National Guard of the District of Columbia,” October 10, 1969
- (l) Title 31, United States Code
- (m) Title 42, United States Code
- (n) DoD Instruction 5025.01, “DoD Directives Program,” September 26, 2012
- (o) DoD Directive 5105.83, “National Guard Joint Force Headquarters – State (NG JFHQs-State),” January 5, 2011

ENCLOSURE 2

RESPONSIBILITIES

1. ASD(HD&ASA). Under the authority, direction, and control of the Under Secretary of Defense (Policy) (USD(P)), the ASD(HD&ASA):

a. Serves as the principal civilian advisor to the Secretary of Defense and the USD(P) on the use of the National Guard for DSCA.

b. Advises and makes recommendations to the Secretary of Defense on the use of the National Guard for DSCA in coordination with the CJCS, other appropriate DoD Component heads, and the CNGB.

c. Upon notification from the CJCS of the recommended sourcing solution of National Guard forces to fulfill a DSCA request, reviews the request, and, if necessary, makes a recommendation to the Secretary of Defense to approve the use of the National Guard in accordance with section 502(f) of Reference (a).

d. Develops and coordinates policy guidance, and oversees the implementation of policy for the use of the National Guard in a duty status in accordance with section 502(f) of Reference (a) for DSCA.

e. Reviews requests for the use of the National Guard for DSCA in accordance with established policy.

f. Advises the CJCS, the Secretary of the Army, the Secretary of the Air Force, the CNGB, and the Assistant Secretary of Defense for Reserve Affairs (ASD(RA)) of requests for the use of the National Guard for DSCA and requests their assessment to include the effect of such requests on readiness.

2. ASD(RA). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the ASD(RA) provides recommendations, guidance, and support on the use of the National Guard in a duty status pursuant to section 502(f) of Reference (a) for DSCA to the ASD(HD&ASA).

3. UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF FINANCIAL OFFICER, DEPARTMENT OF DEFENSE (USD(C)/CFO). The USD(C)/CFO:

a. Establishes policies and procedures to ensure timely reimbursement to the DoD for the use of the National Guard in a duty status pursuant to section 502(f) of Reference (a) for DSCA.

b. Advises the Secretary of Defense, USD(P), and ASD(HD&ASA) on the issues and fiscal policy regarding the use of the National Guard for DSCA.

4. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE (GC DoD). The GC DoD provides legal counsel to the Secretary of Defense and the ASD(HD&ASA) on the use of the National Guard for DSCA.

5. SECRETARY OF THE ARMY AND SECRETARY OF THE AIR FORCE. The Secretary of the Army and Secretary of the Air Force:

a. When in receipt of an approved request for DSCA, assist the CJCS to identify when the use of National Guard forces should be the proposed sourcing solution.

b. Advise the CJCS on requests and recommendations for the use of the National Guard for DSCA, including any effect on the readiness of the National Guard.

c. Seek and consider input from the CNGB on matters of policy with respect to the use of the National Guard for DSCA.

d. Ensure the necessary policies and procedures are in place to execute the use of the National Guard in a duty status pursuant to section 502(f) of Reference (a) for DSCA as directed by the Secretary of Defense with the concurrence of the Governors of the affected States.

6. CJCS. The CJCS:

a. When in receipt of an approved request for DSCA, considers the use of National Guard forces in accordance with the GFM process.

b. When National Guard forces have been identified as a sourcing solution, notifies the USD(P) in advance of submitting a recommendation or order for approval by the Secretary of Defense.

c. Advises the Secretary of Defense and the ASD(HD&ASA) on the effects of the use of the National Guard for DSCA on national security and military readiness.

d. Reviews and assesses requests and recommendations pertaining to the use of the National Guard for DSCA. Advises the Secretary of Defense and the ASD(HD&ASA) on:

(1) Potential effects on the operational deployment and employment of forces assigned or allocated to the Combatant Commands.

(2) The effect on DoD's readiness to perform its other primary missions.

(3) The potential effect of the use of the National Guard for DSCA on other federal military operations.

e. Ensures the necessary policies and procedures are in place to execute the use of the National Guard in a duty status pursuant to section 502(f) of Reference (a) for DSCA as directed by the Secretary of Defense with the concurrence of the Governors of the affected States.

7. COMBATANT COMMANDERS WITH DSCA RESPONSIBILITIES. Combatant Commanders with DSCA responsibilities:

a. Coordinate with the CNGB and with the appropriate Combatant Commanders to ensure the approved use of the National Guard for DSCA does not conflict with ongoing or planned federal missions.

b. Advise the Secretary of Defense regarding the potential impact of the requested or recommended use of the National Guard for DSCA on military operations ongoing within the Combatant Commander's respective area of responsibility through the CJCS.

c. Coordinate as necessary, including with representatives of the Primary Agency or Agencies, the State(s), and the NGB, to ensure that the use of the National Guard for DSCA supports the overall DoD DSCA response.

8. CNGB. In accordance with Reference (g), the CNGB:

a. Serves as a principal advisor to the Secretary of Defense, through the CJCS, on matters involving non-federalized National Guard forces.

b. Advises the CJCS and the Secretaries and Chiefs of Staff of the Army and the Air Force on requests and recommendations for the use of the National Guard for DSCA that potentially affect the readiness of the National Guard to accomplish its State and federal missions.

c. Serves as an advisor to the Commanders, U.S. Northern Command (USNORTHCOM) and U.S. Pacific Command (USPACOM), on National Guard matters pertaining to their DSCA missions. Supports planning and coordination for such activities as requested by the CJCS or the Commanders of USNORTHCOM and USPACOM.

d. Assists and coordinates with the applicable State Adjutants General in assessing the necessity and appropriateness of the recommended use of the National Guard for DSCA.

e. Assists the Secretary of Defense, through the CJCS and the ASD(HD&ASA), in assessing the appropriateness of the recommended use of the National Guard for DSCA.

f. Advises and assists the Secretaries of the Army and the Air Force to identify a sourcing solution in response to a request.

g. After approval of the use of the National Guard for DSCA, assists the Secretary of Defense in facilitating and coordinating with requesting federal agencies, the State Adjutants General, the Joint Chiefs of Staff, the appropriate Combatant Commander, and the National Guard Joint Force Headquarters - State in accordance with DoDD 5105.83 (Reference (o)).

h. Ensures that National Guard expenditures are appropriately identified and reimbursement is requested for the use of the National Guard for DSCA in accordance with Reference (e) in coordination with the USD(C)/CFO and Military Department comptrollers.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

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| ASD(HD&ASA) | Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs |
| ASD(RA) | Assistant Secretary of Defense for Reserve Affairs |
| CJCS | Chairman of the Joint Chiefs of Staff |
| CNGB | Chief of the National Guard Bureau |
| DSCA | Defense Support of Civil Authorities |
| DoDD | DoD Directive |
| GC DoD | General Counsel of the Department of Defense |
| GFM | Global Force Management |
| U.S.C. | United States Code |
| USD(C)/CFO | Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense |
| USD(P) | Under Secretary of Defense for Policy |
| USNORTHCOM | United States Northern Command |
| USPACOM | United States Pacific Command |

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this instruction.

request for assistance. A request based on mission requirements and expressed in terms of desired outcome, formally asking the DoD to provide assistance to a local, State, tribal, or other federal agency. This term is also commonly called RFA.

State Adjutants General. The Adjutants General of the several States, the Territory of the U.S. Virgin Islands, the Territory of Guam, and the Commonwealth of Puerto Rico, and the Commanding General of the District of Columbia.