

# National Guard Accessibility

## Overview

This white paper provides a summary of the various ways in which the Army National Guard (ARNG) can be accessed. It discusses the ARNG's track record in filling Requests for Forces (RFF), and it summarizes Department of Defense policy pertaining to mobilization-to-dwell ratios. Next, the paper outlines the statutes that provide multiple avenues to access Guardsmen. The paper also discusses the restrictions on using Title 10 forces for Defense Support to Civil Authorities (DSCA) missions and the implications on military domestic response. Finally, the paper provides a summary of the National Guard's contributions to global and domestic missions. In summary, this paper should show the accessibility of the ARNG to conduct both domestic and overseas operations.

## Request for Forces (RFF)

An RFF is an official request to provide personnel or capabilities. The reality of the ARNG's track record is simple: Since 9/11 the Army National Guard has filled every RFF and performed every assigned mission.<sup>1</sup> Since September 11, 2001, over 538,000 ARNG Soldiers have deployed to more than 35 different countries and in the continental United States to support contingency operations.<sup>2</sup> Of note, the ARNG reached a peak of 105,000 Soldiers mobilized in 2005 across ten different operations and events.

## Department of Defense Policy

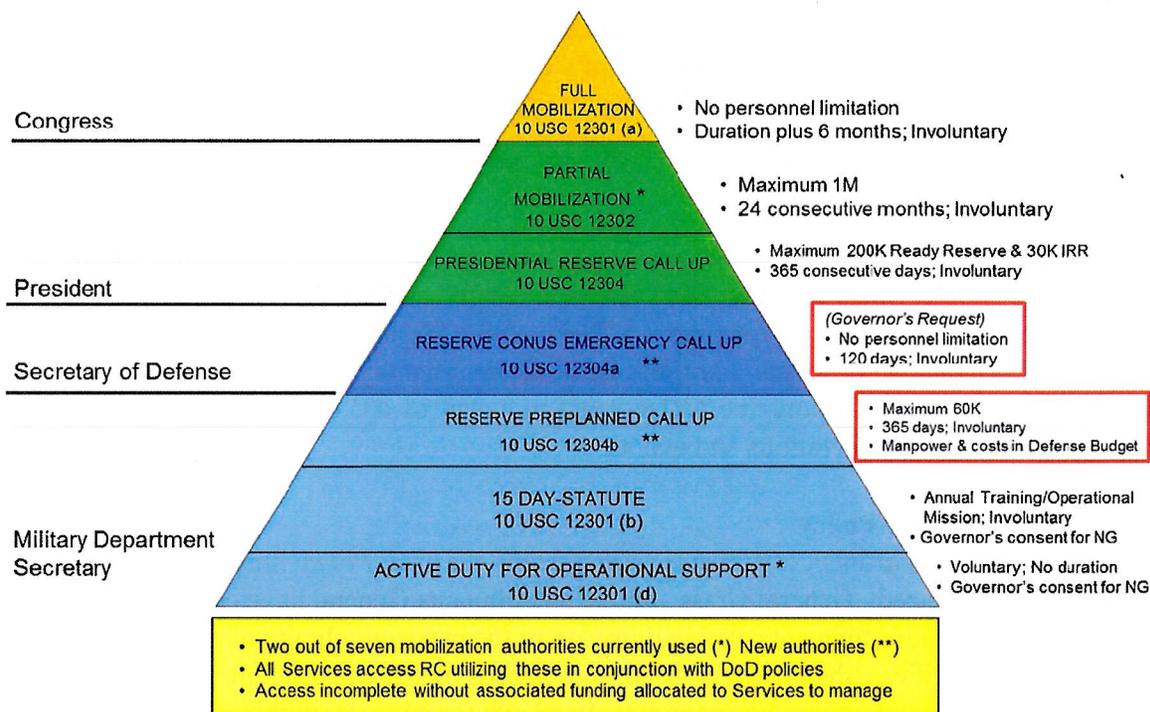
Assertions that the Department of Defense *Mobilization-to-Dwell Policy* limits accessibility to the ARNG are misplaced. General Grass and the 54 Adjutants General have committed the National Guard to "more frequent rotational use, up to the maximum limits of presidential or congressional authorities, when required to meet the needs of any national emergency."<sup>3</sup> This commitment includes "boots-on-the-ground deployments for one-year within a three-year period [1:2 deploy to dwell] for unplanned contingency operations and one-year within a five-year period [1:4 deploy to dwell] for longer, steady-state operations (current ARFORGEN model)<sup>3</sup>. Additionally, the policy does not assess the mobilization credit to ARNG units for the hundreds of domestic and voluntary overseas missions. Taken altogether, these facts render the argument that the ARNG is inaccessible moot. Additionally, if proper funding was allocated to operations conducted pursuant to Title 10 U.S.C. 12304b authority, National Guard troops could play a more significant role in Combatant Commander (COCOM) requirements for preplanned operations.

## Methods for accessing the National Guard

Title 10 of the United States Code provides access to the National Guard through a robust array of activation authorities that enable civilian leaders to mobilize guardsmen onto federal active duty.<sup>4</sup> Additionally, Governors have constant direct access to Guardsmen through State Active Duty for missions in support of the State. Under Chapter 9 of Title 32, Guardsmen can be accessed, with SECDEF approval, for missions in support of Homeland Defense and Congress has authorized certain missions to be performed by the National Guard under Title 32, such as counter-drug and weapons of mass destruction civil support. Finally, like all components of the armed forces, the National Guard can respond to requests for assistance from civil authorities

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under immediate response authority, which permits the temporary employment of military resources to save lives, prevent human suffering, or mitigate great property damage. There are over thirty duty authorities available to activate the RC. Seven of the major Title 10, United States Code statutes currently available for accessing the Reserve Component for CONUS and OCONUS missions are shown on the graphic below.



Levels of Access to the Reserve Component as of December 2013<sup>5</sup>

### Title 10 accessibility for CONUS operations

Consideration should be given to the substantial legal restrictions on the type of missions that Title 10 forces can perform when conducting DSCA (NG forces are also subject to these legal limits when they are performing DSCA in Title 32 status with SECDEF approval). DODI 3025.18 allows Title 10 and Title 32 forces to perform DSCA. Unlike Title 10 forces, however, Title 32 forces can also perform National Guard Civil Support, Homeland Defense, and support to Homeland Security operations while under State command and control. Title 10 forces conducting DSCA are subject to significant restrictions as it pertains to direct assistance to civilian law enforcement. Generally speaking, Title 10 forces are prohibited from taking any actions that “subject civilians to the use of military power that is regulatory, prescriptive, proscriptive, or compulsory.”<sup>6</sup> While there can be exceptions to this general prohibition, such as employment of the armed forces to suppress insurrections, rebellions, and domestic violence (i.e., civil disturbances), these exceptions only arise under special circumstances that would normally require the issuance of an Executive order or other Presidential directive. This general prohibition also extends to operations that are performed under Immediate Response Authority.

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The restriction on the use of Title 10 forces for direct assistance to civilian law enforcement carries implications particularly in responses to domestic disasters. For example, Title 10 forces cannot be used in security operations, which is typically one of the largest mission sets in response to disasters. Two separate assessments of pre-scripted mission requirements for hurricane response show that Title 10 forces can legally conduct only 46% of the assessed mission types.<sup>7</sup> Similar restrictions in other missions limit the value of Title 10 forces in an emergency and highlight the value of the Title 32 response. Historically, the National Guard has served as the military's premier first responder to domestic operations.

### Unrecognized Contributions

Army National Guard accessibility does not stop when mobilization ends and dwell begins. For the Guard, dwell does not equate to inactivity. The contrary is actually true; even while in dwell status, ARNG units are continually engaged in vital global and domestic missions that are not captured in Mobilization-to-Dwell equations.<sup>8</sup>

Since 9/11 Army National Guard units have been called up in support of almost 25,000 DSCA (or NG Civil Support) missions utilizing over 10 million man days. That equates to over 1950 soldiers working every day for 14 years in support of DSCA operations. Although disaster response is perhaps the ARNG's most visible homeland mission, there are many others. The numbers cited above reflect the ARNG's response in the homeland through a staggering array of missions including disaster response, ballistic missile defense, critical infrastructure assessment, air defense, cyber protection, search and rescue and many others. Guardsmen support law enforcement and emergency response at all levels, which include counter-drug operations and support, border security and national special security events such as presidential inaugurations, national political conventions, and major public events like the Boston Marathon and the Super Bowl. Today, at any given time, 1400 Guardsmen are on duty conducting missions to protect the Homeland.

But the ARNG's commitment during "dwell" is global as well, supporting the requirements and objectives of the combatant commanders. In 2014, over 9400 soldiers conducted global partnership missions in support of COCOMs. Perhaps the most significant of these missions is the National Guard's State Partnership Program (SPP), which pairs individual States with 74 partner nations. These partnerships establish long-term security and personal relationships that support the goals of our geographic combatant commanders and the State Department.<sup>9</sup> The resulting partnerships deliver strategic benefits by providing training, sharing military and homeland security expertise, and encouraging partner nations to participate in coalition operations.

### Conclusion

The Army National Guard is accessible to our federal and state governments. Since 9/11 the ARNG has filled every request for forces—at home and overseas—and is easily mobilized via

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existing statutes. The planning objective ratio (1:5 mobilization to dwell) cited as evidence against ARNG accessibility was rendered out-of-date by General Grass's "All-In" memo. The ARNG conducts thousands of missions annually, such as domestic security operations, domestic response operations and global missions supporting COCOM requirements that are not captured in deployment-to-dwell equations.

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<sup>1</sup>U.S. Senate Appropriations Committee, Subcommittee on Defense, *Hearings on the Posture of the Army: Statement by General Frank J. Grass, Chief, National Guard Bureau*, 113th Congress, April 30, 2014.

<sup>2</sup>National Guard Bureau, *2015 Core Mission Analysis* (Washington, DC: NGB, March 2015), 1.

<sup>3</sup>National Guard Bureau, "Authorities and Assumptions Related to Rotational Use of the National Guard," (Washington, DC: NGB, Memorandum from GEN Grass to the Chief of Staff of the Army, May 31, 2013).

<sup>4</sup>U.S. Department of Defense, *Unit Costs and Readiness for the AC and RC* (Washington, DC: Department of Defense, Report to Congress, December 20, 2013), 28.

<sup>5</sup>U.S. Department of Defense, *Unit Costs and Readiness for the Active and Reserve Components of the Armed Forces, Report to the Congress*, 28, (2013).

<sup>6</sup>U.S. Department of Defense, *Defense Support to Civil Authorities*, DODD 3025.18 ( Washington, DC, , 21 September 2012, 4.

<sup>7</sup>Louisiana National Guard, All Hazards Mission task analysis (New Orleans, Louisiana :OPLAN 12-001 and 15-001, 2012 and 2015)

<sup>8</sup>U.S. Department of Defense, "Under Secretary of Defense (Personnel & Readiness) Deployment-to-Dwell, Mobilization-to-Dwell Policy Revision" (Washington, DC: Memorandum by Under SECDEF (Personnel & Readiness) for Secretaries of the Military Departments/Chairman of the Joint Chiefs of Staff, November 1, 2013), 2.

<sup>9</sup>National Guard Bureau, *2015 National Guard Bureau Posture Statement* (Washington, DC: NGB, 2014), 14.