Organization and Functions

National Guard

Interaction with
State Defense Forces

UNCLASSIFIED
SUMMARY OF CHANGE

NGR 10-4
National Guard Interaction with State Defense Forces
2 November 2011

- This publication supersedes all previous editions of NGR 10-4.

- This publication has been substantially revised and must be reviewed completely.

- NGR 10-4, National Guard Bureau Interaction with State Defense Forces, 21 September 1987 was rescinded by Chief National Guard Bureau (CNGB) on 24 June 2011 and is no longer to be used.
Organization and Functions

National Guard Interaction with State Defense Forces

By Order of the Secretary of Defense:

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Chief, National Guard Bureau

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Colonel, USAF
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History. This publication supersedes all previous editions of NGR 10-4. This publication has been substantially revised and must be reviewed completely. This printing publishes a revision of NGR 10-4 dated 21 September 1987, which has been previously rescinded.

Summary. This regulation prescribes policies and responsibilities governing the interaction of the National Guard Bureau (NGB), the National Guard of the United States, the National Guard of the various States, and the State Defense Forces (SDF).

Applicability. This regulation applies to all elements of the NGB, the National Guard of the United States, and the Army and Air National Guard (ARNG/ANG) of all States, Puerto Rico, the Virgin Islands, Guam, and the Commanding General of the District of Columbia, hereafter referred to as States and Territories.

Proponent and exception authority. The proponent of this civil support regulation is the Director, NGB-J5. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation.

Management Control Process. This regulation incorporates guidance from Army Regulation (AR) 11-2, Air Force Instruction (AFI) 65-201, and Office of Management and Budget Circular (OMB) A-123. This regulation contains management control provisions, but does not identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation is prohibited without prior approval from the Chief, National Guard Bureau (CNGB), ATTN: NGB-J5, 111 S George Mason Dr, Arlington VA 22204-1382.

Suggested Improvements. Users are encouraged to send comments and suggested improvements on DA Form 2028, Recommended Changes to Publications and Blank Forms, directly to the Chief, NGB, ATTN: NGB-J5, 111 S. George Mason Drive, Arlington, VA. 22204-1382.

Distribution. Special (State AGs)

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A. References

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Chapter 1
Introduction

1-1. Purpose
This regulation establishes National Guard Bureau (NGB) policies and responsibilities for interaction between the
NGB and the State National Guard (NG), and State Defense Forces (SDF).

1-2. References
Required and related references and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms
Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Legal authority
   a. The United States Constitution, Article I, Section 10, Clause 3, prohibits any State from keeping troops
      without the consent of Congress.
   b. The United States Constitution, Article I, Section 8, Clause 17, grants Congress the power to legislate for the
      District of Columbia.
   c. The United States Constitution, Article IV, Section 3, grants Congress the power to regulate the territories.
   d. Title 32, United States Code §109, (32 USC § 109) allows any State, Puerto Rico, the Virgin Islands, Guam
      or the District of Columbia to establish a SDF. It also establishes powers, requirements and prohibitions regarding
      SDFs.

1-5. Responsibilities
   a. Any State, Territory, or District of Columbia, that creates a SDF under 32 USC §109 is solely responsible for
      the establishment, organization, training, equipping, funding, management and employment of that SDF in
      accordance with (IAW) its laws.
   b. The Governor of a State or territory, or in the case of the District of Columbia, the Commanding General,
      may use the SDF, under 32 USC § 109, within his or her jurisdiction.
   c. The Adjutants General (AG), or in the case of the District of Columbia, the Commanding General, are
      responsible for the administration of their respective NG to ensure federal funds and equipment are used IAW
      applicable laws and regulations and ensuring that NG support provided to SDF complies with this regulation.
      Federal resources, if shared with SDFs, must be IAW guidance from CNGB and the U.S. Property and Fiscal
      Officer in the State.

Chapter 2
Policy

2-1. Policy
   a. The States are responsible for all aspects of SDFs including organization, recruiting, training, equipping,
      funding, management and employment, subject to the restrictions stated in this regulation.
   b. The NGB recognizes that SDFs may cooperate with the State NG during domestic operations. The State NG
      may train or conduct exercises and maneuvers in conjunction with SDFs. However, a State NG shall not spend
      federal funds (including pay and allowances) or use federal equipment in activities which have the primary purpose
      of training or otherwise supporting SDFs. Personnel who are not in a federal status (Title 10 or 32) may support
      SDFs IAW State law.

2-2. Restrictions
   a. Members of SDFs are not entitled to federal pay, allowances, subsistence, transportation, or medical care or
      treatment from funds of the United States (32 USC §109(d)).
   b. Members of SDFs are authorized to receive federal awards and decorations only IAW AR 600-8-22 and AFI
      36-2803.
   c. Members of SDFs are not exempt from service in the armed forces of the United States (32 USC § 109(d)).
   d. Members of SDFs are not authorized to wear the uniforms of any of the armed forces of the United States
      except Army uniforms as authorized and modified under AR 670-1.
e. Membership in the SDFs does not provide privileges of or authorization for the use of facilities provided for members of the armed forces and their dependents. This includes Post/Base Exchanges, Army and Air Force Exchange Service (AAFES), military clothing sales stores, commissary facilities, and non-appropriated fund facilities.

f. No person may become a member of a SDF if he or she is a member of a reserve component of the armed forces of the United States (32 USC § 109(e)).

g. No SDFs may be called, ordered, or drafted as a unit into the armed forces of the United States (32 USC § 109(e)).

2-3. Issue or loan of federal property

a. Pursuant to 32 USC § 710 a: “All military property issued by the United States to the National Guard remains the property of the United States.” The Chief of the National Guard Bureau authority is responsible (10 USC § 10503 (6) & DODD 5105.77) for: “Supervising the acquisition and supply of, and accountability of the States for, Federal property issued to the National Guard through the U.S. Property and Fiscal Officer designated, detailed, or appointed under section 708 of title 32.”

b. Currently there is no statutory provision for loan, issue, sale, or donation of obsolete or excess federal property to States for their SDFs. AR 700-131 regulates the loan or lease of ARNG Equipment. Surplus federal property is available to State agencies through the State Surplus Property Officer as described in DoD 4160.21-M. Federal resources if shared with SDFs must be done in IAW guidance from the U.S. Property and Fiscal Officer in the State.
Appendix A

References

Section I

Required Publications

**DODD 5105.77**
National Guard Bureau (NGB) *(Cited in 2-3.a.)*

**The United States Constitution Article I**
Section 10, Clause 3, and Section 8 Clause 17 *(Cited in 1-4)*

**The United States Constitution Article IV**
Section 3 *(Cited in 1-4)*

**Title 10 USC § 10503**
Functions of the National Guard Bureau: charter from Secretaries of the Army and Air Force *(Cited in 2-3.a.)*

**Title 32 USC § 109**
Maintenance of other troops (a)-(f) *(Cited in 1-4, 1-5, & 2-2)*

**Title 32 USC § 708**
Property and fiscal officers (a) *(Cited in 2-3.a.)*

**Title 32 USC § 710**
Accountability for property issued to the National Guard (a) *(Cited in 2-3.a.)*

Section II

Related Publications

**AFI 23-111**
Management of Government Property in Possession of The Air Force

**AFI 36-2803**
The Air Force Awards and Decorations Program

**AFI 65-201**
Financial Management, Management Control

**AR 11-2**
Managers’ Internal Control Programs

**AR 600-8-22**
Military Awards

**AR 670-1**
Wear and Appearance of Army Uniforms and Insignia

**AR 700-131**
Loan, Lease, and Donation of Army Material

**DoD 4160.21-M**
Defense Material Disposition Manual
OMB Circular A-123
Management Accountability and Control

Title 10 USC 771
Unauthorized wearing prohibited

Section III
Prescribed Forms
This section contains no entries.

Section IV
Referenced Forms

DA Form 2028
Recommended Changes to Publications and Blank Forms
Glossary

Section I
Abbreviations

AAFES
Army and Air Force Exchange Service

AG
Adjutants General

AFI
Air Force Instruction

ANG
Air National Guard

AR
Army Regulation

ARNG
Army National Guard

CNGB
Chief, National Guard Bureau

DA
Department of the Army

IAW
in accordance with

NG
National Guard

NGB
National Guard Bureau

OMB
Office of Management and Budget Circular

SDF
State Defense Forces

USC
United States Code

USNORTHCOM
United States Northern Command

USPACOM
United States Pacific Command
Section II
Terms

Adjutants General (AG)
ARNG or ANG officer responsible for management of the NG of a State, Territory, or the Commonwealth of Puerto Rico not on federal duty. In the District of Columbia there is a Commanding General rather than an AG that performs most of the same functions as an AG.

State
For the purposes of this regulation, unless the context indicates otherwise, State means an individual sovereign State, Puerto Rico, the U.S. Virgin Islands, Guam and the District of Columbia.

State Defense Forces
Military forces established under State law pursuant to 32 USC § 109. They are recruited, organized, trained, equipped, and employed under State law and with State funds.

Section III
Special abbreviations and terms
This section contains no entries.