

**National Guard Regulation 10-4**

**Organization and Functions**

# **National Guard Interaction with State Defense Forces**

**National Guard Bureau  
Arlington, VA 22204-1382  
2 November 2011**

**UNCLASSIFIED**

# ***SUMMARY OF CHANGE***

NGR 10-4

National Guard Interaction with State Defense Forces

2 November 2011

- o This publication supersedes all previous editions of NGR 10-4.
- o This publication has been substantially revised and must be reviewed completely.
- o NGR 10-4, National Guard Bureau Interaction with State Defense Forces, 21 September 1987 was rescinded by Chief National Guard Bureau (CNGB) on 24 June 2011 and is no longer to be used.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

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By Order of the Secretary of Defense:

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General, USAF  
Chief, National Guard Bureau

Official:

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Colonel, USAF  
Chief, Strategy and Policy Division

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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 This printing publishes a revision of NGR 10-4 dated 21 September 1987, which has been previously rescinded.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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**Table of Contents**

**Chapter 1**  
**Introduction**  
Purpose • 1-1

References • 1-2  
Explanation of abbreviations and terms • 1-3  
Legal authority • 1-4  
Responsibilities • 1-5

**Chapter 2**

**Policy**

Policy • 2-1  
Restrictions • 2-2  
Issue or loan of federal property • 2-3

**Appendix**

A. References

**Glossary**

## **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(c)).

**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.