

NATIONAL GUARD ASSOCIATION OF ARKANSAS

SPRING NEWSLETTER



April 2020

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Letter from the President

Major Seana W. Eason

Greetings!

It is hard to believe that one year ago this month I swore in as your association president! It has been an honor to serve this association and I look forward to our continued success at the state and national level for years to come. While I spent some of my time deployed, I was able to virtually attend the September board meeting, the hiring panel for our new Executive Director, and keep in direct contact with board members and NGAA staff on any other issues requiring my attention.

Normally this letter would find you preparing for our annual conference where we gather to network with each other, our corporate partners, and dedicated vendors while attending to association business. Unfortunately, circumstances have prevented us from coming together this year. This should not stop us from leaning forward to recognize our partners as well as those members who would have been recognized during conference events. Both the nominations and the awards committees still plan to complete actions required to do just that. The announcements normally made during the conference will still be made once determined by the committee and the board. The National Guard Association of the United States (NGAUS) has also cancelled the annual conference in Boston, MA. The NGAUS staff will provide additional details as to how they will conduct annual business in the near future.

Along the same lines, our commitment to the resolution process will remain. NGAA is still accepting recommendations for resolutions to be worked at the state and national level in support of the Arkansas National Guard for training, equipment, and other necessary requirements. Are you looking to be a part of this process but don't know where to start? Reach out to Lt Col Ryan Workman, MAJ Sharetta Glover, or the NGAA staff for details. The National Guard Association of Arkansas is still here for its members and will continue to work tirelessly to champion state and national issues in support of our guardsmen and their families.

Finally, I want to take a minute to say THANK YOU to our Soldiers and Airmen serving alongside personnel on the front lines here in Arkansas in the fight against COVID-19. To our DSG/M-Day members serving on those front lines in your civilian capacity, THANK YOU for what you do day in and day out for the great state of Arkansas. The Citizen Soldier/Airman is the truest representative of who we are as a force.

Seana W. Eason

Seana W. Eason
President, NGAA

Membership Drive, Scholarships, and Resolutions

Membership

NGAA/NGAUS 2020 membership renewals are due and payable. The cut-off date to qualify your unit for a 100 percent membership award has been extended to 15 May 2020. Your membership renewal is still very important even after the 100 percent unit cutoff date since our 2020 NGAUS delegation count depends on the number of state association renewals.

We continue to accept membership payments, and everyone is urged to pay as soon as possible. You can pay online by credit card at www.ngaa.org/membership or in person at the NGAA office, BLDG 8100 Camp Robinson. Thank you again for your support of your association.

The following Units have reached 100% Membership as of April 15, 2020:

| | | | | | | |
|-----------------------|----------------------|------------------------------------|------------------------------------|-----------------------|-------------------------|---------------------------------------|
| 239 th BEB | 61 st CST | 1 st -206 th | 2 nd -153 rd | 87 th TC | 871 st TC | 875 th Engineers |
| MEDCOM | NGMTC | 142 nd FA | 189 th MSG | 189 th MXG | 189 th AW HQ | 2 nd -142 nd FA |
| AR HQ ANG | FCJMTC | 233 rd RTI | | | | |

Arkansas National Guard Foundation Scholarship 2020-2021

There were 127 applications for the ANGF Scholarship this year. The Scholarship Committee, chaired by Maj Jason Kulaga and co-chair CPT Dalton Shannon, met at the end of January to deliberate. The following 50 applicants were selected for the 2020-2021 academic year. The highest scoring Enlisted Guardsman will receive an additional scholarship sponsored by EAANG and USAA.

| | | | |
|--------------------|------------------|--------------------|---------------------|
| Avery Bryant | Tyrell Hadley | Madison Meyer | Brooke Smothers |
| Cody Chrisman | Sydney Harris | Zaria Moore | Alexis Stanley |
| Brent Clark | Cade Hixson | Zoie Moore | Loren Taylor |
| Caden Clark | Samuel Janski | Charles Nichols | Morgan Taylor |
| Allison Coffell | Ashley Koehler | Cody Nichols | Rachel Treece |
| Dilan Culley | Lauren Koehler | Dylan Nichols | Christopher Wheeler |
| Evelyn Davis | Taylor Koeth | Lillian Peters | Rachelle Wheeler |
| Caleb Edwards* + | Reed Langdon | Madison Phillips | Dajah Williams |
| Noah Eggensperger | Kristine Lynch | Taylor Powell | Jennifer Williams |
| Faith Elmore | Ty McClean | Emma Reed | Bernell Yancy |
| William Freeman | Hannah McConnell | Trevor Reed | Jordan Young |
| Mackenzie Fresneda | Tierra McCraney | Benjamin Scroggins | |
| Mahogany Galloway | Tatiana McGraw | Timothy Scroggins | |

*Highest scoring overall applicant +Highest Scoring Guardsman

Resolutions

The suspense for submission of Resolutions to NGAA has been extended to 15 June 2020. Please visit www.ngaa.org/resolutions for more details and submission information. If you have any questions or would like to discuss the process, please contact one of the resolutions committee co-chairs: Lt Col Ryan Workman at ryan.l.workman.mil@mail.mil or MAJ Sharetta Glover at sharetta.n.glover.mil@mail.mil

Company Grade & Warrant Officer Awards

The submission deadline for Company Grade & Warrant Officer of the Year nominations has been extended to 1 May 2020.

After that date, Lt Col Paul Needham, chair of the CG/WO Awards Committee will convene a panel to evaluate all submissions and select one Air National Guard Company Grade Officer, one Army National Guard Company Grade Officer, and one Army National Guard Warrant Officer as the winners. The three winners' packets will move forward to NGAUS to compete for national recognition as Company Grade and Warrant Officers of the year. Details for submission as well as nomination forms are available on www.ngaa.org/ If you have any questions, please contact Lt Col Needham at paul.j.needham.mil@mail.mil or Executive Director, Damon Cluck at dcluck@ngaa.org.

142nd NGAUS General Conference Update

Due to concerns over the health and safety of attendees and participants, the NGAUS board of directors has accepted the host state's recommendation to cancel the 142nd General Conference & Exhibition set for Aug. 28-31, 2020, in Boston. In its place, the association will conduct an abbreviated virtual conference from Washington, D.C. This will enable NGAUS members nationwide to conduct important business and hear from defense leaders. Complete details on refunds from the Boston conference along with plans for the digital conference will be provided by June 1.

Auxiliary to the National Guard Association of Arkansas

Dear Guard Family,

We hope you and your loved ones remain healthy and are faring well during this global health crisis. While we are saddened by the cancellation of our regular meetings, and especially so by missing out on our annual conference this month, we understand the need for social distancing during this uncertain time. Though we are disappointed not to get to see all of you, the health of our friends, families, and communities needs to be our priority. Please rest assured that you are in our prayers and we ask that you continue to keep us in yours as well.

We are really excited about carrying out our mission to “serve those who serve” and are looking for innovative ways to do so in these changing times. We’re working on rescheduling the meetings and events we had planned for the upcoming weeks and finding new opportunities to serve. If you have any ideas, please let us know! Be watching the Facebook page and the website for details, and let us know if you or one of your Soldiers or Airmen have a need that the Auxiliary may be of assistance with.

God bless!

Amberlyn Warford- President, Auxiliary to the National Guard Association of Arkansas

FY 2020 New and Renewed Partners in Patriotism

Thank you to all of our Members:

Headline Member - Nabholz Construction Services

Gold Member – Arkansas NG MWR

Joint Member - USAA

Corporate Member – General Atomics Aeronautical Systems, Inc.

Corporate Member – Metro Aviation, Inc.

Corporate Member – Forts USA

Corporate Member – Capitol Advisors Group

Corporate Member – Mack Defense

Corporate Member – Oshkosh Defense

Thank you for your commitment to be our Partner in Patriotism and for joining us in our efforts to support the issues that keep America secure and to maintain our Arkansas National Guard's status in the best fighting force in the world.

If you would like more information on joining the Partners in Patriotism corporate membership program please visit www.ngaa.org/corporate-membership or contact our Director of Development, Mrs. Elizabeth Jara, at ejara@ngaa.org or 501-758-6422.

Arkansas National Guard Foundation

Contribution by: Gary Wynn, President

The mission of the Arkansas National Guard Foundation is to provide charitable and educational support to the members of the Arkansas National Guard, veterans, and other charitable organizations that support veterans and their communities. To execute the mission; endowments and funds are created to facilitate the charitable purposes of the Foundation, and its partner organizations.

An endowment is a gift that is restricted. Only the capital gains and dividends from the gift can be spent, not the principal that anchors the endowment. Usually, only a portion of the earnings from the endowment can be spent annually to make sure that the original gift grows over time. The Foundation currently has 5 endowments; (1) is a permanent endowment used to support the Foundation's mission, (2 & 3) are for Officer and Enlisted education and professional development, (4) is to educate the public regarding the history of the Arkansas National Guard, and (5) is to provide relief to Soldiers and Airmen faced with emergencies.

The Foundation currently has 3 Funds; (1) provides 50 annual scholarships to Guardsmen and their family members, (2) supports the Minuteman Youth Camp, and (3) supports Gold Star families. The revenue to support these three funds come from the permanent endowment's capital gains and dividends as well as donations from individuals and corporate sponsors.

The Foundation's endowments and funds are managed by a Board of Directors that are members of the Officer and Enlisted Associations. The Board creates and approves investment guidelines, monitors investment decisions, authorizes charitable giving, and defines the annual spending rate. The Board employs an Investment Policy Advisor firm to make investments and recommendations. To ensure that all fiduciary obligations are met; the Board employs an outside accounting firm to conduct an annual audit.

As an established 501(c)(3) tax-exempt organization with over six years of experience; the foundation can help individuals and businesses setup endowments or funds under the Foundation's mission umbrella. One of the biggest benefits in working with a registered foundation is that you are alleviated from the burden of filing for tax-exemption, filing fees, and incorporation. With that "leg work" out of the way, you'll find peace of mind that your contributions are secure and will support your causes into the future.

Contact Gary Wynn, President, Arkansas National Guard Foundation, if you would like more information:

(501) 837-0247

blmil137@yahoo.com

Donations checks are made out to: ANGF

Mail checks to:

Arkansas National Guard Foundation

P.O. Box 663

North Little Rock, AR 72115

From 1878-2020: A Brief History of NGAA

Contributed by: COL Damon Cluck

The Confederate and Union militia officers, at their first meeting in 1878 after the Civil War, joined to form the National Guard Association of the United States (NGAUS). The primary purpose of this organization was to petition congress for modern equipment and better training.

Records indicate some form of State association was in existence as early as 1923 or 24. It is likely that the organization was formed out of a pool of World War I officers who recognized the need to use legislative action to obtain manpower and resources for the National Guard. After some struggles and a period of inactivity, an article appeared in the March 13, 1926 edition of the Arkansas Gazette quoting Adjutant General, Brigadier General J. R. Wayne announcing that the National Guard Association of Arkansas would be “reorganized at the spring training school for officers to be held at Camp Pike (now Camp Robinson) April 26 to 29.... It will be affiliated with the National Guard Association of the United States.” Following this announcement, the National Guard Association of Arkansas (NGAA) was formed in 1927. No documentation is available to reflect the initial constitution or the by-laws. Lieutenant Colonel Neil Snyder, a WWI veteran of the 39th Infantry Division became the first Association President. The second President of the Association was Brigadier General Heber McAlister. BG McAlister has previously served as the Adjutant General of the Arkansas National Guard, and he would be appointed TAG twice more before and during WWII. NGAA hosted the National Guard Association of the United States annual general conference in 1928 at Hot Springs and by all accounts it was a great success. NGAA would host the NGAUS again in 1967, also in Hot Springs! The first constitution and by-laws which we have on record were adopted in 1934. The last association meeting prior to the World War II mobilization was held at the Marion Hotel in Little Rock in 1940. The Association became inactive as the entire Arkansas National Guard was mobilized for service in World War II.

NGAA was reorganized in 1950 after the completion of World War II. Annual conferences have been conducted since that time. MAJ Mort S. Cox, a WWII veteran of the 206th Coast Artillery was first Association President elected following the war in 1952. The second post WWII President was Major General Lucien Abraham who served concurrently as Adjutant General and President from 1952-1954. During the early years, the association was organized to assist and advise the state legislature and the governor in matters pertaining to the National Guard and to assist the National Guard Association of the United States in its effort to further the development of the Army and Air National Guard. Additionally, the association offered opportunities for fellowship with other officers of the National Guard, both professionally and socially.

On January 4, 1967, NGAA was incorporated under the laws of the State of Arkansas as a domestic non-profit corporation. The stated purpose was: “To develop and strengthen the Arkansas National Guard; to promote close association, friendship and cooperation among the officers of the National Guard; to cooperate with and support the programs and activities of the Arkansas State Military Department; to cooperate with and support the programs and activities of the National Guard Association of the United States; and to develop the relationship between the National Guard and other components of the Armed Forces; and, To enter into a contractual relationship with an insurance company or companies to obtain for its members and associate members benefits under a group life insurance policy providing group life insurance for participating members of the Arkansas National Guard in the event of their death in the line of duty or otherwise.” The association formed an insurance trust in 1967 as a means of preserving the revenue generated by the insurance program free from income taxes. Later a second Trust was added as a vehicle for

paying Scholarships to Guardsmen who purchase our insurance. In 1974, Congress passed an act allowing each state to create a State Sponsored Life Insurance Program (SSLIP) to provide group life insurance to Guardsmen who were not eligible for Servicemembers Group Life Insurance. The NGAA became the administer of the SSLIP and the income raised from the program was utilized to provide scholarships to participants and fund the organization's charitable giving. Tax exempt status under Section 501(c)(19) of the United States Code became effective in 1982.

Over the years the Offices of the NGAA have been in several places, both on and off of Camp Robinson, In the late 1970's and early 1980's the NGAA's offices were in Lloyd England Hall, where the Arkansas National Guard Museum is now located. As the success of our insurance programs grew, and the new purpose of Lloyd England Hall was being envisioned, a decision was made to build a new facility on Camp J.T. Robinson specifically for the Association offices. The Association was granted a long-term lease from the State Military Department at a cost of \$1.00 per year and in 1989, new corporate offices, designated Building 8100, were constructed at the intersection of 8th Street and Arkansas Avenue on Camp Robinson. The association never had a mortgage for the current building. A capital campaign was conducted, and our first list of corporate members donated the funds to build a permanent home for the Association. The fiscal wisdom and forethought of our Association forefathers has provided a stable economic base for the Association for several generations.

In 1982 the first female President of the Association, COL Mary (Frankie) Sears, was elected. Lieutenant Wayne E. Burger became the first African American to be elected president of the Association serving from 2001-2002. For several years, the association had a part time Secretary that took care of the day to day business of the organization. COL James B. Usury and Mr. Joe Brinkley served as part time Secretaries of the Association. Ms. Mary Brown was the Insurance Administrator for the Association for many years. The first Executive Director for the Association was COL Oscar Russell.

The Board of Directors felt that more flexibility was needed to make funds accumulated in Trust 1 available other charitable projects. Thus in 2014, the Trusts were dissolved, and their corpus were donated to a separate corporation which was organized as a 501(c)(3) Non-Profit Corporation under the IRS Code. The new corporation was initially known as the National Guard of Arkansas Endowment, Inc, but in 2017, as the Endowment's mission expanded to help manage directed gifts from the Arkansas National Guard Museum, and other allied organizations, the name was changed to The Arkansas National Guard Foundation. Today the ANGF has total assets totaling over \$1.3 Million and supports the Scholarship Program, the NGAA and EAANG Professional Development programs, the Arkansas National Guard Museum, the Minuteman Youth Camp and Arkansas National Guard Gold Star Families. The ANGF is managed by a separate Board of Directors consisting of three at large members of the NGAA, two at large members of the EAANG, the current Presidents of the NGAA and EAANG and the Executive Director of the NGAA.

From the Executive Director

Incrementalism

Incrementalism was first developed in the 1950s in response to the conception of policy making as a process of rational analysis culminating in a value-maximizing decision. Incrementalism predicts that policy makers will build on past policies, focusing on incremental rather than wholesale changes. Incrementalism has been fruitfully applied to explain domestic policy making, foreign policy making, and public budgeting.¹

¹ [Michael T. Hayes](https://www.britannica.com/topic/incrementalism), Incrementalism, Encyclopedia Britannica, Encyclopedia Britannica, Inc., June 03, 2013, Accessed April 03, 2020: <https://www.britannica.com/topic/incrementalism>

Our associations have used the concept of incrementalism to advance our shared goals. There are several examples of our incremental success at the state and federal level. In the 1970's the association was successful in gaining an exemption from Arkansas state income tax for first \$6000 of Military Pay. At that time, it effectively covered almost all military pay for our M-day/traditional members. Later, following 9-11, we made a proposal to increase the military pay exemption to \$9000, but in the end, we compromised with the General Assembly increased the exemption for our Enlisted members to \$9000. The Officers would wait two more years before we won the \$9000 exemption for them. Beginning in tax year 2014, we finally won a 100% exemption for all military pay from state income tax. We realized that these gains had left our retired members behind, so we engaged again and in 2018 we won the 100% exemption of military retired pay. What's next? Are there ways that we can address the perceived gap in benefits between military pay and the pay that our Dual Status Federal Technicians earn for their service to our National Guard?

On the federal side, incrementalism has been used to advance the goal of providing healthcare insurance to Guardsmen. Incrementally, NGAUS has been successful in extending eligibility of Guardsmen to participate in the Tricare program when they are mobilized for greater than 31 days, or in some instances prior to mobilization. Later we were able to convince Congress to make Tricare available to Guardsmen, even when not mobilized through Tricare Reserve Select. This program made the benefits of Tricare available to our M-Day/Traditional Guardsmen at a cost far below what most would have to pay for insurance in the marketplace. Unfortunately, our Dual Status Federal Technician members have been prevented from participating in Tricare by federal law that restricted their enrollment. Last year, NGAUS was able to get language added to the National Defense Authorization Act extending Tricare eligibility to Dual Status Federal Technicians beginning in 2030. While not the optimal solution, this is yet another step in the right direction. In the future we will be working to move this eligibility date to the left. NGAUS's current priority is convincing Congress that a ready, operational National Guard requires zero cost Tricare for all Guardsmen.

As we seek to build on the successes of our past, what are the issues that you want to see the Associations address?

Damon Cluck

Leadership Corner with COL Cary Shillcutt, AR ARNG

"I not only use all the brains I have, but all I can borrow."

-Woodrow Wilson

Welcome to the life of the staff officer! Now you have the opportunity to communicate, cooperate, and most importantly, coordinate. Yes, I am being a little sarcastic, but the reality is an officer will spend quite a bit of time on staff coordinating actions, versus in command, providing guidance and intent. It is a necessary broadening assignment we all have the opportunity to endure, um I mean experience. And since nearly every issue or action requires some form of coordination in our organization, this blog features the purposes of coordination, coordination methods, and some tips to ensure the commander's intent becomes operational reality.

One of my military instructors gave me this definition for coordination (paraphrasing right now, it's been a while) – coordination is the process an action officer uses to communicate, integrate, and manage information to all concerned or affected agencies involved in an issue or proposed action, allowing them the opportunity to contribute (comment), concur, or non-concur. If done well, staff coordination ensures unity of effort between staff actions and subordinate unit operations, and if you are wondering about the purposes of coordination, a staff officer coordinates to:

1. Acquire and provide information
2. Ensure complete and coherent actions
3. Avoid conflict and duplication
4. Consider all factors affecting the situation

And let's face it, good staff coordination doesn't magically happen, it is hard work, requiring personal initiative, a spirit of cooperation, and a genuine interest to make things happen. However, when done well, either by formal or informal methods, coordination ensures operations happen in a well-integrated fashion.

The methods and stages of coordination are important to consider when beginning a staffing action to ensure a comprehensive approach with the quickest turn-around time possible. Informal coordination consists of face-to-face communication, phone conversations, or correspondence by e-mail, normally used when the action is straight-forward and simple. When the task becomes more complex, formal methods like official correspondence, staffing documents, and briefings are required to resolve issues, concerns, and to solicit final comments and concurrence. As for the stages, here is a breakdown for consideration:

1. Initial coordination is required first to assemble all materials, initial information and tasks, and to gain your activities' position with regard to the commander's intent and a vision or successful outcome. Additionally, you should determine, "who needs to be at the table," or what other staff activities or units have an interest in the action to determine the appropriate coordination including them all in some form of sequence. Parallel coordination saves time, but sometimes an action requires "in-turn" sequencing, focusing on the activities that have the most interest in the action reviewing and commenting first. This ensures that if their comments require significant changes to the action, you don't have to re-coordinate the revised action again.
2. After receiving initial feedback from all activities involved, it is time for the second step, analysis of responses. Congratulations if everyone concurs, now you can make minor revisions and then send the action to the decision maker. However, if another activity or staff section non-concurs, a good technique to resolve the disagreement informally with an objective is to be, well, objective. The staff officer non-concurring may have a very valid point, so too much pride in authorship or a narrow-minded approach can have a very negative effect.
3. The last stage in this odyssey is final coordination, resolving and addressing any non-concurrences, packaging the action in the appropriate document or briefing format, and sending to or briefing the decision maker. Typically, a completed staff action consists of a recommendation, a decision maker concurrence, and an implementing order or formal document.

So, there you have it, the basics of coordination with methods and steps described to ensure actions are fully staffed and hopefully implemented into day-to-day operations. I ask that you share this and your own expectations and guidance with your junior staff officers when you reward them with a task to coordinate. Understanding the purpose and process can assist them and your organization by decreasing uncertainty and the time it takes to go from guidance/intent to action/operation.



By Col Paul Jara, AR ANG

In September of 2005, Major Wes Nichols and I stood in the hallway of building 101 at Little Rock AFB and questioned whether the airmen we were assembling for Hurricane Katrina response were going to be placed in “502-f-status.” In all honesty, I had no idea what he was talking about, but it made sense that our civil engineers should be in a federally funded status. After almost every natural disaster since Katrina we continue to have the same debate. If you’ve been wondering what all the fuss is about, this short article may help. Skip to Table 1, if you just want the cliff-notes.

Title 32 of the *U.S. Code* governs the management of the National Guard. The code lays out the Guard’s organization, administration, training, and procedures for aligning with the services. Although these aspects are relatively small portions of *U.S. Code*, these few sentences provide the framework within which guardsmen must operate and determine how they are funded, whether conducting normal training activities or responding to natural disasters.

National Guardsmen are for the most part “citizen soldiers” who hold regular civilian roles in the community and who maintain a level of training and readiness through periodic training mobilizations.² Section 502 of Title 32, *U.S. Code*, describes this periodic training as well as determines how guardsmen are to be used in support of civil disturbance or natural disasters. Section 502 begins with direction on what kind of training to accomplish and how often it should occur. Under § 502(a), drill-status (or M-Day) guardsmen “assemble for drill and instruction . . . at least 48 times each year” and “participate in training at encampments, maneuvers, outdoor target practice, or other exercises, at least 15 days each year.”³

Section 502(a) legally authorizes the funding of planned National Guard training. Two sentences describe reserve duty, which guardsmen accomplish as Regularly Scheduled Drill (RSD) and Annual Training (AT). In accordance with “regulations to be prescribed by the [Service] Secretary,” National Guardsmen

² There are AGRs for the purpose of “organizing, administering, recruiting, instructing, or training the reserve components.” 10 U.S.C. § 101(d)(6)(a) (2018). These AGRs, perform full-time National Guard duty under 32 U.S.C. § 502(f) (2018). Although they are important to the administration of the National Guard, this force is normally small compared to the total Guard rolls.

³ 32 U.S.C § 502(a)(1)–(2) (2018).

maintain a level of readiness necessary to fight alongside the regular, Title 10 force in operations across the globe.⁴ When the Services allocate a budget for the National Guard, the majority of the appropriation is set aside under “502(a).” It is worth stressing that the services appropriate these training funds primarily to meet *their* (federal) readiness objectives, not to accommodate state requirements *nor to prepare for civil support*.⁵

Section 502 of Title 32, *U.S. Code*, outlines two overarching authorities that prescribe activities to which guardsmen lend support. First, two sentences in § 502(a), as previously described, relate to normal training necessary for continuous readiness. The direction to employ these funds in the name of training has the force of law. National Guard commanders and their legal counselors work hard to meet the training intent of this section.⁶ Second, § 502(f) “authorizes funds originally programmed for training to be utilized for emergency situations,” which is where a great deal of misunderstanding occurs regarding the use of the National Guard.⁷

As they relate to disaster response, two subcomponents of section 502(f) require careful examination:

First, 502(f)(1) reads, “Under regulations to be prescribed by the [Secretaries] a member of the National Guard may . . . be ordered to perform training or other duty in addition to that prescribed under subsection [502(a)].”⁸

Second, § 502(f)(2) clarifies, “The training or duty ordered to be performed under paragraph (1) may include support of operations or missions . . . at the request of the President or Secretary of Defense.”⁹

An understanding of Title 32 duty status depends on these four core authorities (see Table 1). Section 502(f)(1) provides a mechanism whereby *training funds* can be used for activities outside the training strictures of § 502(a). If authorized, a state can use § 502(f)(1) authority to support an event, but the activity must *primarily accomplish a training objective*, and National Guard involvement must be only incidentally beneficial to the event. This provision essentially acknowledges that events (such as responding to a natural disaster) could occur that provide meaningful training necessary to wartime readiness while also benefitting the state. Governors and the adjutant generals can petition the service secretaries and the chief of the National Guard Bureau, who are the clearinghouse for these state requests and who have the authority to approve a state’s requests to repurpose funds to § 502(f)(1) authority. There are numerous examples of approval for repurposing funds and the performance of activities under § 502(f)(1). Some of the most customary provisions are for

⁴ 32 U.S.C. § 502 (2018).

⁵ There are two noteworthy exceptions when providing support to disasters. The first are operations that are “incidental to training.” If a guardsman were to conduct an operation directly connected to their required federal training, this training could support operational (disaster response) needs. For example, a flight crew might need to log a certain number of flight training hours and, while completing this training, find themselves “incidentally” transporting needed humanitarian aid. Second, exceptions are allowed for Immediate Response Authority (IRA), which is a National Guard version of the “Good Samaritan Law,” ensuring that guardsmen do not stand idly by under the restrictions of 502(a) when *immediate* and requested support could save life or property.

⁶ Commanders must be careful not to take action contrary to the intent of an appropriation and cause an anti-deficiency act. Specifically, “An officer or employee of the United States Government or of the District of Columbia government may not make or authorize an expenditure or obligation exceeding an amount available in an appropriation or fund for the expenditure or obligation.” 31 U.S.C. § 1341(a)(1)(A) (2018).

⁷ Greg Wingard and Eric McElwain, “Title 32 U.S.C § 502 Funding Authorizations,” National Guard Bureau, September 26, 2017.

⁸ 32 U.S.C § 502(f)(1) (2018). More explicitly, 502(f)(1)(A) orders the member without his consent but with pay while 502(f)(1)(B) requires his consent either with or without pay.

⁹ 32 U.S.C § 502(f)(2)(A) (2018).

national special security events.¹⁰ However, this approval is normally merely to repurpose existing funds and does not necessarily imply that *extra* funding is available to the state. The justification, by its very nature, presupposes training value commensurate with the goals of § 502(a). As “disaster relief participation is an unprogrammed requirement for the Services for which funds have not been budgeted,” neither the services nor the Guard is resourced to fund unexpected disasters.¹¹ For these reasons, approval normally results in moving training funds to § 502(f) in what amounts to a zero-sum accounting exercise.

Table 1. Explanation of 32 U.S.C. § 502: Required Drills and Field Exercises¹²

| Section | Description | Intent | Approval |
|--------------|--|---|---|
| 502(a)(1) | “Inactive duty training” one weekend a month | Training | State Adjutant General (TAG) |
| 502(a)(2) | 15 Days of “Annual Training” | Training | State Adjutant General (TAG) |
| 502(f)(1) | Perform training or other duty in addition to that prescribed under 502(a) | 1. Training with Incidental Mission Support 2. Response to a Formal Request for Assistance | Service Secretary and Chief, National Guard Bureau (CNGB) |
| 502(f)(2)(A) | Duty may include support of operations or missions | 1. Federal Missions (DSCA) 2. Homeland Defense (§ 901–§ 908) | President or Secretary of Defense (SecDef) |

Whereas § 502(f)(1) specifically prescribes training aimed at supporting service objectives, § 502(f)(2) does not. With a governor’s consent, the president of the United States and secretary of defense can order guardsmen to perform duty for a federal mission, per § 502(f)(2). Although defense support of civil authorities (DSCA) is often used to describe a multitude of National Guard activities, the use of the National Guard in DSCA expressly means the use of the National Guard under § 502(f)(2).¹³

These situations normally arise when the DoD has an interest of its own and needs National Guard assistance. In 2015, for example, the Department of the Army sought assistance to secure the crash site of the Army’s Joint Land Attack Cruise Missile Defense Elevated System. The secretary of defense directed the Pennsylvania National Guard to provide support under § 502(f)(2) and the Department of the Army to reimburse the National Guard for this work.

¹⁰ A national special security event is “an event of national significance as determined by the Secretary of Homeland Security. These national or international events, occurrences, contests, activities, or meetings, which, by virtue of their profile or status, represent a significant target, and therefore warrant additional preparation, planning, and mitigation efforts. The USSS, FBI, and FEMA are the federal agencies with lead responsibilities for NSSEs; other federal agencies, including DoD, may provide support to the NSSE if authorized by law.” 32 C.F.R. § 183.3 (2013).

¹¹ Department of Defense, *Defense Support of Civil Authorities*, 2013, E-4.

¹² Although the graphic implies the CNGB has authority to approve § 502(f)(1), considerable debate refuting this position has not been resolved at the time of this writing.

¹³ “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)” but does *not* apply to “National Guard training activities that are conducted in a duty status pursuant to section 502(a) or 502(f).” This rules out § 502(a) and § 502(f)(1) from the definition of DSCA. Department of Defense, *Use of the National Guard for Defense Support*, 1–2.

This discussion describes some key points in 32 U.S.C. § 502 and helps to explain the funding and status of the National Guard. Commanders debated § 502(f)(2) after Hurricane Katrina, and continue to debate this paragraph as our nation responds to SARS-CoV-2. The DoD provides funding for National Guardsmen to train for war. When operating domestically, funding for the National Guard is specifically intended for training aimed at improving wartime readiness. There are limited appropriations for the National Guard to accomplish other tasks. Even though chapter 502(f) implies legal mechanisms that allow Guardsmen to accomplishing non-training tasks, finding the funding is never simple. The state Director of Military Support, the United States Property and Fiscal Officer, Judge Advocates, commanders and staff, all work to advocate, through our Adjutant General and governor to petition the Department of Homeland Security, the Department of Defense, and even the President to open up funding avenues that will allow reimbursement for 502(f) response. They were successful after Hurricane Katrina. There have already been some successes for COVID-19.

¹² “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)” but does *not* apply to “National Guard training activities that are conducted in a duty status pursuant to section 502(a) or 502(f).” This rules out § 502(a) and

§ 502(f)(1) from the definition of DSCA. Department of Defense, *Use of the National Guard for Defense Support*, 1–2.

¹³ Lowenberg, *Role of the National Guard*.

Local Business Appreciation Action

As we enter our second month of social distancing, NGAA is distinctly aware of its effects on local businesses, many of whom have shown support for and appreciation of our members over the years. We would like to use NGAA's social media platforms in this next month to draw attention to Arkansas businesses that are either member owned and/or those that have discounts or veteran programs as a way to say "thank you" and provide them some attention in this time of economic uncertainty. If you have a business, or know of a business that is pro-military, please email our Director of Development, Elizabeth Jara, at ejara@ngaa.org. Thank you!

