



**NATIONAL GUARD ASSOCIATION OF THE U.S.**  
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WASHINGTON, D.C. 20001

DATE: 20 March 2020  
SUBJECT: National Guard Emergency Duty Status

BLUF: The National Guard is the only United States military force that operates across both State and federal responses, leveraging State Active Duty (SAD), Title 32 National Guard Duty, and Title 10 "Active Duty" authorities.

1. Overview

Many events trigger responses across multiple jurisdictions and different levels of government. The National Guard serves to bridge the divide across State and Federal government boundaries because of its unique, dual constitutional authority. The National Guard is also exceptionally suited for its Homeland Defense role due to its geographically dispersed forces with links to local communities and ties to state and local governments. These relationships and strategic planning allow for rapid and integrated responses in times of emergency.

2. State Active Duty

A Governor can activate National Guard personnel to "State Active Duty" in response to natural or man-made disasters or Homeland Defense missions. SAD is based on State statute and policy and utilizes 100% State funds. Soldiers and airmen remain under the command and control of the Governor. Under SAD, many federal benefits and protections such as TRICARE, workman's comp, GI Bill, death gratuity, etc. are not authorized. Guard members receive pay, benefits, and retirement credit according to their state's employment laws, policies, and programs, which vary widely from state to state.

3. Title 32 National Guard Duty

Unlike full federalization, Title 32 of U.S. Code provides the President or the Secretary of Defense the ability to place National Guard servicemembers in a full-time duty status under the command and control of the Governor, but with their state mission being directly funded with federal dollars. Historically, this authorization has been utilized in response to national disasters and homeland defense needs, such as Hurricane Katrina and 9/11. Under Title 32, Guard members serve full-time and receive equivalent benefits, service credit, and protections as federal active duty servicemembers. These include access to TRICARE, GI bill accrual, and retirement credit among others. These missions are at the request of the Governor with Department of Defense approval.

4. Title 10 "Active Duty"

Title 10 Active duty means full-time duty for federal-level missions of the United States. It allows the President to "federalize" National Guard units by ordering them to active duty in their Reserve Component status or by calling them into Federal service. In this status, command and control is transferred from the Governor to the President. Title 10 is the main statute utilized to deploy servicemembers, both Active and Reserve Component, overseas in support of United States contingency operations. Under Title 10, Guard members receive the full extent of benefits and leave as the active duty component.