



MANPOWER AND
RESERVE AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
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SUBJECT: Implementation Guidance for Presidential Memoranda on Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery, dated August 3, 2020

- References:
- (a) Title 32, United States Code
 - (b) Secretary of Defense Memorandum, "Use of the National Guard to Provide Essential Assistance to States Combating COVID-19," March 27, 2020
 - (c) Presidential Memorandum, "Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery," August 3, 2020
 - (d) Presidential Memorandum, "Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery (Florida)," August 3, 2020
 - (e) Presidential Memorandum, "Extension of the Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery (Texas)," August 3, 2020
 - (f) Acting Assistant Secretary of Defense for Manpower and Reserve Affairs Memorandum, "Implementation Guidance for Presidential Memorandum on Providing Continued Federal Support for Governor's Use of the National Guard to Respond to COVID-19 and to Facilitate Economic Recovery," June 10, 2020
 - (g) DoDD 3025.18, "Defense Support of Civil Authorities (DSCA) Change 2," March 19, 2018
 - (h) DoDI 3025.22, "The Use of the National Guard for Defense Support of Civil Authorities Change 1," May 15, 2017
 - (i) Acting Assistant Secretary of Defense for Manpower and Reserve Affairs Memorandum, "Military Personnel Guidance for Department of Defense Components in Responding to Coronavirus Disease 2019," March 23, 2020
 - (j) Under Secretary of Defense for Personnel and Readiness Memorandum, "Force Health Protection Guidance (Supplement 9) – Department of Defense Guidance for Personnel for Deployment and Redeployment of Individuals and Units during the Novel Coronavirus Outbreak," May 26, 2020

The Secretary of Defense's three continuing COVID-19 response priorities are: 1) Protecting our people; 2) Maintaining mission readiness; and 3) Supporting the whole-of-government effort. To support those priorities, this memorandum provides guidance to the Chief of the National Guard Bureau regarding orders for duty under 32 U.S.C. § 502(f), authorized by DoD in response to Federal Emergency Management Agency (FEMA) mission assignments (MAs) for implementing the President's direction in references (c) through (e), which modify the cost share to 75 percent Federal and 25 percent State for all previously approved States except Florida and Texas.

The Assistant Secretary of Defense for Homeland Defense and Global Security (ASD(HD&GS)), as delegated by the Secretary of Defense in reference (b), approves MAs and amendments to MAs issued by FEMA in accordance with references (c) through (e). Approval of an MA by the ASD(HD&GS) is required to effect the Secretary of Defense's pre-authorization for use of National Guard personnel to fulfill the MA in a duty status pursuant to 32 U.S.C. § 502(f). The following direction applies in the execution of approved FEMA MAs:

1. In accordance with references (c) through (e), the President extended his direction to FEMA to fund emergency assistance activities associated with preventing, mitigating, and responding to the threat to public health and safety posed by COVID-19 that a State or territory undertakes using its National Guard forces, as authorized by the Stafford Act.
2. If the ASD(HD&GS) has approved a FEMA MA or an amendment to a FEMA MA authorizing duty under references (c) through (e), the Army and Air National Guard may issue orders to duty of any length or extend current orders, not to exceed the ASD(HD&GS)-approved FEMA MA end date for responding National Guard members.
3. The Army and Air National Guard will culminate all operational, administrative, and demobilization requirements to FEMA MAs on or before December 17, 2020, unless paragraph 4 applies.
4. The Army and Air National Guard may only extend current orders or issue new orders beyond December 17, 2020, through December 31, 2020, for the use of leave, for medical treatment, or to comply with health protection protocols recommended by the Centers for Disease Control and Prevention of the Department of Health and Human Services or other health protection measures agreed to by the Department of Defense and the Federal Emergency Management Agency of the Department of Homeland Security. Commanders will follow the Department's force health protection guidance for redeployment, such as references (i) and (j), for National Guard members completing duty under orders in support of FEMA MAs.

The Chief of the National Guard Bureau, in coordination with the Secretaries of the Army and the Air Force, will issue guidance to the States and territories to support mission requirements while minimizing risks to the National Guard members. Commanders should balance mission requirements and members' circumstances in the issuance of orders. This

guidance will be administered in a manner that is consistent with this memorandum, reference (f), reference (g), and all other published force health protection memorandums.

Commanders will ensure National Guard members use accrued leave in accordance with DoD and Military Service leave policies and are encouraged to use accrued leave during the period of the current set of orders. National Guard members who do not use their accrued leave may elect either to sell their accrued leave upon release from duty at the expiration of their orders or to carry it over to their next period of active service in accordance with DoD and Military Service leave policies.

National Guard members serving on continuous federally funded duty orders of more than 30 days (including Title 32 orders for more than 30 days) are entitled to comprehensive TRICARE coverage for themselves and their eligible family members. The Reserve Components/Military Departments will promptly transmit the proper transactions in Enclosures 8 and 9 of DoD Manual 7730.54, Volume 1, necessary to update the Defense Enrollment Eligibility Reporting System, the official system of record for TRICARE eligibility and enrollment.

Benefits for duty performed under 32 U.S.C. § 502(f) will be administered in accordance with applicable law and policy. Nothing in this memorandum will affect the execution of assigned responsibilities in law or affect responsibilities in DoD issuances that are consistent with this memorandum.

My point of contact for this guidance is Judd H. Lyons, Deputy Assistant Secretary of Defense Reserve Integration.

Virginia S. Penrod
Performing the Duties of the Assistant Secretary
of Defense (Manpower and Reserve Affairs)