

ACTION MEMO

DepSec Action _____
DUSD(P) _____

Prepared by: DASD Robert Salesses, HD&GS
(703) 697-5774
James Ross, HD&GS
(571) 256-8325

FOR: SECRETARY OF DEFENSE

FROM: Kenneth P. Rapuano, Assistant Secretary of Defense, Homeland Defense & Global Security

SUBJECT: Request Authorization and Approval of Title 32 Status for National Guard Personnel Performing Support to DHS for Border Security

PURPOSE: This memorandum recommends that you authorize and approve National Guard personnel to be placed in a duty status under title 32, U.S. Code, section 502, to support the Department of Homeland Security's (DHS's) southern border security mission.

COORDINATION: Joint Staff, USD(C)/CFO, USD(P&R), OGC

BLUF: Approving this request will authorize use of title 32 duty status and DoD funds for up to 4,000 National Guard personnel to support DHS's southern border security mission while under the command and control of their respective governors through September 30, 2018.

DISCUSSION:

- Duty status, and the accompanying pay funded by DoD, under title 32 are authorized for Federal training and to support DoD operations or missions undertaken by National Guard personnel at the request of the President or the Secretary of Defense.
- The use of title 32 status, if authorized, would be predicated on DoD conducting an operation pursuant to the President's April 4, 2018, mission assignment to the Secretary of Defense, including using National Guard personnel, in response to a DHS request for support to secure the southern border.
- The Assistant Secretary of Defense for Homeland Defense and Global Security (ASD(HD&GS)), supported by the DoD Border Security Support Cell, will review, validate, and keep you promptly informed of the National Guard personnel support activities and missions validated on your behalf.



- The National Guard personnel conducting operations pursuant to this title 32 authorization would support mission requirements as requested by appropriate DHS and DoD officials.
- National Guard personnel will not perform law enforcement activities or interact with migrants or other persons detained by DHS personnel without your approval; arming will be limited to circumstances that might require self-defense.
- The Under Secretary of Defense (Comptroller) will identify available funding, advise you of associated challenges, and notify you of if reprogramming actions are necessary.
- This authority has been used previously for similar DHS border security support missions: Operation Jump Start (2006-2008), which DoD executed on a non-reimbursable basis using statutorily earmarked funds; and Operation Phalanx (2010-2016), which DoD executed exercising 10 U.S. Code, section 277, authority to waive reimbursement.

RECOMMENDATION: Authorize and approve up to 4,000 National Guard personnel in Federal pay and duty status, under title 32 U.S. Code, section 502, to conduct operations in support of DHS southern border security missions that have been validated by the ASD(HD&GS) following review by the DoD Border Security Support Cell through September 30, 2018.

Approve:  Disapprove: _____ Other: _____
APR - 6 2018

COORDINATION: TAB A

Attachments:
TAB A: Coordination

Policy Coordination Sheet

Subject: Request Authorization and Approval of Title 32 Status for National Guard Personnel Performing Support to DHS for Border Security

Control Number: *USP001261-18*

Title/Organization	Name	Coordination Requested	Coordination Received
DUSD(P)	John Rood		April 6, 2018
USD(C)/CFO	Elaine McCusker		April 6, 2018
OUSD(P&R)	Stephanie Barna		April 6, 2018
OGC	Scott Castle		April 6, 2018
Joint Staff	RADM Dumont		April 6, 2018