



DEPARTMENTS OF THE ARMY AND THE AIR FORCE

HEADQUARTERS, KANSAS NATIONAL GUARD
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TOPEKA, KS 66611-1263

NGKS/TAG

1 April 2020

MEMORANDUM FOR DISTRIBUTION

SUBJECT: TAG Policy Letter #38, Use of Federal Equipment to Support National Guard Civil Support (NGCS) Operations

1. The Kansas National Guard utilizes federal equipment in response to National Guard Civil Support (NGCS) Operations and also periodically loans out equipment to our Emergency Support Function partners in support of their mission of protecting the lives and property of the citizens of the state of Kansas.
2. The Kansas National Guard provides National Guard forces and equipment performing NGCS Operations in accordance with Title 32 United States Code or State Active Duty for special events, domestic emergencies, designated law enforcement support, and other activities. The following guidance is provided for Commanders and full-time support personnel of the Kansas Army and Air National Guard for NGCS response actions.
 - a. In accordance with the National Response Framework, a tiered response structure calls for the lowest possible jurisdictional level retaining incident management responsibility. When that incident commander determines the event has grown past their ability to manage given the resources at hand, additional resources will be requested through the County Emergency Coordinator up through the Kansas Division of Emergency Management (KDEM).
 - b. If the KDEM Operations Chief determines Kansas National Guard resources are the best fit for the requirement, a mission number will be assigned and the mission will be given to the Director of Military Support (J3/DOMS).
 - c. After receiving the mission number and assignment, the J3/DOMS will coordinate with the Joint Staff and issue guidance in an operation order to the unit that best meets the capability required.
 - d. No action should be taken from the field without direction from the J3/DOMS except under "Immediate Response" situations. These situations are those rare cases that require immediate action from Commanders to save lives, prevent human suffering or mitigate property damage and time does not permit approval from higher headquarters.
3. The Joint Ethics Regulation (JER) has set policy and specifies how we must deal with the loan of federal equipment to support our Emergency Support Function partners. In addition, changes to the Army and Air Force regulations could require that an amount be charged to organizations requesting equipment loan, which includes government entities, and that the charge is commensurate with local rental rates. The following guidance is provided for

Commanders and full-time support personnel of the Kansas Army and Air National Guard for loan of federal equipment.

a. Requests for the use of federal equipment by law enforcement agencies and governmental units charged with the safety and well-being of our citizens will be directed to the J3/DOMS. Army and Air policy states that leases of military equipment will not be made for which a counterpart exists on the commercial marketplace and is reasonably available for purchase or lease.

b. The J3/DOMS will make the appropriate determination regarding the loan or lease of federal equipment and forward the requests to the United States Property & Fiscal Office (USP&FO) for Kansas to enact the required loan or lease agreements and remuneration if applicable.

4. This matter is of the utmost concern to the Adjutants' General and the USP&FOs nationwide. The interpretation of the JER and the new guidelines of the Army and Air Force have curtailed the access of National Guard equipment. When fielding requests, please make clear that we must follow current laws and regulations.

5. Point of contact for this memorandum is the J3/DOMS at (785) 646-0356.

6. This policy supersedes TAG Policy Letter #38 dated 4 April 2012.


DAVID A. WEISHAAR, Major General, KSNG
The Adjutant General

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