



DoD INSTRUCTION 1100.06

NATIONAL DEFENSE EXECUTIVE RESERVE

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

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Approved by: Virginia S. Penrod, Acting Under Secretary of Defense for Personnel and Readiness

Purpose: In accordance with the authority in DoD Directive 5124.02, this issuance establishes policy, assigns responsibilities, and provides procedures for the administration of the National Defense Executive Reserve (NDER) pursuant to Appendix 2160(e) of Title 50, United States Code and Executive Order (E.O.) 13603.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY.

It is DoD policy that as part of the manpower mobilization base for national security, a unit or units of the NDER program may be established and maintained to confirm that the DoD is capable of responding to all threats to the national security of the United States.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)).

The USD(P&R), in accordance with the NDER Policies and Procedures Manual:

- a. Establishes the procedures for, and administration of, the DoD NDER program.
- b. Represents the DoD on the Interagency NDER Committee.
- c. Provides the Secretary of Homeland Security any information required regarding DoD units established under the NDER program.

2.2. SECRETARIES OF THE MILITARY DEPARTMENTS AND DIRECTORS OF THE DEFENSE AGENCIES AND DOD FIELD ACTIVITIES.

The Secretaries of the Military Departments and the Directors of the Defense Agencies and DoD Field Activities with independent appointing authority on behalf of themselves and their serviced populations:

- a. In accordance with the NDER Policies and Procedures Manual:
 - (1) Recruit and train NDER unit members.
 - (2) Designate, redesignate, and deactivate members of the NDER unit.
 - (3) Require compliance with all Federal Emergency Management Agency (FEMA) and Office of Personnel Management policies and regulations pertaining to the NDER program.
 - (4) Establish appropriate qualification levels and standards for NDER member recruitment and selection for successful performance of their planned emergency assignment.
 - (5) Submit appropriate documentation to FEMA when deactivating NDER units.
 - (6) Submit reports as required by the USD(P&R).
- b. Determine the level of security clearance necessary for each NDER unit member under existing security position sensitivity designation standards for positions within the Federal service and verify that the proper security clearance is obtained before a person is designated an NDER member.
- c. Conduct, within funding limitations, appropriate annual training for each NDER unit.
- d. Prescribe additional operating procedures consistent with this issuance and any applicable FEMA issuances that are necessary for the efficient establishment and operation of the NDER program.

2.3. DIRECTOR, WASHINGTON HEADQUARTERS SERVICES.

The Director, Washington Headquarters Services, for the OSD and the DoD Components for which the Washington Headquarters Services provides administrative support, submits reports as required by the USD(P&R) according to the NDER Policies and Procedures Manual.

SECTION 3: PROCEDURES

3.1. In accordance with E.O. 13603, the Secretary of Defense may employ civilian personnel when activating all or a part of its NDER unit. The exercise of this authority is subjected to the provisions of E.O. 13603, which includes that the Secretary of Defense may not delegate this authority.

3.2. The following procedures will be used for the NDER program:

a. The membership of individual NDER units will be limited to the number of executive positions that cannot be filled appropriately during a national emergency by regular full-time Federal employees.

b. In the interest of efficiency, existing facilities, materials, and information channels will be used as much as possible in operating the NDER program.

c. Persons assigned to the Ready Reserve of the Military Services will not be designated as members of the NDER. State and local officials and persons campaigning for elective local office who have (or would have, if elected) emergency responsibilities because of their positions will not be considered for membership.

d. NDER members are not considered officers or employees of the Federal Government during times in which they receive training for mobilization assignments under the NDER program. At such times, they will not act or advise on any matter pending before a DoD Component.

e. During periods of national emergency, NDER members expected to work no more than 130 days in any consecutive 365-day period are subject to the provisions of Section 202(a) of Title 18, United States Code regarding special Government employees. Section 202 sets forth whether and to what extent the ethics laws apply to special Government employees. To avoid conflicts of interest with the NDER member's personal financial interests, each NDER member must submit an Office of Government Ethics Form 450, "Confidential Financial Disclosure Report" or Office of Government Ethics Form 278, "Public Financial Disclosure Report," as appropriate, before each appointment or re-appointment. An NDER member must submit the required financial disclosure report(s) for each calendar year in which the member is activated.

f. In accordance with the NDER Policies and Procedures Manual promulgated by FEMA, regarding conflict of interests provisions, NDER appointees are limited to advising appropriate full-time salaried Federal Government officials who are responsible for making policy decisions. In accordance with the NDER Policies and Procedures Manual, NDER appointees, although subject to conflict-of-interest laws, may continue to receive compensation from their private employer during the period they are performing services for the Federal Government.

g. Annual NDER unit member training will include general orientations and provision of up-to-date information on the actions planned in the event of mobilization and on the associated responsibilities of NDER members. Training will include ethics training. NDER members will

participate in mobilization exercises to the maximum extent feasible. NDER training policies will be based on guidance provided by FEMA and the USD(P&R).

GLOSSARY

G.1. ACRONYMS.

| ACRONYM | MEANING |
|----------|--|
| E.O. | Executive order |
| FEMA | Federal Emergency Management Agency |
| NDER | National Defense Executive Reserve |
| USD(P&R) | Under Secretary of Defense for Personnel and Readiness |

G.2. DEFINITIONS.

Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

| TERM | DEFINITION |
|---------------------------|--|
| executive position | <p>A position in an agency that is classified above General Schedule 15 or equivalent position that is not required to be filled by an appointment by the President by and with the advice and consent of the Senate, and in which an employee:</p> <ul style="list-style-type: none"> Directs the work of an organizational unit; Is held accountable for the success of one or more specific programs or projects; Monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustments to such goals; Supervises the work of employees other than personal assistants; <p>and</p> <ul style="list-style-type: none"> Otherwise exercises important policy-making, policy-determining, or other executive function. |
| NDER | Defined in Section 501 of E.O. 13603. |
| NDER unit | <p>A nucleus of executive reserve personnel comprised of persons with recognized expertise from various segments of the private sector and, to a limited extent, from the Federal service, for the purpose of performing functions during an emergency. The NDER unit is a select group of individuals who are qualified on the basis of managerial, professional, and technical skills, and highly expert in their fields.</p> |

REFERENCES

- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- Executive Order 13603, “National Defense Resources Preparedness,” March 16, 2012
- Federal Emergency Management Agency, “The National Defense Executive Reserve: Policies and Procedures Manual,” June 20, 2007, as amended
- United States Code, Title 18, Section 202(a)
- United States Code, Title 50, Appendix 2160(e)