



# CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-J3/4/7  
DISTRIBUTION: A

CNGBI 3100.01B  
06 March 2020

## NATIONAL GUARD COUNTERDRUG SUPPORT PROGRAM

References: See Enclosure B.

1. Purpose. This instruction establishes policy and assigns responsibilities for the National Guard (NG) Counterdrug (CD) Support Program in accordance with (IAW) the references.
2. Cancellation. This instruction cancels and replaces the previous edition, Chief of the National Guard Bureau (CNGB) Instruction 3100.01A, 22 June 2015, "National Guard Counterdrug Support."
3. Applicability. This instruction applies to all elements of the NG on full-time NG duty conducting CD activities approved and funded by the Secretary of Defense when they are not in Federal service, IAW references a and c and all other applicable laws, rules, and regulations. It does not apply to military technician assistance programs established pursuant to NG technician personnel policy and procedures, nor does it apply to activities conducted under State active duty.
4. Policy. It is NG policy to assist Federal, State, and local agencies with military-specific capabilities in support of those agencies' drug interdiction and CD law enforcement activities under the authority of a State Governor's National Guard State Interdiction and Counterdrug Activities Plan ("State Plan"). State Plans will be approved by the Secretary of Defense IAW reference a, current Deputy Assistant Secretary of Defense for Counter-narcotics and Global Threats (DASD(CN&GT)) fiscal year guidance (see reference c for FY20 guidance), Federal law, Department of Defense (DoD) guidance, and applicable State law. Activities conducted under the authority of the State Plan will support strategic objectives outlined by the Director of National Drug Control Policy in reference d.
  - a. Authority. DoD-funded NG CD support is limited to activities that employ skills unique to the military, align with DoD priorities, support DoD readiness requirements, and prioritize the use of DoD resources and capabilities to satisfy capability gaps that law enforcement agencies (LEAs)

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cannot practically replicate. The NG will not use DoD resources to increase LEA capacity or perform core law enforcement functions, IAW references c and e. DoD policy prohibits the NG from providing CD-funded advanced military training to domestic law enforcement or directly participating in law enforcement activities, such as search, seizure, arrest, or other similar activities or conducting investigative or intelligence operations unless authorized by law and DoD.

b. Supporting Roles. The NG may provide CD support to State, tribal, and local LEAs and to organizations eligible to receive services under reference a that request assistance for CD activities and are identified in the State Plan. The NG may perform authorized CD activities in conjunction with Federal LEAs if the Governor has certified that such support serves a State law enforcement purpose. States may execute missions and perform the CD activities authorized by the Secretary of Defense within their annual State Plan or National Guard Counterdrug School (NGCS) Activity Plan IAW reference a.

c. State CD Support Plans. State Plans must be prepared IAW references a and c and the National Guard Bureau (NGB) CD template (obtained from NGB-J32). See Appendix A to Enclosure A for State Plan requirements.

d. Mission Request and Approval. The official responsible for CD activities of the requesting LEA or community-based organization (CBO) will submit a signed written support request on the organization's official letterhead. The request must be received, validated, and approved by the State's Counterdrug Coordinator. Governors submit State Plans to the Secretary of Defense requesting funds and authority to order members of the NG to full-time NG duty within that State pursuant to Secretary of Defense approval of the State Plan. Federal agency requests for NG CD support that have not been certified by the Governor, or the Commanding General of the District of Columbia (CG), as serving a State law enforcement purpose will be directed to The Adjutant General (TAG) for submission to the commanders of U.S. Northern Command and U.S. Indo-Pacific Command for Secretary of Defense approval IAW references b, c, e, f, and g.

e. Rules for the Use of Force. A State Attorney General, designated representative, or U.S. Attorney for the District of Columbia, as required, will provide a written review and approval of rules submitted by each State and may add further restrictions to comply with State law or policy. NG personnel performing full-time NG duty for the purpose of carrying out drug interdiction and counterdrug activities (FTNGD-CD) will not accompany law enforcement agents on CD missions or operations where there is a likelihood of serious harm to NG personnel, law enforcement personnel, or civilians. NG personnel performing FTNGD-CD will make every effort to minimize the possibility of confrontation with civilians.

f. Evidence and Chain of Custody. NG personnel performing FTNGD-CD will not become part of the evidentiary chain of custody, and only LEA personnel will seize or maintain custody of physical objects that may be considered evidence. Only under exigent circumstances where NG personnel incidentally encounter potential evidence that is in immediate danger of destruction may action be taken by NG personnel to prevent its destruction. IAW references e and h, NG personnel are not authorized to participate in active or real-time communication minimization or monitoring or to directly participate in interviews or interrogation of witnesses or subjects of investigation. DoD policy prohibits NG personnel from having contact with subjects of investigation or participating directly in law enforcement activities such as arrest, search, seizure, detention, or similar activities.

g. Intelligence Oversight and Information Collection. The operational files and intelligence oversight and information collection training materials of the NG units conducting CD activities are subject to inspection by the NGB Inspector General. NG personnel performing FTNGD-CD will receive initial and annual intelligence oversight training. All NG involvement in or support to information collection activities must comply with references g, h, i, j, and k. IAW with references c, d, and e, all supported activities must, as a primary purpose, be a valid CD activity, or an activity with a CD nexus.

h. Intelligence Oversight. As set forth in reference c, NG personnel performing FTNGD-CD are not authorized to conduct intelligence activities under the authority of reference a. NG personnel performing FTNGD-CD may conduct intelligence activities only IAW DoDM 5240.01. Intelligence support to law enforcement is governed by reference p, Procedure 12, or other applicable DoD policy. The NG units authorized by the Under Secretary of Defense for Intelligence (USD(I)) to support the combatant commands (CCMDs) and Intelligence Community (IC) under reference e or l must comply with the rules that govern the supported agency and the rules under which the USD(I) approved their support to the CCMD or IC. NG programs supporting the IC are required to have a formal intelligence oversight program. NG units authorized under reference e or l to provide support to the IC and to use the Secret Internet Protocol Router (SIPR) Network or the Joint Worldwide Intelligence Communication System (JWICS) will follow all applicable information management and intelligence oversight rules IAW references i, j, and m. DoD policy prohibits the NG from retaining any law enforcement investigative data in NG files or databases.

i. Information Protection and Retention. The NG is not authorized to conduct CD-related law enforcement investigative or collection activities. LEA information analyzed by NG personnel performing FTNGD-CD is the property of the supported LEA; it is not national security intelligence information and cannot be disseminated to DoD or the IC. NG personnel shall follow supported agency guidelines and references i, j, and l to handle and protect criminal

investigative information assigned for analysis. The State Counterdrug Coordinator will consult with the State Judge Advocate in the event of conflict between LEA guidelines and the applicable references. NG personnel will return original information plus any resultant analysis products to the LEA. IAW reference i, NG personnel will not retain criminal investigative information or resultant data from their analysis in NG files or databases. NG personnel will receive initial and annual training on the protection of LEA information concerning persons and organizations not affiliated with DoD, as noted in references i, j, and m. NG personnel may disseminate investigative LEA information and resultant analysis products only as directed by the supported investigating LEA, and IAW the LEA's guidelines and references i, j, l, and m. The State Counterdrug Coordinator will consult with the State Judge Advocate in the event of conflict between LEA guidelines and applicable references concerning such dissemination.

j. Support Requests and Authorized CD Activities. All NG CD activities must serve a State law enforcement purpose and require a valid, written support request from the Federal, State, tribal, or local LEA or CBO official with responsibility for the requesting organization's CD activities. NG elements performing CD activities approved by the Secretary of Defense will not act unilaterally, be the lead agency for CD operations, or conduct investigative activities to gather criminal information on non-DoD persons; see references h, k, and o. The Secretary of Defense has authorized the NG to perform the following activities only when they are included in a State Plan and when the plan is appropriately approved.

(1) Program Management. NG personnel performing FTNGD-CD manage personnel and equipment and oversee the legal and operational functions required to execute approved activities. States must keep program management costs to a minimum.

(2) Linguist and Transcription Services. NG personnel who possess the Special Qualifications Identifier "L" or are Defense Language Proficiency Test qualified may conduct post-collection transcription and translation of audio files, seized documents, or other analog or digital media. NG personnel will not participate in real-time intercepts or interviews.

(3) Investigative Case and Analysis Support. Analysts must receive appropriate training to provide counternarcotics-focused investigative case and analysis support to civilian law enforcement. Analysts will follow the supported agency's information-handling policies and procedures to ensure compliance with applicable privacy laws and protect the rights of U.S. persons. Law enforcement criminal investigative information will not be processed or stored on DoD systems. Service Military Occupational Skill (MOS) or Air Force Specialty Code (AFSC) qualified analysts employ militarily unique analytic skills to process, categorize, and evaluate law enforcement investigative

information. For intelligence personnel, the Joint Force Headquarters (JFHQs)–State J2 will request approval of such activities IAW reference q and applicable DoD policy. Pursuant to the State Plans approved by the Secretary of Defense, analysts may conduct post-collection analysis of appropriately seized documents and other analog or digital media. NG personnel will not participate in real-time intercepts or interviews.

(4) Communications Support. NG network and communication specialists establish command, control, communications, and computer networks to improve the integration of law enforcement and NG activities. DASD(CN&GT) retains the approval authority for all CD-funded purchases of secure communication equipment and expenses for establishing or installing classified networks. Such activity includes NG personnel establishing, operating, and maintaining communication stations, bases, and equipment to improve the integration of law enforcement and NG CD support activities, which may also include the use of hardware, software, and equipment to improve such integration. Purchase of any such hardware, software, or equipment must be approved by DASD(CN&GT).

(5) Engineer Support. NG personnel may perform authorized engineering activities that have a CD nexus for Federal, State, local, or tribal authorities to construct roads and fences and to install lights at U.S. borders to block drug-smuggling corridors. Engineer activities (as defined by the Secretary of Defense) will be performed only by trained units and personnel of the NG. Other engineering support requests must be submitted through the NGB to DASD(CN&GT) for review and approval.

(6) Diver Support. Service-trained divers may conduct subsurface hull inspections and training. Divers may visually inspect and report to LEAs any unusual hull configurations. Divers may not attempt to enter or search a vessel or alter any features detected.

(7) Transportation Support. NG ground and aviation units may provide ground and airlift to support controlled deliveries and logistics. Transportation support does not include administrative movements or logistic transport that LEAs can resource organically or through commercial means.

(8) Training. As prescribed by DoD, and under an appropriately approved State Plan, NG personnel may provide training in militarily unique capabilities and skills (defined as unique skills and capabilities possessed by Department personnel that civilian law enforcement agencies lack or cannot practically replicate with a similar level of expertise) not readily available outside DoD to Federal, State, local, and tribal LEAs, CBOs, and military personnel to improve drug interdiction and drug-demand reduction activities. NG personnel may also provide drug awareness training to Federal, State, local, and tribal LEAs and CBOs in support of strategic objectives outlined in

reference d provided such training is militarily unique and not readily available outside DoD. States that plan to use State Plan funds (PC 7403) to provide training to intrastate LEAs and CBOs must use NG personnel of that State and identify the type of training activities in their State Plan and Annual Assessment.

(9) Reconnaissance. NG personnel may use ground and aerial platforms to reconnoiter optically and report suspected drug production or cultivation sites and transportation routes. Use of unmanned aircraft systems (UASs) as an aerial reconnaissance asset must be staffed through the NGB and the Joint Staff for approval by the Secretary of Defense or designee IAW DoD Policy Memorandum, "Guidance for the Domestic Use of Unmanned Aircraft Systems in the U.S. Airspace," dated August 18, 2018. The approval of a State Plan does not constitute Secretary of Defense approval of UAS support missions. NG personnel are not permitted to retain aerial or ground reconnaissance information in DoD records or systems.

(10) Civil Operations. NG personnel may provide support and training in militarily unique skills, leadership planning, and decision-making processes and may provide cross-organization coordination to promote community-led efforts to develop and execute CD supply-and-demand strategies.

(11) State-to-State Support. Any State-to-State support must be identified in the State Plan. States that support operational CD missions within the borders of other States will, to the extent required by and IAW the laws of the involved States, establish a written Memorandum of Understanding between the involved States unless such agreements are already in force under existing interstate compacts. At a minimum, TAGs, through the State CD Coordinators, will coordinate a notice of intent to conduct interstate operations before commencing such operations.

(12) New Initiatives. Any new programmatic or training initiatives with Service proponents must be coordinated with the NGB and authorized by the DASD(CN&GT) prior to resourcing. This includes intelligence-related training such as open-source intelligence, cyber, digital forensics, or analyst training.

(13) Counter-Threat Finance (CTF). CTF activities and the corresponding funding under Project Code (PC) 9301 are not approved under reference a authorities for FY 2020 due to a lack of established policy and guidance from the Services. Funds previously provided to the NGB under PC 9301 will be incorporated into State Plan PC 7403 for disbursement IAW CNGB guidance for authorized reference a activities.

k. Other State Activities Outside the Scope of the State Plan. The Secretary of Defense may authorize the employment of NG elements to support CCMD, IC, and other Federal department or agency CD activities. A Federal agency

request for NG support that is outside the scope of State Plans will be routed to the CCMDs for staffing. Requests for assistance that the CCMDs cannot satisfy with assigned forces will be staffed and approved IAW DoD Global Force Management processes.

(1) Linguist and Intelligence Analysis Services. The Services may place MOS- or AFSC-qualified linguists and intelligence personnel on 502(f) orders under reference n for duty in support of CCMDs and the IC for activities authorized by the Secretary of Defense under references b and g only when approved by the Secretary of Defense.

(2) Support to DoD and Federal Agencies. Department-approved use of NG capabilities may support international narcotics control and law enforcement activities, including transportation, small-scale construction, detection and monitoring, communications, and intelligence analyst support requested and authorized IAW reference b, § 284(c)(1)(A-F). The NG is not authorized to support foreign military or foreign law enforcement under reference a.

1. Use of CD Assets and Personnel for Non-CD Activities.

(1) Assets and or personnel funded by reference a appropriations are intended for use in CD operations. On rare occasion, requests to use CD assets and or personnel for non-CD activities, such as immediate response, will be made. Support for non-CD activities should be provided on a cost-reimbursable basis but will not be delayed or denied based on the inability or unwillingness of the requester to make a commitment to reimburse the NG. Non-CD activity is limited to situations where action is being taken in response to requests by civil authorities to save lives, prevent human suffering or mitigate great property damage and the following criteria are present:

(a) Assets and or personnel are needed to search for a lost person(s), where without this support a high probability exists that the person(s) will not survive.

(b) Assets and or personnel are needed to search for escapees or suspected dangerous felons, who, if not quickly apprehended, will likely endanger the welfare of innocent persons.

(c) Assets and or personnel are needed for support of contingency operations, natural disasters, defense support of civil authorities, or National Special Security Events. Such support must be for immediate response or other emergent circumstances, not routine support of such events. Use of CD assets under this paragraph should be immediately reported through NGB-J3 to DASD(CN&GT) and should be ceased or replaced with non-CD assets as soon as possible but not later than 72 hours, or such time as OSD directs that it cease.

(d) Any intelligence assets used in support of law enforcement must be authorized under Procedure 12, notwithstanding any other verbiage in this CNGBI.

(2) Requests must be made to the State Director of Joint Staff (DJS) by a LEA, Office of Emergency Services, or equivalent. The State DJS must request reimbursement for flying hour costs, vehicle costs, fuel costs, and personnel costs from other Army NG or Air NG funding or by the agency making the request for support.

(3) The State DJS will ensure all available alternative sources of support are considered as possible alternatives to the use of CD assets and or personnel in advance of approving use of CD assets and or personnel for non-CD activities.

(4) Counterdrug Coordinators will coordinate with supported agencies to ensure that use of CD assets and or personnel for non-CD activities does not interfere with CD LEA operations except in valid life-or-death emergency situations.

(5) Counterdrug Coordinators will refer situations not meeting the above criteria to NGB-J3/4/7, attention: NGB-J32, Future Operations Branch, for case-by-case consideration.

m. NGCSs. NGCSs are established to provide CD, drug interdiction, and drug demand reduction activities training to Federal, State, local, and tribal LEAs and CBOs. Training activities must have a valid CD nexus and must satisfy requirements validated by the NGB NGCS Executive Steering Committee (ESC) IAW references c and o. The State CD Coordinators will identify LEA and CBO requirements for CD training that is unique to the military. NGCSs are not authorized to provide CD-funded advanced military training support to domestic LEAs. The NGCSs are not authorized to provide training for foreign military personnel or foreign LEAs under reference a.

n. Intelligence Activities. The NG CD Program is not authorized to conduct intelligence activities under reference a. Requests for intelligence support require approval IAW applicable DoD policy. The NG elements authorized by the USD(I) to provide intelligence support to the CCMDs and the IC under references b or g must comply with the rules that govern the supported agency and the rules under which the USD(I) approved the support to the CCMD or the IC. NG CD programs supporting the IC, as approved by the USD(I), are required to have a formal intelligence oversight program. NG elements authorized under references b or g to provide support to the IC and to use intelligence communication systems, such as the SIPRNet or JWICS, will follow all applicable information management rules and intelligence oversight rules



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IAW references p, q, r, and s. DoD policy prohibits the NG from retaining any data in NG files or databases, IAW reference j.

o. Conferences. The NGB and the States must coordinate all CD-funded conferences, committee working groups, workshops, seminars, and other similar activities IAW applicable references. CD-related advisory committees will be managed IAW references t and u. All CD-funded functional programs or training initiatives will be coordinated with the appropriate Service proponents and authorized by the DASD(CN&GT) prior to resourcing IAW reference b. This includes intelligence-related training such as open-source intelligence, cyber, digital forensics, or analyst training.

p. Communications Support and Support for Foreign LEAs. DASD(CN&GT) retains the approval authority for all CD-funded purchases of secure communication equipment and expenses for the establishment or installation of classified networks pursuant to activities authorized under reference b. The NG is not authorized to support foreign military or foreign law enforcement under reference a.

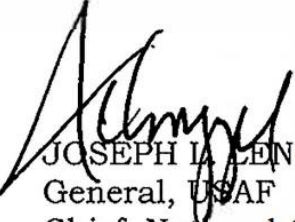
5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.

7. Summary of Changes. This document has been extensively revised.

8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpcd.ngb.army.mil/>>.

9. Effective Date. This instruction is effective upon publication and must be revised, reissued, canceled, or certified as current within five years of its publication.



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Chief, National Guard Bureau

Enclosures:

A -- Responsibilities

B -- References

GL -- Glossary

ENCLOSURE A  
RESPONSIBILITIES

1. CNGB. The CNGB will:

a. Principally advise the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-Federalized NG forces and on other matters as determined by the Secretary of Defense.

b. As a member of the Joint Chiefs of Staff, fulfill the specific responsibility of addressing matters involving non-Federalized NG forces in support of DoD CD activities and civil support missions.

c. Advise the combatant commanders, through the Secretaries of the Army and Air Force, on NG matters pertaining to the coordination and employment of NG units and personnel to support the CCMD's CD activities.

2. Director of Operations (NGB-J3/4/7). NGB-J3/4/7 will:

a. As the designated advisor to the DASD(CN&GT) on NG counterdrug matters, ensure proper use of authorities, personnel, and resources in compliance with Federal and State law, as well as with DoD and NGB policies and regulations.

b. Serve as the proponent for NG CD activities conducted under the authorities of reference a and publish policy documents supporting this instruction when required.

c. Submit to the CNGB any recommended changes to the current approved CD mission set, then staff those recommendations through the DASD(CN&GT) for final Secretary of Defense approval.

d. Assist Governors with the State Plan submission process by ensuring that all proposed plans are consistent with Federal statutes and regulations, DoD policy, and any annual guidance published by the DASD(CN&GT) and processed IAW prescribed timelines.

e. Oversee NG CD activities and the use of DoD resources at the State level.

f. Ensure that CD-related funds are disbursed to States only after the Secretary of Defense has approved the State Plans and activities and that appropriated funds are expended consistent with activities set forth in an approved State Plan and IAW applicable laws, rules, regulations, instructions, and policy.

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g. Ensure members of the NG are placed on full-time NG duty only under section 502(f) of reference n after the Secretary of Defense has approved the State Plans and the members are compliant with Military Service regulations.

h. Oversee the NGCSs, submit annual Activity Plans for each school, and ensure the Activity Plans and operations of the NGCSs comply with applicable statute and DoD policies.

i. As Chair of the NGCS ESC, the NGB-J3/4/7 Force Developer will review the schools' structure and validate all curricula to ensure that courses are unique to the military, that they teach capabilities LEAs cannot readily replicate, and that they address law enforcement capability gaps related to CD activities IAW reference a and current DASD(CN&GT) guidance.

j. Ensure that NGCS funds are disbursed to the schools only after the Secretary of Defense has approved the Activity Plans and that the NGCS activities and the funds expended are consistent with applicable laws and DoD policies.

k. Staff an office capable of establishing policy, processing State Plans, submitting reports, overseeing NG CD activities, validating authorized training, and auditing resources and funds.

l. Maintain a system of record to capture the necessary CD program information for oversight, assessments, and reports to Congress.

3. Director of Joint Intelligence (NGB-J2). The Director of NGB-J2 will:

a. Serve as the channel of communications to maintain situational awareness of the missions of all NG intelligence and intelligence-related organizations, units, and staffs and to advise the Office of the Secretary of Defense Principal Staff Assistants on the proper use of NG intelligence personnel to support CD and intelligence-related activities.

b. Staff all requests for approval to conduct intelligence or intelligence-related activity IAW all applicable laws, rules, regulations, and DoD policy.

c. Represent all NG CD intelligence equities to DASD(CN&GT), other DoD organizations, and interagency partners.

d. Advise the DASD(CN&GT) and other DoD organizations and non-DoD agencies on the sourcing process and proper use of NG intelligence personnel.

4. TAGs or the CG. TAGs or the CG will:

a. Instill direction and oversight of the State's, Territory's, or District of Columbia's NG CD Program.

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- b. Appoint a full-time State CD Coordinator IAW references t and u and establish a chain of command for the State's CD Program.
- c. Oversee execution of the State Plan under reference a and ensure that non-State Plan NG CD activities are conducted as authorized by the Secretary of Defense and IAW DoD policy when assigned to an NG element under Section 502(f) of reference n, pursuant to requirements approved under references b and g.
- d. Ensure NG personnel are not in Federal service when performing CD-related duties pursuant to a State Plan approved by the Secretary of Defense and that the duties are in addition to the training required under paragraph 502(a) of reference n.
- e. Approve and oversee all Federal, State, local, and tribal law enforcement agency support requests authorized by the Secretary of Defense in the State Plan IAW reference d, current DASD(CN&GT) guidance, and all other applicable laws, rules, and regulations.
- f. Forward Federal agency support requests that do not serve a State law enforcement purpose or are otherwise considered activities governed by references b and g to the commanders of U.S. Northern Command and U.S. Indo-Pacific Command for staffing IAW references b, c, and f.
- g. Authorize the hiring of all NG personnel to be ordered to perform Title 32 FTNGD-CD as well as the dismissal of NG personnel ordered to perform Title 32 FTNGD-CD.
- h. Oversee administration and logistics of an NGCS established within a State, Territory, or the District of Columbia and submit a compilation of NGCS annual course offerings to NGB-J3/4/7 for approval.
- i. Exercise command and control on behalf of the Governor of any unit of that State's NG assigned to support a CCMD's CD activities in a full-time NG duty status under section 502(f) of reference n pursuant to a mission approved by the Secretary of Defense under references b or g.
- j. In the case of States operating an NGCS, submit proposed courses to the NGCS ESC for validation.

##### 5. Governor.

- a. The Governor or a civilian law enforcement official of the State designated by the Governor or the CG will certify that any activities included in the State Plan are carried out in conjunction with Federal law enforcement agencies and serve a State law enforcement purpose.

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b. The Governor or the CG will sign the State Plan indicating that it is being submitted to the Secretary of Defense IAW reference a. Such signature serves as certification as set forth in paragraph 5.a above. The State Plan is a request for funds and authority to order members of the NG to FTNGD-CD within that State pursuant to approval of the State Plan.

6. State Attorney General. The State Attorney General (or, in the case of a State with no State Attorney General, a civilian official of the State equivalent to a State Attorney General) will sign the State Plan and certify that the use of the NG of the State for the activities proposed under the State Plan is authorized by, and is consistent with, State law. In the case of the District of Columbia, "State Attorney General" means the U.S. Attorney for the District of Columbia.

7. States. Each State will develop rules for the use of force that are in compliance with State law on the use-of-force continuum and subsequent instruction.

8. NGCS. NGCSs will:

a. Provide training approved by the NGB and DASD(CN&GT) to Federal, State, local, and tribal LEAs and CBOs in CD, drug interdiction, and drug-demand reduction activities.

b. Recommend the identified courses to TAGs of the States operating an NGCS for consolidation and submission to the NGB NGCS ESC within their NGCS annual Activity Plan.

c. Maintain accreditation through the appropriate Service proponent and functional manager for military curriculum and instructional practices.

d. Direct training support requests from foreign LEAs to the appropriate CCMD for DASD(CN&GT) action under references b and f.

APPENDIX A TO ENCLOSURE A  
STATE PLAN REQUIREMENTS

All State Plans require:

- Certification by the Governor of the State or a civilian law enforcement official of the State designated by the Governor that any activities included in the State Plan to be carried out in conjunction with Federal LEAs serve a State law enforcement purpose (certification cannot be waived).
- Certification by the State Attorney General or the U.S. Attorney for the District of Columbia that missions or activities in the plan are consistent with, and not prohibited by, State law or, in the case of the District of Columbia, the laws of the District of Columbia (certification cannot be waived).
- Certification by the Director of the NG Joint Force Headquarters–State that all NG CD activities within the State Plan satisfy a valid request for assistance and provide a readiness benefit to the unit and personnel.
- Certification by TAG that NG personnel will conduct only authorized CD activities under regulations prescribed by the Secretary of Defense and only when the personnel are not in Federal service.
- Identification of each CD activity with the projected personnel strength to be Federally funded under reference a.
- Certification that participation by personnel in CD activities is in addition to training required under 32 U.S.C. § 502(a).
- Secretary of Defense approval before the NGB may release funds to a State and before the State may place NG personnel on full-time duty orders under reference n.
- Declaration and annotation of the carrying of any lethal or nonlethal weapons for States in which carrying weapons is authorized and specification of how service member and skills unique to the military will be employed to support the State Plan’s approved activities.
- Certification that any engineer-type activities (as defined by the Secretary of Defense or designee) under the State Plan will be performed only by units and members of the NG.

**Figure 1.** State Plan Requirements

ENCLOSURE B

REFERENCES

PART I. REQUIRED

- a. Title 32 United States Code (U.S.C.), Section 112, “Drug Interdiction and Counter-Drug Activities”
- b. 10 U.S.C. § 284, “Support for Counterdrug Activities and Activities to Counter Transnational Organized Crime”
- c. Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats memo, 18 September 2019 “Guidance for the States’ National Guard Counterdrug Program (CDP) Plans for Fiscal Year 2020” (note: the Fiscal Year Guidance is published annually)
- d. Director, National Drug Control Policy, January 2019, “National Drug Control Strategy: A Report by the Office of National Drug Control Policy”
- e. Deputy Secretary of Defense Memorandum, 02 October 2003, “Department Support to Domestic Law Enforcement Agencies Performing Counternarcotics Activities”
- f. Chairman of the Joint Chiefs of Staff Instruction 3710.01B, 26 January 2007, “DoD Counterdrug Support”
- g. 10 U.S.C. § 124, “Detection and Monitoring of Aerial and Maritime Transit of Illegal Drugs: Department of Defense to Be Lead Agency”
- h. 18 U.S.C. Chapter 119, “Wire and Electronic Communications Interception and Interception of Oral Communications,” §§ 2515-2517
- i. CNGB Instruction 2400.00A, 07 November 2013, “Acquisition and Storage of Information Concerning Persons and Organizations Not Affiliated With the Department of Defense,” Incorporating Change 1, 05 March 2020
- j. DoD Directive 5200.27, 07 January 1980, “Acquisition of Information Concerning Persons and Organizations Not Affiliated With the Department of Defense”
- k. DoD Instruction 5505.16, 23 June, 2017, “Investigations by DoD Components”
- l. DoD Instruction 5525.18, 18 October 2013, “Law Enforcement Criminal Intelligence (CRIMINT) in DoD,” Incorporating Change 1, 29 June 2018

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- m. DoD Instruction 5400.11, 29 January 2019, “DoD Privacy and Civil Liberties Programs,” Incorporating Change 1, 26 November 2014
- n. 32 U.S.C. § 502, “Required Drills and Field Exercises”
- o. National Guard Bureau Director of Domestic Operations and Force Development Memorandum, 17 April 2019, “Guidance for the National Guard Counterdrug Schools Executive Steering Committee”
- p. DoD 5240.1-R, 07 December 1982, “Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons,” Incorporating Change 2, Effective April 26, 2017 (see DoD Directive 5148.13)
- q. CNGB Manual 2000.01C, 14 August 2018, “National Guard Intelligence Activities”
- r. Army Regulation 381-10, 03 May 2007, “U.S. Army Intelligence Activities”
- s. Air Force Instruction 14-404, 03 September 2019, “Oversight of Intelligence Activities”
- t. DoD Directive 5105.83, 05 January 2011, “National Guard Joint Force Headquarters–State (NG JFHQs-State),” Incorporating Change 1, 30 September 2014
- u. CNGB Instruction 1001.01, 29 June 2016, “National Guard Joint Force Headquarters–State”

## PART II. RELATED

- v. 10 U.S.C. § 164, “Commanders of Combatant Commands: Assignment; Powers and Duties”
- w. 10 U.S.C. § 12401, “Army and Air National Guard of the United States: Status”
- x. 10 U.S.C. § 10001, “Definition of State”
- y. 10 U.S.C. § 10501, “National Guard Bureau”
- z. 10 U.S.C. Chapter 15, “Military Support for Civilian Law Enforcement Agencies,” §§ 271-283



## GLOSSARY

PART I. ACRONYMS

CBO	Community-based organization
CCMD	Combatant command
CD	Counterdrug
CG	Commanding General of the District of Columbia
CNGB	Chief of the National Guard Bureau
DASD(CN&GT)	Deputy Assistant Secretary of Defense for Counter-narcotics and Global Threats
DJS	Director of Joint Staff
DoD	Department of Defense
ESC	Executive Steering Committee
FTNGD-CD	Full-time NG duty for counterdrug activities
FY	Fiscal year
IAW	In accordance with
IC	Intelligence Community
JWICS	Joint Worldwide Intelligence Communication System
LEA	Law enforcement agency
NG	National Guard
NGB	National Guard Bureau
NGCS	National Guard Counterdrug School
NGB-J3/4/7	National Guard Joint Director of Operations
NG JFHQs-State	National Guard Joint Force Headquarters–State
SIPRNet	Secret Internet Protocol Router Network
TAG	The Adjutant General
UAS	Unmanned aircraft system
USD(I)	Under Secretary of Defense for Intelligence

PART II. DEFINITIONS

Combatant Command -- A unified or specified command with a broad continuing mission under a single commander established and so designated by the President, through the Secretary of Defense, and with the advice and assistance of the Chairman of the Joint Chiefs of Staff.

Community-Based Organizations -- Civilian agencies, coalitions, committees, councils, task forces, and similar groups that support drug abuse education, awareness, and prevention.

Counterdrug Support Program -- Support to law enforcement agencies, civil authorities, or community-based organizations to assist with drug interdiction and demand reduction activities under the authority of reference a and Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats fiscal

year guidance, in support of the National Drug Control Strategy. This includes the National Guard Counterdrug School Program.

Detail -- The temporary assignment of a military member or Department of Defense civilian employee, not otherwise covered by an existing Department of Defense policy or program, to perform duties in an agency outside the Department of Defense with the intent of returning to the Department of Defense upon completion of those duties.

Drug Interdiction and Counterdrug Activities -- The use of National Guard personnel in drug interdiction and counterdrug law enforcement activities, which include activities authorized by the Secretary of Defense and by the law of the State and requested by the Governor of the State.

Federal Service -- A National Guard member or unit's Federalized active duty service to the United States.

Intelligence-Related Activities -- Activities outside the consolidated defense intelligence program. These activities include responding to an operational commander's tasking for time-sensitive information on foreign entities, responding to a national Intelligence Community tasking of systems that have a primary mission to support operating forces, training service member for intelligence duties, and providing an intelligence reserve that is devoted to research and development of intelligence or its related capabilities.

Law Enforcement Agency -- An agency chartered and empowered to enforce United States laws within the United States, a State, a Territory (or political subdivision) of the United States, a Federally recognized Native American Tribe or Alaskan Native Village, or the borders of a host nation.

Retention -- Maintaining a United States person's information that can be retrieved by the person's name or other personal identifying data.

Rules for the Use of Force -- Policy guidance issued by an Adjutant General of a State or the Commanding General of the District of Columbia as approved by the State Attorney General on the use of force and weapons within a State or the District of Columbia applicable to counterdrug missions.

State -- Any of the several States, the District of Columbia, and the Territories of Guam, Puerto Rico, and the U.S. Virgin Islands.

State Attorney General -- The principal legal officer of the State government.

State Plans -- Plans submitted annually by the States for National Guard Counterdrug Support Program activities to be approved by the Secretary of Defense under the authority of reference a and Deputy Assistant Secretary of Defense for Counternarcotics and Global Threats fiscal year guidance.

The Adjutant General -- The Army National Guard or Air National Guard officer responsible for managing the National Guard of a State, a Territory, or the District of Columbia not on Federal duty.

U.S. Person -- United States citizen or alien admitted for permanent residence in the United States, as well as any corporation, partnership, or other organization organized under the laws of the United States.